



Reprinted
January 23, 2024

HOUSE BILL No. 1242

DIGEST OF HB 1242 (Updated January 22, 2024 2:39 pm - DI 150)

Citations Affected: IC 13-23.

Synopsis: Excess liability trust fund. Allows the department of environmental management (IDEM) to pay an excess liability trust fund claim to replace an underground petroleum storage tank being decommissioned and replaced with an underground or aboveground petroleum storage tank. Provides that remaining funds that have not been allocated at the end of the fiscal year shall roll over to the next year and be used to decommission and replace underground petroleum storage tanks.

Effective: July 1, 2024.

Morrison

January 9, 2024, read first time and referred to Committee on Environmental Affairs.
January 18, 2024, amended, reported — Do Pass.
January 22, 2024, read second time, amended, ordered engrossed.

HB 1242—LS 6467/DI 150



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Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1242

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-23-9-1.7, AS ADDED BY P.L.176-2023,
2 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1.7. (a) The administrator may pay an ELTF claim
4 for fifty percent (50%) of the costs of decommissioning or replacing an
5 underground petroleum storage tank, provided that:
6 (1) the applicant is the owner of the tank;
7 (2) such decommissioning or replacement is necessary, in the
8 judgment of the administrator, to protect human health and the
9 environment considering the age, obsolescence, and level of
10 deterioration of the tank; and
11 (3) the costs:
12 (A) are reasonable and cost effective; and
13 (B) result from or reimburse the claimant for work performed
14 decommissioning the tank or replacing the tank with a new
15 ~~tank.~~ **aboveground storage tank as defined in**
16 **IC 13-11-2-0.4 or underground storage tank as defined in**
17 **IC 13-11-2-241.**

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- 1 (b) The expenses described in subsection (a) that are paid from the
2 ELTF in a state fiscal year may not exceed:
- 3 (1) ten million dollars (\$10,000,000) each year for claims
4 submitted by applicants owning not more than twelve (12)
5 underground petroleum storage tanks;
- 6 (2) seven million five hundred thousand dollars (\$7,500,000) each
7 year for claims submitted by applicants owning more than twelve
8 (12) but not more than one hundred (100) underground petroleum
9 storage tanks; and
- 10 (3) two million five hundred thousand dollars (\$2,500,000) each
11 year for claims submitted by applicants owning more than one
12 hundred (100) underground petroleum storage tanks.
- 13 **(c) At the end of each fiscal year, any remaining funds that have**
14 **not been allocated for decommissioning or replacing an**
15 **underground petroleum storage tank, as described in subsection**
16 **(b), shall roll over to the next fiscal year and be used to**
17 **decommission and replace underground petroleum storage tanks.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1242, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "above ground or below ground".

Page 1, line 15, strike "tank." and insert "**above ground storage tank as defined in IC 13-11-2-0.4 or underground storage tank as defined in IC 13-11-2-241.**".

Page 2, after line 10, begin a new paragraph and insert:

"(c) At the end of each fiscal year, any remaining funds that have not been allocated for decommissioning or replacing an underground or above ground petroleum storage tank, as described in subsection (b), shall roll over to the next fiscal year and be used to decommission and replace underground petroleum storage tanks."

(Reference is to HB 1242 as introduced.)

and when so amended that said bill do pass.

MORRISON

Committee Vote: yeas 12, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1242 be amended to read as follows:

Page 1, line 15, delete "above ground" and insert "**aboveground**".

Page 2, line 15, delete "or above ground".

(Reference is to HB 1242 as printed January 18, 2024.)

MORRISON

