

SENATE BILL No. 454

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-23.

Synopsis: Excess liability trust fund. Provides that the administrator shall, not later than March 31, 2020, pay claims for costs from the excess liability trust fund (ELTF) for claims submitted within a specified period of time. Establishes a formula for paying claims for reimbursement from the ELTF to claimants before the establishment of standards for reasonableness and cost effectiveness by the underground storage tank financial assurance board.

Effective: Upon passage.

Messmer

January 16, 2020, read first time and referred to Committee on Rules and Legislative Procedure.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 454

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 13-23-9-1.5, AS AMENDED BY P.L.200-2017,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 1.5. (a) The administrator may pay ELTF
4 claims only for costs that:
5 (1) are reasonable and cost effective; and
6 (2) result from or reimburse the claimant for the following:
7 (A) Work performed for site characterization.
8 (B) Development and implementation of a corrective action
9 plan that:
10 (i) is approved by the commissioner under rules adopted by
11 the environmental rules board; and
12 (ii) has not been suspended.
13 (C) Work performed as part of an emergency response
14 necessary to abate an immediate threat of harm to human
15 health, property, or the environment.
16 (D) Third party indemnification claims submitted in
17 accordance with section 3 of this chapter.



- 1 (E) Reasonable attorney's fees incurred in defense of third
 2 party claims.
 3 (F) Releases that occurred on or after April 1, 1988.
 4 (G) Compensation paid by the claimant to technicians for
 5 services performed in preparation of the claimant's ELTF
 6 claim.
- 7 (b) The administrator ~~may~~ **shall** also pay ELTF claims for costs not
 8 described in subsection (a) if allowed under rules adopted by the
 9 financial assurance board.
- 10 **(c) This subsection applies only to an ELTF claim for costs that:**
 11 **(1) is submitted after January 1, 2019, and before February**
 12 **27, 2019; and**
 13 **(2) was denied for the reason that the claimant was**
 14 **determined not to be an eligible party.**
- 15 **The administrator shall pay an ELTF claim for costs to a claimant**
 16 **described in this subsection not later than March 31, 2020.**
- 17 SECTION 2. IC 13-23-11-7.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section applies to**
 20 **a claim paid by the administrator to a claimant before the**
 21 **establishment of standards for determining reasonableness and**
 22 **cost effectiveness under section 7 of this chapter.**
- 23 **(b) The administrator shall pay a claim described in subsection**
 24 **(a) to a claimant in an amount that:**
 25 **(1) is equal to the average percentage of the dollar amount of**
 26 **all claims submitted by a claimant; and**
 27 **(2) was reimbursed by the administrator for the three (3) year**
 28 **period beginning January 1, 2015, and ending December 31,**
 29 **2017.**
- 30 **(c) A claim paid to a claimant using the formula established in**
 31 **subsection (b) satisfies the standard for reasonableness and cost**
 32 **effectiveness until the board establishes standards under section 7**
 33 **of this chapter.**
- 34 SECTION 3. **An emergency is declared for this act.**

