

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 659, Page 5, Section 260.1150, Line 108,
2 by inserting after all of said section and line the following:

3
4 "319.129. 1. There is hereby created a special trust fund to be known as the "Petroleum
5 Storage Tank Insurance Fund" within the state treasury which shall be the successor to the
6 underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed to
7 be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund
8 shall not be transferred to general revenue at the end of each biennium.

9 2. The owner or operator of any underground storage tank, including the state of Missouri
10 and its political subdivisions and public transportation systems, in service on August 28, 1989, shall
11 submit to the department a fee of one hundred dollars per tank on or before December 31, 1989.
12 The owner or operator of any underground storage tank who seeks to participate in the petroleum
13 storage tank insurance fund, including the state of Missouri and its political subdivisions and public
14 transportation systems, and whose underground storage tank is brought into service after August 28,
15 1998, shall transmit one hundred dollars per tank to the board with his or her initial application.
16 Such amount shall be a one-time payment, and shall be in addition to the payment required by
17 section 319.133. The owner or operator of any aboveground storage tank regulated by this chapter,
18 including the state of Missouri and its political subdivisions and public transportation systems, who
19 seeks to participate in the petroleum storage tank insurance fund, shall transmit one hundred dollars
20 per tank to the board with his or her initial application. Such amount shall be a one-time payment
21 and shall be in addition to the payment required by section 319.133. Moneys received pursuant to
22 this section shall be transmitted to the director of revenue for deposit in the petroleum storage tank
23 insurance fund.

24 3. The state treasurer may deposit moneys in the fund in any of the qualified depositories of
25 the state. All such deposits shall be secured in a manner and upon the terms as are provided by law
26 relative to state deposits. Interest earned shall be credited to the petroleum storage tank insurance
27 fund.

28 4. The general administration of the fund and the responsibility for the proper operation of
29 the fund, including all decisions relating to payments from the fund, are hereby vested in a board of
30 trustees. The board of trustees shall consist of the commissioner of administration or the
31 commissioner's designee, the director of the department of natural resources or the director's
32 designee, the director of the department of agriculture or the director's designee, and eight citizens
33 appointed by the governor with the advice and consent of the senate. Three of the appointed
34 members shall be owners or operators of retail petroleum storage tanks, including one tank owner or
35 operator of greater than one hundred tanks; one tank owner or operator of less than one hundred
36 tanks; and one aboveground storage tank owner or operator. One appointed trustee shall represent a

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1 financial lending institution, and one appointed trustee shall represent the insurance underwriting
2 industry. One appointed trustee shall represent industrial or commercial users of petroleum. The
3 two remaining appointed citizens shall have no petroleum-related business interest, and shall
4 represent the nonregulated public at large. The members appointed by the governor shall serve
5 four-year terms except that the governor shall designate two of the original appointees to be
6 appointed for one year, two to be appointed for two years, two to be appointed for three years and
7 two to be appointed for four years. Any vacancies occurring on the board shall be filled in the same
8 manner as provided in this section.

9 5. The board shall meet in Jefferson City, Missouri, within thirty days following August 28,
10 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or by the
11 agreement of any six members of the board. Notice of each meeting shall be delivered to all other
12 trustees in person or by registered mail not less than six days prior to the date fixed for the meeting.
13 The board may meet at any time by unanimous mutual consent. There shall be at least one meeting
14 in each quarter.

15 6. Six trustees shall constitute a quorum for the transaction of business, and any official
16 action of the board shall be based on a majority vote of the trustees present.

17 7. The trustees shall serve without compensation but shall receive from the fund their actual
18 and necessary expenses incurred in the performance of their duties for the board.

19 8. The board of trustees shall be a type III agency and shall appoint an executive director
20 and other employees as needed, who shall be state employees and be eligible for all corresponding
21 benefits. The executive director shall have charge of the offices, operations, records, and other
22 employees of the board, subject to the direction of the board. Employees of the board shall receive
23 such salaries and necessary expenses as shall be fixed by the board.

24 9. Staff resources for the Missouri petroleum storage tank insurance fund may be provided
25 by the department of natural resources or another state agency as otherwise specifically determined
26 by the board. The fund shall compensate the department of natural resources or other state agency
27 for all costs of providing staff required by this subsection. Such compensation shall be made
28 pursuant to contracts negotiated between the board and the department of natural resources or other
29 state agency.

30 10. In order to carry out the fiduciary management of the fund, the board may select and
31 employ, or may contract with, persons experienced in insurance underwriting, accounting, the
32 servicing of claims and rate making, and legal counsel to defend third-party claims, who shall serve
33 at the board's pleasure. Invoices for such services shall be presented to the board in sufficient detail
34 to allow a thorough review of the costs of such services.

35 11. At the first meeting of the board, the board shall elect one of its members as chairman.
36 The chairman shall preside over meetings of the board and perform such other duties as shall be
37 required by action of the board.

38 12. The board shall elect one of its members as vice chairman, and the vice chairman shall
39 perform the duties of the chairman in the absence of the latter or upon the chairman's inability or
40 refusal to act.

41 13. The board shall determine and prescribe all rules and regulations as they relate to
42 fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In no
43 case shall the board have oversight regarding environmental cleanup standards for petroleum
44 storage tanks.

45 14. No trustee or staff member of the fund shall receive any gain or profit from any moneys
46 or transactions of the fund. This shall not preclude any eligible trustee from making a claim or
47 receiving benefits from the petroleum storage tank insurance fund as provided by sections 319.100
48 to 319.137.

15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells environmental liability insurance in this state may, at the option of the board, reinsure some portion of the fund's liability.

16. The petroleum storage tank insurance fund shall expire on December 31, [2020] 2025, unless extended by action of the general assembly. After December 31, [2020] 2025, the board of trustees may continue to function for the sole purpose of completing payment of claims made prior to December 31, [2020] 2025.

17. The board shall annually commission an independent financial audit of the petroleum storage tank insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection.

319.140. 1. There is established a task force of the general assembly to be known as the "Task Force on the Petroleum Storage Tank Insurance Fund". Such task force shall be composed of eight members. Three members shall be from the house of representatives with two appointed by the speaker of the house of representatives and one appointed by the minority floor leader of the house of representatives. Three members shall be from the senate with two appointed by the president pro tempore of the senate and one appointed by the minority floor leader of the senate. Two members shall be industry stakeholders with one appointed by the speaker of the house of representatives and one appointed by the president pro tempore of the senate. No more than two members from either the house of representatives or the senate shall be from the same political party. A majority of the task force shall constitute a quorum.

2. The task force shall conduct research and compile a report for delivery to the general assembly by December 31, 2018, on the following:

- (1) The efficacy of the petroleum storage tank insurance fund and program;
- (2) The sustainability of the petroleum storage tank insurance fund and program;
- (3) The administration of the petroleum storage tank insurance fund and program;
- (4) The availability of private insurance for above and below ground petroleum storage tanks, and the necessity of insurance subsidies created through the petroleum storage tank insurance program;
- (5) Compliance with federal programs, regulations, and advisory reports; and
- (6) The comparability of the petroleum storage tank insurance program to other states' programs and states without such programs.

3. The task force shall meet within thirty days after its creation and organize by selecting a chairperson and vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. Thereafter, the task force may meet as often as necessary in order to accomplish the tasks assigned to it.

4. The task force shall be staffed by legislative staff as necessary to assist the task force in the performance of its duties.

5. The members of the task force shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

6. This section shall expire on December 31, 2018."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.