

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Owens

A Bill

HOUSE BILL 1278

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTION 8-7-801
9 TO MODIFY THE DEFINITION OF 'OWNER'; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO MODIFY THE DEFINITION OF 'OWNER' AS
14 IT RELATES TO REGULATED SUBSTANCE
15 STORAGE TANKS."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code Annotated §8-7-801(6) is amended to read as
20 follows:

21 "(6)(A) Owner means:

22 (i) In the case of an underground storage tank in use on
23 November 8, 1984, or brought into use after that date, any person who owns an
24 underground storage tank used for the storage, use, or dispensing of
25 regulated substances; and

26 (ii) In the case of any underground storage tank in use before
27 November 8, 1984, but no longer in use on that date, any person who owned
28 such tank immediately before the discontinuation of its use.

29 (B) Owner does not include any person who, without participation in
30 the management of an underground storage tank, holds indicia of ownership
31 primarily to protect a security interest in the tank;"

32
33 SECTION 2. All provisions of this act of a general and permanent
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
35 Code Revision Commission shall incorporate the same in the Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that it is essential to the effective and efficient administration of the Regulated Storage Tank Program and the Petroleum Storage Tank Trust Fund that this act be given effect immediately. Therefore an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Rep. Owens

