

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

SENATE BILL 761

4  
5 By: Senator Bearden  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 8-7-905 TO ALLOW FOR  
10 EXPENDITURE OF MONEYS IN THE PETROLEUM STORAGE TANK  
11 TRUST FUND FOR ADMINISTRATIVE AND PERSONNEL COSTS; AND  
12 FOR OTHER PURPOSES."

## Subtitle

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15 "AN ACT TO PROVIDE FOR PAYMENT OF  
16 ADMINISTRATIVE AND PERSONNEL COSTS FROM  
17 THE PETROLEUM STORAGE TANK TRUST FUND."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 8-7-905(d) is amended to add the following:

23 "(d) Moneys in the fund may be expended by the director solely for the  
24 following purposes, as limited by the provisions of subsection (e) of this  
25 section:

26 (1) The state share mandated by the federal Resource Conservation  
27 and Recovery Act of 1976, as amended;

28 (2) To pay costs incurred by the commission, the director, the  
29 Attorney General or the advisory committee in the performance of their duties  
30 under this subchapter;

31 (3) To pay reimbursement for taking corrective action or to  
32 compensate owners or operators for claims by third parties for bodily injury  
33 and property damage, or both, caused by accidental releases from qualified  
34 storage tanks;

35 (4) To pay reasonable and necessary costs and expenses of the  
36 department for taking corrective action caused by accidental releases from a

1 storage tank of unknown ownership or when corrective action is not commenced  
2 by the owner or operator in a timely manner;

3 (5) To reimburse owners and operators in the vicinity of the  
4 release for performing short-term testing or monitoring which is in addition  
5 to that required by the department's rules and regulations if the department  
6 has a reasonable basis for believing that such petroleum underground storage  
7 tank or tanks may be the source of the release. The owners and operators of  
8 petroleum underground storage tanks, including out-of-service and  
9 nonoperational tanks, not found to be the source of the release and who  
10 cooperate with the department may apply to the fund for reimbursement for such  
11 testing and monitoring costs, not including lost managerial time or loss of  
12 revenues because of temporary business closure.

13 (6) To pay that portion of department personnel salaries  
14 commensurate with staff time charged to the performance of trust fund  
15 administrative duties.

16 (7) The department shall prepare an annual report of the  
17 expenditures of funds under this section at the end of each fiscal year and  
18 provide that report to the advisory committee for review no later than October  
19 31 of each year.

20 (8) The advisory committee shall review the report and forward  
21 the report and comments to the commission and the Legislative Council no later  
22 than December 31 of each year."

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24 SECTION 2. All provisions of this act of a general and permanent nature  
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
26 Revision Commission shall incorporate the same in the Code.

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

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