

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Gibson**

A Bill

ACT 1052 OF 1993
HOUSE BILL 2021

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 8-1-106 (b) TO
9 SPECIFY PERSONS AND ENTITIES NOT REQUIRED TO FILE
10 DISCLOSURE STATEMENTS WITH THEIR APPLICATION FOR A PERMIT
11 ISSUED BY THE DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY;
12 AND FOR OTHER PURPOSES."

Subtitle

14 "TO SPECIFY THOSE NOT REQUIRED TO FILE DISCLOSURE
15 STATEMENTS FOR A PERMIT ISSUED BY THE DEPARTMENT OF
16 POLLUTION CONTROL AND ECOLOGY."

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

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21 SECTION 1. Arkansas Code Annotated 8-1-106 is amended to read as
22 follows:

23 "(b) (1) Except as provided in subdivision (2) of this subsection, all
24 applicants for the issuance or transfer of any permit, license, certification,
25 or operational authority issued by the Department of Pollution Control and
26 Ecology shall file a disclosure statement with their applications. Deliberate
27 falsification or omission of relevant information from disclosure statements
28 shall be grounds for civil or criminal enforcement action or administrative
29 denial of a permit, license, certification, or operational authorization.

30 (2) The following persons or entities are not required to file a
31 disclosure statement pursuant to this section:

32 (A) Governmental entities, consisting only of subdivisions
33 or agencies of the federal government, agencies of the state government,
34 counties, municipalities or duly authorized regional solid waste authorities
35 as defined by Arkansas Code Annotated §8-6-707. This exemption shall not
36 extend to improvement districts or any other subdivision of government which

1 is not specifically instituted by an act of the General Assembly.

2 (B) Applicants for a general permit to be issued by the
3 Department pursuant to its authority to implement the National Pollutant
4 Discharge Elimination Program for storm water discharge.

5 (3) Nothing in this act, including the exemptions in subsection
6 Arkansas Code Annotated §8-1-106(b)(2), shall be construed as a limitation
7 upon the authority of the Director to deny a permit based upon a history of
8 noncompliance to any applicant or for other just cause.

9 (4) If the applicant is a publicly held company required to file
10 periodic reports under the Securities and Exchange Act of 1934, or a wholly
11 owned subsidiary of a publicly held company, the applicant shall not be
12 required to submit a disclosure statement, but shall submit the most recent
13 annual and quarterly reports required by the Securities and Exchange
14 Commission, which provide information regarding legal proceedings in which the
15 applicant has been involved. The applicant shall submit such other
16 information as the director may require that relates to the competency,
17 reliability, or responsibility of the applicant and affiliated persons."

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

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

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

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32 APPROVED: 4/12/93

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