

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2762

4
5 By: Representative Saunders
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE APPLICABILITY OF
10 ENVIRONMENTAL DISCLOSURE REQUIREMENTS TO ARKANSAS
11 BUSINESSES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO CLARIFY THE APPLICABILITY OF
15 ENVIRONMENTAL DISCLOSURE REQUIREMENTS TO
16 ARKANSAS BUSINESSES.
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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 § 8-1-106(b), concerning environmental
22 disclosure requirements is amended to read as follows:

23 (b)(1) Except as provided in ~~subdivision (4)~~ subdivisions (b)(2) and
24 (b)(4) of this section, all applicants for the issuance or transfer of any
25 permit, license, certification, or operational authority issued by the
26 Arkansas Department of Environmental Quality shall file a disclosure
27 statement with their applications. Deliberate falsification or omission of
28 relevant information from disclosure statements shall be grounds for civil or
29 criminal enforcement action or administrative denial of a permit, license,
30 certification, or operational authorization.

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

33 (A)(i) Governmental entities, consisting only of
34 subdivisions or agencies of the federal government, agencies of the state
35 government, counties, municipalities, or duly authorized regional solid waste
36 authorities as defined by § 8-6-707.



1 (ii) This exemption shall not extend to improvement
2 districts or any other subdivision of government which is not specifically
3 instituted by an act of the General Assembly; ~~and~~

4 (B) Applicants for a general permit to be issued by the
5 department pursuant to its authority to implement the National Pollutant
6 Discharge Elimination System for storm water discharge; and

7 (C)(i) Applicants for the issuance or transfer of any
8 permit, license, certification, or other operational authority to a regulated
9 entity with at least one (1) year of authorized operations under the
10 regulatory oversight of the department.

11 (ii) The disclosure requirements of this
12 section shall not apply to the application process for renewal of expiring
13 permits, licenses, certifications, or operational authorizations.

14 (3) Nothing in this subsection, including the exemptions in
15 ~~subdivision (2) of this subsection~~ subdivision (b)(2) of this section, shall
16 be construed as a limitation upon the authority of the director to deny a
17 permit based upon a history of noncompliance to any applicant or for other
18 just cause.

19 (4) If the applicant is a publicly held company required to file
20 periodic reports under the Securities and Exchange Act of 1934 or a wholly
21 owned subsidiary of a publicly held company, the applicant shall not be
22 required to submit a disclosure statement, but shall submit the most recent
23 annual and quarterly reports required by the Securities and Exchange
24 Commission which provide information regarding legal proceedings in which the
25 applicant has been involved. The applicant shall submit such other
26 information as the director may require that relates to the competency,
27 reliability, or responsibility of the applicant and affiliated persons.

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