

ARKANSAS DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

LOCATION SUBJECT Regulations and Administrative Procedures for Certification of Taxpayer Eligibility for Arkansas Income Tax Credit for the Purchase of Equipment Used to Reduce, Reuse or Recycle Solid Waste Material.

MINUTE ORDER NO. 92-01

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REGULATION 16

Act 748 of 1991 requires the Director of the Department of Pollution Control and Ecology to certify the eligibility of taxpayers for Arkansas Income Tax Credits for the purchase of equipment used to reduce, reuse or recycle solid waste material. These regulations and administrative procedures are promulgated to implement or effectuate the purpose and intent of Act 749.

The Arkansas Pollution Control and Ecology Commission hereby approves the Regulations and Administrative Procedures for Certification of Taxpayer Eligibility for Arkansas Income Tax Credit for the Purchase of Equipment Used to Reduce, Reuse or Recycle Solid Waste Material.

BY ORDER OF THE POLLUTION CONTROL AND ECOLOGY COMMISSION

BY: Henry Watkins
CHAIRMAN

ATTEST:

Randall Mathis
RANDALL MATHIS, DIRECTOR

APPROVED

Bill Clinton 2/4/94
ACTING ~~BILL CLINTON~~, GOVERNOR

COMMISSIONERS

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Henry Watkins
CHAIRMAN

SUBMITTED BY: Jim Shirrell DATE PASSED: 1-31-92



STATE OF ARKANSAS

Office of the Lieutenant Governor

February 6, 1992

Jim Guy Tucker
Lieutenant Governor

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Mr. J. W. Looney, Chairman
Pollution Control and Ecology Commission
Department of Pollution Control and Ecology
8001 National Drive
Little Rock, AR 72209

Dear Jake:

I am writing regarding the attached minute orders (92-01 and 92-02) authorizing Regulations 15 and 16. Both minute orders provided a place for the signature by the Governor evidencing approval of the Regulations. The issue of whether a signature by the Governor is required to authorize Regulations recently has become unclear due to Attorney General Winston Bryant's letter dated 7 January 1992. In that letter the Attorney General stated "the Governor has no statutory or constitutional authority under current law to approve or disapprove rules and regulations of the commission." No court has reviewed this issue. Should the Attorney General's conclusions be erroneous, failure of the Governor to approve the Regulations would be fatal to their validity. This issue cannot be completely resolved until additional direction is provided by the Legislature or a decision is rendered by the courts.

However, until such resolution is provided, to avoid placing essential state regulatory programs at risk by not signing appropriate documents, I believe the most prudent course of action is for the Governor to continue to review all rules and regulations proposed by "type 4 transfer" agencies created under Act 38 of 1971.

I have attached signed copies of minute orders 92-01 and 92-02 with this letter evidencing my approval of these Regulations in my capacity as Acting Governor.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Guy Tucker".

Jim Guy Tucker
Acting Governor

JGT:kh

cc: Governor Bill Clinton
Attorney General Winston Bryant