

INTERIM STUDY PROPOSAL 2019-131

State of Arkansas
92nd General Assembly
First Extraordinary Session, 2019

A Bill

CRH/CRH
HOUSE BILL

By: Representative Della Rosa

Filed with: House Committee on City, County, and Local Affairs
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE A STUDY OF PUBLIC NOTICE AND
PARTICIPATION IN THE ENVIRONMENTAL PERMITTING
PROCESS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A STUDY OF PUBLIC NOTICE AND
PARTICIPATION IN THE ENVIRONMENTAL
PERMITTING PROCESS.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of public notice
and participation in the environmental permitting process – Creation –
Purpose.

(a) The House Committee on City, County, and Local Affairs shall meet
to conduct a study of public notice and participation in the environmental
permitting process.

(b)(1) The purpose of the study is to study the adequacy of the public
notice and procedures regarding public participation for each type of
environmental permit, certification, authorization, approval, or coverage
issued by:

(A) The Division of Environmental Quality of the
Department of Energy and Environment;

(B) The Department of Health;

1 (C) The Division of Labor of the Department of Labor and
2 Licensing;

3 (D) The Arkansas Natural Resources Commission of the
4 Department of Agriculture; and

5 (E) The Oil and Gas Commission of the Department of Energy
6 and Environment.

7 (2) The study shall include without limitation:

8 (A) Examination of methods by which public notice is given
9 by the agencies listed in subdivision (b)(1) of this section with regard to
10 environmental permits, certifications, authorizations, approvals, or
11 coverage;

12 (B) The efficacy of public notice required under current
13 Arkansas and federal law;

14 (C) Best practices in other states for providing public
15 notice;

16 (D) Who is being reached by current forms of public notice
17 given by the agencies listed in subdivision (b)(1) of this section;

18 (E) Whether the required public notice sufficiently
19 accounts for actions regarding environmental permits, certifications,
20 authorizations, approvals, and coverage issued by the agencies listed in
21 subdivision (b)(1) of this section that pose a high likelihood of implicating
22 the interests of third parties; and

23 (F) Whether the current requirements for public
24 participation regarding issuance of environmental permits, certifications,
25 authorizations, approvals, or coverage sufficiently provide for participation
26 by interested third parties.

27 (c)(1) Within sixty (60) days of the effective date of this act, the
28 Division of Environmental Quality of the Department of Energy and
29 Environment, the Department of Health, the Division of Labor of the
30 Department of Labor and Licensing, the Arkansas Natural Resources Commission
31 of the Department of Agriculture, and the Oil and Gas Commission of the
32 Department of Energy and Environment shall submit to the House Committee on
33 City, County, and Local Affairs a report of each type of environmental
34 permit, certification, authorization, approval, or coverage issued by the
35 agencies.

1 (2) A report under subdivision (c)(1) of this section shall
2 include without limitation:

3 (A) The name of the permit, certification, authorization,
4 approval, or coverage;

5 (B) The state or federal authorizing law and corresponding
6 rules or regulations for the permit, certification, authorization, approval,
7 or coverage;

8 (C) A description of the public notice that is required
9 and the public notice that is provided, if more than the minimum required,
10 for each permit, certification, authorization, approval, or coverage; and

11 (D) A description of the procedures for public
12 participation that are required and the procedures for public participation
13 that are provided, if more than the minimum is required, for each permit,
14 certification, authorization, approval, or coverage.

15 (d) Meetings for purposes of conducting the study shall be held at
16 least one (1) time every two (2) months but may occur more often at the call
17 of the Chair of the House Committee on City, County, and Local Affairs.

18 (e) On or before December 1, 2020, the House Committee on City,
19 County, and Local Affairs shall submit to the Legislative Council a final
20 written report of its activities, findings, and recommendations with regard
21 to this study under this act, including without limitation:

22 (1) Findings on the adequacy of the public notice requirements
23 and public participation procedures for each type of permit, certification,
24 authorization, approval, or coverage issued by the agencies listed in
25 subdivision (b)(1) of this section; and

26 (2) Recommended draft legislation to address the findings of the
27 study, including recommended legislation directing the agencies listed in
28 subdivision (b)(1) of this section to promulgate administrative rules.

29 (f) The study under this act shall be complete upon submission of the
30 final report to the Legislative Council.

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33 Referred by Representative Della Rosa

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35 Prepared by: CRH/CRH