

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Senator Scott
5 Representative Angel

As Engrossed: S1/27/97

A Bill

ACT 551 OF 1997
SENATE BILL 67

For An Act To Be Entitled

"AN ACT TO REQUIRE THE ISSUANCE OF AN ANNUAL PERMIT BY
THE ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
BEFORE ANY NEW CONSTRUCTION OF MOTOR VEHICLE RACING
FACILITIES IS PERMITTED; TO REPEAL ARKANSAS CODE § 8-10-302
REGARDING THE CONSTRUCTION OF MOTOR VEHICLE RACING
FACILITIES; AND FOR OTHER PURPOSES."

Subtitle

"TO REQUIRE A PERMIT FROM THE POLLUTION
CONTROL AND ECOLOGY DEPARTMENT BEFORE
CONSTRUCTING NEW MOTOR VEHICLE RACE
TRACKS."

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

SECTION 1. (a) (1) Due to the noise pollution and air pollution from
the racing vehicles and traffic congestion caused by motor vehicle racing
facilities, no motor vehicle racing facility shall be constructed in this
state after passage of this act without the consent of at least seventy-five
percent (75%) of the property owners and seventy-five percent (75%) of the
adult residents within three (3) miles of the outside boundary of the proposed
facility and without an annual permit issued by the Arkansas Department of
Pollution Control and Ecology.

(2) (A) Consent shall be accomplished by signing petitions which
shall be filed with the city clerk if the facility is to be located within the
boundaries of any city or town or with the county clerk if the facility is to
be located wholly or partially outside the boundaries of any city or town.

(B) The petitions shall indicate:

(i) The name;

1 proposed facility or a permit renewal, which may be prepared and submitted,
2 shall be examined by the Department.

3 (C) After the hearing for the initial permit or upon
4 application for the renewal of its annual permit, if the Department shall be
5 satisfied that the benefits of the motor vehicle racing facility are sustained
6 by proof and outweigh its impact by the noise, air pollution, and traffic
7 congestion caused by motor vehicle racing facilities, then the Department
8 shall grant the initial permit approving the proposed facility or shall renew
9 approval to the permitted or existing facility. Renewal of an annual permit
10 may also be denied if:

11 (i) the racing facility is determined to be in
12 violation of any standards under which the permit was issued;

13 (ii) the racing facility is constructed or is being
14 operated in a manner which is materially different than was represented during
15 the petition process;

16 (iii) fraud, misrepresentation, or false statement of
17 facts were used to obtain signatures for the petition process.

18 (D) If any material changes, additions, or improvements are
19 made to the motor vehicle racing facility, the permit shall be amended
20 accordingly and the Department may reconsider the approval of the permit.

21 (E) The Arkansas Pollution Control and Ecology Commission
22 shall have the authority to promulgate any and all necessary rules and
23 regulations to implement this act, including the authority to set a permit fee
24 to recover the cost of issuing the permit.

25 (b) For the purposes of this act, 'motor vehicle' means every motor
26 vehicle as defined by Arkansas Code § 8-9-402.

27 (c) Within one year of the effective date of this act, each motor
28 vehicle racing facility constructed in Arkansas after July 1, 1995 shall apply
29 for and shall receive an initial annual permit to operate its motor vehicle
30 racing facility. Thereafter, upon the annual renewal date for its permit, the
31 motor vehicle racing facility constructed after July 1, 1995 shall apply for
32 renewal of its annual permit in accordance with all other requirements of this
33 act.

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35 SECTION 2: Arkansas Code § 8-10-302, concerning the construction of new
36 motor vehicle racing facilities, is repealed.

1 SECTION 3. All provisions of this act of general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 4. If any provisions of this act or the application thereof to
6 any person or circumstance is held invalid, the invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provisions or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 5. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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/s/Scott

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APPROVED:3-17-97

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