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

1	State of Arkansas	As Engrossed: S1/27/97				
2	81st General Assembly	A Bill	ACT 551 OF	1997		
3	Regular Session, 1997		SENATE BILL	67		
4	By: Senator Scott					
5	Representative Angel					
6						
7	For An Act To Be Entitled					
8	"AN ACT TO REQUIRE THE ISSUANCE OF AN ANNUAL PERMIT BY					
9	THE ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY					
10	BEFORE ANY NEW CONSTRUCTION OF MOTOR VEHICLE RACING					
11	FACILITIES IS PERMITTED; TO REPEAL ARKANSAS CODE $^{\circ}$ 8-10-302					
12	REGARDING THE CONSTRUCTION OF MOTOR VEHICLE RACING					
13	FACILITIES; AND FO	OR OTHER PURPOSES."				
14						
15		Subtitle				
16	"TO REQUIRE A PERMIT FROM THE POLLUTION					
17	CONTROL AND ECOLOGY DEPARTMENT BEFORE					
18	CONSTRUCTING NEW MOTOR VEHICLE RACE					
19	TRACKS.	п				
20						
21	BE IT ENACTED BY THE GENE	RAL ASSEMBLY OF THE STATE OF ARKANSAS	:			
22						
23	SECTION 1. (a) (1) Due to the noise pollution and air pollution from					
24	the racing vehicles and traffic congestion caused by motor vehicle racing					
25	facilities, no motor vehi	cle racing facility shall be construc	ted in this			
26	state after passage of this act without the consent of at least seventy-five			re_		
27	percent (75%) of the property owners and seventy-five percent (75%) of the					
28	adult residents within th	nree (3) miles of the outside boundary	of the propo	sed		
29	facility and without an annual permit issued by the Arkansas Department of					
30	Pollution Control and Eco	ology.				
31	(2) (A) Consent shall be accomplished by signing petitions which					
32	shall be filed with the city clerk if the facility is to be located within the			the		
33	boundaries of any city or	town or with the county clerk if the	facility is	to		
34	be located wholly or part	be located wholly or partially outside the boundaries of any city or town.				
35	(B) The petitions shall indicate:					
36		(i) The name;				

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1	(ii)(a) The residence address; or
2	(b) If a nonresident property owner, the
3	address or legal description of the property located within the three-mile
4	area; and
5	(iii) The date of the signature.
6	(C)(i) The petitions must be verified pursuant to
7	$\frac{8}{3}$ 7-9-109.
8	(ii) Signatures shall become invalid sixty (60)
9	days after signing.
10	(iii) It shall be the duty of the county clerk
11	or city clerk, as the case may be, to determine the sufficiency of the
12	signatures.
13	(3)(A) Once the sufficiency of the petitions is determined, the
14	persons or entity proposing and constructing a motor vehicle racing facility
15	after the effective date of this act shall seek the approval of and issuance
16	of an annual permit from of the Arkansas Pollution Control and Ecology
17	Department. The Department's approval shall be sought by filing a permit
18	application with the Department. Initial permit applications for new
19	facilities to be constructed shall have attached a written proposal for the
20	motor vehicle facility containing the substance of the proposed facility,
21	including a description of the types of motor vehicles proposed for racing at
22	the facility, the maximum projected noise level of the racing vehicles, a
23	description of the kinds of races, the types of buildings, stands, or other
24	physical plant proposed for the facility, estimates of traffic counts and
25	numbers of spectators, and any other relevant permit information as may be
26	determined necessary for the permit application by the Department.
27	(B) For the initial permit application for new facilities
28	to be constructed, the Department shall conduct a public hearing on the
29	proposed motor vehicle racing facility. The Department shall set a date for
30	the public hearing to be held on the proposed facility permit which shall not
31	be less than thirty (30) days after the filing of the initial permit
32	application. The hearing under this subdivision for the initial permit may be
33	adjourned and continued if necessary. The Department may, in its discretion,
34	hold public hearings for the renewal of any permits as is necessary. Any
35	interested persons may appear and contest the granting of the approval or
36	renewal of the facility permit. Affidavits in support of or against the

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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.
- 34
- 35 SECTION 2: Arkansas Code ⁶ 8-10-302, concerning the construction of new
- 36 motor vehicle racing facilities, is repealed.

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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. 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. SECTION 5. All laws and parts of laws in conflict with this act are 12 hereby repealed. /s/Scott APPROVED:3-17-97