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	As Engrossed: \$3/12/01 \$3/21/01 \$3/26/01	
2	83rd General Assembly	A Bill	Act 1413 of 2001
3	Regular Session, 2001		SENATE BILL 978
4			
5	By: Senator Wilkins		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT	T TO REGULATE THE CONSTRUCTION OF MO	OTOR
10	VEHI CL	E RACING FACILITIES IN CERTAIN AREA	4 <i>S; AND</i>
11	FOR 01	THER PURPOSES.	
12			
13		Subtitle	
14	ТО	REGULATE THE CONSTRUCTION OF RACING	<u> </u>
15	FAC	CILITIES IN CERTAIN AREAS.	
16			
17			
18	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF A	RKANSAS:
19			
20	SECTION 1. Ar	kansas Code Title 8, Chapter 10, Su	ıbchapter 3 is amended
21	to add an addi tional	section to read as follows:	
22	<u>8-10-304. Mot</u>	or vehicle racing facilities in cer	<u>tain municipalities.</u>
23	(a) The provi	sions of § 8-10-302 and § 8-10-303	<u>shall not apply to any</u>
24	<u>motor vehicle racing</u>	facilities located north of a navi	gable waterway which
25	traverses the state	and in a county having a population	<u>ı between eighty</u>
26	<u>thousand (80,000) an</u>	d ninety thousand (90,000) persons	according to the 1990
27	federal decennial ce	nsus.	
28	<u>(b)(1)(A) The</u>	persons or entity proposing and co	onstructing a motor
29	vehicle racing facil	ity in an area located north of a n	<u>navigable waterway</u>
30	which traverses the	state and in a county having a popu	<u>ılation between eighty</u>
31	<u>thousand (80,000) an</u>	d ninety thousand (90,000) persons	according to the 1990
32	federal decennial ce	nsus, shall seek the approval of an	nd issuance of an
33	<u>annual permit from t</u>	he Department of Environmental Qual	<u>ity under this</u>
34	section.		
35	<u>(B</u>) The department's approval shall	<u>be sought by filing a</u>
36	permit application w	ith the department which shall cont	ain a written proposal



As Engrossed: S3/12/01 S3/21/01 S3/26/01

SB978

1	for the motor vehicle facility containing the substance of the proposed
2	facility, including a description of the types of motor vehicles proposed for
3	racing at the facility, the maximum projected noise level of the racing
4	<u>vehicles, a description of the kinds of races, the types of buildings,</u>
5	stands, or other physical plant proposed for the facility, estimates of
6	traffic counts and numbers of spectators, and any other relevant permit
7	information as may be determined necessary for the permit application by the
8	<u>department.</u>
9	(2) For the initial permit application for new facilities to be
10	constructed, the department shall conduct a public hearing on the proposed
11	motor vehicle racing facility. The department shall set a date for the
12	public hearing to be held on the proposed facility permit which shall not be
13	less than thirty (30) days after the filing of the initial permit
14	application. The hearing under this subdivision (b)(2) for the initial
15	permit may be adjourned and continued if necessary. The department may, in
16	its discretion, hold public hearings for the renewal of any permits as is
17	necessary. Any interested persons may appear and contest the granting of the
18	approval or renewal of the facility permit. Affidavits in support of or
19	against the proposed facility or a permit renewal, which may be prepared and
20	submitted, shall be examined by the department.
21	(3) After the hearing for the initial permit or upon application
22	for the renewal of its annual permit, if the department shall be satisfied
23	that the benefits of the motor vehicle racing facility are sustained by proof
24	and outweigh its impact by the noise, air pollution, and traffic congestion
25	caused by motor vehicle racing facilities, then the department shall grant
26	the initial permit approving the proposed facility or shall renew approval to
27	the permitted or existing facility.
28	(4) Renewal of an annual permit may also be denied if:
29	(A) The racing facility is determined to be in violation
30	of any standards under which the permit was issued; or
31	(B) The racing facility is constructed or is being
32	operated in a manner which is materially different than was represented
33	during the initial application process.
34	<u>(5) If any material changes, additions, or improvements are made</u>
35	to the motor vehicle racing facility, the permit shall be amended accordingly
36	and the department may reconsider the approval of the permit.

1	(6) The Arkansas Pollution Control and Ecology Commission shall
2	have the authority to promulgate any and all necessary rules and regulations
3	to implement this section, including the authority to set a permit fee to
4	recover the cost of issuing the permit.
5	(c) Each motor vehicle racing facility constructed in an area under
6	this section who applies for and shall receives an initial annual permit to
7	operate its motor vehicle racing facility shall thereafter apply annually for
8	renewal of its permit.
9	(d) For the purposes of this section, "motor vehicle racing facility"
10	means any facility designed and used for competitive racing by automobiles or
11	trucks which are modified for racing.
12	(e) Due to the noise pollution and air pollution from the racing
13	vehicles and traffic congestion caused by motor vehicle racing facilities, no
14	motor vehicle racing facility shall be permitted or constructed under this
15	section within three (3) miles of the boundary of another county.
16	/s/ Wilkins
17	
18	
19	APPROVED: 4/9/2001
19 20	APPROVED: 4/9/2001
	APPROVED: 4/9/2001
20	APPROVED: 4/9/2001
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20 21 22 23 24 25 26 27 28	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30 31	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30 31 32	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30 31 32 33	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30 31 32 33 34	APPROVED: 4/9/2001
20 21 22 23 24 25 26 27 28 29 30 31 32 33	APPROVED: 4/9/2001