

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/30/23

A Bill

HOUSE BILL 1572

5 By: Representatives Hawk, Achor, Brooks, L. Fite, Gazaway, Ray
6 By: Senators Irvin, K. Hammer, B. Johnson, G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT CERTAIN TYPES OF LOCAL REGULATION
10 OF UNDERGROUND GAS STORAGE FACILITIES, FUEL
11 RETAILERS, AND RELATED TRANSPORTATION INFRASTRUCTURE;
12 AND FOR OTHER PURPOSES.
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Subtitle

15 TO PROHIBIT CERTAIN TYPES OF LOCAL
16 REGULATION OF UNDERGROUND GAS STORAGE
17 FACILITIES, FUEL RETAILERS, AND RELATED
18 TRANSPORTATION INFRASTRUCTURE.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 14-1-108. Underground gas storage facilities, fuel retailers, and
27 related transportation infrastructure – Certain regulations and ordinances
28 prohibited – Exceptions – Definitions.

29 (a) As used in this section:

30 (1) "Fuel retailer" means a fuel station or retail establishment
31 that sells fuel to provide power to vehicles; and

32 (2) "Related transportation infrastructure" means storage tanks,
33 pipelines, or any related equipment that is necessary to deliver fuel to a
34 fuel retailer or dispense fuel at a fuel retailer.

35 (b) A municipality, county, special district, or political subdivision
36 shall not:



1 (1) Adopt a law, ordinance, regulation, policy, or resolution
 2 that prohibits the siting, developing, or redeveloping of an underground gas
 3 storage facility described in the Underground Storage of Gas Law, § 15-72-601
 4 et seq., fuel retailer, or the related transportation infrastructure within
 5 the entirety of the jurisdictional boundary of the municipality, county,
 6 special district, or political subdivision;

7 (2) Adopt or apply a law, ordinance, regulation, policy, or
 8 resolution that results in the de facto prohibition of a fuel retailer or the
 9 related transportation infrastructure within the entirety of the
 10 jurisdictional boundary of a municipality, county, special district, or
 11 political subdivision; or

12 (3) Require a fuel retailer to install or invest in a particular
 13 kind of fueling infrastructure, including without limitation electric vehicle
 14 charging stations.

15 (c) This section does not prohibit a municipality, county, special
 16 district, or political subdivision from adopting and implementing a law,
 17 ordinance, regulation, policy, or resolution that is not otherwise
 18 inconsistent with law relating to the siting, developing, or redeveloping of
 19 fuel retailers or related transportation infrastructure if the law,
 20 ordinance, regulation, policy, or resolution does not result in a prohibition
 21 of gas storage facilities, fuel retailers, or related transportation
 22 infrastructure from being sited, developed, or redeveloped within zoning or
 23 land use classifications where the related transportation infrastructure is
 24 consistent with allowable uses.

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/s/Hawk

APPROVED: 4/11/23