

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 978**

"TO AUTHORIZE THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF MOTOR  
VEHICLE RACING FACILITIES AND REPEAL THE CURRENT REGULATION OF THOSE  
FACILITIES."

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**Amendment No. 1 to Senate Bill No. 978.**

Amend Senate Bill No. 978 as originally introduced:

By inserting additional sections immediately following SECTION 1 to read as follows:

"SECTION 2. Permits required for motor vehicle racing facilities.

(a) Prior to any person or entity proposing or constructing a motor vehicle racing facility, or any person or entity seeking a substantial expansion of a motor vehicle racing facility that has received a permit under this act, the person or entity shall seek the approval of the city planning commission or board of the city in which the facility is proposed to be located, or when in unincorporated areas, the county judge of the county in which the facility is proposed to be located. Appeals of the denial of a permit shall be respectively, to the governing body of the city when the facility's proposed location is inside an incorporated city, or the quorum court when the facility's proposed location is in unincorporated areas. If an incorporated town or city in which the facility is proposed to be located does not have a planning commission or board, the approval of a permit for a motor vehicle racing facility shall rest with the mayor, and the appeal of a denied permit shall be to the governing body of the city.

(b)(1) The approval of the designated body set forth in subsection (a) shall be sought by filing a permit application with the designated city or county clerk which shall be forwarded to the designated body to set the time for a public hearing on the permit application.

(2) Initial permit applications for new facilities to be constructed shall have attached a written proposal for the motor vehicle facility containing the substance of the proposed facility, including:

(A) The legal description of the property on which the motor vehicle racing facility is to be located;

(B) A description of the types of motor vehicles proposed for racing at the facility;

(C) A description of the kinds of races, the types of buildings, stands, or other physical plants proposed for the facility;

(D) An in-depth economic and feasibility study prepared specifically for the proposed facility which also may include location alternatives;

(E) The design concept of the motor vehicle racing facility prepared by an architect, engineer, or motor vehicle racing facility planner, to include the proposed location of all planned or proposed facilities including supporting facilities, which may include a phased development plan; and

(F) Any other relevant permit information as may be determined necessary for the permit application.

(3) Substantial expansion permit applications of a motor vehicle racing facility that has received a permit under this act, shall have attached a written proposal for the motor vehicle facility containing the substance of the proposed expansion, including:

(A) The legal description of the property on which the expansion is to be located;

(B) A description of the kinds of races, the types of buildings, stands, or other physical plants proposed for the expansion;

(C) The design concept of the expansion prepared by an architect, engineer, or motor vehicle racing facility planner, to include the proposed location of all planned or proposed facilities including supporting facilities, which may include a phased development plan; and

(D) Any other relevant permit information as may be determined necessary for the permit application.

### SECTION 3. Public hearing.

(a) For the initial permit application for new facilities to be operated or constructed, or a substantial expansion of a facility that has received a permit under this act, the approving body as set forth in this act shall conduct a public hearing on the proposed motor vehicle racing facility.

(b) The public hearing on the proposed facility permit or substantial expansion permit shall occur not less than thirty (30) days, nor more than ninety (90) days, after the filing of the initial permit or substantial expansion application and may be adjourned and continued if necessary.

(c) The approving body shall cause the publication of a notice of public hearing concerning the proposed racing facility or substantial expansion in a newspaper of general circulation not less than fifteen (15) calendar days prior to the date of the public hearing.

(d) Any interested person may appear and speak on the subject of granting the facility permit and the approving body shall examine affidavits in support of or against the proposed facility which may be prepared and submitted by any interested person. Time allotted during the public hearing for those persons speaking for or against the proposal shall be equal and shall be determined by the approving body, except that a presentation by the permit applicant concerning his or her proposal shall not be considered as part of any time allotted for public comments.

### SECTION 4. Permit issued or renewed.

(a) After the hearing for the initial permit or for substantial expansion of a facility that has received a permit under this act, if the approving body decides that the permit application is complete, right and proper, then the approving body shall grant the permit approving the proposed

facility or the substantial expansion of a permitted facility.

(b) Permits are to be renewed annually through the payment of an annual permit fee, and the submission of a report concerning the progress made toward development of the motor vehicle racing facility until such time as the facility is complete; however, the renewal permit may be denied if:

(1) The racing facility is determined to be in violation of any standards under which the initial permit of the substantial expansion permit was issued;

(2) The racing facility is constructed or is being operated in a manner which is materially different than was represented during the initial or substantial expansion permit application; or

(3) Fraud, misrepresentation, or false statement of facts were made during the initial or substantial expansion permit application process.

SECTION 5. Permit fee.

(a) The approving body shall have the authority to promulgate any and all necessary rules and regulations to implement this act, including the authority to set a permit fee to recover the cost of issuing the permits and holding hearings.

(b) However, the permit fee for a motor vehicle racing facility shall not exceed five hundred dollars (\$500) per year for each year for which the permit is issued or renewed, and in cases of a substantial expansion the fee shall be a one-time fee not exceeding two hundred and fifty dollars (\$250).

SECTION 6. Definitions.

For purposes of this act:

(1)(A) "Motor vehicle racing facility" means any facility designed and used for competitive racing by automobiles or trucks which are modified for racing;

(B) "Motor vehicle racing facility" does not include any facilities used for racing motorcycles, motor-driver cycles, all-terrain vehicles, or any other motor vehicles under five hundred pounds (500 lbs.) in gross vehicle weight; and

(2) "Substantial expansion" means the expansion of any racing facility that has received a permit under this act and that:

(A) Expands the land area for which the initial permit was given by fifty percent (50%) or five hundred (500) acres, whichever is less; or

(B) Expands the amount of land utilized in the design concept of the facility that was approved during the initial permitting process by fifty percent (50%) or more."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Wilkins

LH/RRS

RRS600

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Secretary