

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

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."

Amendment No. 3 to Senate Bill No. 978.

Amend Senate Bill No. 978 as engrossed, S3/12/01:

Page 1, delete lines 9 through 11 and substitute the following:
"AN ACT TO REGULATE THE CONSTRUCTION OF MOTOR VEHICLE RACING FACILITIES IN
CERTAIN AREAS; AND FOR OTHER PURPOSES. "

AND

Page 1, delete lines 14 through 16 and substitute the following:
"TO REGULATE THE CONSTRUCTION OF RACING FACILITIES IN CERTAIN AREAS. "

AND

Page 1, delete lines 23 through 30 and substitute the following:
"8-10-304. Motor vehicle racing facilities in certain municipalities.
(a) The provisions of § 8-10-302 and § 8-10-303 shall not apply to any
motor vehicle racing facilities located north of a navigable waterway which
traverses the state and in a county having a population between eighty
thousand (80,000) and ninety thousand (90,000) persons according to the 1990
federal decennial census.
(b)(1)(A) The persons or entity proposing and constructing a motor
vehicle racing facility in an area located north of a navigable waterway
which traverses the state and in a county having a population between eighty
thousand (80,000) and ninety thousand (90,000) persons according to the 1990
federal decennial census, shall seek the approval of and issuance of an
annual permit from the Department of Environmental Quality under this
section.
(B) The department's approval shall be sought by filing a
permit application with the department which shall contain a written proposal
for the motor vehicle facility containing the substance of the proposed
facility, including a description of the types of motor vehicles proposed for
racing at the facility, the maximum projected noise level of the racing

vehicles, a description of the kinds of races, the types of buildings, stands, or other physical plant proposed for the facility, estimates of traffic counts and numbers of spectators, and any other relevant permit information as may be determined necessary for the permit application by the department.

(2) For the initial permit application for new facilities to be constructed, the department shall conduct a public hearing on the proposed motor vehicle racing facility. The department shall set a date for the public hearing to be held on the proposed facility permit which shall not be less than thirty (30) days after the filing of the initial permit application. The hearing under this subdivision (b)(2) for the initial permit may be adjourned and continued if necessary. The department may, in its discretion, hold public hearings for the renewal of any permits as is necessary. Any interested persons may appear and contest the granting of the approval or renewal of the facility permit. Affidavits in support of or against the proposed facility or a permit renewal, which may be prepared and submitted, shall be examined by the department.

(3) After the hearing for the initial permit or upon application for the renewal of its annual permit, if the department shall be satisfied that the benefits of the motor vehicle racing facility are sustained by proof and outweigh its impact by the noise, air pollution, and traffic congestion caused by motor vehicle racing facilities, then the department shall grant the initial permit approving the proposed facility or shall renew approval to the permitted or existing facility.

(4) Renewal of an annual permit may also be denied if:

(A) The racing facility is determined to be in violation of any standards under which the permit was issued; or

(B) The racing facility is constructed or is being operated in a manner which is materially different than was represented during the initial application process.

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

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

(c) Each motor vehicle racing facility constructed in an area under this section who applies for and shall receives an initial annual permit to operate its motor vehicle racing facility shall thereafter apply annually for renewal of its permit.

(d) For the purposes of this section, "motor vehicle racing facility" means any facility designed and used for competitive racing by automobiles or trucks which are modified for racing.

(e) 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 permitted or constructed under this section within three (3) miles of the boundary of another county."

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

By: Senator Wilkins

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Secretary