

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
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2444

4
5 By: Representative Hawkins
6
7

For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE LAW CONCERNING MOTOR
10 VEHICLE RACING FACILITIES; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO CLARIFY THE LAW CONCERNING
15 MOTOR VEHICLE RACING FACILITIES.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 8-10-302 is amended to read as follows:

21 8-10-302. Construction of motor vehicle racing facility - Requirement.

22 (a)(1) Due to the noise, air pollution, and traffic congestion caused
23 by motor vehicle racing facilities, no motor vehicle racing facility may be
24 constructed in this state after passage of this act without the consent of at
25 least seventy-five percent (75%) of the property owners and seventy-five
26 percent (75%) of the registered voters within three (3) miles of the outside
27 boundary of the proposed facility.

28 (2)(A) ~~Such~~ The consent shall be accomplished by signing
29 petitions which shall be filed with the city clerk if the facility is to be
30 located within the boundaries of any city or town or with the county clerk if
31 the facility is to be located wholly or partially outside the boundaries of
32 any city or town.

33 (B) The petitions shall indicate:

34 (i) The name;

35 (ii) The residence address or, if a nonresident
36 property owner, the address or legal description of the property located



1 within the three-mile area; and

2 (iii) The date of the signature.

3 (C)(i) The petitions must be verified pursuant to § 7-9-
4 109.

5 ~~(ii) Signatures shall become invalid sixty (60) days~~
6 ~~after signing.~~

7 ~~(iii)~~(ii) It shall be the duty of the county clerk
8 or city clerk, as the case may be, to determine the sufficiency of the
9 signatures and to certify the sufficiency or insufficiency of the signatures
10 in writing to the Arkansas Department of Environmental Quality within sixty
11 (60) days of receiving the petition.

12 (b) As used in this section, "motor vehicle racing facility" means any
13 facility designed and used for competitive racing by ~~automobiles or trucks~~
14 ~~which are modified for racing~~ any motorized vehicles such as trucks, cars,
15 motorcycles, and four-wheelers.

16

17 SECTION 2. Arkansas Code § 8-10-303 is amended to read as follows:

18 8-10-303. Permit requirement.

19 (a)(1)(A) Due to the noise pollution and air pollution from the racing
20 vehicles and traffic congestion caused by motor vehicle racing facilities, no
21 motor vehicle racing facility shall be constructed in this state after
22 passage of this section without the consent of at least seventy-five percent
23 (75%) of the property owners and seventy-five percent (75%) of the registered
24 voters within three (3) miles of the outside boundary of the proposed
25 facility and without an annual permit issued by the Arkansas Department of
26 Environmental Quality.

27 (B) The consent shall be required for the initial annual permit only.

28 (2)(A) Consent shall be accomplished by signing petitions which
29 shall be filed with the city clerk if the facility is to be located within
30 the boundaries of any city or town or with the county clerk if the facility
31 is to be located wholly or partially outside the boundaries of any city or
32 town.

33 (B) The petitions shall indicate:

34 (i) The name;

35 (ii) The residence address or, if a nonresident
36 property owner, the address or legal description of the property located

1 within the three-mile area; and

2 (iii) The date of the signature.

3 (C)(i) The petitions must be verified pursuant to § 7-9-
4 109.

5 ~~(ii) Signatures shall become invalid sixty (60) days~~
6 ~~after signing.~~

7 ~~(iii)~~(ii) It shall be the duty of the county clerk
8 or city clerk, as the case may be, to determine the sufficiency of the
9 signatures and to certify the sufficiency or insufficiency of the signatures
10 in writing to the department within sixty (60) days of receiving the
11 petition.

12 (3)(A)(i)(a) Once the sufficiency of the petitions is
13 determined, the persons or entity proposing and constructing a motor vehicle
14 racing facility after August 1, 1997, shall seek the approval of and issuance
15 of an annual permit from the department.

16 (b) The department's approval shall be sought
17 by filing a permit application with the department.

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

22 (a) A description of the types of motor
23 vehicles proposed for racing at the facility;

24 (b) The maximum projected noise level of the
25 racing vehicles;

26 (c) A description of the kinds of races and
27 the types of buildings, stands, or other physical plant proposed for the
28 facility;

29 (d) Estimates of traffic counts and numbers of
30 spectators; and

31 (e) Any other relevant permit information as
32 may be determined necessary for the permit application by the department.

33 (B)(i) For the initial permit application for new
34 facilities to be constructed, the department shall conduct a public hearing
35 on the proposed motor vehicle racing facility.

36 (ii) The department shall set a date for the public

1 hearing to be held on the proposed facility permit which shall not be less
 2 than thirty (30) days after the public notice of the filing of the initial
 3 permit application. ~~The hearing under subdivision (a)(3)(B) of this section~~
 4 ~~for the initial permit may be adjourned and continued if necessary.~~

5 (iii) In its discretion, the department may hold
 6 public hearings for the renewal of any permits as is necessary.

7 (iv) Any interested persons may appear ~~and contest~~
 8 ~~the granting of the approval~~ to provide comments on the permit application or
 9 renewal of the facility permit.

10 (v) Affidavits in support of or against the proposed
 11 facility or a permit renewal, which may be prepared and submitted, shall be
 12 examined by the department.

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

20 (ii) Renewal of an annual permit may also be denied
 21 if:

22 ~~(i)(a)~~ The racing facility is determined to be
 23 in violation of any standards under which the permit was issued;

24 ~~(ii)(b)~~ The racing facility is constructed or
 25 is being operated in a manner which is materially different than was
 26 represented during the petition process; or

27 ~~(iii)(c)~~ Fraud, misrepresentation, or false
 28 statement of facts was used to obtain signatures for the petition process.

29 (D) If any material changes, additions, or improvements
 30 are made to the motor vehicle racing facility, the permit shall be ~~amended~~
 31 requested to be modified accordingly, and the department may reconsider the
 32 ~~approval~~ requested modification of the permit.

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

1 (b) As used in this section, "motor vehicle racing facility" means any
 2 facility designed and used for competitive racing by ~~automobiles or trucks~~
 3 ~~which are modified for racing~~ any motorized vehicles such as trucks, cars,
 4 motorcycles, and four-wheelers.

5 (c) Within one (1) year of August 1, 1999, each motor vehicle racing
 6 facility constructed in Arkansas after January 1, 1995, shall apply for and
 7 shall receive an initial annual permit to operate its motor vehicle racing
 8 facility. Thereafter, upon the annual renewal date for its permit, the motor
 9 vehicle racing facility constructed after January 1, 1995, shall apply
 10 annually for renewal of its permit.

11
 12 SECTION 3. Arkansas Code § is amended to read as follows:

13 8-10-304. Motor vehicle racing facilities in certain municipalities.

14 (a) The provisions of §§ 8-10-302 and 8-10-303 shall not apply to any
 15 motor vehicle racing facilities located north of a navigable waterway which
 16 traverses the state and in a county having a population between eighty
 17 thousand (80,000) and ninety thousand (90,000) according to the 1990 Federal
 18 Decennial Census.

19 (b)(1)(A) The persons or entity proposing and constructing a motor
 20 vehicle racing facility in an area located north of a navigable waterway
 21 which traverses the state and in a county having a population between eighty
 22 thousand (80,000) and ninety thousand (90,000) according to the 1990 Federal
 23 Decennial Census shall seek the approval of and issuance of an annual permit
 24 from the Arkansas Department of Environmental Quality under this section.

25 (B) The department's approval shall be sought by filing a
 26 permit application with the department, which shall contain a written
 27 proposal for the facility containing the substance of the proposed facility,
 28 including:

29 (i) A description of the types of motor vehicles
 30 proposed for racing at the facility;

31 (ii) The maximum projected noise level of the racing
 32 vehicles;

33 (iii) A description of the kinds of races and the
 34 types of buildings, stands, or other physical plants proposed for the
 35 facility;

36 (iv) Estimates of traffic counts and numbers of

1 spectators; and

2 (v) Any other relevant permit information as may be
 3 determined necessary for the permit application by the department.

4 (2)(A)(i) For the initial permit application for new facilities
 5 to be constructed, the department shall conduct a public hearing on the
 6 proposed facility.

7 (ii) The department shall set a date for the public
 8 hearing to be held on the proposed facility permit which shall not be fewer
 9 than thirty (30) days after the public notice of the filing of the initial
 10 permit application.

11 ~~(iii) The hearing under this subdivision (b)(2) for~~
 12 ~~the initial permit may be adjourned and continued if necessary.~~

13 (B)(i) The department, in its discretion, may hold public
 14 hearings for the renewal of any permits as is necessary.

15 (ii) Any interested persons may ~~appear and contest~~
 16 ~~the granting of~~ provide comments on the approval or renewal of the facility
 17 permit.

18 (iii) Affidavits in support of or against the
 19 proposed facility or a permit renewal, which may be prepared and submitted,
 20 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 is satisfied that the
 23 benefits of the facility are sustained by proof and outweigh its impact by
 24 the noise, air pollution, and traffic congestion caused by motor vehicle
 25 racing facilities, then the department shall grant the initial permit
 26 approving the proposed facility or shall renew approval to the permitted or
 27 existing facility.

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

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

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

34 (5) If any material changes, additions, or improvements are made
 35 to the facility, the permit shall be amended accordingly, and the department
 36 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 facility constructed in an area under this section that
6 applies for and receives an initial annual permit to operate its facility
7 shall thereafter apply annually for renewal of its permit within ninety (90)
8 days of the renewal date.

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~~ any motorized vehicles such as trucks,
12 cars, motorcycles, and four-wheelers.

13 (e) Due to the noise pollution and air pollution from the racing
14 vehicles and traffic congestion caused by motor vehicle racing facilities, no
15 facility shall be permitted or constructed under this section within three
16 (3) miles of the boundary of another county.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36