

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 2005

5 By: Representative S. Meeks  
6

## For An Act To Be Entitled

8 AN ACT TO REQUIRE NOTICE TO PROPERTY OWNERS AND  
9 REGISTERED VOTERS WHO LIVE WITHIN THREE MILES OF A  
10 PROPOSED NEW MOTOR VEHICLE RACING FACILITY; TO REPEAL  
11 A REQUIREMENT FOR PETITIONS AND CONSENT TO NEW  
12 CONSTRUCTION OF MOTOR VEHICLE RACING FACILITIES; AND  
13 FOR OTHER PURPOSES.  
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## Subtitle

16 AN ACT TO REQUIRE NOTICE TO PROPERTY  
17 OWNERS AND REGISTERED VOTERS WHO LIVE  
18 WITHIN THREE MILES OF A PROPOSED NEW  
19 MOTOR VEHICLE RACING FACILITY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 8-10-302(a), concerning public consent to  
26 construction of a motor vehicle racing facility is amended to read as  
27 follows:

28 (a)~~(1)~~ Due to the noise, air pollution, and traffic congestion caused  
29 by motor vehicle racing facilities, no motor vehicle racing facility may be  
30 constructed in this state after passage of this act ~~without the consent of at~~  
31 ~~least seventy five percent (75%) of the property owners and seventy five~~  
32 ~~percent (75%) of the registered voters~~ unless property owners and registered  
33 voters who live within three (3) miles of the outside boundary of the  
34 proposed facility receive notice of a hearing by the Arkansas Department of  
35 Environmental Quality under § 8-10-303.

36 ~~(2)(A) Such consent shall be accomplished by signing petitions~~



1 ~~that shall be filed with the city clerk if the facility is to be located~~  
 2 ~~within the boundaries of any city or town or with the county clerk if the~~  
 3 ~~facility is to be located wholly or partially outside the boundaries of any~~  
 4 ~~city or town.~~

5 ~~(B) The petitions shall indicate:~~

6 ~~(i) The name;~~

7 ~~(ii) The residence address or, if a nonresident~~  
 8 ~~property owner, the address or legal description of the property located~~  
 9 ~~within the three-mile area; and~~

10 ~~(iii) The date of the signature.~~

11 ~~(C)(i) The petitions must be verified pursuant to § 7-9-~~  
 12 ~~109.~~

13 ~~(ii) Signatures shall become invalid sixty (60) days~~  
 14 ~~after signing.~~

15 ~~(iii) It shall be the duty of the county clerk or~~  
 16 ~~city clerk, as the case may be, to determine the sufficiency of the~~  
 17 ~~signatures and to certify the sufficiency or insufficiency of the signatures~~  
 18 ~~in writing to the Arkansas Department of Environmental Quality.~~

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 20 SECTION 2. Arkansas Code § 8-10-303(a)(1) - (a)(3)(A)(i), concerning  
 21 permits required for the construction of motor vehicle racing facilities, are  
 22 amended to read as follows:

23 (a)(1)~~(A)~~ Due to the noise pollution and air pollution from the racing  
 24 vehicles and traffic congestion caused by motor vehicle racing facilities, no  
 25 motor vehicle racing facility shall be constructed in this state after  
 26 passage of this section ~~without the consent of at least seventy-five percent~~  
 27 ~~(75%) of the property owners and seventy-five percent (75%) of the registered~~  
 28 ~~voters unless property owners and registered voters who live within three (3)~~  
 29 ~~miles of the outside boundary of the proposed facility receive notice of a~~  
 30 ~~hearing by the Arkansas Department of Environmental Quality under this~~  
 31 ~~section and without an annual permit issued by the Arkansas Department of~~  
 32 ~~Environmental Quality.~~

33 ~~(B) The consent shall be required for the initial annual~~  
 34 ~~permit only.~~

35 ~~(2)(A) Consent shall be accomplished by signing petitions which~~  
 36 ~~shall be filed with the city clerk if the facility is to be located within~~

1 ~~the boundaries of any city or town or with the county clerk if the facility~~  
 2 ~~is to be located wholly or partially outside the boundaries of any city or~~  
 3 ~~town.~~

4 ~~(B) The petitions shall indicate:~~

5 ~~(i) The name;~~

6 ~~(ii) The residence address or, if a nonresident~~  
 7 ~~property owner, the address or legal description of the property located~~  
 8 ~~within the three-mile area; and~~

9 ~~(iii) The date of the signature.~~

10 ~~(C)(i) The petitions must be verified pursuant to § 7-9-~~  
 11 ~~109.~~

12 ~~(ii) Signatures shall become invalid sixty (60) days~~  
 13 ~~after signing.~~

14 ~~(iii) It shall be the duty of the county clerk or~~  
 15 ~~city clerk, as the case may be, to determine the sufficiency of the~~  
 16 ~~signatures and to certify the sufficiency or insufficiency of the signatures~~  
 17 ~~in writing to the department.~~

18 ~~(3)(A)(i)(2)(A)(i)(a) Once the sufficiency of the petitions is~~  
 19 ~~determined, the persons A person or entity proposing and constructing a motor~~  
 20 ~~vehicle racing facility after August 1, 1997, shall seek the approval of and~~  
 21 ~~issuance of an annual permit from the department.~~

22 ~~(b) The department's approval shall be sought~~  
 23 ~~by filing a permit application with the department.~~

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