

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM
COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Air
DIVISION DIRECTOR Mike Bates
CONTACT PERSON Mike Porta
ADDRESS 5301 Northshore Drive, N. Little Rock, AR 72118
PHONE NO. 682-0730 FAX NO. 682-0753 E-MAIL porta@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Karen Bassett
PRESENTER E-MAIL bassett@adeq.state.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule?
Motor Vehicle Racing Facility Regulations
- 2. What is the subject of the proposed rule?
Motor vehicle racing facilities
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes_____No
____X____
If yes, please provide the federal rule, regulation, and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes_____ No__X____

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes___n/a___ No_____

5. Is this a new rule? Yes X No___ If yes, please provide a brief summary explaining the regulation.

This rule will codify existing law; define key, undefined terms; clarify the administrative procedures to be used; and establish a fee schedule.

Does this repeal an existing rule? Yes_____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes___ No X If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes.

Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

A.C.A. §§8-10-203, 8-10-303(3)(E) and 8-10-304(b)(6)

7. What is the purpose of this proposed rule? Why is it necessary?

According to A.C.A 8-10-303, any person wishing to build a motor vehicle racing facility must first obtain a permit from ADEQ. Before a facility can submit a permit application they must obtain the consent of 75% of the registers voters and 75% of the property owners within three miles of the outside boundary of the facility. Consent shall be accomplished by signing petitions which shall be filed with the city or county clerk. The clerk is to determine the sufficiency of the signatures and certify the sufficiency or insufficiency of the signatures in writing to the ADEQ. Prior to 2005 a person wishing to construct a motor vehicle racing facility was required to obtain the consent of 75% of adult residents and 75% of the property owners.

ADEQ issued permits to four motor vehicle racing facilities that met the requirements of the motor vehicle racing facility statutes. The ADEQ proposes these regulations to streamline the permitting process, to codify existing law, to define key, undefined terms, to clarify applicable administrative procedures, and to establish a fee schedule.

8. Please provide the address where this rule is publicly accessible in electronic form via the

Internet as required by Arkansas Code § 25-19-108(b).

http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:
Date: August 21, 2008
Time: 2pm
Place: 5301 North Shore Dr, N. Little Rock, AR 72118
10. When does the public comment period expire for permanent promulgation? (Must provide a date.) _____
September 5, 2008
11. What is the proposed effective date of this proposed rule? (Must provide a date.) _____
10 days after filing with the Secretary of State
12. Do you expect this rule to be controversial? Yes _____ No _____ If yes, please explain.
unknown
13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.