

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1904

5 By: Representative Della Rosa
6 By: Senator Bledsoe
7

For An Act To Be Entitled

9 AN ACT TO CREATE A STUDY OF PUBLIC NOTICE AND
10 PARTICIPATION IN THE ENVIRONMENTAL PERMITTING
11 PROCESS; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CREATE A STUDY OF PUBLIC NOTICE AND
16 PARTICIPATION IN THE ENVIRONMENTAL
17 PERMITTING PROCESS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of public notice
23 and participation in the environmental permitting process – Creation –
24 Purpose.

25 (a) The House Committee on Public Health, Welfare, and Labor and the
26 Senate Committee on Public Health, Welfare, and Labor shall meet jointly to
27 conduct a study of public notice and participation in the environmental
28 permitting process.

29 (b)(1) The purpose of the study is to study the adequacy of the public
30 notice and procedures regarding public participation for each type of
31 environmental permit, certification, authorization, approval, or coverage
32 issued by:

33 (A) The Arkansas Department of Environmental Quality;

34 (B) The Department of Health;

35 (C) The Arkansas Natural Resources Commission; and

36 (D) The Oil and Gas Commission.



1 (2) The study shall include without limitation:

2 (A) Examination of methods by which public notice is given
 3 by the agencies listed in subdivision (b)(1) of this section with regard to
 4 environmental permits, certifications, authorizations, approvals, or
 5 coverage;

6 (B) The efficacy of public notice required under current
 7 Arkansas and federal law;

8 (C) Best practices in other states for providing public
 9 notice;

10 (D) Who is being reached by current forms of public notice
 11 given by the agencies listed in subdivision (b)(1) of this section;

12 (E) Whether the required public notice sufficiently
 13 accounts for actions regarding environmental permits, certifications,
 14 authorizations, approvals, and coverage issued by the agencies listed in
 15 subdivision (b)(1) of this section that pose a high likelihood of implicating
 16 the interests of third parties; and

17 (F) Whether the current requirements for public
 18 participation regarding issuance of environmental permits, certifications,
 19 authorizations, approvals, or coverage sufficiently provide for participation
 20 by interested third parties.

21 (c) Within sixty (60) days of the effective date of this act, the
 22 Arkansas Department of Environmental Quality, the Department of Health, the
 23 Arkansas Natural Resources Commission, and the Oil and Gas Commission shall
 24 submit to the House Committee on Public Health, Welfare, and Labor and the
 25 Senate Committee on Public Health, Welfare, and Labor a report of each type
 26 of environmental permit, certification, authorization, approval, or coverage
 27 issued by the agencies. The reports shall include without limitation:

28 (1) The name of the permit, certification, authorization,
 29 approval, or coverage;

30 (2) The state or federal authorizing law and corresponding rules
 31 or regulations for the permit, certification, authorization, approval, or
 32 coverage;

33 (3) A description of the public notice that is required and the
 34 public notice that is provided, if more than the minimum required, for each
 35 permit, certification, authorization, approval, or coverage; and

36 (4) A description of the procedures for public participation

1 that are required and the procedures for public participation that are
 2 provided, if more than the minimum is required, for each permit,
 3 certification, authorization, approval, or coverage.

4 (d) Joint meetings for purposes of conducting the study shall be held
 5 at least one (1) time every two (2) months but may occur more often at the
 6 call of the chairs of the House Committee on Public Health, Welfare, and
 7 Labor and the Senate Committee on Public Health, Welfare, and Labor.

8 (e) On or before December 1, 2020, the House Committee on Public
 9 Health, Welfare, and Labor and the Senate Committee on Public Health,
 10 Welfare, and Labor shall submit to the Legislative Council a final written
 11 report of its activities, findings, and recommendations with regard to the
 12 study under this act including without limitation:

13 (1) Findings on the adequacy of the public notice requirements
 14 and public participation procedures for each type of permit, certification,
 15 authorization, approval, or coverage issued by the agencies listed in
 16 subdivision (b)(1) of this section; and

17 (2) Recommended draft legislation to address the findings of the
 18 study, including recommended legislation directing the agencies listed in
 19 subdivision (b)(1) of this section to promulgate administrative rules.

20 (f) The study under this act shall be complete upon submission of the
 21 final report to the Legislative Council.

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