

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1003

THE ARKANSAS NIGHTTIME ENVIRONMENT PROTECTION ACT.

Amendment No. 2 to House Bill No. 1003

Amend House Bill No. 1003 as engrossed, H2/18/15 (version: 02/18/2015 9:59:14 AM):

Page 6, delete lines 28 through 30, and substitute the following:
"so that a majority of the light falls upon the roadway sign's surface; and
(B) The external fixtures do not create glare, light"

AND

Page 6, delete lines 35 and 36, and substitute the following:
"mile of and visible from a highway system shall not prevent the driver of a
vehicle from having a clear and unobstructed view of official signs and
approaching or merging traffic."

AND

Page 7, delete lines 1 through 9

AND

Page 7, delete lines 13 through 15, and substitute the following:
"that a majority of the light falls upon the advertisement surface; and
(B) The external fixture does not create glare, light"

AND

Page 7, delete lines 27 through 29, and substitute the following:
"(iii) Not change intensity or expose its message
for"

AND

Page 7, line 31, delete "(v)" and substitute "(iv)"

AND

Page 8, delete line 16, and substitute the following:



"traveling at the posted speed limit.

"(6) Billboards and electronic message centers installed before the effective date of this subchapter that are within one-half (1/2) mile of and visible from a highway system shall be brought into compliance within five (5) years after the effective date of this subchapter."

AND

Page 9, delete line 8, and substitute the following:

"(i) The lamp is directly visible from and is within twenty-five feet (25') horizontally of the property"

AND

Page 9, delete lines 15 and 16, and substitute the following:

"(A) May take into account:
(i) The lawful purpose and history of the lamp; and
(ii) The general character and use of the
properties; and"

AND

Page 10, delete line 17, and substitute the following:

"Department of Emergency Management;"

AND

Page 11, delete lines 1 through 19, and substitute the following:

"(6)(A) The lighting is for a public or private state correction facility, a detention facility, or a mental health facility.

(B) For lighting exempted under subdivision (a)(6)(A) of this section, § 8-14-104 shall serve only as a guideline and shall not be binding;

(7)(A) The lighting is for an agency, a public corporation, county, municipality, public or charter school, or college or university installed before the effective date of this subchapter.

(B)(i) However, if a governing body determines that resources are available, lighting exempted under subdivision (a)(7)(A) of this section may be brought into compliance with § 8-14-104.

(ii)(a) If a fixture exempted under subdivision (a)(7)(A) of this section is to be replaced, the fixture shall be brought into compliance with § 8-14-104, unless the governing body determines that excessive cost, excessive structural modifications, or safety concerns prevent compliance.

(b) As used in subdivision (a)(7)(A)(ii)(a) of this section, "governing body" means the agency director, an elected official, or a body responsible for the fixture.

(iii)(a) The governing body"

AND

Page 11, line 25, delete "(7)(B)(iii)(a)" and substitute "(a)(7)(B)(iii)(a)"

AND

Page 11, line 26, delete "a" from the end of the line

AND

Page 11, line 27, delete "municipality," and substitute "an agency, a public corporation, county, municipality,"

AND

Page 11, line 29, delete "municipality," and substitute "an agency, a public corporation, county, municipality,"

AND

Page 11, delete lines 31 through 36

AND

Page 12, delete lines 1 through 3, and substitute the following:

"(C)(i) From time to time, at the discretion and in the"

AND

Page 12, delete lines 13 through 18, and substitute the following:

"in a manner determined by the commission; and

(8)(A) The outdoor lighting fixture existed and was legally"

AND

Page 12, delete line 26, and substitute the following:

"dollars, and to protect the nighttime environment.

(c)(1) A waiver under subdivision (a)(7)(D) of this section may be appealed by a citizen of the state to the commission.

(2) The commission shall then hold a public hearing to hear all sides, before making a final determination."

AND

Page 13, delete lines 8 through 22

AND

Page 14, delete line 3, and substitute the following:

"fine."

AND

Page 14, delete lines 11 through 17, and substitute the following:

"SECTION 3. EFFECTIVE DATE. This act becomes effective on October 1,"

The Amendment was read _____

By: Representative S. Meeks

MGF/RJW - 03-03-2015 15:55:38

MGF131

Chief Clerk