

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/30/23

A Bill

HOUSE BILL 1572

By: Representatives Hawk, Achor, Brooks, L. Fite, Gazaway, Ray

By: Senators Irvin, K. Hammer, B. Johnson, G. Stubblefield

For An Act To Be Entitled

AN ACT TO PROHIBIT CERTAIN TYPES OF LOCAL REGULATION
OF UNDERGROUND GAS STORAGE FACILITIES, FUEL
RETAILERS, AND RELATED TRANSPORTATION INFRASTRUCTURE;
AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT CERTAIN TYPES OF LOCAL
REGULATION OF UNDERGROUND GAS STORAGE
FACILITIES, FUEL RETAILERS, AND RELATED
TRANSPORTATION INFRASTRUCTURE.

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

SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

14-1-108. Underground gas storage facilities, fuel retailers, and related transportation infrastructure – Certain regulations and ordinances prohibited – Exceptions – Definitions.

(a) As used in this section:

(1) "Fuel retailer" means a fuel station or retail establishment that sells fuel to provide power to vehicles; and

(2) "Related transportation infrastructure" means storage tanks, pipelines, or any related equipment that is necessary to deliver fuel to a fuel retailer or dispense fuel at a fuel retailer.

(b) A municipality, county, special district, or political subdivision shall not:



(1) Adopt a law, ordinance, regulation, policy, or resolution that prohibits the siting, developing, or redeveloping of an underground gas storage facility described in the Underground Storage of Gas Law, § 15-72-601 et seq., fuel retailer, or the related transportation infrastructure within the entirety of the jurisdictional boundary of the municipality, county, special district, or political subdivision;

(2) Adopt or apply a law, ordinance, regulation, policy, or resolution that results in the de facto prohibition of a fuel retailer or the related transportation infrastructure within the entirety of the jurisdictional boundary of a municipality, county, special district, or political subdivision; or

(3) Require a fuel retailer to install or invest in a particular kind of fueling infrastructure, including without limitation electric vehicle charging stations.

(c) This section does not prohibit a municipality, county, special district, or political subdivision from adopting and implementing a law, ordinance, regulation, policy, or resolution that is not otherwise inconsistent with law relating to the siting, developing, or redeveloping of fuel retailers or related transportation infrastructure if the law, ordinance, regulation, policy, or resolution does not result in a prohibition of gas storage facilities, fuel retailers, or related transportation infrastructure from being sited, developed, or redeveloped within zoning or land use classifications where the related transportation infrastructure is consistent with allowable uses.

/s/Hawk

APPROVED: 4/11/23