

*As Engrossed: 3/6/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Jordan**

**A BILL ACT 873 OF 1991**  
**HOUSE BILL 1348**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARK. CODE ANN. §14-236-106 TO PROVIDE  
9 THAT ANY PERSON VIOLATING THE ARKANSAS SEWAGE DISPOSAL  
10 SYSTEMS ACT SHALL, UPON CONVICTION, BE DEEMED GUILTY OF A  
11 MISDEMEANOR; TO AMEND ARK. CODE ANN. §14-236-116  
12 PERTAINING TO PERMIT AND REGISTRATION FEES UNDER THE  
13 ARKANSAS SEWAGE DISPOSAL SYSTEMS ACT; AND FOR OTHER  
14 PURPOSES."

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

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18 SECTION 1. Ark. Code Ann. §14-236-106(c) is hereby amended to read as  
19 follows:

20 "(c) Any person, firm, corporation, or association, *with the exception*  
21 *of the homeowner*, who violates any of the provisions of this chapter or any  
22 rules and regulations promulgated under the authority of this chapter shall,  
23 upon conviction, be deemed guilty of a misdemeanor and shall be punished by a  
24 fine of not less than one hundred dollars (\$100) nor more than five hundred  
25 dollars (\$500) or by imprisonment not exceeding one (1) month, or both."

26  
27 SECTION 2. Ark. Code Ann. 14-236-116 is hereby amended to read as  
28 follows:

29 "14-236-116. Permit and registration fees - Annual training course.

30 (a) A fee of *thirty dollars (\$30.00)* shall be levied for the review of  
31 individual sewage disposal permit applications . However, it shall not be  
32 necessary to pay an additional fee to obtain a permit to repair an individual  
33 sewage disposal system or alternate and experimental system installed under a  
34 permit for which a fee has been paid under the provisions of this chapter.

35 (b) A fee of fifty dollars (\$50.00) shall be levied annually for the  
36 registration of installers.

1 (c) A fee of one hundred dollars (\$100) shall be levied annually for  
2 the registration of septic tank manufacturers.

3 (d) A designated representative must attend at least one (1) annual  
4 training course provided by the Department of Health and pay a fifty dollar  
5 (\$50.00) fee annually to maintain certification.

6 (e) The fee for the issuance of a review certificate under the  
7 provisions of this chapter to the person developing a subdivision shall be a  
8 minimum of *thirty dollars (\$30.00)* for one (1) lot and five dollars (\$5.00)  
9 for each following lot, with a maximum of five hundred dollars (\$500).

10 (f) Permit and regulation fees collected under this chapter shall be  
11 deposited in the State Treasury as follows:

12 (1) Five dollars (\$5.00) of each permit fee collected for permits  
13 issued under subsection (a) of this section shall be credited to a special  
14 fund to be known as the 'Individual Sewage Disposal Systems Improvement Fund',  
15 which is established on the books of the State Treasurer, with such moneys to  
16 be used by the Division of Sanitarian Services of the Department of Health  
17 for, and in the manner recommended by the Advisory Committee on Individual  
18 Sewage Disposal Systems, the implementation of the utilization and application  
19 of alternate and experimental individual sewage disposal systems, as set forth  
20 in this chapter.

21 (2) The remainder of the fees collected for permits issued under  
22 the provisions of subsection (a) of this section, and all of the net fees  
23 collected under the provisions of 14-236-112(c) and subdivisions (b) and (e)  
24 of this section shall be credited to the Public Health Fund, and the moneys  
25 shall be used only for the operation of the Division of Sanitarian Services of  
26 the Department of Health; and

27 (3) Subject to such rules and regulations as may be implemented  
28 by the Chief Fiscal Officer of the State, the disbursing officer for the  
29 Department of Health is hereby authorized to transfer all unexpended funds  
30 relative to the funds outlined in subdivision (f)(2) of this section that  
31 pertain to fees collected, as certified by the Chief Fiscal Officer of the  
32 State, to be carried forward and made available for expenditures for the same  
33 purpose for any following fiscal year; and

34 (g)(1) Permits issued under subsections (b), (c) and (d) of this  
35 section shall be nontransferable and shall be renewed annually.

1 (2) A late fee equal to one-half (1/2) of the renewal fee for any  
2 type of registration or certification shall be charged to renew a permit sixty  
3 (60) days after the annual expiration date."  
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5 SECTION 3. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.  
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9 SECTION 4. If any provision of this Act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the Act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 Act are declared to be severable.  
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15 SECTION 5. All laws and parts of laws in conflict with this act are  
16 hereby repealed.  
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18 /s/James T. Jordan  
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20 APPROVED: 3/29/91  
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