

EXHIBIT H

LEGISLATIVE COUNCIL'S SUBCOMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS AND THE HOUSE AND SENATE INTERIM COMMITTEES ON PUBLIC HEALTH, WELFARE, AND LABOR

DEPARTMENT	DEPARTMENT OF HEALTH
DIRECTOR	PAUL K. HALVERSON, DrPH
CONTACT PERSON	ROBERT BRECH
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Summary of Proposed Repeal of the Rules and Regulations Pertaining to Recreational Lots

The State Board of Health is proposing to repeal its Rules and Regulations Pertaining to Recreational Lots. This rule was passed in 1990 and has been used to develop properties with relatively small lots. The original intent of the rule was to allow for the sale of these smaller lots with the proviso that common services would be provided. These services would include, sewer, water, and garbage collection. There would also be service buildings available containing the necessary toilets and other plumbing fixtures. Unfortunately, there were developments created and lots sold to the public where the person responsible for providing the common amenities absconded or declared bankruptcy. This has resulted in the unfortunate circumstance of ownership of lots too small to properly utilize without the promised common amenities.

RULES AND REGULATIONS PERTAINING TO RECREATIONAL LOTS

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SECTION I. AUTHORITY.

The following Rules and Regulations Pertaining to Recreational Lots are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Act 96 of 1913 as Amended (Ark. Code. Ann. § 20-7-109).

SECTION II. PURPOSE.

The purpose of these Rules and Regulations is to provide requirements for the proper provision and approved design of facilities for potable water, sewage disposal and solid waste collection in recreational lots and lot developments.

SECTION III. DEFINITIONS.

The following terms are defined for the purpose of these regulations.

A. Developer. Any corporation, individual or persons selling, transferring or conveying three or more parcels of land in a contiguous manner for use as recreational lots.

B. Recreational Lot. Any lot designated for recreational purposes which does not have an approved individual potable water supply or sewage disposal system.

C. Recreational Vehicle. A portable temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. Sanitary Station. A facility used for removing and disposing of wastes from trailer holding tanks.

E. Service Building. A structure housing toilet, lavatory and such other facilities as are necessary to adequately serve the occupants.

F. Travel Trailer. A vehicle used and so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof as a temporary or seasonal dwelling.

G. Tent. A shelter made of flexible material erected directly on the ground or on a stationary platform.

H. Tent Trailer. A vehicle less than twenty (20) feet in length with an expandable enclosure of canvas, fabric or metal, constructed in such a manner that temporary facilities for sleeping or dwelling are provided.

I. Truck Camper. Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle. Such facilities may be either permanently or temporarily attached.

J. Watering Station. A facility for supplying water storage tanks with potable water.

SECTION IV. COMPLIANCE.

Any parcel of land in which three or more spaces, lots, or parcels are developed or intended for use by a recreational vehicle, travel trailer, truck camper, tent trailer, or tent occupancy, shall be in compliance with these Regulations.

The developer of the lots shall be responsible for compliance with these Regulations.

SECTION V. SEWAGE DISPOSAL.

An adequate and safe sewerage system approved by the Arkansas Department of Health shall be provided in all recreational lot developments for conveying and disposing of all sewage. All sewage shall be disposed of in a public sewage system where one is accessible within 300 feet.

A. Sanitary Station.

1. A sanitary station shall be provided in the ratio of one for every 100 recreational lots or fractional part thereof.

2. Sanitary stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any recreational lot by a distance of at least 50 feet.

SERVICE VI. SERVICE BUILDING.

A. Required permanent sanitary facilities for recreational lots

1. A service building containing the necessary toilet and other plumbing fixtures specified in Table 1 shall be provided. Service buildings shall be conveniently located within 300 feet to the spaces served.

TABLE 1

No. of Rec. Lots	Toilets		Urinals	Labvatories		Showers	
	Men	Women	Men	Men	Women	Men	Women

3-20	1	1	1	1	1	1	1
21-40	1	2	1	2	2	1	1
41-80	2	2	1	3	3	2	2
81-100	2	3	2	3	3	2	2

2. For developments having more than 100 recreational lots there shall be provided: 1 additional toilet and lavatory for each sex per each additional 30 lots; 1 additional shower for each sex per each additional 40 lots; and 1 additional men's urinal for each additional 100 lots.

SECTION VII. WATER SUPPLY.

A. Quality and Source. An adequate supply of water under pressure which meets the bacteriological, chemical and physical requirements of the Rules and Regulations Pertaining to Public Water Systems shall be provided.

B. Watering Stations. One or more easily accessible water supply outlets for filling water storage tanks shall be provided. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage.

SECTION VIII. PLUMBING.

All plumbing shall conform to the current Arkansas State Plumbing Code.

SECTION IX. REFUSE DISPOSAL.

Refuse and/or solid waste containers shall be provided in adequate numbers within one hundred (100) feet of each recreational lot and shall be animal and insect proof. Garbage shall be collected and disposed of a minimum of once weekly and more often if needed. The area around the refuse containers shall be kept clean.

SECTION X. PLAN REVIEW.

The developer must submit properly prepared plans and specifications to the Arkansas Department of Health for approval of sewage disposal and solid waste facilities, and the ultimate maintenance of said facilities, before any lots are sold or construction is begun. A plan review fee of \$15.00 for the first lot and \$2.50 for each additional lot must be submitted with the plans and specifications.

SECTION XI. PENALTIES.

Every person, firm, or corporation violating any of the provisions of this act, or any of the orders, rules or regulations made and promulgated in pursuance hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment not exceeding one (1) month, or both and each day of violation shall constitute a separate offense.

Section XII. CERTIFICATION

This will certify that the foregoing Rules and Regulations Pertaining to Recreational Lots were adopted by the Arkansas State Board of Health at a regular session of the Board held in Fayetteville, Arkansas on the 25th day of October, 1990.

(signed)

M. Joycelyn Elders, M.D., Director

Arkansas Department of Health

The following & Rules and Regulations have been filed in my office and are hereby adopted on the 27th day of November, 1990.

(signed)

Bill Clinton

Governor

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

DEPARTMENT/AGENCY Arkansas Department of Health
 DIVISION Environmental Health
 DIVISION DIRECTOR J. Terry Paul, R.S.
 CONTACT PERSON J. Terry Paul, R.S.
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 NAME OF PRESENTER AT COMMITTEE MEETING J. Terry Paul
 PRESENTER E-MAIL jpaul@arkansas.gov

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? Rules and Regulations Pertaining to Recreational Lots

2. What is the subject of the proposed rule? Small lot approval system for minimal use without utilities on the lots.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
 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
 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 No

5. Is this a new rule? Yes No
If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No
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
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.

N/A

7. What is the purpose of this proposed rule? Why is it necessary?
To repeal a rule that has not been utilized in several years. Unfortunately, when it was used in the past, it resulted in negative environmental impacts.

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).

www.healthy.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following:

Date: 10-4-2011

Time: 9:30 10 am

Place: Freeway Medical Building Room 906, 5800 West 10th, Little Rock, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.) October 25, 2011

11. What is the proposed effective date of this proposed rule? (Must provide a date.) March 1, 2012

12. Do you expect this rule to be controversial? Yes No
If yes, please explain. _____

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.

none known

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Departments of Health
DIVISION Environmental Health
PERSON COMPLETING THIS STATEMENT J. Terry Paul, R.S
TELEPHONE NO. 501-661-2171 **FAX** NO. 501-661-2572 **EMAIL:** jpaul@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations Pertaining to Recreational Lots

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____