

Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 189 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 1503

4
5 By: Representative Key
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For An Act To Be Entitled

8
9 AN ACT TO CLARIFY THE MEMBERSHIP OF THE
10 INDIVIDUAL SEWAGE DISPOSAL SYSTEMS ADVISORY
11 COMMITTEE; TO EMPOWER THE COMMITTEE TO ENFORCE
12 RULES PERTAINING TO INDIVIDUAL SEWAGE DISPOSAL
13 SYSTEMS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT CONCERNING THE INDIVIDUAL SEWAGE
17 DISPOSAL SYSTEMS ADVISORY COMMITTEE.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-229-101(b), concerning the membership of
23 the Individual Sewage Disposal Systems Advisory Committee, is amended to read
24 as follows:

25 (b) The advisory committee shall consist of ~~twelve (12)~~ fourteen (14)
26 members, to be appointed as follows:

27 (1) A member of the Arkansas Home Builders Association, to be
28 appointed by the president of the association;

29 (2) A member of the Arkansas Real Estate Commission, to be
30 appointed by a majority vote of the commission;

31 (3) A member of the Arkansas Realtors Association, to be
32 appointed by the president of the association;

33 (4)(A) One (1) member who shall be a currently serving or former
34 member of the board of a suburban improvement district or an officer or
35 member of an association of property owners created by and pursuant to state



1 law and organized for the purpose of maintaining common facilities, including
2 sewage disposal facilities, in unincorporated subdivisions in this state, to
3 be named by the Governor.

4 (B) However, in making the appointment, the Governor shall
5 name a person who has been a developer or a member or officer of the board of
6 a development company that has developed large unincorporated subdivisions in
7 two (2) or more counties in this state;

8 (5) One (1) member who is a registered septic tank installer to
9 be appointed by the Governor;

10 (6) One (1) member who is a certified designated representative
11 to be appointed by the Governor;

12 ~~(5)(7) Two (2) members of the Septic Tank Research Program of~~
13 ~~who are interested in individual sewage disposal systems research from the~~
14 University of Arkansas, to be named by the President of the University of
15 Arkansas;

16 ~~(6)(8) The Director of the Division of Engineering, Department~~
17 ~~of Health~~ Three (3) members involved with the individual sewage disposal
18 systems program of the Division of Health of the Department of Health and
19 Human Services to be appointed by the Director of the Division of Health of
20 the Department of Health and Human Services;

21 ~~(7) The Program Administrator of the Environmental Program~~
22 ~~Section, Division of Environmental Health Protection, Department of Health;~~

23 ~~(8) The Director of the Division of Environmental Health~~
24 ~~Protection, Department of Health;~~

25 (9) The Director of the Arkansas Department of Environmental
26 Quality or a designee;

27 (10) The State Conservationist of the United States Department
28 of Agriculture ~~Soil Conservation Service~~ Natural Resources Conservation
29 Service or a designee; and

30 (11) The State Geologist with the Arkansas Geological Commission
31 or a designee.

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33 SECTION 2. Arkansas Code § 14-229-101(c)(1), concerning the terms of
34 membership on the Individual Sewage Disposal Systems Advisory Committee, is
35 amended to read as follows:

36 (c)(1) The ~~six (6)~~ eight members of the advisory committee appointed

1 to serve thereon in the manner set forth in subdivisions (b)(1) ~~through~~
2 ~~(b)(5) - (7)~~ of this section shall be appointed for terms of four (4) years.

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4 SECTION 3. Arkansas Code § 14-229-102 is amended to read as follows:

5 14-229-102. Individual Sewage Disposal Systems Advisory Committee -
6 Powers and duties.

7 The Individual Sewage Disposal Systems Advisory Committee shall have
8 the following powers and duties:

9 (1) To advise with and make recommendations to the Director of
10 the ~~Department of Health~~ the Division of Health of the Department of Health
11 and Human Services and the Director of the Division of ~~Sanitarian Services of~~
12 ~~the Department of Health~~ Environmental Health Protection of the Division of
13 Health of the Department of Health and Human Services, concerning the
14 utilization and application of alternate and experimental individual sewage
15 disposal systems;

16 (2) To advise with and assist the Division of ~~Sanitarian~~
17 ~~Services~~ Environmental Health Protection of the Division of Health of the
18 Department of Health and Human Services in efforts to promote the
19 experimentation, development, and improvement of individual sewage disposal
20 systems;

21 (3) To advise with and assist the Division of ~~Sanitarian~~
22 ~~Services~~ Environmental Health Protection of the Division of Health of the
23 Department of Health and Human Services in the development and implementation
24 of:

25 (A) Training and educational programs for employees of the
26 Division of ~~Sanitarian Services~~ Environmental Health Protection of the
27 Division of Health of the Department of Health and Human Services, to
28 acquaint the employees with technological advances in the development of
29 experimental and alternate systems for individual sewage disposal systems;

30 (B) Opportunities for employees of the Division of
31 ~~Sanitarian Services~~ Environmental Health Protection of the Division of Health
32 of the Department of Health and Human Services to participate in seminars and
33 other training programs designed for their technological advancement,
34 including the promulgation of guidelines and regulations for reimbursement of
35 expenses for employees who engage in the training opportunities;

36 (C) The acquisition of laboratory testing equipment

1 necessary for the conducting of experiments and testing of experimental and
 2 alternate individual sewage disposal systems;

3 (D) The acquisition of necessary field supplies and
 4 equipment to enable the Division of ~~Sanitarian Services~~ Environmental Health
 5 Protection of the Division of Health of the Department of Health and Human
 6 Services to engage in necessary field activities to assist property owners in
 7 the installation, operation, and repair of experimental and alternate
 8 individual sewage disposal systems, and to enable the department to offer
 9 technical advice, when requested by property owners, with respect to the
 10 operation or repair of the equipment;

11 (E) To provide, if funds are available ~~therefor~~, technical
 12 assistance, materials, and equipment required for the modification or repair
 13 of experimental and alternate individual sewage disposal systems, which have
 14 been installed by property owners under permits issued by the department, of
 15 equipment approved by the department as being adequate to meet state
 16 individual sewage disposal systems standards; and

17 (F) To cooperate with and offer assistance to other public
 18 agencies, private developers, and home owners in the development,
 19 installation, operation, repair, modification, and improvement of
 20 experimental and alternate individual sewage disposal systems for the purpose
 21 of developing the necessary technological advancements required to meet the
 22 standards prescribed by the Division of ~~Sanitarian Services~~ Environmental
 23 Health Protection of the Division of Health of the Department of Health and
 24 Human Services for the installation and operation of individual sewage
 25 disposal systems deemed adequate to function, in accordance with the
 26 standards in the particular area in which the systems are to be installed;
 27 and

28 (4)(A) If a firm, person, or corporation violates any provision
 29 of § 14-236-101 et seq. or the rules or orders promulgated or issued by the
 30 State Board of Health or violates any condition of a license, permit,
 31 certificate, or any other type of registration, the committee may assess a
 32 civil penalty and suspend or revoke the license, permit certificate, or other
 33 type of registration of the firm, person, or corporation.

34 (B) A civil penalty assessed under subdivision (4)(A) of
 35 this section shall not exceed one thousand dollars (\$1,000) for each
 36 violation.

1 (C) Each day of a continuing violation may be deemed a
2 separate violation for purposes of penalty assessments.

3 (D) All fines collected under this section shall be
4 deposited into the State Treasury and credited to the Public Health Fund to
5 be used to defray the costs of administering the individual sewage disposal
6 systems program.

7 (E) Subject to rules that may be implemented by the Chief
8 Fiscal Officer of the State, the disbursing officer for the Department of
9 Health and Human Services may transfer all unexpended funds relative to fines
10 collected under this section, as certified by the Chief Fiscal Officer of the
11 State, to be carried forward and made available for expenditures for the same
12 purpose for any following fiscal year.

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14 **APPROVED: 3/1/2007**

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