

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4
5 By: Representative Key
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7

A Bill

HOUSE BILL 1503

For An Act To Be Entitled

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 AN ACT CONCERNING THE INDIVIDUAL SEWAGE
16 DISPOSAL SYSTEMS ADVISORY COMMITTEE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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
36 law and organized for the purpose of maintaining common facilities, including



1 sewage disposal facilities, in unincorporated subdivisions in this state, to
2 be named by the Governor.

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

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

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

11 ~~(5)(7) Two (2) members of the Septic Tank Research Program of~~
12 who are interested in individual sewage disposal systems research from the
13 University of Arkansas, to be named by the President of the University of
14 Arkansas;

15 ~~(6)(8) The Director of the Division of Engineering, Department~~
16 ~~of Health~~ Three (3) members involved with the individual sewage disposal
17 systems program of the Division of Health of the Department of Health and
18 Human Services to be appointed by the Director of the Division of Health of
19 the Department of Health and Human Services;

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

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

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

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

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

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

35 (c)(1) The ~~six (6)~~ eight members of the advisory committee appointed
36 to serve thereon in the manner set forth in subdivisions (b)(1) ~~through~~

1 ~~(b)(5) - (7)~~ of this section shall be appointed for terms of four (4) years.

2
3 SECTION 3. Arkansas Code § 14-229-102 is amended to read as follows:

4 14-229-102. Individual Sewage Disposal Systems Advisory Committee -
5 Powers and duties.

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

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

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

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

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

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

35 (C) The acquisition of laboratory testing equipment
36 necessary for the conducting of experiments and testing of experimental and

1 alternate individual sewage disposal systems;

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

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

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

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

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

36 (C) Each day of a continuing violation may be deemed a

1 separate violation for purposes of penalty assessments.

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

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

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