

**Hall of the House of Representatives**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 1753**

"TO AMEND THE ARKANSAS SEWAGE DISPOSAL SYSTEMS ACT."

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**Amendment No. 1 to House Bill No. 1753.**

Amend House Bill No. 1753 as originally introduced:

Add Senator Madison as a cosponsor of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 14-236-103, concerning definitions, is amended to add a new subdivision to read as follows:

(17) "Certified maintenance person" means an individual registered by the Division of Sanitarian Services of the Division of Health of the Department of Health and Human Services to conduct assessments under this chapter.

SECTION 2. Arkansas Code § 14-236-116 is amended to read as follows:  
14-236-116. Permits and registration fees - Annual training course - Transferability - Renewal.

(a)(1) A fee shall be levied for the review of individual sewage disposal permit applications as follows:

(A) For structures one thousand five hundred square feet (1,500 sq. ft.) or less, the fee to review a permit application is thirty dollars (\$30.00);

(B) For structures more than one thousand five hundred square feet (1,500 sq. ft.) and less than two thousand square feet (2,000 sq. ft.), the fee to review a permit application is forty-five dollars (\$45.00);

(C) For structures more than two thousand square feet (2,000 sq. ft.) and less than three thousand square feet (3,000 sq. ft.), the fee to review a permit application is ninety dollars (\$90.00);

(D) For structures more than three thousand square feet (3,000 sq. ft.) and less than four thousand square feet (4,000 sq. ft.), the fee to review a permit application is one hundred twenty dollars (\$120);

(E) For structures four thousand square feet (4,000 sq. ft.) and greater, the fee to review a permit application is one hundred fifty dollars (\$150); and



(F) For the alteration, repair, or extension of any individual sewage disposal system, the fee to review a permit application is ~~fifty dollars (\$50.00)~~ thirty dollars (\$30.00).

(2)(A) In calculating the square footage of a residential structure for purposes of determining the applicable fee under this section, the square footage of all auxiliary areas of the residential structure shall not be considered.

(B) Auxiliary areas include garages, carports, porches, and other similar areas as determined by the Division of Environmental Health Protection of the Department of Health and Human Services.

(b) An installer shall receive at least one (1) annual training course from an online, private, or governmental source approved by the Division of Health of the Department of Health and Human Services and pay a fee of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100) annually to maintain certification.

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

(d) A designated representative must attend at least one (1) annual training course provided by the Division of Health of the Department of Health and Human Services and pay a ~~fifty dollar (\$50.00)~~ one hundred dollar (\$100) fee annually to maintain certification.

(e) A certified maintenance person must attend at least one (1) annual training course approved by the Division of Health of the Department of Health and Human Services and pay a fifty-dollar fee annually to maintain certification.

~~(e)~~(f) The fee for the issuance of a review certificate under the provisions of this chapter to the person developing a subdivision shall be a minimum of one hundred dollars (\$100) for one (1) lot and twenty-five dollars (\$25.00) for each following lot, with a maximum of one thousand five hundred dollars (\$1,500).

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

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

(2) The remainder of the fees collected for permits issued under the provisions of subsection (a) of this section, and all of the net fees collected under the provisions of subsections (b), (c), ~~and (e)~~ (d), (e), and (f) of this section shall be credited to the Public Health Fund, and the moneys shall be used only for the operation of the Onsite Wastewater Program of the Division of Sanitarian Services of the Division of Health of the Department of Health and Human Services; and

(3) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Division of Health of the Department of Health and Human Services is hereby

authorized to transfer all unexpended funds relative to the funds outlined in subdivision ~~(f)~~(g)(2) of this section that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

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

(2) A late fee equal to one-half (1/2) of the renewal fee for any type of registration or certification shall be charged to renew a permit sixty (60) days after the annual expiration date.

SECTION 3. Arkansas Code § 14-236-119 is repealed.

~~14-236-119. Bond.~~

~~(a)(1) The Division of Health of the Department of Health and Human Services shall require all designated representatives and installers to post a surety bond in an amount not less than ten thousand dollars ( \$10,000).~~

~~(2) The surety bond shall be provided by a surety company authorized to do business in the State of Arkansas and issued by an agent licensed in the State of Arkansas.~~

~~(b) The State Board of Health may increase by rule the amount of the surety bond for the designated representatives or installers.~~

SECTION 4. Arkansas Code Title 14, Chapter 236, Subchapter 1 is amended to add an additional section to read as follows:

14-236-119. Registration of a certified maintenance person.

(a) Each certified maintenance person who operates within the State of Arkansas shall be registered by the Division of Sanitarian Services of the Division of Health of the Department of Health and Human Services.

(b) The registration shall be issued by the Division of Sanitarian Services or its authorized agent upon compliance with this chapter and rules and regulations adopted under this chapter.

(c) The registration shall be renewed on January 1 of each year.

(d)(1) If a violation of this chapter occurs, a certified maintenance person's registration may be revoked without notice by the Division of Sanitarian Services.

(2) The certified maintenance person may appeal the revocation of the registration under the Administrative Procedure Act, § 25-15-201 et seq.

(e) Upon request by an authorized representative of the Division of Sanitarian Services, a certified maintenance person shall provide proof of registration.

(f) A certified maintenance person is subject to the penalties under § 14-236-106 for a violation of this chapter."

The Amendment was read \_\_\_\_\_  
By: Representative House  
KLL/TAT - 03-08-2007 13:50  
KLL242

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Chief Clerk