

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1008

4
5 By: Senator Broadway
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For An Act To Be Entitled

9 AN ACT TO REQUIRE A STUDY CONCERNING INSPECTION
10 AND CLEANUP OF PROPERTIES WHERE CONTROLLED
11 SUBSTANCES HAVE BEEN MANUFACTURED; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO REQUIRE A STUDY CONCERNING
15 INSPECTION AND CLEANUP OF PROPERTIES
16 WHERE CONTROLLED SUBSTANCES HAVE BEEN
17 MANUFACTURED.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. (a) There is created the Manufactured Drug Inspection and
24 Cleanup Study Committee.

25 (b) The committee shall be composed of the directors or the directors'
26 designees of the following state agencies that shall jointly conduct the
27 study required under subsection (d) of this section:

28 (1) Arkansas Department of Environmental Quality;

29 (2) Department of Health;

30 (3) Arkansas Manufactured Home Commission;

31 (4) Arkansas Landlord's Association;

32 (5) State Crime Laboratory; and

33 (6) Department of Arkansas State Police.

34 (c)(1) The following entities may participate in the committee:

35 (A) Arkansas Chiefs of Police Association;

36 (B) Arkansas Hospitality Association;



1 (C) Arkansas Manufactured Housing Association;

2 (D) Arkansas Realtors Association; and

3 (E) Arkansas Sheriffs Association.

4 (2) If any entity listed in subdivision (c)(1) of this section
5 joins the committee, that entity shall be included as a full partner in all
6 matters before the committee.

7 (d)(1) The committee shall conduct a study concerning inspection and
8 cleanup of properties where controlled substances have been manufactured.

9 (2) The study shall determine what guidelines should be
10 established for inspection and cleanup of structures where controlled
11 substances, as defined in the Uniform Controlled Substances Act, § 5-64-101
12 et seq., have been manufactured and initial cleanup has been performed by law
13 enforcement agencies, including:

14 (A) Certification and guidelines for private entities that
15 undertake inspections of contaminated properties;

16 (B) Certification and guidelines for private entities that
17 undertake remediation or removal, or both, of contaminated materials from
18 contaminated properties;

19 (C) Guidelines for appropriate recordkeeping by the
20 Department of Health or another appropriate governmental entity with respect
21 to:

22 (i) A listing of contaminated properties;

23 (ii) Inclusion of property on the contaminated
24 properties list;

25 (iii) The results of cleanup of contaminated
26 properties and removal of a structure from the contaminated property list;
27 and

28 (iv) Access to the records created under
29 subdivisions (d)(2)(C)(i) - (iii) of this section by potential purchasers of
30 contaminated properties; and

31 (D) Guidelines for steps to be taken by property owners
32 for removal of a structure from the contaminated property list.

33 (e) The committee shall report its findings to the Legislative Council
34 on or before January 1, 2006.

35 (2) The report shall include, but not be limited to:

36 (A) A summary of all of the certification and guidelines

1 developed under subsection (d) of this section; and

2 (B) A determination concerning whether, with respect to
3 inspection and cleanup of contaminated properties:

4 (i) Legislation should be enacted by the General
5 Assembly; or

6 (ii) Regulatory action should be taken by the
7 Department of Health or another appropriate governmental entity under
8 existing law.