

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

As Engrossed: H3/12/07 S3/27/07

# A Bill

HOUSE BILL 1753

5 By: Representative House  
6 By: *Senator Madison*  
7

## For An Act To Be Entitled

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9  
10 AN ACT TO AMEND THE ARKANSAS SEWAGE DISPOSAL  
11 SYSTEMS ACT; AND FOR OTHER PURPOSES.  
12

### Subtitle

13  
14 TO AMEND THE ARKANSAS SEWAGE DISPOSAL  
15 SYSTEMS ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

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

22 *(17) "Certified maintenance person" means an individual*  
23 *registered by the Division of Sanitarian Services of the Division of Health*  
24 *of the Department of Health and Human Services to conduct assessments under*  
25 *this chapter.*  
26

27 *SECTION 2. Arkansas Code § 14-236-116 is amended to read as follows:*  
28 *14-236-116. Permits and registration fees - Annual training course -*  
29 *Transferability - Renewal.*

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

32 *(A) For structures one thousand five hundred square feet*  
33 *(1,500 sq. ft.) or less, the fee to review a permit application is thirty*  
34 *dollars (\$30.00);*

35 *(B) For structures more than one thousand five hundred*  
36 *square feet (1,500 sq. ft.) and less than two thousand square feet (2,000 sq.*



1 ft.), the fee to review a permit application is forty-five dollars (\$45.00);

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

5 (D) For structures more than three thousand square feet  
6 (3,000 sq. ft.) and less than four thousand square feet (4,000 sq. ft.), the  
7 fee to review a permit application is one hundred twenty dollars (\$120);

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

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

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

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

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

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

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

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

36 ~~(e)(f)~~ The fee for the issuance of a review certificate under the

1 provisions of this chapter to the person developing a subdivision shall be a  
2 minimum of one hundred dollars (\$100) for one (1) lot and twenty-five dollars  
3 (\$25.00) for each following lot, with a maximum of one thousand five hundred  
4 dollars (\$1,500).

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

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

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

24 (3) Subject to such rules and regulations as may be implemented  
25 by the Chief Fiscal Officer of the State, the disbursing officer for the  
26 Division of Health of the Department of Health and Human Services is hereby  
27 authorized to transfer all unexpended funds relative to the funds outlined in  
28 subdivision ~~(f)~~(g)(2) of this section that pertain to fees collected, as  
29 certified by the Chief Fiscal Officer of the State, to be carried forward and  
30 made available for expenditures for the same purpose for any following fiscal  
31 year.

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

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

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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.

SECTION 5. Arkansas Code § 14-236-111 is amended to read as follows:  
14-236-111. Review of proposals and inspections.

1 (a) *The Division of Sanitarian Services of the Division of Health of*  
2 *the Department of Health and Human Services or its authorized agent is*  
3 *authorized and directed to review proposals for individual sewage disposal*  
4 *systems and to make inspections of individual sewage disposal systems as may*  
5 *be necessary to determine substantial compliance with this chapter and*  
6 *regulations adopted hereunder. The systems shall not be used unless a permit*  
7 *for operation has been approved by the Division of Sanitarian Services of the*  
8 *Division of Health of the Department of Health and Human Services or its*  
9 *authorized agent.*

10 (1) *In the event that an authorized agent has not been*  
11 *designated for a county or municipality or locality, applications for*  
12 *individual sewage disposal systems shall be made to the Division of*  
13 *Sanitarian Services of the Division of Health of the Department of Health and*  
14 *Human Services.*

15 (2) ~~*Upon the basis of inspections, the The Division of*~~  
16 *Sanitarian Services of the Division of Health of the Department of Health and*  
17 *Human Services or its authorized agent shall either approve or disapprove the*  
18 *individual sewage disposal system design, and, if disapproved, the system*  
19 *shall not be ~~used~~ installed until all deficiencies are corrected and the*  
20 ~~*system reinspected and design approved by the Division of Sanitarian Services*~~  
21 *of the Division of Health of the Department of Health and Human Services or*  
22 *its authorized agent.*

23 (b) ~~*It shall be the duty of the holder of a permit issued pursuant to*~~  
24 ~~*this section installer to notify the Division of Sanitarian Services of the*~~  
25 ~~*Division of Health of the Department of Health and Human Services, its*~~  
26 ~~*authorized agent, or his or her designated representative when the*~~  
27 ~~*installation is ready for inspection to occur and it shall be the duty of the*~~  
28 ~~*owner or occupant of the property to give the Division of Sanitarian Services*~~  
29 ~~*of the Division of Health of the Department of Health and Human Services, its*~~  
30 ~~*authorized agent, or his or her designated representative free access to the*~~  
31 ~~*property at reasonable times for the purpose of making such inspections as*~~  
32 ~~*are necessary.*~~

33 (c) ~~*In the event an inspection is not made within two (2) working days*~~  
34 ~~*from the date of notification to the Division of Sanitarian Services of the*~~  
35 ~~*Department of Health, its authorized agent, or his designated representative*~~  
36 ~~*that the installation is completed and ready for inspection, the system shall*~~

1 ~~be deemed approved.~~ Within five (5) working days, the installer shall  
2 certify to the Division of Sanitarian Services of the Division of Health of  
3 the Department of Health and Human Services that the system has been  
4 installed pursuant to the approved permit.

5 (d) Any person aggrieved by the disapproval of an individual sewage  
6 disposal ~~installation~~ system shall be afforded review as provided in the  
7 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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/s/ House