

ENROLLED HOUSE
BILL NO. 1723

By: Rice and Smith (Hopper) of
the House

and

Easley of the Senate

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 46.10, as amended by Section 8, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.10), which relates to dues and cancellation of license for nonpayment; modifying conditions for reinstatement of license; stating purpose; prohibiting certain sanitarian and environmental specialists from performing certain soil tests for compensation; authorizing the state to receive such compensation for performance of such tests if performed as an official duty of that employee; requiring certain persons engaging in certain sewage disposal systems to obtain certain certification from the Department of Environmental Quality; requiring promulgation of certain rules; defining term; authorizing certain specialists to perform soil profile descriptions for certain purposes; requiring certain others who perform same services to be certified by the Department of Environmental Quality pursuant to certain rules; specifying certain rules to be promulgated by the Environmental Quality Board; requiring the Water Quality Management Advisory Council to recommend certain rules to the Board; authorizing the assessment of administrative penalties and other disciplinary actions under certain conditions; requiring administrative penalties to be deposited in accordance to certain provision; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 46.10, as amended by Section 8, Chapter 220, O.S.L. 1998 (59 O.S. Supp. 2000, Section 46.10), is amended to read as follows:

Section 46.10 Every licensed architect and landscape architect shall pay to the secretary-treasurer of the Board a fee as prescribed by the rules of the Board. Upon receipt of the fee the secretary-treasurer shall issue a renewal of the license, which shall authorize the person to practice architecture or landscape architecture, as the case may be, in this state. The license of an architect or landscape architect which has been canceled by the Board for nonpayment of dues may be renewed at any time within three

(3) years from the date of the cancellation, upon payment to the secretary-treasurer of the fees which had accrued at the time of the cancellation and which would have been paid at the time of reinstatement had not the license been suspended, together with payment of the amount of penalties which may have been prescribed by the Board. If a license remains canceled for a period exceeding three (3) consecutive years, it shall not be reinstated unless the licensee has taken or submitted to a test or a quiz or a Board review or an examination as the circumstances of the individual case may warrant and as may be prescribed by the Board in order to determine continued competency of the licensee. A partnership, firm, association, corporation, limited liability company or limited liability partnership shall pay to the secretary-treasurer the fee prescribed and in the manner provided by the rules of the Board for the renewal of the certificate of authority for such partnership, firm, association, corporation, limited liability company or limited liability partnership.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.14 of Title 59, unless there is created a duplication in numbering, reads as follows:

Individuals registered under the Oklahoma Sanitarian and Environmental Specialist Registration Act who are employed by the State of Oklahoma shall not perform soil tests to design sewage disposal systems for compensation. This section shall not preclude the State of Oklahoma from receiving compensation for soil tests performed by these individuals as part of their official state employment duties.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1158 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 2002, any person, before engaging in the installation of individual sewage disposal systems, shall first obtain certification from the Department of Environmental Quality under such rules as may be promulgated by the Environmental Quality Board. The provisions of this subsection shall only apply to persons who install more than ten individual sewage disposal systems per calendar year. As used in this section, "individual sewage disposal systems" means a sewage disposal system that serves an individual residence or duplex and is not available for use by the general public.

B. Environmental Specialists employed by the Department of Environmental Quality may perform soil profile descriptions to design individual and other subsurface sewage disposal systems. Any other individual choosing to perform soil profile descriptions to design individual and other subsurface sewage disposal systems shall first be certified by the Department of Environmental Quality under such rules as may be promulgated by the Environmental Quality Board.

C. The Environmental Quality Board shall promulgate rules that shall include, but not be limited to, the following:

1. Establishment of minimum requirements for each type of certification;

2. Establishment of a procedure and schedule for the assessment of penalties for failure to comply with this section or rules promulgated pursuant thereto;

3. Establishment of procedures for suspension, revocation and nonrenewal of a certification; and

4. A requirement that an annual fee, as set by the Environmental Quality Board pursuant to Section 2-3-402 of Title 27A of the Oklahoma Statutes, shall be paid to the Department of Environmental Quality for each certification.

D. The Water Quality Management Advisory Council shall recommend proposed rules to the Environmental Quality Board pursuant to Section 2-2-201 of Title 27A of the Oklahoma Statutes.

E. The Department of Environmental Quality may, after notice and opportunity for a hearing pursuant to the Administrative Procedures Act, assess administrative penalties and may revoke, suspend or deny renewal of a certification pursuant to Section 2-3-502 of Title 27A of the Oklahoma Statutes for any violation of this section or rules promulgated pursuant thereto. Such administrative penalties shall be deposited as provided in Section 2-3-401 of Title 27A of the Oklahoma Statutes.

SECTION 4. This act shall become effective November 1, 2001.

Passed the House of Representatives the 15th day of May, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 16th day of May, 2001.

Presiding Officer of the Senate