

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 110

By: Myers and Fields of the  
Senate

3  
4 and

Sanders, DeWitt and  
5 Ortega of the House  
6  
7

8 An Act relating to waterworks and wastewater  
operators; amending 59 O.S. 2001, Section 1101, which  
9 relates to the Waterworks and Wastewater Works  
Operator Certification Act; updating statutory  
10 reference; amending 59 O.S. 2001, Section 1103, as  
last amended by Section 1, Chapter 14, O.S.L. 2008  
11 (59 O.S. Supp. 2010, Section 1103), which relates to  
certain Advisory Council; removing requirement for  
12 Sunset review; deleting obsolete language; amending  
59 O.S. 2001, Section 1104, as amended by Section 1,  
13 Chapter 154, O.S.L. 2006 (59 O.S. Supp. 2010, Section  
1104), which relates to agency rules; updating  
14 statutory reference; amending 59 O.S. 2001, Section  
1107, which relates to operator application process;  
15 updating statutory language; modifying term of  
license and renewal process; amending 59 O.S. 2001,  
16 Section 1108, which relates to temporary  
certificates; updating statutory language; and  
17 amending 59 O.S. 2001, Section 1114, which relates to  
powers of regulatory authority; clarifying reference;  
18 providing an effective date; and declaring an  
emergency.  
19  
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21 AUTHORS: Remove Sanders as principal House author and substitute  
with Ortega as principal House author  
22

23 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert  
24

1 "An Act relating to waterworks and wastewater  
2 operators; amending 59 O.S. 2001, Section 1101, which  
3 relates to the Waterworks and Wastewater Works  
4 Operator Certification Act; updating statutory  
5 reference; amending 59 O.S. 2001, Section 1103, as  
6 last amended by Section 1, Chapter 14, O.S.L. 2008  
7 (59 O.S. Supp. 2010, Section 1103), which relates to  
8 Waterworks and Wastewater Works Advisory Council;  
9 removing requirement for Sunset review; deleting  
10 obsolete language; amending 59 O.S. 2001, Section  
11 1104, as amended by Section 1, Chapter 154, O.S.L.  
12 2006 (59 O.S. Supp. 2010, Section 1104), which  
13 relates to agency rules; updating statutory  
14 reference; amending 59 O.S. 2001, Section 1107, which  
15 relates to operator application process; updating  
16 statutory language; modifying term of license and  
17 renewal process; directing the Environmental Quality  
18 Board to promulgate rules; amending 59 O.S. 2001,  
19 Section 1108, which relates to temporary  
20 certificates; updating statutory language; amending  
21 59 O.S. 2001, Section 1114, which relates to powers  
22 of regulatory authority; and clarifying reference.  
23  
24

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

15 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1101, is  
16 amended to read as follows:

17 Section 1101. A. ~~Sections 275 through 289~~ Section 1101 et seq.  
18 of this ~~act~~ title shall be known and may be cited as the "Waterworks  
19 and Wastewater Works Operator Certification Act".

20 B. The Waterworks and Wastewater Works Operator Certification  
21 Act is declared to be necessary to safeguard life, health, and  
22 property, and to protect the waters of this state.  
23  
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1 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1103, as  
2 last amended by Section 1, Chapter 14, O.S.L. 2008 (59 O.S. Supp.  
3 2010, Section 1103), is amended to read as follows:

4 Section 1103. A. The Waterworks and Wastewater Works Advisory  
5 Council ~~is hereby re-created, to continue until July 1, 2012, in~~  
6 ~~accordance with the provisions of the Oklahoma Sunset Law. The~~  
7 ~~Advisory Council~~ shall consist of nine (9) members appointed as  
8 follows:

9 1. The Governor shall appoint three members as follows:

- 10 a. one member who holds a certificate under the terms and  
11 conditions of which ~~he~~ the member could lawfully be  
12 the operator of a municipal waterworks ~~for an initial~~  
13 ~~term of three (3) years,~~
- 14 b. one member representing higher education and the  
15 Environmental Training Center for the State of  
16 Oklahoma ~~for an initial term of two (2) years,~~ and
- 17 c. one member appointed from a list of six or more  
18 nominees submitted by the Oklahoma Municipal League;

19 2. The President Pro Tempore of the Senate shall appoint three  
20 members as follows:

- 21 a. two members appointed from a list of twelve or more  
22 nominees submitted by the Oklahoma Water and Pollution  
23 Control Association, and

24

1           b.    one member appointed from a list of twelve or more  
2                   nominees submitted by the Oklahoma Rural Water  
3                   Association;

4           3.    The Speaker of the House of Representatives shall appoint  
5 three members as follows:

6           a.    one member who holds a certificate under the terms and  
7                   conditions of which ~~he~~ the member could lawfully be  
8                   the operator of a municipal waterworks ~~for an initial~~  
9                   ~~term of three (3) years,~~

10          b.    one member who holds a certificate under the terms and  
11                   conditions of which ~~he~~ the member could lawfully be  
12                   the operator of a municipal wastewater works ~~for an~~  
13                   ~~initial term of two (2) years, and~~

14          c.    one member appointed from a list of twelve or more  
15                   nominees submitted by the Oklahoma Rural Water  
16                   Association.

17          B.    ~~Persons serving on the Waterworks and Wastewater Works~~  
18 ~~Advisory Council as of June 30, 1993, shall continue to serve on~~  
19 ~~such Council for terms stated below unless a vacancy is created by~~  
20 ~~resignation, death or any other cause resulting in an unexpired~~  
21 ~~term. Such vacancy shall be filled by appointment as provided in~~  
22 ~~subsection A of this section for a term of three (3) years. Members~~  
23 ~~continuing to serve are:~~

1 ~~1. One member appointed from a list of six or more nominees~~  
2 ~~submitted by the Oklahoma Municipal League, whose term shall expire~~  
3 ~~June 30, 1994, and whose successor shall be appointed by the~~  
4 ~~Governor;~~

5 ~~2. One member appointed from a list of twelve or more nominees~~  
6 ~~submitted by the Oklahoma Water and Pollution Control Association,~~  
7 ~~whose term shall expire June 30, 1994, and whose successor shall be~~  
8 ~~appointed by the President Pro Tempore of the Senate;~~

9 ~~3. One member appointed from a list of twelve or more nominees~~  
10 ~~submitted by the Oklahoma Water and Pollution Control Association,~~  
11 ~~whose term shall expire June 30, 1995, and whose successor shall be~~  
12 ~~appointed by the President Pro Tempore of the Senate;~~

13 ~~4. One member appointed from a list of twelve or more nominees~~  
14 ~~submitted by the Oklahoma Rural Water Association, whose term shall~~  
15 ~~expire June 30, 1996, and whose successor shall be appointed by the~~  
16 ~~President Pro Tempore of the Senate; and~~

17 ~~5. One member appointed from a list of twelve or more nominees~~  
18 ~~submitted by the Oklahoma Rural Water Association, whose term shall~~  
19 ~~expire June 30, 1994, and whose successor shall be appointed by the~~  
20 ~~Speaker of the House of Representatives.~~

21 ~~6.~~ Each member shall be appointed to serve a term of office of  
22 three (3) years, ~~except that the term of those first appointed shall~~  
23 ~~expire as specified in subsection A above.~~ Any vacancy shall be  
24 filled pursuant to subsection A of this section.

1       ~~D.~~ C. The Council shall elect a chair and vice-chair from among  
2 its members. Five members shall constitute a quorum. ~~Each~~ The  
3 Council shall meet as required for rule development, review and  
4 recommendation and for such other purposes specified by law.  
5 Special meetings may be called by the chair or by the concurrence of  
6 any three members.

7       ~~E.~~ D. Of the nominees on each list referenced in subsection A  
8 of this section, one-third shall be individuals certified as  
9 competent to operate a municipal waterworks and one-third shall be  
10 individuals certified as competent to operate municipal wastewater  
11 works.

12       ~~F.~~ E. Members of the Council shall serve without compensation  
13 but may be reimbursed expenses incurred in the performance of their  
14 duties as provided by the State Travel Reimbursement Act. The  
15 Council is authorized to utilize the conference rooms of the  
16 Department and obtain administrative assistance from the Department  
17 as required.

18       ~~G.~~ F. The Council shall not recommend rules for promulgation ~~of~~  
19 by the Environmental Quality Board unless all applicable  
20 requirements of the Administrative Procedures Act have been followed  
21 including requirements relating to, but not limited to, notice, rule  
22 impact statement and rulemaking hearings. The Council shall perform  
23 the duties specified in subsection I of Section 2-2-201 of Title 27A  
24 of the Oklahoma Statutes for the Department of Environmental Quality

1 Advisory Councils and shall perform other duties as may be assigned  
2 to it by the Department.

3 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1104, as  
4 amended by Section 1, Chapter 154, O.S.L. 2006 (59 O.S. Supp. 2010,  
5 Section 1104), is amended to read as follows:

6 Section 1104. The Environmental Quality Board shall have the  
7 power and duty to promulgate such rules, including requirements,  
8 restrictions and conditions relating to the hiring or contracting of  
9 licensed public water supply or wastewater operators pursuant to the  
10 provisions of Section ~~2~~ 1118 of this ~~act~~ title and the establishment  
11 of a fee schedule pursuant to Section 2-3-402 of Title 27A of the  
12 Oklahoma Statutes, as it may deem necessary to the carrying out of  
13 the provisions and purposes of the Waterworks and Wastewater Works  
14 Operator Certification Act.

15 SECTION 4. AMENDATORY 59 O.S. 2001, Section 1107, is  
16 amended to read as follows:

17 Section 1107. A. Upon application, made upon a form to be  
18 prescribed by the Department of Environmental Quality, by an  
19 individual not less than eighteen (18) years of age, the Department  
20 shall issue a certificate when the applicant has paid a  
21 nonrefundable application fee and has met ~~any one~~ either of the  
22 following qualifications:

23 1. An applicant who successfully completes training and  
24 examination as prescribed by the Department; or

1           2. An applicant who holds a license or certificate issued by  
2 any other state or territory of the United States, and currently  
3 valid at the time ~~he~~ the applicant makes application hereunder,  
4 similar to a certificate provided for herein, where the requirements  
5 of such other state or territory for the issuance of a license or  
6 certificate, at the time such applicant received ~~said~~ that license  
7 or certificate, were of a level found by the Department to be the  
8 equivalent of the standards required hereby for a certificate of  
9 similar kind. ~~Provided, however, that no~~ No certificate shall be  
10 issued under this paragraph unless the holder of a certificate under  
11 ~~this act~~ the Waterworks and Wastewater Works Operator Certification  
12 Act would be issued a similar license or certificate by such other  
13 state or territory under substantially the same conditions.

14           B. All fees shall be deposited in the Certification Fund.

15           C. ~~Any~~ 1. Except as provided in paragraphs 2 and 3 of this  
16 subsection, any certificate issued under this section shall be  
17 renewable annually for the a period from July 1 to June 30 of two  
18 (2) years. The two-year period shall extend from the first day of  
19 the applicant's birth month.

20           2. For an individual certified prior to July 1, 2011, the first  
21 renewal certificate issued on or after July 1, 2011, shall expire  
22 between August 1, 2011, and July 1, 2012, on the first day of the  
23 individual's birth month. For an individual newly certified or  
24 reactivating a certification on or after July 1, 2011, the new or

1 reactivated certificate shall expire in one (1) year or less, on the  
2 first day of the individual's birth month. For a new, renewal or  
3 reactivated certificate issued pursuant to this paragraph, the  
4 Department shall apply a prorated fee based on the number of months  
5 that the certificate is effective compared to the fee for a full-  
6 term certificate.

7 3. If the individual's birth date falls during the first day of  
8 the month through the fifteenth day of the month, the renewal  
9 certificate first issued after the limited-term certificate issued  
10 under paragraph 2 shall be a one-year certificate. If the  
11 individual's birth date falls during the sixteenth day of the month  
12 through the last day of the month, the renewal certificate first  
13 issued after the limited term certificate issued under paragraph 2  
14 shall be a two-year certificate. In either case, succeeding  
15 renewals shall be subject to the two-year renewal provisions of  
16 paragraph 1.

17 4. The Environmental Quality Board shall adopt rules as  
18 necessary to implement the provisions of this subsection.

19 D. A certificate shall be renewed upon approval of the  
20 Department. Application for such renewal shall be submitted to the  
21 Department on forms prescribed by the Department, shall be  
22 accompanied by a renewal fee as set by the Board and shall include  
23 documentation that the applicant has met the ~~annual~~ renewal training  
24 requirements of the Department. The Department may allow a ~~thirty-~~

1 ~~one day~~ thirty-day grace period for such renewals, ~~from July 1~~  
2 ~~through July 31~~ following the expiration date of the certification,  
3 without requiring payment of a late fee as set by the Board,  
4 provided the applicant submits the required renewal fee and  
5 qualifies for such renewal.

6 E. A certificate which is not so renewed ~~by July 31~~ within  
7 thirty (30) days of the expiration date shall have no further force,  
8 effect or validity unless the Department, upon receipt of an  
9 application from the holder of the expired certificate within two  
10 (2) years after the ~~certificate's June 30~~ renewal date of the  
11 certificate, reactivates such certificate. Such reactivation  
12 application shall include the submission of data on forms prescribed  
13 by the Department, renewal and reactivation late fees as set by the  
14 Board, and documentation that the applicant has met the Department's  
15 renewal training requirements. A reactivated certificate may be  
16 renewed ~~annually~~ thereafter as provided in this section.

17 F. The holder of an expired and unreactivated certificate shall  
18 not be issued any new certificate unless ~~he~~ the applicant applies  
19 and qualifies therefor pursuant to the Waterworks and Wastewater  
20 Works Operator Certification Act.

21 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1108, is  
22 amended to read as follows:

23 Section 1108. Any individual who, after ~~the effective date of~~  
24 ~~this act~~ October 22, 1959, is employed or appointed as operator of a

1 waterworks or wastewater works for the operation of which ~~he~~ the  
2 individual does not hold a certificate, or the operation of which  
3 would be contrary to the terms and conditions of any certificate  
4 held by such individual, shall be issued a temporary certificate for  
5 the operation of such works by the Department of Environmental  
6 Quality upon satisfactory application made therefor within ten (10)  
7 days after initial employment or appointment of such individual as  
8 the operator of such works, accompanied by a fee as set by the  
9 Board. Such application shall be made under oath, and shall provide  
10 in addition any information required by the Department. ~~Said~~ The  
11 temporary certificate shall expire one (1) calendar year after the  
12 date of the applicant's initial employment as the operator of such  
13 works, and shall not be renewable. If such application is not made  
14 within ~~said~~ the ten (10) days, then the continuation of such  
15 individual as the operator of such works after ~~said~~ that ten (10)  
16 days shall be unlawful and shall constitute a violation of this act  
17 by both ~~said~~ the individual and the person owning or maintaining  
18 such works. If the issuance of such temporary certificate is  
19 refused for any lawful reason, then the continuation of such  
20 individual as the operator of such works after thirty (30) days  
21 after the Department has mailed notice of such refusal to the person  
22 owning or maintaining such works, and to such applicant, shall be  
23 unlawful and shall constitute a violation of this act by both ~~said~~  
24 the individual and the person owning or maintaining such works. Not

1 more than one temporary certificate shall be issued to the same  
2 individual during any five-year period. This section shall not be  
3 applicable to or authorize the issuance of a temporary certificate  
4 to any individual who has had a certificate revoked or whose  
5 certificate is under suspension, or to whom the issuance or renewal  
6 or reactivation of a certificate has been refused, under Section  
7 ~~1113~~ 1111 of this title, except where such individual has thereafter  
8 been reinstated or issued a certificate as provided in the  
9 Waterworks and Wastewater Works Operator Certification Act.

10 SECTION 6. AMENDATORY 59 O.S. 2001, Section 1114, is  
11 amended to read as follows:

12 Section 1114. The powers herein granted to the ~~Commissioner~~  
13 Executive Director of the Department of Environmental Quality shall  
14 be exercised subject to such rules and regulations as the Board may  
15 make, which are applicable thereto.”

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