



1 providing an effective date; and declaring an  
2 emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

10 B. The Waterworks and Wastewater Works Operator Certification  
11 Act is declared to be necessary to safeguard life, health, and  
12 property, and to protect the waters of this state.

13 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1103, as  
14 last amended by Section 1, Chapter 14, O.S.L. 2008 (59 O.S. Supp.  
15 2010, Section 1103), is amended to read as follows:

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

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

22 a. one member who holds a certificate under the terms and  
23 conditions of which ~~he~~ the member could lawfully be

1 the operator of a municipal waterworks ~~for an initial~~  
2 ~~term of three (3) years,~~

3 b. one member representing higher education and the  
4 Environmental Training Center for the State of  
5 Oklahoma ~~for an initial term of two (2) years,~~ and

6 c. one member appointed from a list of six or more  
7 nominees submitted by the Oklahoma Municipal League;

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

10 a. two members appointed from a list of twelve or more  
11 nominees submitted by the Oklahoma Water and Pollution  
12 Control Association, and

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

16 3. The Speaker of the House of Representatives shall appoint  
17 three members as follows:

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

22 b. one member who holds a certificate under the terms and  
23 conditions of which ~~he~~ the member could lawfully be

1 the operator of a municipal wastewater works ~~for an~~  
2 ~~initial term of two (2) years, and~~

3 c. one member appointed from a list of twelve or more  
4 nominees submitted by the Oklahoma Rural Water  
5 Association.

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

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

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

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

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

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

11 ~~C.~~ Each member shall be appointed to serve a term of office of  
12 three (3) years, ~~except that the term of those first appointed shall~~  
13 ~~expire as specified in subsection A above.~~ Any vacancy shall be  
14 filled pursuant to subsection A of this section.

15 ~~D.~~ C. The Council shall elect a chair and vice-chair from among  
16 its members. Five members shall constitute a quorum. ~~Each~~ The  
17 Council shall meet as required for rule development, review and  
18 recommendation and for such other purposes specified by law.  
19 Special meetings may be called by the chair or by the concurrence of  
20 any three members.

21 ~~E.~~ D. Of the nominees on each list referenced in subsection A  
22 of this section, one-third shall be individuals certified as  
23 competent to operate a municipal waterworks and one-third shall be

UNDERLINED language denotes Amendments to present Statutes.  
BOLD FACE CAPITALIZED language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 individuals certified as competent to operate municipal wastewater  
2 works.

3 ~~F.~~ E. Members of the Council shall serve without compensation  
4 but may be reimbursed expenses incurred in the performance of their  
5 duties as provided by the State Travel Reimbursement Act. The  
6 Council is authorized to utilize the conference rooms of the  
7 Department and obtain administrative assistance from the Department  
8 as required.

9 ~~G.~~ F. The Council shall not recommend rules for promulgation ~~of~~  
10 by the Environmental Quality Board unless all applicable  
11 requirements of the Administrative Procedures Act have been followed  
12 including requirements relating to, but not limited to, notice, rule  
13 impact statement and rulemaking hearings. The Council shall perform  
14 the duties specified in subsection I of Section 2-2-201 of Title 27A  
15 of the Oklahoma Statutes for the Department of Environmental Quality  
16 Advisory Councils and shall perform other duties as may be assigned  
17 to it by the Department.

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

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

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

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

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

17 2. An applicant who holds a license or certificate issued by  
18 any other state or territory of the United States, and currently  
19 valid at the time ~~he~~ the applicant makes application hereunder,  
20 similar to a certificate provided for herein, where the requirements  
21 of such other state or territory for the issuance of a license or  
22 certificate, at the time such applicant received ~~said~~ that license  
23 or certificate, were of a level found by the Department to be the

1 equivalent of the standards required hereby for a certificate of  
2 similar kind. ~~Provided, however, that no~~ No certificate shall be  
3 issued under this paragraph unless the holder of a certificate under  
4 ~~this act~~ the Waterworks and Wastewater Works Operator Certification  
5 Act would be issued a similar license or certificate by such other  
6 state or territory under substantially the same conditions.

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

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

13 2. For an individual certified prior to July 1, 2011, the first  
14 renewal certificate issued on or after July 1, 2011, shall expire  
15 between August 1, 2011, and July 1, 2012, on the first day of the  
16 individual's birth month. For an individual newly certified or  
17 reactivating a certification on or after July 1, 2011, the new or  
18 reactivated certificate shall expire in one (1) year or less, on the  
19 first day of the individual's birth month. For a new, renewal or  
20 reactivated certificate issued pursuant to this paragraph, the  
21 Department shall apply a prorated fee based on the number of months  
22 that the certificate is effective compared to the fee for a full-  
23 term certificate.

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

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

13        D. A certificate shall be renewed upon approval of the  
14 Department. Application for such renewal shall be submitted to the  
15 Department on forms prescribed by the Department, shall be  
16 accompanied by a renewal fee as set by the Board and shall include  
17 documentation that the applicant has met the ~~annual~~ renewal training  
18 requirements of the Department. The Department may allow a ~~thirty-~~  
19 ~~one-day~~ thirty-day grace period for such renewals, ~~from July 1~~  
20 ~~through July 31~~ following the expiration date of the certification,  
21 without requiring payment of a late fee as set by the Board,  
22 provided the applicant submits the required renewal fee and  
23 qualifies for such renewal.

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

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

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

18 Section 1108. Any individual who, after ~~the effective date of~~  
19 ~~this act~~ October 22, 1959, is employed or appointed as operator of a  
20 waterworks or wastewater works for the operation of which ~~he~~ the  
21 individual does not hold a certificate, or the operation of which  
22 would be contrary to the terms and conditions of any certificate  
23 held by such individual, shall be issued a temporary certificate for  
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1 the operation of such works by the Department of Environmental  
2 Quality upon satisfactory application made therefor within ten (10)  
3 days after initial employment or appointment of such individual as  
4 the operator of such works, accompanied by a fee as set by the  
5 Board. Such application shall be made under oath, and shall provide  
6 in addition any information required by the Department. ~~Said~~ The  
7 temporary certificate shall expire one (1) calendar year after the  
8 date of the applicant's initial employment as the operator of such  
9 works, and shall not be renewable. If such application is not made  
10 within ~~said~~ the ten (10) days, then the continuation of such  
11 individual as the operator of such works after ~~said~~ that ten (10)  
12 days shall be unlawful and shall constitute a violation of this act  
13 by both ~~said~~ the individual and the person owning or maintaining  
14 such works. If the issuance of such temporary certificate is  
15 refused for any lawful reason, then the continuation of such  
16 individual as the operator of such works after thirty (30) days  
17 after the Department has mailed notice of such refusal to the person  
18 owning or maintaining such works, and to such applicant, shall be  
19 unlawful and shall constitute a violation of this act by both ~~said~~  
20 the individual and the person owning or maintaining such works. Not  
21 more than one temporary certificate shall be issued to the same  
22 individual during any five-year period. This section shall not be  
23 applicable to or authorize the issuance of a temporary certificate

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1 to any individual who has had a certificate revoked or whose  
2 certificate is under suspension, or to whom the issuance or renewal  
3 or reactivation of a certificate has been refused, under Section  
4 ~~1113~~ 1111 of this title, except where such individual has thereafter  
5 been reinstated or issued a certificate as provided in the  
6 Waterworks and Wastewater Works Operator Certification Act.

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

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

13 SECTION 7. This act shall become effective July 1, 2011.

14 SECTION 8. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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19 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE &  
20 ENVIRONMENT, dated 04-06-2011 - DO PASS, As Amended and Coauthored.

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