

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 110

By: Myers

4
5
6 AS INTRODUCED

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

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

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

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

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

7 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1103, as
8 last amended by Section 1, Chapter 14, O.S.L. 2008 (59 O.S. Supp.
9 2010, Section 1103), is amended to read as follows:

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

- 15 1. The Governor shall appoint three members as follows:
- 16 a. one member who holds a certificate under the terms and
17 conditions of which ~~he~~ the member could lawfully be
18 the operator of a municipal waterworks ~~for an initial~~
19 ~~term of three (3) years,~~
 - 20 b. one member representing higher education and the
21 Environmental Training Center for the State of
22 Oklahoma ~~for an initial term of two (2) years,~~ and
 - 23 c. one member appointed from a list of six or more
24 nominees submitted by the Oklahoma Municipal League;

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

3 a. two members appointed from a list of twelve or more
4 nominees submitted by the Oklahoma Water and Pollution
5 Control Association, and

6 b. one member appointed from a list of twelve or more
7 nominees submitted by the Oklahoma Rural Water
8 Association;

9 3. The Speaker of the House of Representatives shall appoint
10 three members as follows:

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

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

19 c. one member appointed from a list of twelve or more
20 nominees submitted by the Oklahoma Rural Water
21 Association.

22 B. ~~Persons serving on the Waterworks and Wastewater Works~~
23 ~~Advisory Council as of June 30, 1993, shall continue to serve on~~
24 ~~such Council for terms stated below unless a vacancy is created by~~

1 ~~resignation, death or any other cause resulting in an unexpired~~
2 ~~term. Such vacancy shall be filled by appointment as provided in~~
3 ~~subsection A of this section for a term of three (3) years. Members~~
4 ~~continuing to serve are:~~

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

9 2. ~~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, 1994, and whose successor shall be~~
12 ~~appointed by the President Pro Tempore of the Senate;~~

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

17 4. ~~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, 1996, and whose successor shall be appointed by the~~
20 ~~President Pro Tempore of the Senate; and~~

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

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

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

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

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

22 ~~G.~~ F. The Council shall not recommend rules for promulgation ~~of~~
23 by the Environmental Quality Board unless all applicable
24 requirements of the Administrative Procedures Act have been followed

1 including requirements relating to, but not limited to, notice, rule
2 impact statement and rulemaking hearings. The Council shall perform
3 the duties specified in subsection I of Section 2-2-201 of Title 27A
4 of the Oklahoma Statutes for the Department of Environmental Quality
5 Advisory Councils and shall perform other duties as may be assigned
6 to it by the Department.

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

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

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

21 Section 1107. A. Upon application, made upon a form to be
22 prescribed by the Department of Environmental Quality, by an
23 individual not less than eighteen (18) years of age, the Department
24 shall issue a certificate when the applicant has paid a

1 nonrefundable application fee and has met ~~any one~~ either of the
2 following qualifications:

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

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

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

19 C. ~~Any~~ 1. Except as provided in paragraphs 2 and 3 of this
20 subsection, any certificate issued under this section shall be
21 renewable ~~annually~~ for the a period ~~from July 1 to June 30~~ of two
22 years. The two-year period shall extend from the first day of the
23 applicant's birth month through the last day of the month that
24 immediately precedes the applicant's birth month.

1 2. For an individual certified prior to July 1, 2011, the first
2 renewal certificate issued on or after July 1, 2011, shall expire
3 between July 31, 2011, and June 30, 2012, on the last day of the
4 month that immediately precedes the individual's birth month. For an
5 individual newly certified or reactivating a certification on or
6 after July 1, 2011, the new or reactivated certificate shall expire
7 in one year or less, on the last day of the month that immediately
8 precedes the individual's birth month. For a new, renewal or
9 reactivated certificate issued pursuant to this paragraph, the
10 Department shall apply a prorated fee based on the number of months
11 that such certificate is effective compared to the fee for a full-
12 term certificate.

13 3. If the individual's birth date falls during the first day of
14 the month through the fifteenth day of the month, the certificate
15 issued under paragraph 2 shall be a one-year certificate. If the
16 individual's birth date falls during the sixteenth day of the month
17 through the last day of the month, the certificate issued under
18 paragraph 2 shall be a two-year certificate. In either case,
19 succeeding renewals shall be subject to the two-year renewal
20 provisions of paragraph 1.

21 D. A certificate shall be renewed upon approval of the
22 Department. Application for such renewal shall be submitted to the
23 Department on forms prescribed by the Department, shall be
24 accompanied by a renewal fee as set by the Board and shall include

1 documentation that the applicant has met the ~~annual~~ renewal training
2 requirements of the Department. The Department may allow a ~~thirty-~~
3 ~~one-day~~ thirty-day grace period for such renewals, ~~from July 1~~
4 ~~through July 31~~ following the expiration date of the certification,
5 without requiring payment of a late fee as set by the Board,
6 +provided the applicant submits the required renewal fee and
7 qualifies for such renewal.

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

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

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

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

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

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

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

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

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

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