

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1348

4  
5 By: Representative Goodwin  
6 By: Senator Edwards

## For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE  
10 17, CHAPTER 51, CONCERNING WATER WORKS OPERATORS; AND FOR  
11 OTHER PURPOSES."

## Subtitle

13  
14 "AN ACT CONCERNING WATER WORKS  
15 OPERATORS."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19  
20 SECTION 1. Arkansas Code 17-51-101 is amended to read as follows:

21 "17-51-101. Definitions. As used in this chapter, unless the context  
22 otherwise requires:

23 (1) Water system operator means any person who, during the  
24 performance of his regular duties at a community public water system, a non-  
25 transient non-community public water system, or ~~a~~ any other noncommunity  
26 public water system which utilizes a surface water or surface water-influenced  
27 source, exercises individual judgment by which, either directly or indirectly,  
28 the safety, quality, and quantity of water delivered from the water system  
29 might be affected;

30 (2) Board means the State Board of Health;

31 (3) Committee means the Drinking Water Advisory and Operator  
32 Licensing Committee;

33 (4) Public water system means all sources and their surroundings from  
34 which water is derived for drinking or domestic purposes by the public, and  
35 all structures, conduits, and appurtenances in connection therewith by which  
36 water for such use is obtained, treated, conditioned, stored, and delivered to

1 consumers;

2 (5) \_Community public water system\_ means any public water system which  
 3 serves at least fifteen (15) connections or twenty-five (25) persons who are  
 4 year-round residents;

5 (6) \_Noncommunity public water system\_ means a public water system that  
 6 serves fifteen (15) service connections or twenty-five (25) persons, at least  
 7 sixty (60) days per year, that is not a community public water system;

8 (7) \_Late renewal\_ means an application for renewal when the  
 9 application for renewal or the associated fee is received more than thirty  
 10 (30) days following the beginning of a renewal period;

11 (8) \_Department\_ means the Department of Health; ~~and~~

12 (9) \_Treatment\_ means the application of physical processes, or the  
 13 addition of chemicals, or both, to water which a public water system provides  
 14 to the public for the purpose of improving the quality of the water, except  
 15 that the addition of gaseous chlorine, sodium hypochlorite, or calcium  
 16 hypochlorite alone shall not be defined as treatment;:-

17 (10) \_Non-transient non-community public water system\_ means a public  
 18 water system that is not a community water system and that regularly serves at  
 19 least twenty-five (25) of the same persons over six (6) months per year; and

20 (11) \_Drinking Water Operator Certification Program\_ means those  
 21 activities conducted by the Department of Health and the Drinking Water  
 22 Advisory and Operator Licensing Committee related to the training,  
 23 examination, and licensing and certification of public water system  
 24 operators."

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26 SECTION 2. Arkansas Code 17-51-104(a) is amended to read as follows:

27 "(a) There is created the Drinking Water Advisory and Operator  
 28 Licensing Committee to consist of seven (7) members to be appointed by the  
 29 board.

30 (1) One (1) shall be a member of the staff of the Division of  
 31 Engineering of the Department of Health who shall be a registered engineer and  
 32 who shall act as executive secretary for the board for water system operator  
 33 licensing activities, and also act as executive secretary for the committee;

34 (2) One (1) shall be an engineer on the teaching staff of any  
 35 state-supported institution of higher education who shall be either a sanitary  
 36 engineer, civil engineer, environmental engineer, or chemical engineer with

1 expertise in the drinking water field;

2 (3) Four (4) members shall be active water system operators who  
3 shall hold ~~Class A~~ the highest grade licenses;

4 (4) One (1) member shall be a consulting engineer specializing in  
5 drinking water systems design."

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7 SECTION 3. Arkansas Code 17-51-106(c) concerning disposition of fees  
8 under the water works operator law is amended to read as follows.

9 "(c) ~~All of said fees shall be deposited in a separate fund and shall~~  
10 ~~be utilized only for administration of this chapter.~~

11 (1) All fees collected under this chapter are declared special  
12 revenues and shall be deposited in the State Treasury to the credit of the  
13 Public Health Fund, and such monies shall be expended only for the  
14 administration of this chapter.

15 (2) Subject to such rules and regulations as may be implemented  
16 by the Chief Fiscal Officer of the State, the disbursing officer for the  
17 Department of Health is authorized to transfer all unexpended funds relative  
18 the Drinking Water Operator Certification Program that pertain to fees  
19 collected, as certified by the Chief Fiscal Officer of the State, to be  
20 carried forward and made available for expenditures for the same purpose in  
21 any following fiscal year."

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23 SECTION 4. Arkansas Code 17-51-201 is amended to read as follows:

24 "17-51-201. License required.

25 (a) In order to safeguard the public health, all operators of community  
26 and certain noncommunity public water systems, from which water is sold,  
27 distributed, or otherwise offered for human consumption, whether such water  
28 systems are publicly or privately owned and operated, shall be licensed and  
29 certified as competent by the department under the provisions of this chapter  
30 and under such rules and regulations as the board may adopt under the  
31 provisions of this chapter.

32 (b) It shall be unlawful for any person, municipality, political  
33 subdivision, corporation, partnership, sole proprietorship, or any authority  
34 that furnishes water for domestic consumption to operate any type of community  
35 public water system, non-transient non-community public water system, or any  
36 other noncommunity public water system utilizing a surface water or surface

1 water-influenced source, unless the operator in charge is duly licensed and  
2 certified competent by the Department of Health.

3 (c) It shall be unlawful for any person to perform the duties of an  
4 operator without being duly licensed or to falsely represent himself as a  
5 licensed operator.

6 (d) It shall also be unlawful for any public or private official, not  
7 duly licensed, to attempt to influence the judgment of a licensed operator in  
8 matters where the public health may be involved unless this official is an  
9 authorized representative of the Department of Health."

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11 SECTION 5. Arkansas Code 17-51-203 is amended to read as follows:

12 "17-51-203. Issuance - Temporary permits.

13 (a) The department shall license and certify all applicants for  
14 licenses under this chapter who satisfy the requirements of the chapter.  
15 Licenses shall be granted according to classifications set forth by the board.

16 (b) In an emergency, the department at its discretion may grant  
17 temporary permits for operation of a water system when, and only when, the  
18 public health and safety are not jeopardized. The temporary permit shall be  
19 valid for a period of not more than one (1) calendar year and may be renewed  
20 only once, with the approval of the department."

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22 SECTION 6. Arkansas Code 17-51-205 is amended to read as follows:

23 "17-51-205. Suspension - Revocation - Reinstatement.

24 (a) The department shall suspend the license of an operator for cause.

25 (b) The suspension shall remain in effect until the case can be  
26 reviewed by the committee, where the licensee shall have the opportunity to  
27 present his defense.

28 (c) After the committee has reported its findings to the board, the  
29 board shall uphold the department's suspension of the license, reinstate the  
30 licensee or revoke the license.

31 (d) A license so revoked may be reinstated only if all the conditions  
32 that caused revocation have been removed.

33 ~~----- (e)(1) Operators holding current licenses may request that their~~  
34 ~~licenses be placed on inactive status when they leave the employment of a~~  
35 ~~public water system by making a request in writing to the department.-----~~

36 ~~----- (2) Inactive licenses may be reinstated at any time after~~

1 ~~approval by the department by paying all renewal fees not paid during the~~  
2 ~~period of inactivity, provided that the total back fees shall not exceed the~~  
3 ~~total cost for obtaining a new license. Reexamination may be required by the~~  
4 ~~department."~~

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6       SECTION 7. All provisions of this act of a general and permanent  
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
8 Code Revision Commission shall incorporate the same in the Code.

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10       SECTION 8. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16       SECTION 9. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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