

person may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the date following final enactment and applies to crimes committed on or after that date.

Presented to the governor May 15, 1995

Signed by the governor May 17, 1995, 2:02 p.m.

CHAPTER 180—S.F.No. 273

An act relating to water; providing for the classification of water supply systems and wastewater treatment facilities and certification of operators by the department of health and the pollution control agency; appropriating money; amending Minnesota Statutes 1994, sections 115.71, subdivisions 1, 4, 8, 10, and by adding subdivisions; 115.72; 115.73; 115.75; 115.76; 115.77; and 144.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 1994, sections 115.71, subdivisions 2, 3, and 3a; 115.74; 115.78; 115.79; 115.80; and 115.82.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1994, section 115.71, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** As used in sections 115.71 to ~~115.82~~ 115.77, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1994, section 115.71, subdivision 4, is amended to read:

Subd. 4. **COUNCIL.** "Council" means the water and wastewater treatment operators ~~certification~~ advisory council established by section ~~115.74~~ 115.741.

Sec. 3. Minnesota Statutes 1994, section 115.71, is amended by adding a subdivision to read:

Subd. 4a. **POPULATION EQUIVALENT.** "Population equivalent" means a number determined by dividing a daily pound load of five-day, 20-degree-centigrade carbonaceous biochemical oxygen demand (CBOD) of raw sewage by 0.17.

Sec. 4. Minnesota Statutes 1994, section 115.71, subdivision 8, is amended to read:

Subd. 8. **WASTEWATER TREATMENT FACILITY OPERATOR.**

New language is indicated by underline, deletions by ~~strikeout~~.

"Wastewater treatment facility operator" means a person who has direct responsibility for the operation of or operates a wastewater treatment facility.

Sec. 5. Minnesota Statutes 1994, section 115.71, is amended by adding a subdivision to read:

Subd. 9a. WATER SUPPLY SYSTEM. "Water supply system" means a public system providing pumped water for human consumption, if the system has at least 15 service connections or regularly serves at least 25 of the same persons over six months per year.

Sec. 6. Minnesota Statutes 1994, section 115.71, subdivision 10, is amended to read:

Subd. 10. WATER SUPPLY SYSTEM OPERATOR. "Water supply system operator" means a person who has direct responsibility for the operation of or operates a community water supply system or such parts of the system as would affect the quality and safety of the water.

Sec. 7. Minnesota Statutes 1994, section 115.72, is amended to read:

115.72 CLASSIFICATION RULES.

Subdivision 1. COMMISSIONER OF HEALTH CLASSIFICATION. (a) The commissioner of health shall classify jointly with the agency adopt rules relating to the classification of all water supply systems actually used or intended for use by the public or by any considerable number of persons. The classes shall be based on the degree of hazard to public health together with the type and loading of plant and the population affected.

Subd. 2. POLLUTION CONTROL AGENCY. (b) The commissioner of the pollution control agency shall classify jointly with the commissioner of health adopt rules relating to the classification of all wastewater treatment facilities actually used or intended for use by the public or by any considerable number of persons.

(c) The classes described in paragraphs (a) and (b) shall be based on the degree of hazard to public health together with, the type and of unit process, the loading of the plant, and the population served or the average population equivalent of the sewage handled.

Subd. 2. CERTIFICATION QUALIFICATIONS. The commissioner of health and the agency shall jointly adopt rules relating to the certification qualifications for each classification of water supply system operators and wastewater facility operators, respectively. The rules must provide for at least one annual examination for each class of certificate and must include, but are not limited to:

- (1) education requirements;
- (2) education substitution provisions;

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- (3) experience requirements;
- (4) experience substitution provisions;
- (5) examination content requirements, testing procedures, and criteria for passing;
- (6) certificate renewal requirements;
- (7) schedules for submitting applications and fees; and
- (8) reinstatement requirements for expired, suspended, or revoked certificates.

The advisory council must be consulted before any rules are proposed under this subdivision.

Sec. 8. Minnesota Statutes 1994, section 115.73, is amended to read:

115.73 CERTIFICATION REQUIRED.

The commissioners of health and the pollution control agency shall certify water supply system operators and wastewater treatment facility operators, respectively, as to their qualifications to supervise the operation of water supply systems and wastewater treatment facilities based upon the recommendation of the council. A person may not operate a water supply system or wastewater treatment facility unless the system or facility maintains at least one person that:

- (1) is certified in a class equal to or higher than the class of the system or facility; and
- (2) has full and active responsibility for the daily on-site operation of the system or facility, or of a portion of the system or facility if an additional operator or operators with appropriate certification are responsible for the remaining portions.

Sec. 9. **[115.74] ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT FACILITIES.**

Subdivision 1. PURPOSE; MEMBERSHIP. The advisory council on water supply systems and wastewater treatment facilities shall advise the commissioners of health and the pollution control agency regarding classification of water supply systems and wastewater treatment facilities, qualifications and competency evaluation of water supply system operators and wastewater treatment facility operators, and additional laws, rules, and procedures that may be desirable for regulating the operation of water supply systems and of wastewater treatment facilities. The advisory council is composed of 11 voting members, of whom:

- (1) one member must be from the department of health, division of environmental health, appointed by the commissioner of health;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) one member must be from the pollution control agency, water quality division, appointed by the commissioner of the pollution control agency;

(3) three members must be certified water supply system operators, appointed by the commissioner of health;

(4) three members must be certified wastewater treatment facility operators, appointed by the commissioner of the pollution control agency;

(5) one member must be a representative from an organization representing municipalities, appointed by the commissioner of health with the concurrence of the commissioner of the pollution control agency; and

(6) two members must be members of the public who are not associated with water supply systems or wastewater treatment facilities. One must be appointed by the commissioner of health and the other by the commissioner of the pollution control agency.

Subd. 2. GEOGRAPHIC REPRESENTATION. At least one of the water supply system operators and at least one of the wastewater treatment facility operators must be from outside the seven-county metropolitan area and one wastewater operator must come from the metropolitan council wastewater services.

Subd. 3. TERMS; COMPENSATION. The terms of the appointed members and the compensation and removal of all members are governed by section 15.059. The council expires June 30, 1999.

Subd. 4. OFFICERS. When new members are appointed to the council, a chair must be elected at the next council meeting. The department of health representative shall serve as secretary of the council.

Sec. 10. Minnesota Statutes 1994, section 115.75, is amended to read:

115.75 OPERATOR CERTIFICATES.

Subdivision 1. The commissioners of health and the pollution control agency shall ~~upon recommendation of the council~~ issue certificates to water supply system operators and wastewater treatment facility operators, respectively, ~~attesting to the competency of the operators who meet the requirements of the rules adopted under section 115.72. The~~ Each certificate ~~shall~~ must indicate the classification of the system or facility which the operator is qualified to ~~supervise~~ operate.

Subd. 2. Certificates ~~shall~~ must be prominently displayed in the office of the operator or other appropriate place on the premises of the plant or treatment facility.

Subd. 3. Certificates ~~shall continue in effect~~ are valid for a period of three years unless revoked or suspended by the commissioner of health or the com-

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missioner of the pollution control agency prior to that time. Certificates may be renewed upon application to the ~~commissioner of health or the~~ appropriate commissioner of the pollution control agency.

Subd. 4. ~~The commissioners may revoke the certificate of any operator under their respective jurisdictions following a hearing before the commissioner of health or the commissioner of the pollution control agency or a representative designated by the commissioners of health or the pollution control agency, when it is found that the operator has practiced fraud, or deception; that the operator was guilty of gross negligence or misconduct in the performance of the operator's duties; or that the operator is incompetent or unable properly to perform those duties.~~ DENIAL, REFUSAL TO RENEW, REVOCATION, AND SUSPENSION. The commissioner of health and the commissioner of the pollution control agency may deny, refuse to renew, revoke, or suspend the certification of a water supply system operator or a wastewater treatment facility operator, respectively, in accordance with section 144.99, subdivisions 8 to 10.

Subd. 5. The certificates of operators who terminate their employment at a water supply system or wastewater treatment facility will remain valid for the unexpired term of the certificate. Operators whose certificates expire under this section may be issued new certificates of a like classification provided appropriate proof of competency is ~~presented to the council~~ submitted to the appropriate commissioner. Successful completion of an examination may be required ~~at the discretion of the council~~.

Subd. 6. RECORDS. The commissioner of health shall maintain records relating to certification of water supply system operators, and the commissioner of the pollution control agency shall maintain records relating to certification of wastewater treatment facility operators.

Sec. 11. Minnesota Statutes 1994, section 115.76, is amended to read:

115.76 CERTIFICATES GIVEN WITHOUT EXAMINATION RECIPROCIITY.

The commissioner of health, in the case of water supply system operators, and the commissioner of the pollution control agency, in the case of wastewater treatment facility operators, upon application ~~therefor, and recommendation of the council~~, may issue certificates without examination, in a comparable classification to any person who holds a certificate in any state, territory, or possession of the United States or any country, providing the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of sections 115.71 to ~~115.82~~ 115.77 and are of a standard not lower than that specified by rules adopted under sections 115.71 to ~~115.82~~ 115.77.

Sec. 12. Minnesota Statutes 1994, section 115.77, is amended to read:

115.77 FEES.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **ESTABLISHMENT OF FEE SCHEDULE FEES ESTABLISHED.** The council with the advice and approval of the state department of health and the Minnesota pollution control agency shall establish a schedule of fees for the filing of applications and the issuance of certificates by an appropriate rule promulgated in accordance with applicable state laws. The fees so established shall be reasonable and shall be related to the actual cost of the certification program. The following fees are established for the purposes indicated:

- (1) application for examination, \$32;
- (2) issuance of certificate, \$23;
- (3) reexamination resulting from failure to pass an examination, \$32;
- (4) renewal of certificate, \$23;
- (5) replacement certificate, \$10; and
- (6) reinstatement or reciprocity certificate, \$40.

Subd. 2. **FEES PAID TO STATE TREASURER.** All fees established pursuant to in subdivision 1 shall must be paid to the state department commissioner of health, in the case of water supply system operators, and to the Minnesota commissioner of the pollution control agency, in the case of wastewater treatment facility operators. The fees received by these agencies shall must be deposited in the state treasury and credited to the special revenue fund.

Sec. 13. Minnesota Statutes 1994, section 144.99, subdivision 1, is amended to read:

Subdivision 1. **REMEDIES AVAILABLE.** The provisions of chapters 103I and 157 and sections 115.71 to ~~115.82~~ 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.121; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.491; 144.495; 144.71 to 144.74; 144.871 to 144.878; 144.992; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 14. **CONTINUATION OF RULES.**

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, the rules adopted under Minnesota Statutes, section 115.79, continue in effect until new rules are adopted under section 7.

Sec. 15. **APPROPRIATION.**

New language is indicated by underline, deletions by ~~strikeout~~.

\$10,000 is appropriated from the special revenue fund to the commissioner of health and \$82,000 to the commissioner of the pollution control agency for the biennium ending June 30, 1997, for the purposes of sections 1 to 13. The general fund appropriation to the pollution control agency is reduced by \$21,000 in fiscal year 1996 and \$21,000 in fiscal year 1997.

Sec. 16. **REPEALER.**

Minnesota Statutes 1994, sections 115.71, subdivisions 2, 3, and 3a; 115.74; 115.78; 115.79; 115.80; and 115.82, are repealed.

Presented to the governor May 16, 1995

Signed by the governor May 18, 1995, 11:32 a.m.

CHAPTER 181—S.F.No. 526

An act relating to local government; modifying the local approval requirements for the Nashwauk area ambulance district law; providing an alternative appointment method for the St. Paul charter commission; providing an alternative question for the Itasca medical center referendum; amending Laws 1994, chapter 587, article 9, section 10, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1994, chapter 587, article 9, section 10, subdivision 6, is amended to read:

Subd. 6. **EFFECTIVE DATE.** This section (a) Laws 1994, chapter 587, article 9, section 10, is effective in any of the following cities or towns the day after compliance by the governing body of a city or town with Minnesota Statutes, section 645.021, subdivision 3: the cities of Nashwauk, Keewatin, Marble, Taconite, and Calumet, and the towns of Feely, Goodland, Iron Range, Greenway, Lone Pine, Lawrence, Nashwauk, Balsam, and Bearville the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of each. This section, Laws 1994, chapter 587, article 9, section 10, is effective for unorganized territories described in subdivision 1, paragraph (a), clauses (12) to (18), the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Itasca county board.

(b) Notwithstanding the time limitations for filing local approval under Minnesota Statutes, section 645.021, subdivision 3, the certificate of approval of any of the cities, towns, or counties named in this subdivision may be filed with the secretary of state at any time after May 6, 1994, and the law approved by the certificate is then effective as to the certifying city, town, or unorganized territory.

Sec. 2. **ITASCA MEDICAL CENTER.**

New language is indicated by underline, deletions by ~~strikeout~~.