

~~teacher or a teacher employed for a limited time.~~ All classes shall be tuition free when taught by teachers subsidized under this section, but this shall not preclude charging a reasonable registration fee and charging for necessary materials and supplies. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma ~~or the high school equivalency certificate or for academic achievement at the secondary level.~~

Approved June 4, 1971.

CHAPTER 828—H.F.No.613

[Coded]

An act relating to the protection of the public health and the conservation and protection of water resources, providing for the classification of all public water supply systems and all public wastewater treatment facilities and requiring the examination of operators and certification of their competency to supervise and operate such facilities.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [115.71] **WATER RESOURCES; CLASSIFICATION OF WATER SUPPLY AND WASTEWATER TREATMENT FACILITIES; DEFINITIONS.** Subdivision 1. As used in this act, the terms defined in this section have the meanings given them.

Subd. 2. "Secretary" means the secretary and executive officer of the state board of health.

Subd. 3. "Director" means the director of the Minnesota pollution control agency.

Subd. 4. "Board" means the board of certification established by section 4 of this act.

Subd. 5. "Water certificate" means a certificate of competency issued by the secretary stating that the water supply system operator has met the requirements for the specified operator classification of the certification program.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 6. "Wastewater certificate" means a certificate of competency issued by the director stating that the wastewater treatment facility operator has met the requirements for the specified operator classification of the certification program.

Subd. 7. "Water supply system" means the facilities, including the source, for the collection, conditioning, purification and distribution of water for use by the public or for the use of any considerable number of persons.

Subd. 8. "Wastewater treatment facility" means any plant, disposal field, lagoon, or other works not specifically mentioned herein, installed for the purpose of collecting, pumping, treating, stabilizing or disposing of sewage, as defined in Minnesota Statutes, Section 115.01, Subdivision 2, which is actually used or intended for use by the public or by any considerable number of persons.

Subd. 8. "Water supply system operator" means a person who has direct responsibility for the operation of a water supply system or such parts of the system as would affect the quality and safety of the water.

Subd. 9. "Wastewater treatment facility operator" means a person who has direct responsibility for the operation of a wastewater treatment facility.

Sec. 2. [115.72] **CLASSIFICATION.** Subdivision 1. The secretary shall classify 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. The director shall classify all wastewater treatment facilities 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 served or the average population equivalent of the sewage handled.

Sec. 3. [115.73] **CERTIFICATION.** The secretary and the director 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 board.

Sec. 4. [115.74] **BOARD OF CERTIFICATION.** Subdivision 1. The board of certification shall be composed of six members. The governor shall appoint four members as follows: A currently employed water supply system operator holding a valid certificate issued by the secretary; a currently employed wastewater treatment

Changes or additions indicated by underline, deletions by ~~strikeout~~.

facility operator holding a valid certificate issued by the director; a university or college faculty member whose major field is related to water supply or wastewater collection and treatment; and a representative of the league of Minnesota municipalities. The remainder of the board shall be composed of the following persons: A representative of the state department of health who is either the director of the division of environmental health or a qualified member of his staff; the director of the Minnesota pollution control agency or a qualified member of his staff. In the case of the first board, the appointments of a water supply system operator and a wastewater treatment facility operator shall be made from currently employed operators holding valid certificates under the voluntary certification program administered by the state department of health and the Minnesota pollution control agency.

Subd. 2. Each member of the board, with the exception of the ex officio members from the state department of health and the Minnesota pollution control agency, shall be appointed for a three year term, except that in the case of the initial appointments the representative of the league of Minnesota municipalities shall be appointed for one year, both operators for two years, and the faculty member for three years. The ex officio members shall serve for indefinite terms. Vacancies shall be filled by appointment pursuant to subdivision 1 of this section and shall be for the unexpired term.

Subd. 3. Members of the first board, at the call of the governor, shall organize and elect from their number a chairman and a vice chairman. The ex officio members shall not serve as chairman but shall otherwise have the same rights and duties as the other members, including, but not limited to, the right to vote. Thereafter, annually when new members are appointed to the board a chairman shall be elected at the next board meeting. The state department of health representative or other representative designated by the board shall serve as secretary of the board, except that the secretary shall be responsible for maintaining records relating to certification of water supply system operators and the Minnesota pollution control agency shall be responsible for maintaining records relating to certification of wastewater treatment facility operators.

Subd. 4. The board shall cause at least one examination to be held each year for the purpose of examining candidates for certification at a time and place designated by the board. Those applicants whose competency is acceptable to the board shall be recommended to the secretary or the director for certification. Additional meetings may be called by the chairman as may be necessary to carry out the provisions of the act. Four members shall constitute a quorum.

Subd. 5. The members of the board shall serve without compensation except for their actual and necessary expenses incurred while discharging their official duties. The cost of such expense reim-

Changes or additions indicated by underline, deletions by ~~strikeout~~.

bursements shall be shared equally by the department of health and the Minnesota pollution control agency.

Sec. 5. [115.75] OPERATOR CERTIFICATES. Subdivision 1. The secretary and the director shall upon recommendation of the board issue certificates to water supply system operators and wastewater treatment facility operators respectively, attesting to the competency of the operators. The certificate shall indicate the classification of the system or facility which the operator is qualified to supervise.

Subd. 2. Certificates shall 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 for a period of three years unless revoked by the secretary or the director prior to that time. Certificates may be renewed upon application to the secretary or director.

Subd. 4. The secretary and the director may revoke the certificate of any operator under their respective jurisdictions following a hearing before the secretary or director or his designated representative, 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 his duties; or that the operator is incompetent or unable properly to perform his duties.

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 board. Successful completion of an examination may be required at the discretion of the board.

Sec. 6. [115.76] CERTIFICATES GIVEN WITHOUT EXAMINATION. The secretary in the case of water supply system operators and the director, in the case of wastewater treatment facility operators, upon application therefor, and recommendation of the board, 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 this act and are of a standard not lower than that specified by regulations adopted under this act.

Sec. 7. [115.77] FEES. Subdivision 1. **ESTABLISHMENT OF FEE SCHEDULE.** The board with the advice and approval of the

Changes or additions indicated by underline, deletions by ~~strikeout~~.

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.

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

Sec. 8. [115.78] ISSUANCE OF CERTIFICATION. Subdivision 1. Certificates in appropriate classifications shall be issued to operators who, on the effective date of this act, hold certificates of competency attained by examination under the voluntary certification program now being administered by the state department of health and the Minnesota pollution control agency.

Subd. 2. Certificates of proper classification may be issued upon application and without examination to the person or persons certified by the governing body or owner to have been in direct responsible charge of the water supply system or wastewater treatment facility on July 1, 1972. A certificate so issued will be valid only for that particular water supply system or wastewater treatment facility.

Sec. 9. [115.79] POWER OF THE BOARD. The board, with the advice and approval of the state department of health and the Minnesota pollution control agency, and in accordance with any other appropriate state laws shall make such rules and regulations as are necessary to carry out the intent of this act. The rules and regulations shall include but are not limited to, provisions establishing the bases for classification of water supply systems and wastewater treatment facilities in accordance with section 2 of this act and provisions establishing qualifications of applicants and procedures for examination of candidates and such other provisions as are necessary for the administration of this act.

Sec. 10. [115.80] VIOLATION DATE. On or after July 1, 1972, it shall be unlawful for any person, firm, or corporation, either municipal or private, operating a water supply system or wastewater treatment facility which serves the public or any considerable number of persons to operate same unless the competency of the operator is duly certified to by the secretary or the director under provisions of this act. Furthermore, it shall be unlawful for any person to perform the duties of an operator without being duly certified under the provisions of this act.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 11. [115.81] **VIOLATION A MISDEMEANOR.** Any person, firm, or corporation, either municipal or private, violating any provisions of this act or the rules and regulations adopted thereunder is guilty of a misdemeanor. Each day of operation in violation of this act or any rules and regulations adopted thereunder shall constitute a separate offense.

Sec. 12. [115.82] **VOLUNTARY CERTIFICATION TO CONTINUE.** The voluntary certification program now being administered by the state department of health and the Minnesota pollution control agency may continue to certify water supply system operators and wastewater treatment facility operators until such time as the board of certification created by this act terminates said voluntary certification program.

Sec. 13. **EFFECTIVE DATE.** This act is effective July 1, 1971.

Approved June 4, 1971.

CHAPTER 829—H.F.No.669

An act relating to education; aids for prekindergarten, kindergarten, and middle school pupils; amending Minnesota Statutes 1969, Section 124.17, Subdivision 1.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 124.17, Subdivision 1, is amended to read:

124.17 EDUCATION; DEFINITION OF PUPIL UNITS. Subdivision 1. A pupil unit is the denominator used to compute the distribution of state aid. Pupil units for each resident pupil in average daily attendance shall be counted as follows:

(1) In an elementary school, for kindergarten and for handicapped prekindergarten pupils as defined in Minnesota Statutes, Section 120.03, and attending one-half day sessions throughout the school year or the equivalent thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils, one pupil unit.

(2) In secondary schools, pupils in junior high school or a six-year high school and all other pupils in secondary schools, one and one-half

Changes or additions indicated by underline, deletions by ~~strikeout~~.