



State of Tennessee

PUBLIC CHAPTER NO. 362

HOUSE BILL NO. 1066

By Representative Keisling

Substituted for: Senate Bill No. 1232

By Senators Tracy, Bell

AN ACT to amend Tennessee Code Annotated, Title 62 and Title 68, Chapter 221, Part 9, relative to water.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-901, is amended by deleting the language "Water Environmental Health Act" and by substituting instead the language "Water and Wastewater Operator Certification Act."

SECTION 2. Tennessee Code Annotated, Section 68-221-904(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) The commissioner has the duty and authority to levy civil penalties authorized in subdivision (1), the duty and authority to issue orders requiring compliance with this part, and to hold show cause meetings with the persons or entities to whom the orders are proposed to be issued.

SECTION 3. Tennessee Code Annotated, Section 68-221-905, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) Such board shall be composed of the following members, appointed by the governor:

(A) One (1) member shall be a certified operator of a water or wastewater system who holds a certificate of the highest class issued by the board, who may be appointed from lists of qualified persons submitted by interested water and wastewater groups including, but not limited to, the Tennessee Water and Wastewater Association;

(B) One (1) member shall be a certified operator of a water or wastewater utility district, who may be appointed from lists of qualified persons submitted by interested utility district groups including, but not limited to, the Tennessee Association of Utility Districts;

(C) One (1) member shall be a person knowledgeable about water or wastewater systems with experience working for such systems, who may be appointed from lists of qualified persons submitted by interested municipal groups including, but not limited to, the Tennessee Municipal League;

(D) One member shall be a faculty member of a college, university or state technical institute whose major field is related to water or wastewater systems, who may be appointed from lists of qualified persons submitted by interested engineering groups including, but not limited to, the Tennessee Society of Professional Engineers; and

(E) The commissioner or such qualified member of the commissioner's staff as the commissioner may designate.

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(2) The governor shall consult with interested groups including, but not limited to, the organizations listed in subdivision (b)(1) to determine qualified persons to fill positions on the board.

SECTION 4. Tennessee Code Annotated, Section 68-221-905, is amended by deleting the language "water management" wherever it appears and by substituting instead the language "water resources".

SECTION 5. Tennessee Code Annotated, Section 68-221-906 is amended by deleting the language "revocations,".

SECTION 6. Tennessee Code Annotated, Section 68-221-911(a), is amended by deleting the language "commissioner, in accordance with the rules and regulations of the".

SECTION 7. Tennessee Code Annotated, Section 68-221-911 is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following:

(b) When the commissioner believes an operator has engaged in any of the activities set forth in subsection (a), the commissioner may issue an order suspending the operator's certificate until the board conducts a hearing on the revocation of the operator's certificate for such activities. When the commissioner has issued a suspension order, the board shall conduct its revocation hearing and render its decision within ninety (90) days of the operator's suspension. In the event the board does not render its decision within ninety (90) days of the operator's suspension, the suspension order shall expire and no longer be in force or effect. However, the commissioner may reissue an order of suspension for a period not to exceed ninety (90) days.

(c) When the board determines an operator's certificate should be revoked under subsection (a), the board shall establish the timing, terms and conditions for any reinstatement of the operator's certificate.

SECTION 8. Tennessee Code Annotated, Section 68-221-914, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Any party to a hearing before the board regarding a revocation or an appeal of an order or assessment of a civil penalty by the commissioner may appeal the final order of the board to the chancery court of Davidson County.

SECTION 9. Tennessee Code Annotated, Section 68-221-905(e), is amended by deleting the language "water management" and by substituting instead the language "water resources".

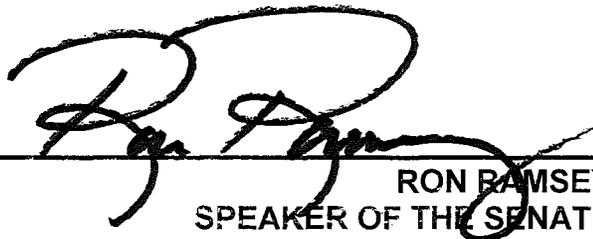
SECTION 10. This act shall take effect on July 1, 2013, the public welfare requiring it, and the provisions of Section 3 shall apply to all appointments to the board made on or after that date.

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PASSED: April 19, 2013

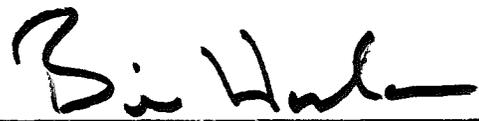


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of May 2013



BILL HASLAM, GOVERNOR