

6 of such section the words "Contagious and infectious diseases" and  
 7 inserting in lieu thereof the words "Communicable and infectious dis-  
 8 eases including zoonotic diseases".

9 3. By striking subsection three (3) and inserting in lieu thereof the  
 10 following:

11 "3. Establish policies governing the performance of the department  
 12 in the discharge of any duties imposed on it by law."

13 4. By striking subsection four (4) and inserting in lieu thereof the  
 14 following:

15 "4. Establish policies for the guidance of the commissioner in the  
 16 discharge of his duties."

17 5. By striking subsection seven (7) and inserting in lieu thereof the  
 18 following:

19 "7. Adopt, promulgate, amend, and repeal rules and regulations con-  
 20 sistent with law for the protection of the public health, and for the  
 21 guidance of the department. All rules and regulations which have  
 22 been or are hereafter adopted by the department shall be subject to  
 23 approval by the board."

1 SEC. 4. Section one hundred thirty-six point five (136.5), Code  
 2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "The board shall meet on the second (2nd) Wednesday in July and  
 4 on the second (2nd) Wednesday of every second (2nd) month there-  
 5 after and at such other times as may be deemed necessary by the  
 6 president of the board. The president shall give each board member  
 7 adequate notice of all special meetings. A majority of the members of  
 8 the board shall constitute a quorum."

1 SEC. 5. Section one hundred thirty-six point seven (136.7), Code  
 2 1962, is hereby amended by striking from line two (2) the words "and  
 3 secretary".

Approved May 13, 1965.

## CHAPTER 162

### WATER SUPPLY SYSTEMS

H. F. 345

AN ACT to protect the public health and to conserve and protect the water resources of the state by classifying all public water supply systems and wastewater treatment plants in this state and by requiring the examination of operators and certification of their competency to supervise the operation of such facilities.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. As used in this Act:

2 1. "Commissioner" is the commissioner of public health.

3 2. "Board" is the board of certification.

4 3. "Certificate" is the certificate of competency issued by the com-  
 5 missioner stating that the operator has met the requirements for the  
 6 specified operator classification of the certification program.

7 4. "Water supply system" is the system of pipes, structures, and

8 facilities through which a public water supply is obtained, treated and  
9 sold or distributed for human consumption or household use.

10 5. "Water treatment plant" is that portion of the water supply  
11 system which in some way alters the physical, chemical, or bacteri-  
12 ological quality of the water.

13 6. "Wastewater treatment plant" is the facility or group of units  
14 used for the treatment of wastewater from public sewer systems and  
15 for the reduction and handling of solids removed from such wastes.

16 7. "Water distribution system" is that portion of the water supply  
17 system in which water is conveyed from the water treatment plant or  
18 other supply point to the premises of the consumer.

19 8. "Operator" is the person who has direct responsibility for the  
20 operation of a water treatment plant, water distribution system, or  
21 wastewater treatment plant.

1 SEC. 2. The commissioner shall classify all water treatment plants,  
2 water distribution systems, and wastewater treatment plants affecting  
3 the public welfare with regard to the size, type, character of water  
4 and wastewater to be treated and other physical conditions affecting  
5 such treatment plants and distribution systems, and according to the  
6 skill, knowledge, and experience that an operator must have to super-  
7 vise the operation of said facilities to protect the public health and  
8 prevent pollution.

1 SEC. 3. The commissioner shall certify persons as to their quali-  
2 fications to supervise the operation of such treatment plants and water  
3 distribution systems after considering the recommendations of the  
4 board.

1 SEC. 4. The commissioner shall appoint a board of certification  
2 composed of five (5) persons as follows: One (1) member who is a  
3 water works operator holding a valid certificate of the highest classi-  
4 fication issued by the commissioner; one (1) member who is a waste-  
5 water works operator holding a valid certificate of the highest classi-  
6 fication issued by the commissioner; one (1) member from the state  
7 department of health who is either the state sanitary engineer or a  
8 qualified member of his staff; one (1) member who is a university or  
9 college faculty member whose major field is related to water supply or  
10 wastewater collection and treatment; and one (1) member who is an  
11 employee of a municipality required to employ a certified operator,  
12 and who holds the position of either city manager, city engineer, direc-  
13 tor of public works or an equivalent position.

1 SEC. 5. Each member of the board, with the exception of the mem-  
2 ber from the state department of health, shall be appointed for a three  
3 (3) year term, except in the case of the initial appointments the  
4 municipal representative shall be appointed for one (1) year, one (1)  
5 operator and the faculty member for two (2) years and the remaining  
6 operator for three (3) years. Vacancies shall be filled by appointment  
7 by the commissioner for unexpired terms.

1 SEC. 6. Members of the original board, at the call of the commis-  
2 sioner, shall organize and elect from their number a chairman. There-  
3 after, a chairman shall be elected at each annual board meeting. The

4 state health department representative of the board shall serve as sec-  
5 retary of the board and be responsible for maintaining records.

1 SEC. 7. The board shall hold at least one (1) examination each  
2 year for the purpose of examining candidates for certification at a  
3 time and place designated by the board. Those applicants whose com-  
4 petency is acceptable to the board shall be recommended to the com-  
5 missioner for certification. Additional meetings may be called by the  
6 chairman or commissioner as may be necessary to carry out the pro-  
7 visions of the Act. Three (3) members shall constitute a quorum.

1 SEC. 8. The members of the board shall serve without compensa-  
2 tion, except for their actual and necessary expenses incurred while  
3 discharging their official duties.

1 SEC. 9. When the commissioner is satisfied that an applicant is  
2 qualified by examination or otherwise, and upon recommendation of  
3 the board, the commissioner shall issue a certificate attesting to the  
4 competency of the applicant as an operator. The certificate shall indi-  
5 cate the classification of works which the operator is qualified to  
6 supervise.

1 SEC. 10. Certificates shall continue in effect for one (1) year from  
2 the date of issuance unless sooner revoked by the commissioner, but  
3 such certificates shall remain the property of the board and the cer-  
4 tificate shall so state.

1 SEC. 11. The commissioner may revoke the certificate of an oper-  
2 ator, following a hearing before the commissioner or his designated  
3 representative, when it is found that the operator has practiced fraud  
4 or deception in obtaining the certificate or in the performance of his  
5 duties as an operator; when it is found that reasonable care, judg-  
6 ment, or the application of his knowledge or ability was not used in  
7 the performance of his duties; or when it is found that the operator  
8 is incompetent or unable properly to perform his duties as an operator.

1 SEC. 12. Certificates in appropriate classification shall be issued to  
2 operators, who, on the effective date of this Act, hold certificates of  
3 competency attained by examination under the voluntary certification  
4 program sponsored jointly by the state department of health, the Iowa  
5 section of the American water works association, and the Iowa water  
6 pollution control association.

1 SEC. 13. Certificates of proper classification shall be issued with-  
2 out examination to persons certified by a governing body or owner to  
3 have been the operator of a treatment plant or a water distribution  
4 system on the effective date of this Act. A certificate so issued will be  
5 valid only for that particular treatment plant or system, but shall  
6 remain in effect indefinitely unless revoked by the commissioner as  
7 provided in this Act.

1 SEC. 14. The commissioner, with the approval of the board, is  
2 authorized to charge a fee for certificates issued under this Act, but  
3 such fees shall not exceed five (5) dollars for an initial certificate, nor  
4 more than three (3) dollars for the annual renewal certificate. All  
5 such fees collected shall be remitted to the treasurer of state, who shall

6 hold such monies in a special fund to be known as the "operators  
7 certification fund," to be used by the state department of health to  
8 administer and enforce the provisions of this Act, and to pay the  
9 expenses of the board authorized in section eight (8) of this Act.  
10 Such fund shall be subject at all times to the warrant of the state  
11 comptroller, drawn upon written requisition of the commissioner and  
12 attested by the secretary of the board. Any remainder in such fund at  
13 the end of each fiscal year shall be paid into the general fund of the  
14 state.

1 SEC. 15. The commissioner, with the advice of the board, may  
2 promulgate such rules and regulations as are necessary to carry out  
3 the provisions of this Act.

1 SEC. 16. On and after one (1) year following the effective date of  
2 this Act, it shall be unlawful for any person, firm, corporation, municipi-  
3 pal corporation, or other governmental subdivision or agency, operat-  
4 ing a water treatment plant, water distribution system or wastewater  
5 treatment plant to operate same unless the competency of the oper-  
6 ator to operate such plant or system is duly certified to by the commis-  
7 sioner under the provisions of this Act. It shall also be unlawful for  
8 any person to perform the duties of an operator, as defined herein,  
9 without being duly certified under the provisions of this Act.

1 SEC. 17. Any person, including any firm, corporation, municipal  
2 corporation, or other governmental subdivision or agency, violating  
3 any provisions of this Act or the rules and regulations adopted there-  
4 under after written notice thereof by the commissioner is guilty of a  
5 misdemeanor. Each day of operation in such violation of this Act or  
6 any rules or regulations adopted thereunder shall constitute a separate  
7 offense. Upon conviction, such persons shall be fined not exceeding  
8 one hundred (100) dollars, or be imprisoned in the county jail for not  
9 more than thirty (30) days, or by both such fine and imprisonment.  
10 It shall be the duty of the appropriate county attorney to secure in-  
11 junctions of continuing violations of any provisions of this Act or the  
12 rules and regulations adopted thereunder.

Approved May 17, 1965.

## CHAPTER 163

### LOCAL BOARD OF HEALTH

S. F. 385

AN ACT relating to powers of a local board of health, its officers and agents, and providing criminal penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one hundred thirty-seven point nineteen  
2 (137.19), Code 1962, is hereby amended by striking the period at the  
3 end thereof and adding the following: