

(H. B. 1367)

(No.68)

(Approved March 8, 2006)

AN ACT

To amend Section 8A of Act No. 53 of July 13, 1978, as amended, known as the “Act for the Certification of Operators of Treatment Plants for Drinking Water and Used Water,” in order to substitute the term “certificate of good conduct” for “certificate of criminal record.”

STATEMENT OF MOTIVES

Act No. 53 of July 13, 1978, as amended, has as its main purpose to regulate the practice of operator of treatment plants for drinking water and used water. The frequent technological changes and new developments in the different regulated professions or practices in Puerto Rico regarding the purity and quality of water deserve the continuous attention of the State so that those persons who practice said professions maintain advanced, reasonable and practical standards in accordance with the developments in the profession. In this manner, the State shall effectively comply with the public duty of protecting the health, property and welfare of our people by enabling qualified personnel for these professions and practices.

Act No. 53, *supra*, has the purpose of strengthening the protection of drinking water, promoting the efficient use of economic resources and facilitating compliance with federal drinking water regulations. Through this Act, the Commonwealth of Puerto Rico guarantees having the most competent and qualified personnel for the operation of treatment plants systems, and thus assures a better and safer service for the community.

Section 8A establishes among the requirements to obtain drinking water and used water treatment plant operator license, the presentation of a certificate of good conduct.

Section 1 of Act No. 254 of July 27, 1974 establishes what the people refer to as a “Certificate of Criminal Record” a list of sentences recorded in the file of every person who has been sentenced in any Court of Justice of the Commonwealth of Puerto Rico.

The requisite of a certificate of good conduct to drinking water and used water treatment plant operators could be considered contrary to the provisions of Section 19 of Article VI of the Constitution of the Commonwealth of Puerto Rico which establishes as the public policy of the State to enable the moral and social rehabilitation of convicted persons. Said requisite could also give the impression that a person whose certificate does not reveal “good conduct” will not be given the opportunity to work or to obtain the license. The absolute denial of an application because it includes a positive certificate of criminal record, without evaluating each case individually would be to go against the public policy of the State in favor of the rehabilitation of the individual and would deny him/her the possibility to earn his/her living, return to society and be productive. In these cases, the nature of the crime should be evaluated to determine if it involves moral depravity or if public security is involved, and if the applicant has been granted the benefit of probation or is paroled prior to making the final decision.

This Legislature deems it necessary to substitute the phrase “certificate of good conduct” with the phrase “certificate of criminal record” for two fundamental purposes: the first, to prevent the possibility of discrimination against those persons who intend to conduct the activity regulated by this

Act, and the second, to temper the language of the Act with the term established in the Penal Code of Puerto Rico.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 8A of Act No. 53 of July 13, 1978, as amended, is hereby amended to read as follows:

“Section 8A.- Requirements for obtaining a license.—

Any person who aspires to obtain a license to practice as an operator of treatment plants and/or systems in the Commonwealth of Puerto Rico shall meet the following requirements:

- (1) Be of legal age.
- (2) Be literate.
- (3) Hold a high school diploma or its equivalent.

Be a person of good reputation, credited as such by a certificate of criminal record issued by the Puerto Rico Police Department and any other credential established by the Board through regulation.

- (4) Be physically and mentally fit.

The aspirant shall, in addition, meet the requirements of experience and continuing education that the Environmental Quality Board or the Department of Health, as the case may be, establishes through regulations for each class and category of treatment plant and/or system.”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 68 (H.B. 1367) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 8A of Act No. 53 of July 13, 1978, as amended, known as the “Act for the Certification of Operators of Treatment Plants for Drinking Water and Used Water,” in order to substitute the term “certificate of good conduct” for “certificate of criminal record”,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13th of March of 2007.

Francisco J. Domenech
Director