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Proposed Amendment

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1183

Introduced by

Representatives Louser, Headland, Magrum, Mock, Roers Jones, Weisz

Senators Burckhard, Klein, Luick, Myrdal, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 23-35 and a new chapter to
2 title 43 of the North Dakota Century Code, relating to requiring public health units to adopt the
3 technical guide for onsite wastewater recycling treatment and the licensing of installers of onsite
4 sewage treatment systems; to provide for application; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 23-35 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Public health units to adopt onsite wastewater recycling treatment guide.**

9 Each public health unit shall adopt the statewide technical guide for onsite wastewater
10 recycling treatment technologies and sewage distribution technologies established by the onsite
11 wastewater recycling technical board. *state of plumbing*

12 ~~**SECTION 2.** A new chapter to title 43 of the North Dakota Century Code is created and
13 enacted as follows:~~

14 ~~**Definitions.**~~

15 ~~As used in this chapter, unless the context otherwise requires:~~

- 16 ~~1. "Board" means the onsite wastewater recycling technical board.~~
- 17 ~~2. "Director" means the director of the department of environmental quality.~~
- 18 ~~3. "Installer" means an individual licensed by the board to install onsite wastewater~~
19 ~~sewage treatment systems.~~

Strike removed
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20 ~~**Onsite wastewater recycling technical board - Appointment - Term of office.**~~

- 21 ~~1. The onsite wastewater recycling technical board consists of:~~
- 22 ~~a. The director or the director's designee;~~
- 23 ~~b. Two representatives of a local public health unit appointed by the governor from a~~
24 ~~list of names forwarded by local public health units; and~~

1 ~~c. Four individuals who must be installers, except the initial appointment for~~
2 ~~installers who must be eligible for licensure, appointed by the governor. The~~
3 ~~governor shall appoint the individuals from a list of names forwarded by a~~
4 ~~professional onsite wastewater recycling association.~~

5 ~~2. The director or the director's designee shall serve as chairman of the board and is an~~
6 ~~ex officio member of the board. The terms of the other board members are for four~~
7 ~~years and members may be reappointed.~~

8 ~~3. The board shall meet at the call of the chairman or a majority of the members.~~

9 **Powers and duties of board.**

10 The board:

11 ~~1. Shall create a statewide technical guide for onsite wastewater recycling treatment~~
12 ~~technologies and sewage distribution technologies.~~

13 ~~2. Shall establish standards and procedures for issuing a license.~~

14 ~~3. Shall issue a license to an applicant who satisfies the requirements for licensure.~~

15 ~~4. May establish continuing education requirements for license renewal.~~

16 ~~5. Shall renew a license to a qualified applicant.~~

17 ~~6. May deny, suspend, or revoke a license for cause after notice and opportunity for~~
18 ~~hearing.~~

19 ~~7. Shall establish reasonable fees for issuing or renewing a license.~~

20 ~~8. Shall develop a product review and registration process and maintain a list of~~
21 ~~registered products for onsite wastewater recycling systems.~~

22 ~~9. May issue an opinion regarding the interpretation of the statewide technical guide for~~
23 ~~onsite wastewater recycling technologies and sewage distribution technologies if a~~
24 ~~dispute arises between an installer and a public health unit.~~

25 ~~10. Shall adopt rules as necessary to administer and enforce this chapter.~~

26 **License required - Exemption.**

27 ~~1. Effective January 1, 2022, an individual may not engage in the business of installing~~
28 ~~an onsite sewage treatment system unless licensed by the board. To remain licensed~~
29 ~~in good standing, an installer shall comply with this chapter and any rules adopted by~~
30 ~~the board.~~

1 ~~2. An individual is exempt from the requirements of this chapter if the individual is~~
2 ~~installing an onsite sewage treatment system on the individual's premises for the~~
3 ~~individual's use.~~

4 ~~**Violation of chapter - Penalty.**~~

5 ~~An individual who installs an onsite sewage treatment system for another person without~~
6 ~~being licensed under this chapter or an individual who violates this chapter or a rule adopted~~
7 ~~under this chapter is guilty of an infraction.~~

8 ~~**SECTION 3. APPLICATION.** The governor shall appoint individuals to fill the board~~
9 ~~positions in accordance with this Act, and the terms of those appointees must be staggered so~~
10 ~~not more than two positions expire in any year. To accomplish the staggering, the initial term of~~
11 ~~those appointees may be for less than four years.~~