

**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.

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.

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.