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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3643**

March 3, 2008

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 13, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

May 8, 2008

Calendar For The Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to environment; modifying licensing requirements for individual sewage
1.3 treatment system professionals; amending Minnesota Statutes 2007 Supplement,
1.4 section 115.56, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2, is
1.7 amended to read:

1.8 Subd. 2. **License required.** (a) Except as provided in paragraph (b), ~~after March~~
1.9 ~~31, 1996~~, a person may not design, install, maintain, pump, ~~or inspect~~, or provide service
1.10 to an individual sewage treatment system without a license issued by the commissioner.
1.11 Licenses issued under this section allow work on individual sewage treatment systems
1.12 with a flow of 10,000 gallons of water per day or less using prescriptive designs and
1.13 design guidances provided by the agency.

1.14 (b) A license is not required for a person who complies with the applicable
1.15 requirements if the person is:

1.16 (1) a qualified employee of state or local government who has passed the
1.17 examination described in paragraph (d) or a similar examination;

1.18 (2) an individual who constructs an individual sewage treatment system on land that
1.19 is owned or leased by the individual and functions solely as the individual's dwelling or
1.20 seasonal dwelling;

1.21 (3) a farmer who pumps and disposes of sewage waste from individual sewage
1.22 treatment systems, holding tanks, and privies on land that is owned or leased by the
1.23 farmer; or

2.1 (4) an individual who performs labor or services for a person licensed under this
2.2 section in connection with the design, installation, maintenance, pumping, or inspection of
2.3 an individual sewage treatment system at the direction and under the personal supervision
2.4 of a person licensed under this section.

2.5 A person constructing an individual sewage treatment system under clause (2) must
2.6 consult with a site evaluator or designer before beginning construction. In addition, the
2.7 system must be inspected before being covered and a compliance report must be provided
2.8 to the local unit of government after the inspection.

2.9 (c) The commissioner, in conjunction with the University of Minnesota Extension
2.10 Service or another higher education institution, shall ensure adequate training and design
2.11 guidance exists for individual sewage treatment system professionals.

2.12 (d) The commissioner shall conduct examinations to test the knowledge of applicants
2.13 for licensing and shall issue documentation of licensing.

2.14 (e) Licenses may be issued only upon successful completion of the required
2.15 examination and submission of proof of sufficient experience, proof of general liability
2.16 insurance, and a corporate surety bond in the amount of at least \$10,000.

2.17 (f) Notwithstanding paragraph (e), the examination and proof of experience are not
2.18 required for an individual sewage treatment system professional who, on the effective date
2.19 of the rules adopted under subdivision 1, holds a certification attained by examination and
2.20 experience under a voluntary certification program administered by the agency.

2.21 (g) Local units of government may not require additional local licenses for individual
2.22 sewage treatment system professionals.

2.23 (h) A pumper whose annual gross revenue from pumping systems is \$9,000 or
2.24 less and whose gross revenue from pumping systems during the year ending May 11,
2.25 1994, was at least \$1,000 is not subject to training requirements in rules adopted under
2.26 subdivision 1, except for any training required for initial licensure.

2.27 (i) ~~Until December 31, 2010, No other professional license is required to:~~

2.28 ~~(1) design, install, maintain, or inspect, or provide service for an individual sewage~~
2.29 ~~treatment system with a flow of 10,000 gallons of water per day or less using prescriptive~~
2.30 ~~designs and design guidances provided by the agency if the system designer, installer,~~
2.31 ~~maintainer, or inspector, or service provider is licensed under this subdivision and the~~
2.32 ~~local unit of government has not adopted additional requirements; and~~

2.33 ~~(2) operate an individual sewage treatment system with a flow of 10,000 gallons~~
2.34 ~~of water per day or less if the system operator is licensed as a system designer, installer,~~
2.35 ~~maintainer, or inspector under this subdivision and the local unit of government has not~~
2.36 ~~adopted additional requirements.~~