

**FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2110**

Introduced by

Workforce Development Committee

(At the request of the Department of Environmental Quality)

1 A BILL for an Act to create and enact a new section to chapter 23.1-07 of the North Dakota  
2 Century Code, relating to the certification and regulation of water distribution and wastewater  
3 system operators; to amend and reenact subsection 1 of section 23.1-07-04 and sections  
4 23.1-07-05, 23.1-07-06, and 23.1-07-08 of the North Dakota Century Code, relating to the  
5 certification and penalization of water distribution and wastewater system operators; and to  
6 provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subsection 1 of section 23.1-07-04 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 1. A certificate issued under this chapter is valid for only one year and expires on the first  
11 day of ~~July~~January of the year after which it was issued.

12 **SECTION 2. AMENDMENT.** Section 23.1-07-05 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **23.1-07-05. Fees.**

15 ~~The department may charge a fee for certificates issued under this chapter, but the fees-~~  
16 ~~may not exceed fifty dollars for the initial certificate, or twenty-five dollars for the annual renewal-~~  
17 ~~certificate~~by rule may prescribe and provide for the payment and collection of reasonable fees  
18 for certificates issued under this chapter. The fees must be based on the anticipated cost of  
19 filing and processing applications for operator certification, preparing and administering  
20 examinations, and the annual renewal of certificates. All receipts from the fees must be  
21 deposited in the state treasury to be credited to a special fund to be known as the "operators'  
22 certification fund" to be used by the department to administer and enforce this chapter and

1 financially assist the department in conducting operator training programs. Any surplus at the  
2 end of the fiscal year must be retained by the department for future expenditures.

3 **SECTION 3. AMENDMENT.** Section 23.1-07-06 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **23.1-07-06. Duties of the department.**

6 The department shall:

- 7 1. Hold at least one examination each year, administered by the department or a third-  
8 party examination service, at a designated time and place for the purpose of  
9 examining candidates for certification.
- 10 2. Promote the program of certification of water supply and wastewater disposal system  
11 operators.
- 12 3. Distribute notices and applications and to receive and evaluate applications.
- 13 4. Collect fees for initial certification and annual renewal.
- 14 5. Prepare, conduct, and grade examinations. The department may use a third-party  
15 examination service to prepare, conduct, and grade examinations.
- 16 6. Maintain records of operator qualifications, certification examination results, and a  
17 register of certified operators.
- 18 7. Promote and schedule regular training schools and programs.
- 19 8. Adopt rules necessary to carry out this chapter.

20 **SECTION 4. AMENDMENT.** Section 23.1-07-08 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **23.1-07-08. Violations - Penalty.**

23 Any

- 24 1. A person that violates this chapter, a rule implementing this chapter, or an order issued  
25 by the department under this chapter is subject to a civil penalty not to exceed five  
26 thousand dollars per day of violation.
- 27 2. A person violating that willfully violates this chapter or the rules adopted under this  
28 chapter, after written notice of the violation by the department, is guilty of a class A  
29 misdemeanor.
- 30 3. A person that willfully makes a false statement, representation, or certification in an  
31 application, record, report, plan, or other document filed or required to be maintained

1           under this chapter or any rule, order, limitation, or other applicable requirement  
2           implementing this chapter or that falsifies, tampers with, or willfully renders inaccurate  
3           any monitoring device or sample is guilty of a class A misdemeanor, unless the penalty  
4           for the violation is otherwise specifically provided for and made exclusive in this  
5           chapter.

6           **SECTION 5.** A new section to chapter 23.1-07 of the North Dakota Century Code is created  
7 and enacted as follows:

8           **Administrative procedure and judicial review.**

- 9           1. A proceeding under this chapter to adopt or modify rules relating to the certification  
10           and regulation of water distribution and wastewater system operators, or for  
11           determining compliance with rules of the department, must be conducted in  
12           accordance with the provisions of chapter 28-32.  
13           2. An appeal of a decision issued under subsection 1, must be conducted in accordance  
14           with the provisions of chapter 28-32.