

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED SENATE BILL NO. 2267

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact three new sections to chapter ~~43-18~~23.1-01 of the North
2 Dakota Century Code, relating to onsite wastewater treatment systems; ~~to amend and reenact~~
3 ~~section 43-18-24 of the North Dakota Century Code, relating to onsite wastewater treatment~~
4 ~~system violations~~; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
5 Code, relating to the onsite wastewater recycling technical committee; and to provide a
6 ~~penalty~~an appropriation.

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

8 ~~— SECTION 1. AMENDMENT. Section 43-18-24 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— 43-18-24. Violation of chapter -- Penalty.~~

11 ~~— Any person that violates the state plumbing code adopted under section 43-18-09; violates~~
12 ~~section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of~~
13 ~~another person in a manner that is in violation of section 43-18-13, or installs or services an~~
14 ~~onsite wastewater sewage treatment system without being licensed under this chapter is guilty~~
15 ~~of a class B misdemeanor.~~

16 ~~— SECTION 2. A new section to chapter 43-18 of the North Dakota Century Code is created~~
17 ~~and enacted as follows:~~

18 **SECTION 1.** A new section to chapter 23.1-01 of the North Dakota Century Code is created
19 and enacted as follows:

1 **Standards for onsite wastewater sewage treatment system installation, servicing,**
2 **and inspection - Adoption of rules.**

3 1. The ~~board~~department shall establish rules relating to the permitting and licensing for
4 onsite wastewater sewage treatment systems.

5 2. The ~~board~~department shall establish standards and procedures for issuing, renewing,
6 denying, suspending, or revoking a permit or license to install, service, or inspect an
7 onsite wastewater sewage treatment system.

8 3. Onsite wastewater sewage treatment system installation, servicing, and inspection
9 must comply with the rules adopted by the ~~board~~department.

10 ~~4. The board may not contract with a local public health unit to inspect an onsite~~
11 ~~wastewater sewage treatment system.~~

12 ~~SECTION 2. A new section to chapter 43-18 of the North Dakota Century Code is created~~
13 ~~and enacted as follows:~~

14 **SECTION 2.** A new section to chapter 23.1-01 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Appeal to department of environmental quality.**

17 An action of the ~~board~~a local public health unit denying, modifying, or revoking a permit to
18 install, service, or inspect a wastewater sewage treatment system ~~or an action of the board~~
19 ~~denying or revoking a license~~ may be appealed to the department of environmental quality by
20 petition for review. The appeal must be filed with the department of environmental quality within
21 ten days of receiving notice from the ~~board~~local public health unit. Upon receipt of the petition,
22 the department of environmental quality shall review the appealed decision and if it appears the
23 permit ~~or license~~ was not issued ~~or the license was improperly revoked~~ in accordance with the
24 provisions of this chapter and rule adopted by the ~~board~~department, the department may issue
25 the permit ~~or license~~.

26 ~~SECTION 3. A new section to chapter 43-18 of the North Dakota Century Code is created~~
27 ~~and enacted as follows:~~

28 **SECTION 3.** A new section to chapter 23.1-01 of the North Dakota Century Code is created
29 and enacted as follows:

1 **License required.**

2 ~~1. An individual may not engage in the business of installing or servicing an onsite~~
3 ~~wastewater sewage treatment system unless licensed by the board department. To remain~~
4 ~~licensed in good standing, an installer shall comply with this chapter and any rules adopted by~~
5 ~~the board.~~

6 ~~2. An individual is exempt from the licensing requirements of this chapter if the individual~~
7 ~~is installing an onsite wastewater sewage treatment system on the individual's~~
8 ~~premises for the individual's use.~~

9 **SECTION 4. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
10 Code are repealed.

11 **SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**
12 **ONSITE WASTEWATER SEWAGE TREATMENT SYSTEMS.** There is appropriated out of any
13 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
14 \$99,500, or so much of the sum as may be necessary, to the department of environmental
15 quality for the purpose of administering regulations and licensing for onsite wastewater sewage
16 treatment systems, for the biennium beginning July 1, 2025, and ending June 30, 2027.