

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 of the North Dakota
2 Century Code, relating to onsite wastewater treatment systems; to amend and reenact sections
3 23-35-02 and 43-18-24 of the North Dakota Century Code, relating to the core functions of
4 public health units and onsite wastewater treatment system violations; to repeal sections
5 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code, relating to the onsite wastewater
6 recycling technical committee; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 23-35-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **23-35-02. Public health units - Core functions.**

- 11 1. All land in the state must be in a public health unit.
- 12 2. At a minimum, a public health unit shall provide the following core functions:
- 13 a. Communicable disease control, which must include:
- 14 (1) Conducting of disease surveillance for the purpose of preventing and
15 controlling communicable disease, with assistance from the department.
- 16 (2) Assurance of the availability of community-based programs to provide
17 communicable disease prevention and control services.
- 18 (3) Recognition, identification, and response to a communicable disease event,
19 in collaboration with the department.
- 20 b. Chronic disease and injury prevention, which must include conducting programs
21 to reduce the burden of chronic disease and injury through policy, system, and
22 environmental change approach; prevention screening; and education.
- 23 c. Environmental public health, which must include:

- 1 (1) Prevention of environmental hazards by the provision of information and
2 education to facility operators and managers and to community members.
- 3 (2) Assurance of the availability of environmental health services to prevent and
4 respond to community and residential environmental hazards.
- 5 d. Maternal, child, and family health, which must include:
 - 6 (1) Assessment and monitoring of maternal and child health status to identify
7 and address problems.
 - 8 (2) Implementation of programs to promote the health of women, children, and
9 youth, and their families, through policy, system, and environmental change
10 approaches; prevention screenings; and education.
- 11 e. Access to clinical care, which must include:
 - 12 (1) Collaboration with health care system partners to foster access to clinical
13 care.
 - 14 (2) Facilitation of linkages and referrals for appropriate clinical care, services,
15 and resources.
- 16 3. A public health unit may not engage in activities relating to the regulation of an onsite
17 wastewater sewage treatment system or wastewater disposal system, including:
 - 18 a. Issuing an installer certificate or license;
 - 19 b. Issuing a permit for a system;
 - 20 c. Inspecting a system; and
 - 21 d. Overseeing the installation or servicing of a system.

22 **SECTION 2. AMENDMENT.** Section 43-18-24 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-18-24. Violation of chapter - Penalty.**

25 Any person that violates the state plumbing code adopted under section 43-18-09; violates
26 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
27 another person in a manner that is in violation of section 43-18-13, or installs or services an
28 onsite wastewater sewage treatment system without being licensed under this chapter is guilty
29 of a class B misdemeanor.

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

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

- 3 1. The board shall establish rules relating to the permitting and licensing for onsite
4 wastewater sewage treatment systems.
- 5 2. The board shall establish standards and procedures for issuing, renewing, denying,
6 suspending, or revoking a permit or license to install, service, or inspect an onsite
7 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.
- 10 4. The board may not contract with a local public health unit to inspect an onsite
11 wastewater sewage treatment system.

12 **SECTION 4.** A new section to chapter 43-18 of the North Dakota Century Code is created
13 and enacted as follows:

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

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

23 **SECTION 5.** A new section to chapter 43-18 of the North Dakota Century Code is created
24 and enacted as follows:

25 **License required.**

- 26 1. An individual may not engage in the business of installing or servicing an onsite
27 wastewater sewage treatment system unless licensed by the board. To remain
28 licensed in good standing, an installer shall comply with this chapter and any rules
29 adopted by the board.

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

4 **SECTION 6. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
5 Code are repealed.