

2025 HOUSE ENERGY AND NATURAL RESOURCES

HB 1541

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1541
1/30/2025

Relating to the onsite wastewater recycling technical committee.
--

10:55 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, Ruby,
Conmy, Foss

Discussion Topics:

- Septic Systems Inspections & Requirements
- Septic System Permits & Licensing
- Septic System Jurisdictions
- Time Frame Inconsistencies
- Proposed Amendment 25.0795.01004

10:55 a.m. Representative Koppelman introduced the bill and submitted testimony #36205.

11:23 a.m. Brent Beechie, Executive Director for the State Plumbers Board, testified in support and submitted testimony. #32966

11:30 a.m. Sharry Adams, Southwest Health District, testified in support.

11:36 a.m. Darren Jespersen, Contractor, testified in opposition.

11:43 a.m. Tom Schimelfenig, testified in opposition and submitted testimony #32975 and #32976.

11:50 a.m. David Glatt, Director for the ND Department of Environmental Quality, testified neutrally.

11:56 a.m. Beth Jacobson, Director of Accounting for DEQ, testified neutrally.

Additional written testimony:

Andrew Marschall, ND Representative, submitted testimony in favor. #37591

11:57 a.m. Chairman Porter adjourned the meeting.

Saydee Wahl for Leah Kuball, Committee Clerk

TESTIMONY ON HOUSE BILL 1541 (In support of)
Brent Beechie, Executive Director, North Dakota State Plumbing Board

For several years now, a small group of septic tank and drain field installers have been trying to move licensing and inspections of private sewage disposal systems away from local and district health units. There is another bill (SB 2267) that has a committee hearing this afternoon with Agriculture and Veterans Affairs, with the objective of moving private sewage disposal systems (PSDS) licensure and inspections away from the local and district health units and into the plumbing board, which has been unsuccessfully tried several times previous. Plumbing and private sewage disposal systems are two completely different disciplines that myself and all of my inspectors know nothing about. The problem these installers are having is that if they have a problem with the design, installation, or inspection of the septic tank and drain field, they have no one to turn to for a second opinion and no one to complain to, with no formal way to resolve their conflicts with that health unit. I believe this bill would effectively take care of that problem. The local and district health units could possibly still conduct inspections of private sewage disposal systems, and the installers would have a uniform standard for licensing and permitting, and it would give them a formal committee to voice their issues, concerns, and appeals. The Department of Environment Quality (DEQ) already works with the local and district health units on larger sewage disposal systems (systems serving 25 or more people), and they have the expertise and knowledge to fulfill the requirements of this bill, and to also create and complete the statewide technical guide for private sewage disposal systems.

In my opinion, there are a few areas of this bill that could require further explanation or clarification.

- 1) Page 2, lines 5 and 7, inspections of sewer, septic, and private water systems
- 2) Page 2, line 16, Certain septic, sewer, and private water systems
- 3) Page 2, line 21, All of section 3. Transfer-Funds under the control of the State Board of Plumbing to Department of Environment Quality- Septic Systems

January 26, 2025

**House Energy and Natural Resources Committee
HB 1541**

Good morning Chairman Porter and Members of the House Energy and Natural Resources Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 47 years, and I've been licensed by the N.D. State Plumbing Board for 38 years.

I also currently serve as chairman of the Onsite Wastewater Technical Review Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session.

I am here to testify in the neutral position on SB 2267, as we need change in the onsite wastewater industry.

I have been licensed through the North Dakota State Plumbing Board since 1987, the year the North Dakota Sewer and Water Service Code was first adopted. That document, 43-18.2 Rules and Regulations of Sewer and Water Installation, continues to guide our industry's practices today. It was derived from the Uniform Plumbing Code (UPC), which has been in existence for 80 years. The UPC was established by the The International Association of Plumbing and Mechanical Officials, a technical expert on plumbing and mechanical issues since 1926.

The positive part of HB 1541 is that it is a step in the right direction, creating an opportunity for the establishment of a uniform statewide code for the installation of onsite wastewater systems. This is something I have been working on for 13 years.

The bill states, in line 5 and 6 of page 2, that the code would include a requirement that inspections be completed within one business day. This is important given the conditions we operate under, reducing unnecessary wait time for the contractor when installing systems. I have had instances where I have sent in a notice of installation, only to receive an out of office notice from the licensor, which could potentially delay completion of the installation by days.

As introduced, HB 1541 seeks to reassign regulation of the onsite wastewater industry away from the N.D. Plumbing Board and into the state Department of Environmental Quality (DEQ). This bill, as I understand that, would require plumbers to license with both the N.D. Plumbing Board and DEQ in order to install water and sewer service lines.

The bill also establishes an environmental quality advisory committee with six voting members, three of each from industry and public health. I don't think this is in the best interest of the industry or the citizens of North Dakota, considering that in the past there has been a lack of consensus among public health and the industry on this matter.

By definition, an advisory committee is a group of experts who provide guidance to an organization's management. Therefore, I suggest that the committee include two other members that would provide technical expertise not represented on the committee as proposed. I recommend that the committee include an environmental engineer licensed in North Dakota with experience in the onsite wastewater industry, as well as a professional soils classifier.

I appreciate your time and consideration, and I am willing to answer any questions you may have.

Tom Schimelfenig
4380 7th St NE
Bowdon, ND 58418
(701) 650-8792
tompeggy@daktel.com

Sixty-ninth
Legislative Assembly
of North Dakota**PROPOSED AMENDMENTS TO****HOUSE BILL NO. 1541**

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

- 1 A BILL for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century
2 Code, relating to sewer, septic, and private water systems and the environmental quality
3 advisory committee; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
4 Code, relating to the onsite wastewater recycling technical committee; and to provide a transfer.

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

- 6 **SECTION 1.** A new chapter to title 23.1 of the North Dakota Century Code is created and
7 enacted as follows:

8 **Sewer, septic, and private water systems - Authority.**

- 9 Notwithstanding any other provision of law, the department of environmental quality has the
10 exclusive authority to adopt rules regarding licensing, permitting, and inspections of sewer,
11 septic, and private water systems and shall provide assistance and guidance to the department
12 of health and human services, water districts, municipalities, and local health boards in all
13 matters related to sewer, septic, and private water systems.

14 **Environmental quality advisory committee - Members - Appointment - Duties.**

- 15 1. The environmental quality advisory committee consists of:
16 a. The director of the department of environmental quality or the director's designee;
17 b. Three representatives from local public health units, appointed by the governor;
18 and

c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association-;

d. One environmental engineer representing an institution of higher education or a private firm licensed in the state, appointed by the governor; and

e. One professional soil classifier registered by the state board of registration for professional soil classifiers, appointed by the governor.

2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.

3. The director or the director's designee shall serve as chairman of the board and is an ex officio member of the board.

4. The committee shall:

a. Recommend standards and procedures relating to licensing, permitting, and inspections of sewer, septic, and private water systems, including a requirement for proposed inspections to be completed within one business day.

b. Create and recommend a statewide technical guide for sewer, septic, and private water systems.

Environmental quality advisory committee - Members - Terms of office - Vacancies.

Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of appointees may be for less than four years. The governor shall fill a vacancy on the board by appointment from the class of members to which the member belonged.

Certain septic, sewer, and private water systems exempt.

This chapter does not apply to any septic, sewer, or private water system constructed, produced, or installed before August 1, 2025, or the extension of such a system.

SECTION 2. REPEAL. Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code are repealed.

SECTION 3. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF PLUMBING TO DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS. The

Sixty-ninth
Legislative Assembly

- 1 state board of plumbing shall transfer any remaining funds at the end of the biennium, from the
- 2 state plumbing board fund relating to the regulation of septic tanks and septic systems, to the
- 3 department of environmental quality operating fund for the purpose of the regulation of septic
- 4 tanks and septic systems.



1110 College Drive Suite 210 | Bismarck, ND 58501
701-328-9977 | 701-328-9979 (fax)
ndplumb@nd.gov | www.ndplumbingboard.gov

Tom Schimelfenig
4380 7th Street NE
Bowdon ND, 58418

NORTH DAKOTA STATE PLUMBING BOARD

License Holder: Tom Schimelfenig
License Type: Sewer and Water
License Level: Contractor
License Number: 87234
Issue Date: 6/1/1987
Valid Until: 6/30/2024



1110 College Drive Suite 210
Bismarck, ND 58501
701-328-9977
ndplumb@nd.gov
www.ndplumbingboard.gov

Aaron: 701-391-1204
Brent: 701-220-4434
Scott: 701-509-7772

Al: 701-770-3223
Dean: 701-799-1555

Carry this card with you when performing work.

land where the dwelling or building serviced by the OSTS is located, except if there is a permanent easement recorded or a centralized treatment system.

12. No provision set forth herein shall be deemed to require a change in any portion of an existing OSTS or any other work regulated by these regulations in or on an existing building or lot when such work was installed and is maintained in accordance with the rules or regulations in effect prior to the effective date of these regulations, except, when it is determined by the adopting authority ~~that a system constitutes a public health nuisance to be a malfunctioning system. A malfunction in one portion of the system does not qualify as a failure of the entire system and thus does not automatically require rebuilding of the entire system.~~

Section X Site Conditions

1. All proposed sites for an OSTS soil treatment area shall include at minimum the following information:
 - a. Depth of the seasonal high water table and bedrock or other limiting conditions.
 - b. Soil conditions - properties and permeability
 - c. Slope
 - d. The existence of lowlands, depressions, rock outcrops
 - e. Surface water drainage patterns
 - f. All setbacks, as required in these regulations, shall be described or drawn out.
2. Flood prone areas
 - a. No part of a system shall be installed in the floodway.
 - b. The soil absorption area shall be located on the highest feasible area of the lot and shall have location preferences over all other improvements except the water supply well.
 - c. The tank shall be protected against flotation under high water table conditions. This shall be achieved by weight of tank, earth anchors, or shallow bury depths.
 - d. If a pumping station is used to move sewage effluent from the septic tank to the soil treatment area, provisions shall be made to prevent the pump from operating when inundated with flood waters.
 - e. The building sewer shall be designed to prevent back flow of liquid into the building when the system is inundated. ~~If a holding tank is utilized, the building sewer shall be designed to permit rapid diversion of sewage into the holding tank when the system is inundated.~~
 - f. Whenever the water level has reached a stage above the top of the septic tank, the tank shall be pumped to remove all solids and liquids after the flood has receded before the use of the system is resumed.

"Dosing Device" is a commercially manufactured sewage effluent pump, grinder pump, or siphon.

"Drain field Rock" is clean, commercially produced, washed, rock, crushed igneous rock or similar insoluble, durable, and decay-resistant material. The size shall range from ¾ inch minimum diameter to 2 ½ inches effective diameter, ~~with no more than 5% by weight passing a ¾ inch sieve, and no more than 1% by weight passing a number 200 sieve. Materials greater than 2 ½ inches in diameter shall not exceed 5% by weight.~~ The jar test can be used as a method for testing drain field rock. See Appendix A Procedures for Soil Determination and Material Acceptability.

"Dwelling" is any building or place used or intended to be used by human occupants as a single-family or multiple-family unit.

"Floodway" is the bed of a wetland or lake, the channel of a watercourse, and those portions of the adjoining floodplain that are reasonably required to carry the regional flood discharge.

"Holding Tank" is a water-tight tank, with a minimum capacity of 1,000 gallons, meeting the minimum requirements set forth in Appendix B Design Standards, used for the storage of sewage until it can be transported to a point of approved disposal.

"Impermeable" with regard to soils, is a soil horizon or layer having a vertical permeability less than 1 inch in 24 hours and shall be considered impermeable.

"Limiting Factor" means any factor that adversely affects the soils ability to effectively treat sewage effluent. This encompasses actual soil saturation, redoximorphic features, or active fluctuating seasonal soil water table, bedrock, layers/conditions of low permeability or any physically identifiable condition that limits installation of a septic system.

"Malfunctioning or Failing System" is any situation in which the system fails to treat the sewage or exposes it to potential human contact. Failures may involve any component or components of a new or existing system which is improperly designed, installed, is clogged or no longer functions properly or as intended. Examples of failures include, but are not limited to sewage backing up into a building; sewage surfacing, being pumped to the surface or discharged into a waterway; sewage discharged into any abandoned well, crevice, sink hole, or other natural or manmade opening in the ground including cesspools and dry wells is a system that constitutes a Public Health Nuisance.

Formatted: Strikethrough

"Mound System" means a soil treatment and dispersal system designed and installed such that all of the infiltrative surface is installed above grade, using clean sand between the bottom of the infiltrative surface and the original ground elevation utilizing pressure distribution and capped with suitable material to stabilize the surface and encourage vegetative growth.

25.0795.01004
Title.

Prepared by the Legislative Council
staff for Representative Koppelman
February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

A BILL ~~for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century Code, relating to sewer, septic, and private water systems and the environmental quality advisory committee; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code, relating to the onsite wastewater recycling technical committee; and to provide a transfer~~ for an Act to create and enact chapter 23.1-17 of the North Dakota Century Code, relating to septic systems and the environmental quality advisory committee; to amend and reenact sections 23-35-02, 23-35-08, 23.1-01-03, and 23.1-17-01 of the North Dakota Century Code, relating to the powers and duties of the the department of environmental quality, boards of health, and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code, relating to the onsite wastewater recycling technical committee; to provide an appropriation; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. A new chapter to title 23.1 of the North Dakota Century Code is created and enacted as follows:~~

~~Sewer, septic, and private water systems – Authority.~~

~~Notwithstanding any other provision of law, the department of environmental quality has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of sewer, septic, and private water systems and shall provide assistance and guidance to the department of health and human services, water districts, municipalities, and local health boards in all matters related to sewer, septic, and private water systems.~~

~~**Environmental quality advisory committee – Members – Appointment – Duties.**~~

~~1. The environmental quality advisory committee consists of:~~

~~a. The director of the department of environmental quality or the director's designee;~~

~~b. Three representatives from local public health units, appointed by the governor;~~

~~and~~

~~c. Three individuals who must be licensed septic installers, appointed by the~~

~~governor from a list of names forwarded by a professional onsite wastewater~~

~~recycling association.~~

~~2. An appointed member must have been a resident of the state for at least five years~~

~~immediately preceding appointment to the committee.~~

~~3. The director or the director's designee shall serve as chairman of the board and is an~~

~~ex-officio member of the board.~~

~~4. The committee shall:~~

~~a. Recommend standards and procedures relating to licensing, permitting, and~~

~~inspections of sewer, septic, and private water systems, including a requirement~~

~~for proposed inspections to be completed within one business day.~~

~~b. Create and recommend a statewide technical guide for sewer, septic, and private~~

~~water systems.~~

~~**Environmental quality advisory committee – Members – Terms of office – Vacancies.**~~

~~Each appointed member of the committee shall qualify by taking the oath of office required~~

~~of civil officers and shall hold office for a term of four years and until a successor is appointed~~

~~and qualified. The terms of office of the appointed members must be arranged so no more than~~

~~two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of~~

~~appointees may be for less than four years. The governor shall fill a vacancy on the board by~~

~~appointment from the class of members to which the member belonged.~~

~~**Certain septic, sewer, and private water systems exempt.**~~

~~This chapter does not apply to any septic, sewer, or private water system constructed,~~

~~produced, or installed before August 1, 2025, or the extension of such a system.~~

~~**SECTION 2. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century~~

~~Code are repealed.~~

~~SECTION 3. TRANSFER—FUNDS UNDER THE CONTROL OF THE STATE BOARD OF PLUMBING TO DEPARTMENT OF ENVIRONMENTAL QUALITY—SEPTIC SYSTEMS. The state board of plumbing shall transfer any remaining funds at the end of the biennium, from the state plumbing board fund relating to the regulation of septic tanks and septic systems, to the department of environmental quality operating fund for the purpose of the regulation of septic tanks and septic systems.~~

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

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

1. All land in the state must be in a public health unit.
2. At a minimum, a public health unit shall provide the following core functions:
 - a. Communicable disease control, which must include:
 - (1) Conducting of disease surveillance for the purpose of preventing and controlling communicable disease, with assistance from the department.
 - (2) Assurance of the availability of community-based programs to provide communicable disease prevention and control services.
 - (3) Recognition, identification, and response to a communicable disease event, in collaboration with the department.
 - b. Chronic disease and injury prevention, which must include conducting programs to reduce the burden of chronic disease and injury through policy, system, and environmental change approach; prevention screening; and education.
 - c. Environmental public health, which must include:
 - (1) Prevention of environmental hazards by the provision of information and education to facility operators and managers and to community members.
 - (2) Assurance of the availability of environmental health services to prevent and respond to community and residential environmental hazards.
 - (3) Permitting and inspections of septic water systems. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of septic systems within the boundaries of the county or city. The agreement may be terminated as provided in the agreement, by joint action

of all parties, or by an individual party no less than one year after providing written notice to the other party.

d. Maternal, child, and family health, which must include:

- (1) Assessment and monitoring of maternal and child health status to identify and address problems.
- (2) Implementation of programs to promote the health of women, children, and youth, and their families, through policy, system, and environmental change approaches; prevention screenings; and education.

e. Access to clinical care, which must include:

- (1) Collaboration with health care system partners to foster access to clinical care.
- (2) Facilitation of linkages and referrals for appropriate clinical care, services, and resources.

SECTION 2. AMENDMENT. Section 23-35-08 of the North Dakota Century Code is amended and reenacted as follows:

23-35-08. Boards of health - Powers and duties.

Except when in conflict with a local ordinance or a civil service rule within a board of health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

1. Shall keep records and make reports required by the department.
2. Shall prepare and submit a public health unit budget.
3. Shall audit, allow, and certify for payment expenses incurred by a board of health in carrying into effect this chapter.
4. May accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.
5. May make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety, except for rules regarding the licensing of septic system installers.
6. May establish by rule a schedule of reasonable fees that may be charged for services rendered. Services may not be withheld due to an inability to pay any fees established under this subsection. If a tribal board of health establishes fees for services rendered,

- 1 the fees may not exceed the highest corresponding fee of any of the public health
- 2 units that border the tribal public health unit.
- 3 7. May make rules in a health district or county public health department, as the case
- 4 may be, and in the case of a city public health department may recommend to the
- 5 city's governing body ordinances for the protection of public health and safety.
- 6 8. May adopt confinement, decontamination, and sanitary measures in compliance with
- 7 chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 8 9. May make and enforce an order in a local matter if an emergency exists.
- 9 10. May inquire into any nuisance, source of filth, or cause of sickness.
- 10 11. Except in the case of an emergency, may conduct a search or seize material located
- 11 on private property to ascertain the condition of the property as the condition relates to
- 12 public health and safety as authorized by an administrative search warrant issued
- 13 under chapter 29-29.1.
- 14 12. May abate or remove any nuisance, source of filth, or cause of sickness when
- 15 necessary to protect the public health and safety.
- 16 13. May supervise any matter relating to preservation of life and health of individuals,
- 17 including the supervision of any water supply and sewage system.
- 18 14. May isolate, kill, or remove any animal affected with a contagious or infectious disease
- 19 if the animal poses a material risk to human health and safety.
- 20 15. Shall appoint a local health officer.
- 21 16. May employ any person necessary to effectuate board rules and this chapter.
- 22 17. If a public health unit is served by a part-time local health officer, the board of health
- 23 may appoint an executive director. An executive director is subject to removal for
- 24 cause by the board of health. The board of health may assign to the executive director
- 25 the duties of the local health officer, and the executive director shall perform these
- 26 duties under the direction of the local health officer.
- 27 18. May contract with any person to provide the services necessary to carry out the
- 28 purposes of the board of health.
- 29 19. Shall designate the location of a local health officer's office and shall furnish the office
- 30 with necessary equipment.
- 31 20. May provide for personnel the board of health considers necessary.

21. Shall set the salary of the local health officer, the executive director, and any assistant local health officer and shall set the compensation of any other public health unit personnel.

22. Shall pay for necessary travel of the local health officer, the local health officer's assistants, and other personnel in the manner and to the extent determined by the board.

SECTION 3. AMENDMENT. Section 23.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

23.1-01-03. Director - Powers and duties.

The director of the department of environmental quality shall:

1. Enforce all rules adopted by the department;
2. Hire employees as necessary to carry out the duties of the department and director;
3. Organize the department in the most efficient and effective manner;
4. Maintain, in conjunction with the department of health and human services, a laboratory to carry out the necessary tests and examinations for purposes of this title, and establish a fee schedule for the tests and examinations;
5. Issue bulletins, news releases, or reports as necessary to inform the public of environmental hazards;
6. Establish rules necessary for maintaining sanitation, including rules for approving plans for water works and sewage systems;
7. Maintain a central environmental laboratory and, if necessary, branch laboratories for the standard function of diagnostic, sanitary, and chemical examinations; ~~and~~
8. ~~Any~~ Provide optional training and educational opportunities to municipalities, local health boards, and septic contractors; and
9. Undertake any other action, including the collection and distribution of environmental quality data, necessary and appropriate for the administration of this title and chapters 61-28, 61-28.1, and 61-28.2.

SECTION 4. Chapter 23.1-17 of the North Dakota Century Code is created and enacted as follows:

23.1-17-01. Septic systems - Authority.

1. Notwithstanding any other provisions of law, the department of environmental quality has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic systems.
2. The department of environmental quality shall provide assistance and guidance to municipalities and local health boards in all matters related to septic systems.
3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.

23.1-17-02. Environmental quality advisory committee - Members - Appointment - Duties.

1. The environmental quality advisory committee consists of:
 - a. The director of the department of environmental quality or the director's designee;
 - b. Three representatives from local public health units, appointed by the governor;
 - c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.
2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.
3. The director or the director's designee shall serve as chairman of the committee and is an ex officio, nonvoting member of the committee.
4. The committee shall:
 - a. Recommend standards and procedures relating to licensing, permitting, and inspections of septic systems.
 - b. Create and recommend a statewide technical guide for septic systems.

23.1-17-03. Environmental quality advisory committee - Terms of office - Vacancies.

Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of

1 appointees may be for less than four years. The governor shall fill a vacancy on the committee
2 by appointment from the class of members to which the member belonged.

3 **23.1-17-04. Inspections, repairs, and replacements.**

- 4 1. A local public health unit shall conduct a required inspection of a septic system within
5 one business day of receiving a request to inspect.
6 2. A local public health unit may not require the replacement of a repairable septic
7 system within ten years of receipt of notice of noncompliance or within one year of
8 sale of the property, whichever is sooner.

9 **SECTION 5. AMENDMENT.** Section 23.1-17-01 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **23.1-17-01. Septic systems - Authority.**

- 12 1. Notwithstanding any other provisions of law, the department of environmental quality,
13 with majority approval of the environmental quality advisory committee, has the
14 exclusive authority to adopt rules regarding licensing, permitting, and inspections of
15 septic systems.
16 2. The department of environmental quality shall provide assistance and guidance to
17 municipalities and local health boards in all matters related to septic systems.
18 3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter,
19 or enacted or adopted by any other political subdivision, which is in conflict with a rule
20 adopted under this section is void.

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

23 **SECTION 7. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**
24 **SEPTIC SYSTEMS - ONE-TIME FUNDING.** There is appropriated out of any moneys in the
25 general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much
26 of the sum as may be necessary, to the department of environmental quality for the purpose of
27 the regulation of septic tanks and septic systems, for the biennium beginning July 1, 2025, and
28 ending June 30, 2027. The funding provided in this section is considered a one-time funding
29 item.

30 **SECTION 8. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF**
31 **PLUMBING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS.**

1 The state board of plumbing shall transfer any remaining funds at the end of the biennium,
2 from the state plumbing board fund relating to sewer and water contractor fees, to the
3 department of environmental quality operating fund for the purpose of the regulation of septic
4 tanks and septic systems.

5 **SECTION 9. EFFECTIVE DATE.** Section 5 of this Act becomes effective on January 1,
6 2026.

25.0795.01005
Title.

Prepared by the Legislative Council
staff for Representative Marschall
February 12, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

A BILL ~~for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century-~~
~~Code, relating to sewer, septic, and private water systems and the environmental quality-~~
~~advisory committee; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century-~~
~~Code, relating to the onsite wastewater recycling technical committee; and to provide a-~~
~~transfer.~~ for an Act to create and enact chapter 23.1-17 of the North Dakota Century Code,
relating to septic systems and the environmental quality advisory committee; to amend and
reenact sections 23-35-02, 23-35-08, 23.1-01-03, and 23.1-17-01 of the North Dakota Century
Code, relating to the powers and duties of the the department of environmental quality, boards
of health, and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of the North
Dakota Century Code, relating to the onsite wastewater recycling technical committee; to
provide an appropriation; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~SECTION 1. A new chapter to title 23.1 of the North Dakota Century Code is created and~~
~~enacted as follows:~~
~~Sewer, septic, and private water systems – Authority.~~
~~Notwithstanding any other provision of law, the department of environmental quality has the~~
~~exclusive authority to adopt rules regarding licensing, permitting, and inspections of sewer,~~
~~septic, and private water systems and shall provide assistance and guidance to the department~~
~~of health and human services, water districts, municipalities, and local health boards in all~~
~~matters related to sewer, septic, and private water systems.~~

Environmental quality advisory committee - Members - Appointment - Duties.

~~1. The environmental quality advisory committee consists of:~~

~~a. The director of the department of environmental quality or the director's designee;~~

~~b. Three representatives from local public health units, appointed by the governor;~~

~~and~~

~~c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.~~

~~2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.~~

~~3. The director or the director's designee shall serve as chairman of the board and is an ex officio member of the board.~~

~~4. The committee shall:~~

~~a. Recommend standards and procedures relating to licensing, permitting, and inspections of sewer, septic, and private water systems, including a requirement for proposed inspections to be completed within one business day.~~

~~b. Create and recommend a statewide technical guide for sewer, septic, and private water systems.~~

Environmental quality advisory committee - Members - Terms of office - Vacancies.

~~Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of appointees may be for less than four years. The governor shall fill a vacancy on the board by appointment from the class of members to which the member belonged.~~

Certain septic, sewer, and private water systems exempt.

~~This chapter does not apply to any septic, sewer, or private water system constructed, produced, or installed before August 1, 2025, or the extension of such a system.~~

SECTION 2. REPEAL. Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code are repealed.

~~SECTION 3. TRANSFER -- FUNDS UNDER THE CONTROL OF THE STATE BOARD OF PLUMBING TO DEPARTMENT OF ENVIRONMENTAL QUALITY -- SEPTIC SYSTEMS. The state board of plumbing shall transfer any remaining funds at the end of the biennium, from the state plumbing board fund relating to the regulation of septic tanks and septic systems, to the department of environmental quality operating fund for the purpose of the regulation of septic tanks and septic systems.~~

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

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

1. All land in the state must be in a public health unit.
2. At a minimum, a public health unit shall provide the following core functions:
 - a. Communicable disease control, which must include:
 - (1) Conducting of disease surveillance for the purpose of preventing and controlling communicable disease, with assistance from the department.
 - (2) Assurance of the availability of community-based programs to provide communicable disease prevention and control services.
 - (3) Recognition, identification, and response to a communicable disease event, in collaboration with the department.
 - b. Chronic disease and injury prevention, which must include conducting programs to reduce the burden of chronic disease and injury through policy, system, and environmental change approach; prevention screening; and education.
 - c. Environmental public health, which must include:
 - (1) Prevention of environmental hazards by the provision of information and education to facility operators and managers and to community members.
 - (2) Assurance of the availability of environmental health services to prevent and respond to community and residential environmental hazards.
 - (3) Permitting and inspections of septic water systems. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of septic systems within the boundaries of the county or city. The agreement may be terminated as provided in the agreement, by joint action

of all parties, or by an individual party no less than one year after providing written notice to the other party.

d. Maternal, child, and family health, which must include:

- (1) Assessment and monitoring of maternal and child health status to identify and address problems.
- (2) Implementation of programs to promote the health of women, children, and youth, and their families, through policy, system, and environmental change approaches; prevention screenings; and education.

e. Access to clinical care, which must include:

- (1) Collaboration with health care system partners to foster access to clinical care.
- (2) Facilitation of linkages and referrals for appropriate clinical care, services, and resources.

SECTION 2. AMENDMENT. Section 23-35-08 of the North Dakota Century Code is amended and reenacted as follows:

23-35-08. Boards of health - Powers and duties.

Except when in conflict with a local ordinance or a civil service rule within a board of health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

1. Shall keep records and make reports required by the department.
2. Shall prepare and submit a public health unit budget.
3. Shall audit, allow, and certify for payment expenses incurred by a board of health in carrying into effect this chapter.
4. May accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.
5. May make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety, except for rules regarding the licensing of septic system installers.
6. May establish by rule a schedule of reasonable fees that may be charged for services rendered. Services may not be withheld due to an inability to pay any fees established under this subsection. If a tribal board of health establishes fees for services rendered,

the fees may not exceed the highest corresponding fee of any of the public health units that border the tribal public health unit.

7. May make rules in a health district or county public health department, as the case may be, and in the case of a city public health department may recommend to the city's governing body ordinances for the protection of public health and safety.

8. May adopt confinement, decontamination, and sanitary measures in compliance with chapter 23-07.6 which are necessary when an infectious or contagious disease exists.

9. May make and enforce an order in a local matter if an emergency exists.

10. May inquire into any nuisance, source of filth, or cause of sickness.

11. Except in the case of an emergency, may conduct a search or seize material located on private property to ascertain the condition of the property as the condition relates to public health and safety as authorized by an administrative search warrant issued under chapter 29-29.1.

12. May abate or remove any nuisance, source of filth, or cause of sickness when necessary to protect the public health and safety.

13. May supervise any matter relating to preservation of life and health of individuals, including the supervision of any water supply and sewage system.

14. May isolate, kill, or remove any animal affected with a contagious or infectious disease if the animal poses a material risk to human health and safety.

15. Shall appoint a local health officer.

16. May employ any person necessary to effectuate board rules and this chapter.

17. If a public health unit is served by a part-time local health officer, the board of health may appoint an executive director. An executive director is subject to removal for cause by the board of health. The board of health may assign to the executive director the duties of the local health officer, and the executive director shall perform these duties under the direction of the local health officer.

18. May contract with any person to provide the services necessary to carry out the purposes of the board of health.

19. Shall designate the location of a local health officer's office and shall furnish the office with necessary equipment.

20. May provide for personnel the board of health considers necessary.

21. Shall set the salary of the local health officer, the executive director, and any assistant local health officer and shall set the compensation of any other public health unit personnel.

22. Shall pay for necessary travel of the local health officer, the local health officer's assistants, and other personnel in the manner and to the extent determined by the board.

SECTION 3. AMENDMENT. Section 23.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

23.1-01-03. Director - Powers and duties.

The director of the department of environmental quality shall:

1. Enforce all rules adopted by the department;
2. Hire employees as necessary to carry out the duties of the department and director;
3. Organize the department in the most efficient and effective manner;
4. Maintain, in conjunction with the department of health and human services, a laboratory to carry out the necessary tests and examinations for purposes of this title, and establish a fee schedule for the tests and examinations;
5. Issue bulletins, news releases, or reports as necessary to inform the public of environmental hazards;
6. Establish rules necessary for maintaining sanitation, including rules for approving plans for water works and sewage systems;
7. Maintain a central environmental laboratory and, if necessary, branch laboratories for the standard function of diagnostic, sanitary, and chemical examinations; ~~and~~
8. ~~Any~~ Provide optional training and educational opportunities to municipalities, local health boards, and septic contractors; and
9. Undertake any other action, including the collection and distribution of environmental quality data, necessary and appropriate for the administration of this title and chapters 61-28, 61-28.1, and 61-28.2.

SECTION 4. Chapter 23.1-17 of the North Dakota Century Code is created and enacted as follows:

23.1-17-01. Septic systems - Authority.

1. Notwithstanding any other provisions of law, the department of environmental quality has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic systems.
2. The department of environmental quality shall provide assistance and guidance to municipalities and local health boards in all matters related to septic systems.
3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.

23.1-17-02. Environmental quality advisory committee - Members - Appointment - Duties.

1. The environmental quality advisory committee consists of:
 - a. The director of the department of environmental quality or the director's designee;
 - b. Three representatives from local public health units, appointed by the governor;
 - and
 - c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.
2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.
3. The director or the director's designee shall serve as chairman of the committee and is an ex officio, nonvoting member of the committee.
4. The committee shall:
 - a. Recommend standards and procedures relating to licensing, permitting, and inspections of septic systems.
 - b. Create and recommend a statewide technical guide for septic systems.

23.1-17-03. Environmental quality advisory committee - Terms of office - Vacancies.

Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of

1 appointees may be for less than four years. The governor shall fill a vacancy on the committee
2 by appointment from the class of members to which the member belonged.

3 **23.1-17-04. Inspections, repairs, and replacements.**

4 1. A local public health unit shall conduct a required inspection of a septic system within
5 one business day of receiving a request to inspect.

6 2. A local public health unit may not require the replacement of a repairable septic
7 system within ten years of receipt of notice of noncompliance or before the completion
8 of the sale of the property, whichever is sooner.

9 3. A local public health unit may not require the replacement of a functional septic
10 system.

11 **SECTION 5. AMENDMENT.** Section 23.1-17-01 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23.1-17-01. Septic systems - Authority.**

14 1. Notwithstanding any other provisions of law, the department of environmental quality,
15 with majority approval of the environmental quality advisory committee, has the
16 exclusive authority to adopt rules regarding licensing, permitting, and inspections of
17 septic systems.

18 2. The department of environmental quality shall provide assistance and guidance to
19 municipalities and local health boards in all matters related to septic systems.

20 3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter,
21 or enacted or adopted by any other political subdivision, which is in conflict with a rule
22 adopted under this section is void.

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

25 **SECTION 7. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**

26 **SEPTIC SYSTEMS - ONE-TIME FUNDING.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much
28 of the sum as may be necessary, to the department of environmental quality for the purpose of
29 the regulation of septic tanks and septic systems, for the biennium beginning July 1, 2025, and
30 ending June 30, 2027. The funding provided in this section is considered a one-time funding
31 item.

**SECTION 8. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF
PLUMBING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS.**

The state board of plumbing shall transfer any remaining funds at the end of the biennium, from the state plumbing board fund relating to sewer and water contractor fees, to the department of environmental quality operating fund for the purpose of the regulation of septic tanks and septic systems.

SECTION 9. EFFECTIVE DATE. Section 5 of this Act becomes effective on January 1, 2026.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1541

1/31/2025

Relating to the onsite wastewater recycling technical committee; and to provide a transfer.

11:30 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M.
Ruby, Conmy, Foss

Discussion Topics:

- Committee Action

11:35 a.m. Representative Dockter moved a Do Not Pass.

11:35 a.m. Representative Heinert seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	N
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	AB

Motion carried: 11-1-1

Bill carrier: Representative Dockter

11:36 a.m. Chairman Porter adjourned the meeting

Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1541 ([25.0795.01000](#))

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1541 was placed on the Eleventh order on the calendar.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1541

2/6/2025

Relating to the onsite wastewater recycling technical committee; and to provide a transfer.

11:09 a.m. Chairman Porter called the hearing to order.

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M. Ruby,
Conmy, Foss

Discussion Topics:

- Reconsider Committee Action

11:09 a.m. Representative Headland moved to reconsider committee action.

11:09 a.m. Representative Hagert seconded the motion.

Voice vote: Motion carried

11:10 a.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1541

2/7/2025

Relating to the onsite wastewater recycling technical committee; and to provide a transfer.

10:15 a.m. Chairman Porter called the meeting to order

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M. Ruby,
Conmy, Foss

Discussion Topics:

- Committee Action

10:15 a.m. Representative Koppelman went over his amendment 25.0795.01004 #36205, from previous meeting.

10:40 a.m. Representative Ruby moved to adopt amendment 25.0795.01004.

10:40 a.m. Representative Dockter seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Austin Foss	Y
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion Carried: 13-0-0

10:40 a.m. Chairman Porter closed the hearing.

Leah Kuball, Committee Clerk

Bill was further amended on 2/13/2025.

2025 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau AB Room, State Capitol

HB 1541

2/13/2025

Relating to the onsite wastewater recycling technical committee; and to provide a transfer.

10:48 a.m. Chairman Porter opened meeting

Members Present: Chairman Porter, Vice Chairman Anderson, Vice Chair Novak,
Representatives: Dockter, Hagert, Headland, Heinert, Johnson, Marschall, Olson, M.
Ruby, Conmy, Foss

Discussion Topics:

- Committee Action

11:02 a.m. Representative Marschall adopted amendment 25.0795.01005 with further amendment to page 8 line 5 on previous testimony #37591 "Local Public Health unit shall conduct a required in person or virtual inspection."

11:03 a.m. Representative M. Ruby seconded the motion.

Voice vote: Motion carried

11:03 a.m. Representative Marschall moved a Do Pass as Amended.

11:03 a.m. Representative M. Ruby seconded the motion.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Anna Novak	Y
Representative Liz Conmy	N
Representative Jason Dockter	Y
Representative Austin Foss	N
Representative Jared c. Hagert	Y
Representative Craig Headland	Y
Representative Pat D. Heinert	Y
Representative Jorin Johnson	Y
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	AB
Representative Matthew Ruby	Y

Motion Carried: 10-2-1

Bill Carrier: Representative Marschall

House Energy and Natural Resources Committee

HB 1541

02/13/25

Page 2

11:07 a.m. Chairman Porter adjourned the meeting

Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

CC 2/13
1 of 9

HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

1 A BILL ~~for an Act to create and enact a new chapter to title 23.1 of the North Dakota Century~~
2 ~~Code, relating to sewer, septic, and private water systems and the environmental quality~~
3 ~~advisory committee; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century~~
4 ~~Code, relating to the onsite wastewater recycling technical committee; and to provide a~~
5 ~~transfer.~~ for an Act to create and enact chapter 23.1-17 of the North Dakota Century Code,
6 relating to septic systems and the environmental quality advisory committee; to amend and
7 reenact sections 23-35-02, 23-35-08, 23.1-01-03, and 23.1-17-01 of the North Dakota Century
8 Code, relating to the powers and duties of the the department of environmental quality, boards
9 of health, and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of the North
10 Dakota Century Code, relating to the onsite wastewater recycling technical committee; to
11 provide an appropriation; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

13 ~~— **SECTION 1.** A new chapter to title 23.1 of the North Dakota Century Code is created and~~
14 ~~enacted as follows:~~

15 ~~— **Sewer, septic, and private water systems – Authority.**~~

16 ~~— Notwithstanding any other provision of law, the department of environmental quality has the~~
17 ~~exclusive authority to adopt rules regarding licensing, permitting, and inspections of sewer,~~
18 ~~septic, and private water systems and shall provide assistance and guidance to the department~~
19 ~~of health and human services, water districts, municipalities, and local health boards in all~~
20 ~~matters related to sewer, septic, and private water systems.~~

~~**Environmental quality advisory committee – Members – Appointment – Duties.**~~

~~1. The environmental quality advisory committee consists of:~~

~~a. The director of the department of environmental quality or the director's designee;~~

~~b. Three representatives from local public health units, appointed by the governor;
and~~

~~c. Three individuals who must be licensed septic installers, appointed by the
governor from a list of names forwarded by a professional onsite wastewater
recycling association.~~

~~2. An appointed member must have been a resident of the state for at least five years
immediately preceding appointment to the committee.~~

~~3. The director or the director's designee shall serve as chairman of the board and is an
ex officio member of the board.~~

~~4. The committee shall:~~

~~a. Recommend standards and procedures relating to licensing, permitting, and
inspections of sewer, septic, and private water systems, including a requirement
for proposed inspections to be completed within one business day.~~

~~b. Create and recommend a statewide technical guide for sewer, septic, and private
water systems.~~

~~**Environmental quality advisory committee – Members – Terms of office – Vacancies.**~~

~~Each appointed member of the committee shall qualify by taking the oath of office required
of civil officers and shall hold office for a term of four years and until a successor is appointed
and qualified. The terms of office of the appointed members must be arranged so no more than
two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of
appointees may be for less than four years. The governor shall fill a vacancy on the board by
appointment from the class of members to which the member belonged.~~

~~**Certain septic, sewer, and private water systems exempt.**~~

~~This chapter does not apply to any septic, sewer, or private water system constructed,
produced, or installed before August 1, 2025, or the extension of such a system.~~

~~**SECTION 2. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century
Code are repealed.~~

~~SECTION 3. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF PLUMBING TO DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS. The state board of plumbing shall transfer any remaining funds at the end of the biennium, from the state plumbing board fund relating to the regulation of septic tanks and septic systems, to the department of environmental quality operating fund for the purpose of the regulation of septic tanks and septic systems.~~

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

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

1. All land in the state must be in a public health unit.
2. At a minimum, a public health unit shall provide the following core functions:
 - a. Communicable disease control, which must include:
 - (1) Conducting of disease surveillance for the purpose of preventing and controlling communicable disease, with assistance from the department.
 - (2) Assurance of the availability of community-based programs to provide communicable disease prevention and control services.
 - (3) Recognition, identification, and response to a communicable disease event, in collaboration with the department.
 - b. Chronic disease and injury prevention, which must include conducting programs to reduce the burden of chronic disease and injury through policy, system, and environmental change approach; prevention screening; and education.
 - c. Environmental public health, which must include:
 - (1) Prevention of environmental hazards by the provision of information and education to facility operators and managers and to community members.
 - (2) Assurance of the availability of environmental health services to prevent and respond to community and residential environmental hazards.
 - (3) Permitting and inspections of septic water systems. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of septic systems within the boundaries of the county or city. The agreement may be terminated as provided in the agreement, by joint action

of all parties, or by an individual party no less than one year after providing written notice to the other party.

d. Maternal, child, and family health, which must include:

- (1) Assessment and monitoring of maternal and child health status to identify and address problems.
- (2) Implementation of programs to promote the health of women, children, and youth, and their families, through policy, system, and environmental change approaches; prevention screenings; and education.

e. Access to clinical care, which must include:

- (1) Collaboration with health care system partners to foster access to clinical care.
- (2) Facilitation of linkages and referrals for appropriate clinical care, services, and resources.

SECTION 2. AMENDMENT. Section 23-35-08 of the North Dakota Century Code is amended and reenacted as follows:

23-35-08. Boards of health - Powers and duties.

Except when in conflict with a local ordinance or a civil service rule within a board of health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

1. Shall keep records and make reports required by the department.
2. Shall prepare and submit a public health unit budget.
3. Shall audit, allow, and certify for payment expenses incurred by a board of health in carrying into effect this chapter.
4. May accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.
5. May make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety, except for rules regarding the licensing of septic system installers.
6. May establish by rule a schedule of reasonable fees that may be charged for services rendered. Services may not be withheld due to an inability to pay any fees established under this subsection. If a tribal board of health establishes fees for services rendered,

- 1 the fees may not exceed the highest corresponding fee of any of the public health
- 2 units that border the tribal public health unit.
- 3 7. May make rules in a health district or county public health department, as the case
- 4 may be, and in the case of a city public health department may recommend to the
- 5 city's governing body ordinances for the protection of public health and safety.
- 6 8. May adopt confinement, decontamination, and sanitary measures in compliance with
- 7 chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 8 9. May make and enforce an order in a local matter if an emergency exists.
- 9 10. May inquire into any nuisance, source of filth, or cause of sickness.
- 10 11. Except in the case of an emergency, may conduct a search or seize material located
- 11 on private property to ascertain the condition of the property as the condition relates to
- 12 public health and safety as authorized by an administrative search warrant issued
- 13 under chapter 29-29.1.
- 14 12. May abate or remove any nuisance, source of filth, or cause of sickness when
- 15 necessary to protect the public health and safety.
- 16 13. May supervise any matter relating to preservation of life and health of individuals,
- 17 including the supervision of any water supply and sewage system.
- 18 14. May isolate, kill, or remove any animal affected with a contagious or infectious disease
- 19 if the animal poses a material risk to human health and safety.
- 20 15. Shall appoint a local health officer.
- 21 16. May employ any person necessary to effectuate board rules and this chapter.
- 22 17. If a public health unit is served by a part-time local health officer, the board of health
- 23 may appoint an executive director. An executive director is subject to removal for
- 24 cause by the board of health. The board of health may assign to the executive director
- 25 the duties of the local health officer, and the executive director shall perform these
- 26 duties under the direction of the local health officer.
- 27 18. May contract with any person to provide the services necessary to carry out the
- 28 purposes of the board of health.
- 29 19. Shall designate the location of a local health officer's office and shall furnish the office
- 30 with necessary equipment.
- 31 20. May provide for personnel the board of health considers necessary.

21. Shall set the salary of the local health officer, the executive director, and any assistant local health officer and shall set the compensation of any other public health unit personnel.

22. Shall pay for necessary travel of the local health officer, the local health officer's assistants, and other personnel in the manner and to the extent determined by the board.

SECTION 3. AMENDMENT. Section 23.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

23.1-01-03. Director - Powers and duties.

The director of the department of environmental quality shall:

1. Enforce all rules adopted by the department;
2. Hire employees as necessary to carry out the duties of the department and director;
3. Organize the department in the most efficient and effective manner;
4. Maintain, in conjunction with the department of health and human services, a laboratory to carry out the necessary tests and examinations for purposes of this title, and establish a fee schedule for the tests and examinations;
5. Issue bulletins, news releases, or reports as necessary to inform the public of environmental hazards;
6. Establish rules necessary for maintaining sanitation, including rules for approving plans for water works and sewage systems;
7. Maintain a central environmental laboratory and, if necessary, branch laboratories for the standard function of diagnostic, sanitary, and chemical examinations; ~~and~~
8. ~~Any~~ Provide optional training and educational opportunities to municipalities, local health boards, and septic contractors; and
9. Undertake any other action, including the collection and distribution of environmental quality data, necessary and appropriate for the administration of this title and chapters 61-28, 61-28.1, and 61-28.2.

SECTION 4. Chapter 23.1-17 of the North Dakota Century Code is created and enacted as follows:

23.1-17-01. Septic systems - Authority.

1. Notwithstanding any other provisions of law, the department of environmental quality has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic systems.
2. The department of environmental quality shall provide assistance and guidance to municipalities and local health boards in all matters related to septic systems.
3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.

23.1-17-02. Environmental quality advisory committee - Members - Appointment - Duties.

1. The environmental quality advisory committee consists of:
 - a. The director of the department of environmental quality or the director's designee;
 - b. Three representatives from local public health units, appointed by the governor;
 - and
 - c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.
2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.
3. The director or the director's designee shall serve as chairman of the committee and is an ex officio, nonvoting member of the committee.
4. The committee shall:
 - a. Recommend standards and procedures relating to licensing, permitting, and inspections of septic systems.
 - b. Create and recommend a statewide technical guide for septic systems.

23.1-17-03. Environmental quality advisory committee - Terms of office - Vacancies.

Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of

1 appointees may be for less than four years. The governor shall fill a vacancy on the committee
2 by appointment from the class of members to which the member belonged.

3 **23.1-17-04. Inspections, repairs, and replacements.**

- 4 1. A local public health unit shall conduct a required in-person or virtual inspection of a
5 septic system within one business day of receiving a request to inspect.
6 2. A local public health unit may not require the replacement of a repairable septic
7 system within ten years of receipt of notice of noncompliance or before the completion
8 of the sale of the property, whichever is sooner.
9 3. A local public health unit may not require the replacement of a functional septic
10 system.

11 **SECTION 5. AMENDMENT.** Section 23.1-17-01 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **23.1-17-01. Septic systems - Authority.**

- 14 1. Notwithstanding any other provisions of law, the department of environmental quality,
15 with majority approval of the environmental quality advisory committee, has the
16 exclusive authority to adopt rules regarding licensing, permitting, and inspections of
17 septic systems.
18 2. The department of environmental quality shall provide assistance and guidance to
19 municipalities and local health boards in all matters related to septic systems.
20 3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter,
21 or enacted or adopted by any other political subdivision, which is in conflict with a rule
22 adopted under this section is void.

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

25 **SECTION 7. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**
26 **SEPTIC SYSTEMS - ONE-TIME FUNDING.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much
28 of the sum as may be necessary, to the department of environmental quality for the purpose of
29 the regulation of septic tanks and septic systems, for the biennium beginning July 1, 2025, and
30 ending June 30, 2027. The funding provided in this section is considered a one-time funding
31 item.

SECTION 8. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF PLUMBING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS.

The state board of plumbing shall transfer any remaining funds at the end of the biennium, from the state plumbing board fund relating to sewer and water contractor fees, to the department of environmental quality operating fund for the purpose of the regulation of septic tanks and septic systems.

SECTION 9. EFFECTIVE DATE. Section 5 of this Act becomes effective on January 1, 2026.

**REPORT OF STANDING COMMITTEE
HB 1541**

Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS** ([25.0795.01006](#)) and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1541 was placed on the Sixth order on the calendar.

2025 HOUSE APPROPRIATIONS

HB 1541

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1541
2/19/2025

Relating to septic systems and the environmental quality advisory committee, relating to the powers and duties of the department of environmental quality, boards of health, and public health units, relating to the onsite wastewater recycling technical committee; to provide an appropriation; to provide for a transfer; and to provide an effective date.

5:39 p.m. Chairman Vigesaa opened the meeting.

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Discussion Topics:

- Public Health Units
- Department of Environmental Quality Statewide Standards
- Board of Plumbing

5:40 p.m. Representative Porter introduced the bill.

5:49 p.m. Chairman Vigesaa closed the meeting.

Krystal Eberle, Committee Clerk

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1541
2/19/2025

Relating to septic systems and the environmental quality advisory committee, relating to the powers and duties of the department of environmental quality, boards of health, and public health units, relating to the onsite wastewater recycling technical committee; to provide an appropriation; to provide for a transfer; and to provide an effective date.

6:50 p.m. Chairman Vigesaa Called the meeting to order.

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner

Member absent: Representative Brandenburg

Discussion Topics:

- Committee Action

6:51 p.m. Representative Monson moved a Do Pass.

6:52 p.m. Representative Stemen seconded the motion.

Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	AB
Representative Jay Fisher	Y
Representative Karla Rose Hanson	N
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y

Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	Y

6:52 p.m. Motion passed 21-1-1

Representative Marschall will carry.

6:53 p.m. Chairman Vigesaa closed the meeting.

Krystal Eberle for Risa Berube, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1541 ([25.0795.02000](#))**

Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1541 was placed on the Eleventh order on the calendar.

2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

HB 1541

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1541
3/20/2025

A bill relating to the onsite wastewater recycling technical committee; to provide an appropriation; to provide for a transfer; and to provide an effective date.

9:44 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Department of Environmental Quality (DEQ) and Public Health Units
- Septic installations
- Permitting, inspections, and subcontracting
- Ability to appeal
- Civil penalties
- NDSU and coil education
- Licensing cost increases

9:45 a.m. Representative Ben Koppelman, District 16, testified in favor, introduced the bill, and submitted testimony #43208.

10:02 a.m. Erin Ourada, administrator, Western Plains Public Health, testified in favor and submitted testimony #42842.

10:05 a.m. Brent Beechie, Executive Director, ND State Plumbing Board, testified in favor.

10:06 a.m. Bruce Ellingson, President of ND Onsite Wastewater Recycling Association, testified in opposition.

10:18 a.m. Aaron K. Johnson, President, ND Environmental Health Association, testified in favor and submitted testimony #43041.

10:21 a.m. Representative Ben Koppelman, District 16, answered the committee's questions.

10:22 a.m. Chairman Luick closed the hearing.

Additional written testimony:

Tom Schimelfenig, owner, Shimelfenig Excavating, submitted testimony #43196 in favor.

Audrey Oswald, Committee Clerk

Senate Agriculture and Veterans Affairs Committee**HB 1541****March 20, 2025**

Chairperson Luick and members of the Senate Agriculture and Veterans Committee:

I am Erin Ourada, the administrator of Western Plains Public Health, a five-county public health unit based in Mandan. We oversee the installation of onsite septic systems in Grant, Mercer, Morton, Oliver, and Sioux Counties, as well as extended responsibilities in Emmons and Kidder Counties.

We know that improper installation of septic systems poses a significant health threat to all citizens of North Dakota and its natural water resources. We also know that over the years, a patchwork of regulations has resulted in varying standards, leading to frustration among installers, landowners, and regulators.

That is why I support legislation that moves oversight for septic systems to the Department of Environmental Quality. DEQ has subject matter experts on staff that can create a statewide code that can be implemented at the local level. There is also a need for statewide licensure of septic system installers. Permitting and inspections of septic systems should remain at the local level. Local public health units (and some city/county planning and zoning boards) have the capacity at the local level to permit and inspect every septic system installed in our local communities. A statewide agency may not have a similar capacity across the state.

As it stands today, HB 1541 effectively addresses these issues, and I fully support it. Likewise, SB 2267 aligns with these priorities, making it another viable solution. As long as the result of this process leads to those outcomes listed above, then we as a state will be able to ensure our environment, communities, and water systems stay safe.

This approach ensures local input is preserved, public health is protected, and our environment is safeguarded. I appreciate the efforts of those who have worked diligently on this important issue.

Respectfully submitted,
Erin Ourada, MPH, REHS/RS
403 Burlington St SE
Mandan, ND 58554
701-667-3370

Agriculture and Veterans Affairs Committee

HB 1541

March 19th, 2025

Chairperson Luick and members of the Senate Agriculture and Veterans Committee:

My name is Aaron Johnson, and I am the President of the North Dakota Environmental Health Association (NDEHA), as well as an onsite septic treatment system inspector for Fargo Cass Public Health. Our association advocates for the protection of the environmental health of all citizens of North Dakota through the licensure and education of local environmental health practitioners (EHP). I am providing testimony today in support of HB 1541.

In the absence of statewide oversight, local public health has been instrumental in protecting North Dakota's water resources through county ordinances going back decades. This dedicated network of educated inspectors can provide these services at minimal cost to both the state of North Dakota and property owners, and has built relationships with local installers.

The lack of a uniform state code and statewide licensure of installers has frustrated both installers and regulators. House bill 1541 (along with Senate bill 2267 after the most recent amendments) solves these issues by placing authority with the Department of Environmental Quality, and provides industry with an equal voice in establishing rules. It also keeps the relationship between DEQ and local public health intact for local inspection and permitting, which allows DEQ to establish oversight without adding significant staff and costs.

This bill protects North Dakota's health and eliminates inconsistency and confusion among septic industry professionals. I urge you to vote yes on HB 1541.

Respectfully,

Aaron Johnson

President, North Dakota Public Health Association

Registered Environmental Health Practitioner (REHS), Master's of Public Health

March 20, 2025

Senate Agriculture and Veterans Affairs Committee

HB 1541

Good morning Chairman Luick and Members of the Committee:

My name is Tom Schimelfenig. I've been in the onsite wastewater industry for 47 years, and I've been licensed by the N.D. State Plumbing Board for 38 years.

I also currently serve as chairman of the Onsite Wastewater Recycling Technical Committee (OWRTC), established in N.D. Century Code during the 2021 legislative session.

I am here to testify in the neutral position on HB 1541, as we need change in the onsite wastewater industry.

I have been licensed through the North Dakota State Plumbing Board since 1987, the year the North Dakota Sewer and Water Service Code was first adopted. That document, 43-18.2 Rules and Regulations of Sewer and Water Installation, continues to guide our industry's practices today. It was derived from the Uniform Plumbing Code (UPC), which has been in existence for 80 years. The UPC was established by the The International Association of Plumbing and Mechanical Officials, a technical expert on plumbing and mechanical issues since 1926.

HB 1541 is a step in the right direction, creating an opportunity for the establishment of a uniform statewide code for the installation of onsite wastewater systems. This is something I have been an advocate of for 13 years and working on for 10 years.

The bill was amended in the House to add Chapter 23.1-17-04, relating to inspections, repairs, and replacements of onsite wastewater systems, as written in lines 12 through 19 of page 6. I think all three of these additions are a step in the right direction toward protecting our citizens.

Particularly, the Chapter includes a requirement that inspections be completed within one business day. This is important given the conditions we operate under, reducing unnecessary wait time for the contractor when installing systems. I have had instances where I have sent in a notice of installation, only to receive an out of office notice from the licensor/inspector, which could potentially delay completion of the installation by days.

I want to point out that the ultimate aim of HB 1541 is to reassign regulation of the onsite wastewater industry away from the N.D. Plumbing Board and into the state Department of Environmental Quality (DEQ). This bill, as I understand it, would require plumbers to license with both the N.D. Plumbing Board and DEQ in order to install water and sewer service lines.

The bill also establishes an environmental quality advisory committee with six voting members, three of each from industry and public health. I don't think this is in the best interest of the industry or the citizens of North Dakota, considering that in the past there has been a lack of consensus between public health and the industry on this matter.

By definition, an advisory committee is a group of experts who provide guidance to an organization's management. Therefore, I suggest that the committee include two other members that would provide technical expertise not represented on the committee as proposed.

I recommend that the committee include a professional soils classifier and an environmental engineer who is either licensed in North Dakota with experience in onsite wastewater or is an educator from a state higher education institution, in place of or in addition to two representatives from public health.

Two examples of a similar committee makeup come from Alabama and North Carolina. The North Carolina Onsite Wastewater Contractor and Inspector Certification Board includes three contractors and three regulators, but also a certified engineer, licensed soil scientist and a home builders association member.

The Alabama Onsite Wastewater Board contains four industry professionals and one regulator, as well as an engineer, educator, manufacturer and consumer.

In both instances, the committee would bring more grounded knowledge to the table and additional perspective for DEQ to consider when adopting rules.

I appreciate your time and consideration, and I am willing to answer any questions you may have.

Tom Schimelfenig
4380 7th St NE
Bowdon, ND 58418
(701) 650-8792
tompeggy@daktel.com

25.0795.02001
Title.

Prepared by the Legislative Council
staff for Representative Koppelman
March 19, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

A BILL for an Act to create and enact chapter 23.1-17 of the North Dakota Century Code,
relating to ~~septic systems and the environmental quality advisory committee~~ onsite wastewater
treatment systems; to amend and reenact sections 23-35-02; and 23-35-08; ~~23.1-01-03, and~~
~~23.1-17-01~~ of the North Dakota Century Code, relating to the powers and duties of ~~the the~~
~~department of environmental quality, boards of health, and~~ public health units and boards of
health; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code,
relating to the onsite wastewater recycling technical committee; to provide for a legislative
management report; to provide a penalty; and to provide an appropriation; ~~to provide for a~~
~~transfer; and to provide an effective date.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. All land in the state must be in a public health unit.
2. At a minimum, a public health unit shall provide the following core functions:
 - a. Communicable disease control, which must include:
 - (1) Conducting of disease surveillance for the purpose of preventing and
controlling communicable disease, with assistance from the department.
 - (2) Assurance of the availability of community-based programs to provide
communicable disease prevention and control services.

- 1 (3) Recognition, identification, and response to a communicable disease event,
2 in collaboration with the department.
- 3 b. Chronic disease and injury prevention, which must include conducting programs
4 to reduce the burden of chronic disease and injury through policy, system, and
5 environmental change approach; prevention screening; and education.
- 6 c. Environmental public health, which must include:
- 7 (1) Prevention of environmental hazards by the provision of information and
8 education to facility operators and managers and to community members.
- 9 (2) Assurance of the availability of environmental health services to prevent and
10 respond to community and residential environmental hazards.
- 11 (3) Permitting and inspections of ~~septic water~~onsite wastewater treatment
12 systems in accordance with chapter 23.1-17. A public health unit shall
13 conduct a required in-person or virtual inspection of an onsite wastewater
14 treatment system within one business day of receiving the request for the
15 inspection. A public health unit may enter a cooperative agreement with a
16 county or city for the permitting and inspection of ~~septic~~onsite wastewater
17 treatment systems within the boundaries of the county or city. The
18 agreement may be terminated as provided in the agreement, by joint action
19 of all parties, or by an individual party no less than one year after providing
20 written notice to the other party.
- 21 d. Maternal, child, and family health, which must include:
- 22 (1) Assessment and monitoring of maternal and child health status to identify
23 and address problems.
- 24 (2) Implementation of programs to promote the health of women, children, and
25 youth, and their families, through policy, system, and environmental change
26 approaches; prevention screenings; and education.
- 27 e. Access to clinical care, which must include:
- 28 (1) Collaboration with health care system partners to foster access to clinical
29 care.
- 30 (2) Facilitation of linkages and referrals for appropriate clinical care, services,
31 and resources.

1 **SECTION 2. AMENDMENT.** Section 23-35-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **23-35-08. Boards of health - Powers and duties.**

4 Except when in conflict with a local ordinance or a civil service rule within a board of
5 health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

- 6 1. Shall keep records and make reports required by the department.
- 7 2. Shall prepare and submit a public health unit budget.
- 8 3. Shall audit, allow, and certify for payment expenses incurred by a board of health in
9 carrying into effect this chapter.
- 10 4. May accept and expend any gift, grant, donation, or other contribution offered to aid in
11 the work of the board of health or public health unit.
- 12 5. May make rules regarding any nuisance, source of filth, and any cause of sickness
13 which are necessary for public health and safety, except for rules regarding the
14 licensing of ~~septic~~onsite wastewater system installers.
- 15 6. May establish by rule a schedule of reasonable fees that may be charged for services
16 rendered. Services may not be withheld due to an inability to pay any fees established
17 under this subsection. If a tribal board of health establishes fees for services rendered,
18 the fees may not exceed the highest corresponding fee of any of the public health
19 units that border the tribal public health unit.
- 20 7. May make rules in a health district or county public health department, as the case
21 may be, and in the case of a city public health department may recommend to the
22 city's governing body ordinances for the protection of public health and safety.
- 23 8. May adopt confinement, decontamination, and sanitary measures in compliance with
24 chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 25 9. May make and enforce an order in a local matter if an emergency exists.
- 26 10. May inquire into any nuisance, source of filth, or cause of sickness.
- 27 11. Except in the case of an emergency, may conduct a search or seize material located
28 on private property to ascertain the condition of the property as the condition relates to
29 public health and safety as authorized by an administrative search warrant issued
30 under chapter 29-29.1.

- 1 12. May abate or remove any nuisance, source of filth, or cause of sickness when
- 2 necessary to protect the public health and safety.
- 3 13. May supervise any matter relating to preservation of life and health of individuals,
- 4 including the supervision of any water supply and sewage system.
- 5 14. May isolate, kill, or remove any animal affected with a contagious or infectious disease
- 6 if the animal poses a material risk to human health and safety.
- 7 15. Shall appoint a local health officer.
- 8 16. May employ any person necessary to effectuate board rules and this chapter.
- 9 17. If a public health unit is served by a part-time local health officer, the board of health
- 10 may appoint an executive director. An executive director is subject to removal for
- 11 cause by the board of health. The board of health may assign to the executive director
- 12 the duties of the local health officer, and the executive director shall perform these
- 13 duties under the direction of the local health officer.
- 14 18. May contract with any person to provide the services necessary to carry out the
- 15 purposes of the board of health.
- 16 19. Shall designate the location of a local health officer's office and shall furnish the office
- 17 with necessary equipment.
- 18 20. May provide for personnel the board of health considers necessary.
- 19 21. Shall set the salary of the local health officer, the executive director, and any assistant
- 20 local health officer and shall set the compensation of any other public health unit
- 21 personnel.
- 22 22. Shall pay for necessary travel of the local health officer, the local health officer's
- 23 assistants, and other personnel in the manner and to the extent determined by the
- 24 board.

25 — **SECTION 3. AMENDMENT.** ~~Section 23.1-01-03 of the North Dakota Century Code is~~
26 ~~amended and reenacted as follows:~~

27 — **23.1-01-03. Director -- Powers and duties.**

28 — ~~The director of the department of environmental quality shall:~~

29 — ~~1. Enforce all rules adopted by the department;~~

30 — ~~2. Hire employees as necessary to carry out the duties of the department and director;~~

31 — ~~3. Organize the department in the most efficient and effective manner;~~

- ~~4. Maintain, in conjunction with the department of health and human services, a laboratory to carry out the necessary tests and examinations for purposes of this title, and establish a fee schedule for the tests and examinations;~~
- ~~5. Issue bulletins, news releases, or reports as necessary to inform the public of environmental hazards;~~
- ~~6. Establish rules necessary for maintaining sanitation, including rules for approving plans for water works and sewage systems;~~
- ~~7. Maintain a central environmental laboratory and, if necessary, branch laboratories for the standard function of diagnostic, sanitary, and chemical examinations; and~~
- ~~8. AnyProvide optional training and educational opportunities to municipalities, local health boards, and septic contractors; and~~
- ~~9. Undertake any other action, including the collection and distribution of environmental quality data, necessary and appropriate for the administration of this title and chapters 61-28, 61-28.1, and 61-28.2.~~

SECTION 3. Chapter 23.1-17 of the North Dakota Century Code is created and enacted as follows:

23.1-17-01. Definitions.

For the purpose of this chapter:

1. "Department" means the department of environmental quality.
2. "Install" means to place or replace a part of an onsite wastewater treatment system, whether new or existing, to make the wastewater treatment system ready for use.
3. "License" means the authorization by the department for an individual to engage in the business of installation of an onsite wastewater treatment system.
4. "Onsite wastewater treatment system" means a wastewater treatment system or part thereof, serving a dwelling, building, or group thereof, which uses soil treatment and disposal, and which is commonly known as a septic system.
5. "Permit" means the authorization by a local public health unit or other political subdivision for the installation of an onsite wastewater treatment system based on the specific site and rules adopted under this title.

23.1-17-0123.1-17-02. SepticOnsite wastewater treatment systems - Authority.

1. Notwithstanding any other provisions of law, the department of environmental quality has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic onsite wastewater treatment systems.
2. The department of environmental quality shall provide assistance and guidance to municipalities and local public health boards units in all matters related to septic onsite wastewater treatment systems.
3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.

~~23.1-17-02. Environmental quality advisory committee - Members - Appointment - Duties.~~

- ~~1. The environmental quality advisory committee consists of:~~
 - ~~a. The director of the department of environmental quality or the director's designee;~~
 - ~~b. Three representatives from local public health units, appointed by the governor;~~
~~and~~
 - ~~c. Three individuals who must be licensed septic installers, appointed by the governor from a list of names forwarded by a professional onsite wastewater recycling association.~~
- ~~2. An appointed member must have been a resident of the state for at least five years immediately preceding appointment to the committee.~~
- ~~3. The director or the director's designee shall serve as chairman of the committee and is an ex officio, nonvoting member of the committee.~~
- ~~4. The committee shall:~~
 - ~~a. Recommend standards and procedures relating to licensing, permitting, and inspections of septic systems;~~

- ~~b. Create and recommend a statewide technical guide for septic systems.~~

~~23.1-17-03. Environmental quality advisory committee - Terms of office - Vacancies.~~

- ~~Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than~~

~~two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of appointees may be for less than four years. The governor shall fill a vacancy on the committee by appointment from the class of members to which the member belonged.~~

~~**23.1-17-04. Inspections, repairs, and replacements.**~~

~~1. A local public health unit shall conduct a required in-person or virtual inspection of a septic system within one business day of receiving a request to inspect.~~

~~2. A local public health unit may not require the replacement of a repairable septic system within ten years of receipt of notice of noncompliance or before the completion of the sale of the property, whichever is sooner.~~

~~3. A local public health unit may not require the replacement of a functional septic system.~~

23.1-17-03. Licensing.

1. An individual may not engage in the business of installing an onsite wastewater treatment system unless licensed. To remain licensed in good standing, an installer shall comply with this chapter and any rules adopted under this title.

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

3. The department shall establish rules for the issuance, expiration, and renewal of licenses.

4. The department may revoke or suspend a license issued under this chapter if:

a. The licensed individual has practiced fraud or deception in obtaining the license or in the individual's performance of a licensed activity;

b. Reasonable care, judgment, or the application of the individual's knowledge or ability was not used in the performance of the individual's duties; or

c. The individual violates a state or federal environmental law, rule, standard, or permit when performing a licensed activity.

5. A license may not be revoked or suspended except after a hearing before the director of the department or the director's designated representative. If a license is suspended or revoked, a new application for certification may be considered by the department only after the conditions causing the suspension or revocation have been corrected.

1 and satisfactory evidence of this fact has been submitted to the department. A new
2 license may be granted by the department.

3 **23.1-17-04. Standards for onsite wastewater treatment systems, installation, and**
4 **inspection.**

5 1. The department shall establish rules relating to the permitting for onsite wastewater
6 treatment systems.

7 2. The department shall prescribe by rule a process for obtaining variances for existing
8 onsite wastewater treatment systems that are nonconforming or nonfunctional. The
9 process must consider impacts to the environment, impacts to public health, the cost
10 of compliance, and the least restrictive means of service.

11 3. Onsite wastewater treatment system installation and inspection must comply with the
12 rules adopted under this title.

13 **23.1-17-05. Appeal to the department.**

14 1. An action of a political subdivision denying, modifying, or revoking a permit to install an
15 onsite wastewater treatment system may be appealed to the department by petition for
16 review. The appeal must be filed with the department within ten days of receiving
17 notice of the denial, modification, or revocation.

18 2. Upon receipt of the petition, the department shall review the appealed decision and if it
19 appears the permit was not issued or the permit was improperly modified or revoked in
20 accordance with the provisions of this title and rules adopted under this chapter, the
21 department shall provide its findings and recommendations to the political subdivision,
22 the licensed installer, and the owner of the property where the proposed onsite
23 wastewater treatment system is located.

24 **23.1-17-06. Fees.**

25 The department by rule may provide for the payment and collection of reasonable fees for
26 the issuance of licenses for onsite wastewater system installers. The license fee must be based
27 on the anticipated cost of filing and processing the application, taking action on the requested
28 license, and conducting an oversight program to determine compliance or noncompliance with
29 the license. Any moneys collected from licensing fees must be deposited in the department
30 operating fund in the state treasury and any expenditure from the fund is subject to
31 appropriation by the legislative assembly.

23.1-17-07. Enforcement - Penalty.

1. An individual who violates a provision of this chapter or any rule, standard, order, or permit condition adopted under this chapter is subject to a civil penalty not to exceed twelve thousand five hundred dollars per violation.
2. An individual who willfully makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained under this chapter, or any rule, order, limitation, or other applicable requirement implementing this chapter, or that falsifies, tampers with, or willfully renders inaccurate any monitoring device or sample, is subject to a civil penalty not to exceed five thousand dollars per violation.

23.1-17-08. Administrative procedure and judicial review.

1. A proceeding under this chapter to adopt or modify a rule relating to licensing an individual for the installation or service of an onsite wastewater treatment system, or for determining compliance with rules of the department, must be conducted in accordance with the provision of chapter 28-32.
2. An appeal of a decision issued under subsection 1 must be conducted in accordance with the provisions of chapter 28-32.

~~— **SECTION 5. AMENDMENT.** Section 23.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:~~

~~— **23.1-17-01. Septic systems - Authority.**~~

- ~~— 1. Notwithstanding any other provisions of law, the department of environmental quality, with majority approval of the environmental quality advisory committee, has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic systems.~~
- ~~— 2. The department of environmental quality shall provide assistance and guidance to municipalities and local health boards in all matters related to septic systems.~~
- ~~— 3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.~~

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

1 **SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**
2 ~~**SEPTIC**~~**ONSITE WASTEWATER TREATMENT SYSTEMS**~~**--ONE-TIME FUNDING - REPORT**~~
3 **TO LEGISLATIVE MANAGEMENT.** There is appropriated out of any moneys in the general
4 fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much of the
5 sum as may be necessary, to the department of environmental quality for the purpose of the
6 regulation of ~~septic tanks and septic~~onsite wastewater treatment systems, for the biennium
7 beginning July 1, 2025, and ending June 30, 2027. ~~The funding provided in this section is~~
8 ~~considered a one-time funding item~~Before August 1, 2026, the department shall report to
9 legislative management on the use of the funds appropriated under this section.

10 ~~**SECTION 8. TRANSFER -- FUNDS UNDER THE CONTROL OF THE STATE BOARD OF**~~
11 ~~**PLUMBING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY -- SEPTIC SYSTEMS.**~~

12 ~~—The state board of plumbing shall transfer any remaining funds at the end of the biennium,~~
13 ~~from the state plumbing board fund relating to sewer and water contractor fees, to the~~
14 ~~department of environmental quality operating fund for the purpose of the regulation of septic~~
15 ~~tanks and septic systems.~~

16 ~~**SECTION 9. EFFECTIVE DATE.** Section 5 of this Act becomes effective on January 1,~~
17 ~~2026.~~

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1541

3/28/2025

A bill relating to septic systems and the environment quality advisory committee; and relating to the powers and duties of the department of environment quality, boards of health, and public health units and to the onsite wastewater recycling committee.

9:03 a.m. Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- ND State Plumbing Board
- Department of Environmental Quality
- Governor's office and authority
- Establishment of a new committee
- ND Onsite Wastewater Recycling Association (NDOWRA)
- Administrative oversight rules

9:03 a.m. Senator Myrdal updated the committee on proposed amendments and led the discussion.

9:15 a.m. Senator Weber moved to adopt an amendment striking lines 19 on page 5 through line 11 on page 6.

9:16 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

9:16 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 4/4/25
1 of 7

ENGROSSED HOUSE BILL NO. 1541

Introduced by

Representatives Koppelman, K. Anderson, Grueneich, Hagert, Nelson, Monson, Satrom,
Weisz

Senators Magrum, Myrdal, Klein, Thomas

1 A BILL for an Act to create and enact chapter 23.1-17 of the North Dakota Century Code,
2 relating to septic systems and the environmental quality advisory committee; to amend and
3 reenact sections 23-35-02, 23-35-08, 23.1-01-03, and 23.1-17-01 of the North Dakota Century
4 Code, relating to the powers and duties of the department of environmental quality, boards of
5 health, and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of the North
6 Dakota Century Code, relating to the onsite wastewater recycling technical committee; to
7 provide an appropriation; to provide for a transfer; and to provide an effective date.

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

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

11 **23-35-02. Public health units - Core functions.**

- 12 1. All land in the state must be in a public health unit.
- 13 2. At a minimum, a public health unit shall provide the following core functions:
- 14 a. Communicable disease control, which must include:
- 15 (1) Conducting of disease surveillance for the purpose of preventing and
- 16 controlling communicable disease, with assistance from the department.
- 17 (2) Assurance of the availability of community-based programs to provide
- 18 communicable disease prevention and control services.
- 19 (3) Recognition, identification, and response to a communicable disease event,
- 20 in collaboration with the department.

- 1 b. Chronic disease and injury prevention, which must include conducting programs
- 2 to reduce the burden of chronic disease and injury through policy, system, and
- 3 environmental change approach; prevention screening; and education.
- 4 c. Environmental public health, which must include:
- 5 (1) Prevention of environmental hazards by the provision of information and
- 6 education to facility operators and managers and to community members.
- 7 (2) Assurance of the availability of environmental health services to prevent and
- 8 respond to community and residential environmental hazards.
- 9 (3) Permitting and inspections of septic water systems. A public health unit may
- 10 enter a cooperative agreement with a county or city for the permitting and
- 11 inspection of septic systems within the boundaries of the county or city. The
- 12 agreement may be terminated as provided in the agreement, by joint action
- 13 of all parties, or by an individual party no less than one year after providing
- 14 written notice to the other party.
- 15 d. Maternal, child, and family health, which must include:
- 16 (1) Assessment and monitoring of maternal and child health status to identify
- 17 and address problems.
- 18 (2) Implementation of programs to promote the health of women, children, and
- 19 youth, and their families, through policy, system, and environmental change
- 20 approaches; prevention screenings; and education.
- 21 e. Access to clinical care, which must include:
- 22 (1) Collaboration with health care system partners to foster access to clinical
- 23 care.
- 24 (2) Facilitation of linkages and referrals for appropriate clinical care, services,
- 25 and resources.

26 **SECTION 2. AMENDMENT.** Section 23-35-08 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **23-35-08. Boards of health - Powers and duties.**

29 Except when in conflict with a local ordinance or a civil service rule within a board of
30 health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

- 31 1. Shall keep records and make reports required by the department.

- 1 2. Shall prepare and submit a public health unit budget.
- 2 3. Shall audit, allow, and certify for payment expenses incurred by a board of health in
- 3 carrying into effect this chapter.
- 4 4. May accept and expend any gift, grant, donation, or other contribution offered to aid in
- 5 the work of the board of health or public health unit.
- 6 5. May make rules regarding any nuisance, source of filth, and any cause of sickness
- 7 which are necessary for public health and safety, except for rules regarding the
- 8 licensing of septic system installers.
- 9 6. May establish by rule a schedule of reasonable fees that may be charged for services
- 10 rendered. Services may not be withheld due to an inability to pay any fees established
- 11 under this subsection. If a tribal board of health establishes fees for services rendered,
- 12 the fees may not exceed the highest corresponding fee of any of the public health
- 13 units that border the tribal public health unit.
- 14 7. May make rules in a health district or county public health department, as the case
- 15 may be, and in the case of a city public health department may recommend to the
- 16 city's governing body ordinances for the protection of public health and safety.
- 17 8. May adopt confinement, decontamination, and sanitary measures in compliance with
- 18 chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
- 19 9. May make and enforce an order in a local matter if an emergency exists.
- 20 10. May inquire into any nuisance, source of filth, or cause of sickness.
- 21 11. Except in the case of an emergency, may conduct a search or seize material located
- 22 on private property to ascertain the condition of the property as the condition relates to
- 23 public health and safety as authorized by an administrative search warrant issued
- 24 under chapter 29-29.1.
- 25 12. May abate or remove any nuisance, source of filth, or cause of sickness when
- 26 necessary to protect the public health and safety.
- 27 13. May supervise any matter relating to preservation of life and health of individuals,
- 28 including the supervision of any water supply and sewage system.
- 29 14. May isolate, kill, or remove any animal affected with a contagious or infectious disease
- 30 if the animal poses a material risk to human health and safety.
- 31 15. Shall appoint a local health officer.

- 1 16. May employ any person necessary to effectuate board rules and this chapter.
- 2 17. If a public health unit is served by a part-time local health officer, the board of health
- 3 may appoint an executive director. An executive director is subject to removal for
- 4 cause by the board of health. The board of health may assign to the executive director
- 5 the duties of the local health officer, and the executive director shall perform these
- 6 duties under the direction of the local health officer.
- 7 18. May contract with any person to provide the services necessary to carry out the
- 8 purposes of the board of health.
- 9 19. Shall designate the location of a local health officer's office and shall furnish the office
- 10 with necessary equipment.
- 11 20. May provide for personnel the board of health considers necessary.
- 12 21. Shall set the salary of the local health officer, the executive director, and any assistant
- 13 local health officer and shall set the compensation of any other public health unit
- 14 personnel.
- 15 22. Shall pay for necessary travel of the local health officer, the local health officer's
- 16 assistants, and other personnel in the manner and to the extent determined by the
- 17 board.

18 **SECTION 3. AMENDMENT.** Section 23.1-01-03 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **23.1-01-03. Director - Powers and duties.**

21 The director of the department of environmental quality shall:

- 22 1. Enforce all rules adopted by the department;
- 23 2. Hire employees as necessary to carry out the duties of the department and director;
- 24 3. Organize the department in the most efficient and effective manner;
- 25 4. Maintain, in conjunction with the department of health and human services, a
- 26 laboratory to carry out the necessary tests and examinations for purposes of this title,
- 27 and establish a fee schedule for the tests and examinations;
- 28 5. Issue bulletins, news releases, or reports as necessary to inform the public of
- 29 environmental hazards;
- 30 6. Establish rules necessary for maintaining sanitation, including rules for approving
- 31 plans for water works and sewage systems;

- 1 7. Maintain a central environmental laboratory and, if necessary, branch laboratories for
- 2 the standard function of diagnostic, sanitary, and chemical examinations; and
- 3 8. ~~Any~~Provide optional training and educational opportunities to municipalities, local
- 4 health boards, and septic contractors; and
- 5 9. Undertake any other action, including the collection and distribution of environmental
- 6 quality data, necessary and appropriate for the administration of this title and chapters
- 7 61-28, 61-28.1, and 61-28.2.

8 **SECTION 4.** Chapter 23.1-17 of the North Dakota Century Code is created and enacted as
9 follows:

10 **23.1-17-01. Septic systems - Authority.**

- 11 1. Notwithstanding any other provisions of law, the department of environmental quality
- 12 has the exclusive authority to adopt rules regarding licensing, permitting, and
- 13 inspections of septic systems.
- 14 2. The department of environmental quality shall provide assistance and guidance to
- 15 municipalities and local health boards in all matters related to septic systems.
- 16 3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter,
- 17 or enacted or adopted by any other political subdivision, which is in conflict with a rule
- 18 adopted under this section is void.

19 ~~**23.1-17-02. Environmental quality advisory committee - Members - Appointment -**~~
20 ~~**Duties.**~~

- 21 ~~1. The environmental quality advisory committee consists of:~~
- 22 ~~a. The director of the department of environmental quality or the director's designee;~~
- 23 ~~b. Three representatives from local public health units, appointed by the governor;~~
- 24 ~~and~~
- 25 ~~c. Three individuals who must be licensed septic installers, appointed by the~~
- 26 ~~governor from a list of names forwarded by a professional onsite wastewater~~
- 27 ~~recycling association.~~
- 28 ~~2. An appointed member must have been a resident of the state for at least five years~~
- 29 ~~immediately preceding appointment to the committee.~~
- 30 ~~3. The director or the director's designee shall serve as chairman of the committee and is~~
- 31 ~~an ex officio, nonvoting member of the committee.~~

~~4. The committee shall:~~

~~a. Recommend standards and procedures relating to licensing, permitting, and inspections of septic systems.~~

~~b. Create and recommend a statewide technical guide for septic systems.~~

~~**23.1-17-03. Environmental quality advisory committee - Terms of office - Vacancies.**~~

~~Each appointed member of the committee shall qualify by taking the oath of office required of civil officers and shall hold office for a term of four years and until a successor is appointed and qualified. The terms of office of the appointed members must be arranged so no more than two terms expire on June thirtieth of each year. To accomplish the staggering, the initial term of appointees may be for less than four years. The governor shall fill a vacancy on the committee by appointment from the class of members to which the member belonged.~~

23.1-17-0402. Inspections, repairs, and replacements.

1. A local public health unit shall conduct a required in-person or virtual inspection of a septic system within one business day of receiving a request to inspect.
2. A local public health unit may not require the replacement of a repairable septic system within ten years of receipt of notice of noncompliance or before the completion of the sale of the property, whichever is sooner.
3. A local public health unit may not require the replacement of a functional septic system.

SECTION 5. AMENDMENT. Section 23.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

23.1-17-01. Septic systems - Authority.

1. Notwithstanding any other provisions of law, the department of environmental quality, with majority approval of the environmental quality advisory committee, has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of septic systems.
2. The department of environmental quality shall provide assistance and guidance to municipalities and local health boards in all matters related to septic systems.
3. An ordinance enacted or adopted by a county or city pursuant to a home rule charter, or enacted or adopted by any other political subdivision, which is in conflict with a rule adopted under this section is void.

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

3 **SECTION 7. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**

4 **SEPTIC SYSTEMS - ONE-TIME FUNDING.** There is appropriated out of any moneys in the
5 general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much
6 of the sum as may be necessary, to the department of environmental quality for the purpose of
7 the regulation of septic tanks and septic systems, for the biennium beginning July 1, 2025, and
8 ending June 30, 2027. The appropriation provided in this section is considered a one-time
9 funding item.

10 **SECTION 8. TRANSFER - FUNDS UNDER THE CONTROL OF THE STATE BOARD OF**
11 **PLUMBING TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY - SEPTIC SYSTEMS.**

12 The state board of plumbing shall transfer any remaining funds at the end of the biennium,
13 from the state plumbing board fund relating to sewer and water contractor fees, to the
14 department of environmental quality operating fund for the purpose of the regulation of septic
15 tanks and septic systems.

16 **SECTION 9. EFFECTIVE DATE.** Section 5 of this Act becomes effective on January 1,
17 2026.

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1541

4/3/2025

A bill relating to septic systems and the environmental quality advisory committee; and relating to the powers and duties of the department of environmental quality, boards of health, and public health.

9:18 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Septic system oversight
- Department of Environmental Equality (DEQ)
- Licensing and remote inspections
- Establishment of another committee
- ND Onsite Wastewater Recycling Association (NDOWRA)
- Previous amendments passed

9:20 a.m. Vice-Chair Myrdal updated the committee on her findings with the new commission.

9:25 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

HB 1541

4/4/2025

A bill relating to septic systems and the environmental quality advisory committee; and relating to the powers and duties of the department of environmental quality, boards of health, and public health.

9:01 a.m. Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Previous amendments
- Committee removal
- Fiscal note
- Department of Environmental Equality (DEQ)
- Governments office
- Committee action

9:07 a.m. Senator Weber moved a Do Not Pass As Amended on 3/28/25.

9:07 a.m. Senator Lemm seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Luick will carry the bill.

9:08 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1541**

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS** ([25.0795.02002](#)) and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1541 was placed on the Sixth order on the calendar. This bill does not affect workforce development.