

**2025 SENATE AGRICULTURE AND VETERANS AFFAIRS**

**SB 2267**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2267  
1/30/2025

A bill relating to onsite wastewater treatment systems; and relating to the core functions of public health units and onsite wastewater treatment system violations; and relating to the onsite wastewater recycling technical committee; and to provide a penalty.

11:02 a.m. Chairman Luick opened the hearing.

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

### Discussion Topics:

- Public Health Units oversight
- Contractor and installer losses
- Code uniformity and statewide licensing system
- Variances
- ND State Plumbing Board, budget, deficit and number of employees
- Appeals process
- Timeliness of inspections
- Permit and licensing fees
- Saleability of homes
- Licensed sewer and water contractors
- Plumbing board experience
- Staff increase
- Western Plains Public Health
- Funding and limitations
- Local Health State Aid Grant and mill levies
- Department of Environmental Quality

11:04 a.m. Senator Janne Myrdal, District 19, testified in favor and introduced the bill.

11:08 a.m. Terry Novak, Licensed septic pump installer and inspector, testified in favor.

11:15 a.m. Senator Jeffery Magrum, District 8, testified in favor.

11:25 a.m. Bruce Ellingson, President of Onsite Wastewater Septic Systems of ND, testified in favor.

11:36 a.m. Brenda Stallman, Administrator at Trail District Health Unit in ND, testified in opposition.

11:41 a.m. Scott Samuelson, Plumbing Inspector with the ND State Plumbing Board, testified in opposition and submitted testimony #32762.

11:49 a.m. Erin Ourada, Administrator at Western Plains Public Health, testified in opposition and submitted testimony #32644

12:01 p.m. Aaron Johnson, President of the ND Environmental Health Association, testified in opposition and submitted testimony #32640.

12:08 p.m. Bruce Ellingson, President of Onsite Wastewater Septic Systems of ND, testified in opposition.

12:12 p.m. Brent Beechie, Executive Director of ND State Plumbing Board, testified in opposition.

12:14 p.m. Chairman Luick closed the hearing.

*Audrey Oswald, Committee Clerk*

## Agriculture and Veterans Affairs Committee

SB 2267

January 30, 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). 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 opposition to SB 2267.

Since 1976, local public health units in North Dakota have partnered with state agencies as the primary provider of inspection and permitting of residential and commercial septic systems. Following the elimination of requirements at the state level, local public health partnered with licensed installers in the industry to create a universal code and permitting program that was operate on a county-by-county basis. At this time, all or portions of 42 counties in North Dakota use this code.

The relationship between local septic system installers and their local public health inspector is a lynchpin necessary to the administration of any septic inspection program in North Dakota. As has been identified in previous sessions of Congress, state agencies lack the manpower to provide timely inspections and professional consultation to the installers in all 53 counties, and provision for state inspection would require increasing state budgets for a resource that is already being supported more than adequately through local funding sources.

Proper septic system installation protects drinking water sources from contamination, which in turn increases the health and well being of the citizens of North Dakota. The dedicated network of local public health EHPs that already exists provides the necessary expertise and service to local installers, and removing that network does not protect the environment or the health of North Dakota's citizens. Because of these reasons, NDEHA encourages you not to support SB 2267.

Respectfully,

Aaron Johnson

President, North Dakota Public Health Association

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



**Senate Agriculture and Veterans Affairs Committee****SB 2267****January 30, 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.

Approximately 7% of North Dakota's population lives in these seven counties.

I support a statewide structure for the oversight of onsite septic system installations that ensures environmental protection and local authority. Such a structure must protect our rivers, lakes, streams, drinking water, children, and pets. Unfortunately, SB 2267 does not achieve these goals, which is why I oppose it.

Our health unit has taken pride in protecting the environment and our communities through onsite septic system oversight since the 1970s. In 2024 alone, we licensed 46 installers, permitted and inspected 112 systems, and investigated five complaints. This work, totaling 950 hours across seven counties, is equivalent to a 0.5 FTE position.

We maintain records dating back to the 1970s, which are frequently shared with homeowners, realtors, and potential property buyers. Recent records are digitally mapped with GPS technology to provide accurate system data to interested parties. Homeowners and installers contact us for troubleshooting, guidance, and collaboration with county planning and zoning departments. For example, in Morton County, a septic permit from our office is required before a building permit is issued.

Despite the critical nature of this work, funding is limited. Fees from licenses and permits cover only 58% of expenses, with the remainder funded by county

mill levies and limited state funding. Costs include salaries, extensive travel, GPS systems, cell phones, and training.

Removing local public health authority under SB 2267 would disrupt a system that has served our communities well for decades. Such a drastic change risks delays in service, reduced local expertise, and diminished environmental protections.

We recognize the need for improvements, such as a statewide code and licensing structure. However, these changes should build on the existing network of dedicated environmental health practitioners rather than replace it.

For these reasons, I urge you to oppose SB 2267 and instead support solutions that preserve local input, protect public health, and safeguard our environment.

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

## Testimony Against Senate Bill No. 2267

Mr. Chairman and members of the Agriculture and Veterans Affairs committee,

My name is Scott Samuelson I am a Plumbing Inspector with the North Dakota State Plumbing Board I am here today to testify against Senate Bill 2267 on behalf of the State Plumbing Board. I want to thank you for the opportunity to provide testimony regarding the proposed changes to the regulation of onsite wastewater treatment systems under Senate Bill 2267.

As written, this bill seeks to shift the responsibility for regulating and overseeing onsite wastewater systems away from public health units to the Plumbing Board, and to prohibit public health units from engaging in related activities such as issuing permits, inspecting systems, and overseeing installation or servicing.

While the intention behind this bill may be to streamline the regulatory process, the Plumbing Board believes it would result in significant challenges that could undermine public health and environmental safety in North Dakota. Below are several key concerns the Plumbing Board has with this proposed legislation:

1. **Public Health Oversight and Local Expertise:** Public health units have long played a crucial role in safeguarding public health in North Dakota, particularly in rural and underserved areas where onsite wastewater treatment systems are most prevalent. Local health units are familiar with their communities and can respond quickly to emerging issues, including contamination or system failures that may affect public health. Eliminating their role in permitting, inspections, and enforcement will reduce their ability to respond effectively to public health concerns tied to wastewater systems. Additionally, public health units have the expertise to engage with residents and business owners about proper system maintenance, which is vital to preventing contamination.
2. **Increased Risk to Environmental Health:** By prohibiting local health units from regulating wastewater systems, the bill centralizes oversight under the Plumbing Board, which may not have the same level of localized knowledge or accessibility to communities. As onsite wastewater treatment systems are unique to each site and require attention to specific environmental factors, the bill risks creating inefficiencies and delays in addressing environmental hazards. Local health units are better positioned to consider these factors in the context of their communities, whereas a more centralized approach might struggle to maintain this level of localized understanding and responsiveness.
3. **Impact on Public Health Education and Outreach:** Public health units are a valuable source of education and outreach for residents who need guidance on maintaining their wastewater systems. Education on best practices for waste disposal, wastewater treatment, and system maintenance is integral to ensuring public health safety. Shifting oversight away from these units could result in decreased community engagement and fewer resources available for residents to properly care for their wastewater systems, leading to potential violations, contamination, and system failure.
4. **Financial and Logistical Challenges:** The bill proposes that the Plumbing Board would assume full regulatory authority over onsite wastewater systems. This raises questions about the

capacity of the Plumbing Board to adequately manage the increased responsibility, particularly in terms of staffing, resources, and local engagement. Public health units have the infrastructure and resources already in place to carry out these functions effectively. Removing them from the equation would likely create an unnecessary administrative burden, which could delay approvals and inspections, and create confusion for property owners and system installers alike.

Additionally, the fiscal impact of transferring these responsibilities to the Plumbing Board should not be overlooked. To effectively produce the necessary rules, hire qualified staff, and manage the increased workload associated with regulating onsite wastewater systems statewide, the Plumbing Board would likely face significant costs—potentially up to \$3 million in new expenses. These funds would be needed for hiring new staff, developing training programs, and creating the infrastructure required to oversee the permitting, licensing, inspection, and enforcement processes. Without adequate funding and planning, this transition would strain the Plumbing Board's capacity, resulting in delays and inconsistencies in the system.

5. **Potential for Legal and Regulatory Gaps:** As the bill eliminates the role of local public health units, it opens up the possibility of regulatory gaps or inconsistencies across the state. Local units are deeply embedded in their communities and provide a layer of accountability and enforcement that is tailored to regional needs. The bill's centralization of authority could result in a disconnect between local realities and statewide regulations, leaving some areas more vulnerable to inadequate oversight.

In conclusion, the Plumbing Board urges the committee to give a do not pass recommendation of Senate Bill 2267 that seeks to remove local public health units from the regulation of onsite wastewater treatment systems. Local health units are uniquely positioned to provide the necessary expertise, education, and oversight to ensure the safe and effective operation of these systems, and the proposed changes would undermine the state's ability to protect public health and the environment.

Moreover, the significant fiscal impact on the State Plumbing Board should be taken into account to ensure the success of this regulatory shift, as it could cost up to \$3 million to implement effectively.

Thank you for your time and consideration.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2267  
2/20/2025

A bill relating to onsite wastewater treatment systems; and relating to the core functions of public health units and onsite wastewater treatment system violations; and relating to

4:12 p.m. Chairman Luick opened the hearing.

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

### Discussion Topics:

- Technical guide and committee removal
- Public Health Units

4:17 p.m. Senator Myrdal moved to adopt amendment LC# 25.0988.01001.

4:17 p.m. Senator Weber 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.

4:18 p.m. Senator Lemm moved a Do Pass As Amended.

4:19 p.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.

Senator Luick will carry the bill.

Senate Agriculture and Veterans Affairs Committee

SB 2267

2/20/25

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Chairman Luick adjourned the meeting.

*Audrey Oswald, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

*CD 2/20/25*  
*1064*

**SENATE BILL NO. 2267**

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact three new sections to chapter 43-18 of the North Dakota  
2 Century Code, relating to onsite wastewater treatment systems; to amend and reenact ~~sections~~  
3 ~~23-35-02 and~~ section 43-18-24 of the North Dakota Century Code, relating to ~~the core functions~~  
4 ~~of public health units and~~ onsite wastewater treatment system violations; to repeal sections  
5 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code, relating to the onsite wastewater  
6 recycling technical committee; and to provide a penalty.

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

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

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

11 ~~1. All land in the state must be in a public health unit.~~

12 ~~2. At a minimum, a public health unit shall provide the following core functions:~~

13 ~~a. Communicable disease control, which must include:~~

14 ~~(1) Conducting of disease surveillance for the purpose of preventing and~~  
15 ~~controlling communicable disease, with assistance from the department.~~

16 ~~(2) Assurance of the availability of community based programs to provide~~  
17 ~~communicable disease prevention and control services.~~

18 ~~(3) Recognition, identification, and response to a communicable disease event,~~  
19 ~~in collaboration with the department.~~



2024

- ~~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.~~~~
- ~~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.~~~~
- ~~3. A public health unit may not engage in activities relating to the regulation of an onsite wastewater sewage treatment system or wastewater disposal system, including:
  - ~~a. Issuing an installer certificate or license;~~
  - ~~b. Issuing a permit for a system;~~
  - ~~c. Inspecting a system; and~~
  - ~~d. Overseeing the installation or servicing of a system.~~~~

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

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

Any person that violates the state plumbing code adopted under section 43-18-09; violates section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of another person in a manner that is in violation of section 43-18-13, or installs or services an



3074

1 onsite wastewater sewage treatment system without being licensed under this chapter is guilty  
2 of a class B misdemeanor.

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

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

- 7 1. The board shall establish rules relating to the permitting and licensing for onsite  
8 wastewater sewage treatment systems.  
9 2. The board shall establish standards and procedures for issuing, renewing, denying,  
10 suspending, or revoking a permit or license to install, service, or inspect an onsite  
11 wastewater sewage treatment system.  
12 3. Onsite wastewater sewage treatment system installation, servicing, and inspection  
13 must comply with the rules adopted by the board.  
14 4. The board may not contract with a local public health unit to inspect an onsite  
15 wastewater sewage treatment system.

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

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

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

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

29 **License required.**

- 30 1. An individual may not engage in the business of installing or servicing an onsite  
31 wastewater sewage treatment system unless licensed by the board. To remain

Hof 4

1           licensed in good standing, an installer shall comply with this chapter and any rules  
2           adopted by the board.

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

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

**REPORT OF STANDING COMMITTEE  
SB 2267**

**Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS** ([25.0988.01001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2267 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

**2025 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2267**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2267

3/13/2025

Relating to the onsite wastewater recycling technical committee; and to provide a penalty.
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9:50 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:

- DEQ licensing
- Wastewater treatment installation
- Wastewater treatment servicing and inspections
- Wastewater treatment funding

9:50 a.m. Senator Myrdal introduced bill, proposed an amendment, and submitted testimony. #41293 LC #25.0988.02001

9:57 a.m. David Glatt, Director, Department of Environmental Quality, testified in favor.

10:00 a.m. Brent Beechie, Executive Director and Chief Inspector, ND State Plumbing Board, testified in favor and submitted testimony #41127 #41128 #41129

10:01 a.m. Erin Ourada, Administrator at Western Plains Public Health, testified I favor and submitted testimony #40998

### Additional written testimony:

Grant Larson, Director of the Environmental Health Division at Fargo Vass Public Health (FCPH), submitted testimony in opposition #40668

Aaron Johnson, President of the ND Environmental Health Association, submitted testimony in opposition #40456

Tom Schimelfenig, Onsite water waste industry, submitted testimony in favor. #41173

10:02 a.m. Vice Chair Anderson closed the hearing.

*Saydee Wahl for Leah Kuball, Committee Clerk*

## Energy and Natural Resources Committee

SB 2267

March 11, 2025

Chairperson Porter and members of the Energy and Natural Resources Committee:

My name is Aaron Johnson, and I am the President of the North Dakota Environmental Health Association (NDEHA). 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 opposition to SB 2267.

Since 1976, local public health units in North Dakota have partnered with state agencies as the primary provider of inspection and permitting of residential and commercial septic systems. Following the elimination of requirements at the state level, local public health partnered with licensed installers in the industry to create a universal code and permitting program that was operate on a county-by-county basis. At this time, all or portions of 42 counties in North Dakota use this code.

The relationship between local septic system installers and their local public health inspector is a lynchpin necessary to the administration of any septic inspection program in North Dakota. As has been identified in previous sessions of Congress, state agencies lack the manpower to provide timely inspections and professional consultation to the installers in all 53 counties, and provision for state inspection under the ND Plumbing Board would require massively increasing state budgets for a resource that is already being supported more than adequately through local funding sources.

Proper septic system installation protects drinking water sources from contamination, which in turn increases the health and well being of the citizens of North Dakota. The dedicated network of local public health EHPs that already exists provides the necessary expertise and service to local installers, and removing that network in favor of inexperienced plumbing inspectors at great cost does not protect the environment or the health of North Dakota's citizens. Because of these reasons, NDEHA encourages you not to support SB 2267.

Respectfully,

Aaron Johnson

President, North Dakota Public Health Association

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

## Energy and Natural Resources Committee

SB 2267

March 11, 2025

Chairman Porter and members of the Energy and Natural Resources Committee:

I am Grant Larson, Director of the Environmental Health Division at Fargo Cass Public Health (FCPH), a city-county health department based in Fargo, ND. We are a member of the Southeast Public Health Collaborative and have primary responsibility for onsite septic system inspection programs in Cass, Richland, Sargent, and Traill Counties. We also provide septic expertise and inspections for Steele and Ransom Counties. Approximately 29% of North Dakota's population lives in these regionally served areas. Fargo Cass Public Health supports the regionally septic program with 3 individually licensed Environmental Health Practitioners (EHP's).

FCHP has provided environmental protection to our communities through a septic system licensing and inspection program originating in Cass County, in 1971, with our collaborative member counties beginning service in 2003 (Richland) and 2016 (Sargent and Traill). Septic system inspections make up the second largest inspection program at FCPH; in 2024, there were 121 installations of new system construction, 56 evaluations of existing systems for property sale, over 1000 hours of service provided for inspection and professional consultation with our local installers, and 11,265 miles traveled for this program.

FCHP has provided record retention for every inspected system since 1971, on-site consultation for homeowners and installers during either system failures and/or new construction, continuing education for our local installers, and advice to realty companies for selling homes with septic systems. Cass County also requires consultation with FCPH regarding septic system requirements prior to allowing subdivision and building permits. Local installers and homeowners look to us for septic guidance, since we provide accurate and timely information.

Although the ND Plumbing Board and staff are experts in plumbing, they do not perform routine septic work and therefore have less knowledge than local public health departments. This bill would charge the plumbing board to oversee a statewide septic system program which would include inspections and permitting. To provide adequate administration, the plumbing board would be required to hire and train an entire workforce to cover a huge geographical area. This bill would also preclude the plumbing board from

contracting with local public health units which currently provide professional septic services at little, or no, cost to the State of North Dakota.

Fargo Cass Public Health values the work we do with our onsite septic system program, the local industry professionals, and the citizens who we serve with our expertise. There is a clear need for change which includes state program leadership, a partnership in code adoption, and installer licensing which can be accomplished by a qualified department such as the Department of Environmental Quality. Local public health departments take pride in the long-standing partnerships with our community partners which have proven to benefit the entire septic program as well as industry. Drastic changes to the local septic program structure will result in a cascading failure for our citizens, businesses, and our environment.

For these reasons, I would encourage you **not** to support SB 2267.

Respectfully submitted by,

Grant J. Larson

Director of Environmental Health, Fargo Cass Public Health

Registered Environmental Health Sanitarian/Environmental Health Practitioner



House Energy and Natural Resources Committee

SB 2267

March 13, 2025

Chairperson Porter and members of the House Energy and Natural Resources 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.

I support a statewide structure for the oversight of onsite septic system installations. This structure must protect the environment and allow for local authority. Unfortunately, SB 2267 does not achieve these goals as it removes local public health units from the process.

Our health unit has taken pride in protecting the environment and our communities through onsite septic system oversight since the 1970s. In 2024 alone, we licensed 46 installers, permitted and inspected 112 systems, and investigated five complaints. This work, totaling 950 hours across seven counties, is equivalent to a 0.5 FTE position.

We maintain records dating back to the 1970s, which are frequently shared with homeowners, realtors, and potential property buyers. Recent records are digitally mapped with GPS technology to provide accurate system data to interested parties. Homeowners and installers contact us for troubleshooting, guidance, and collaboration with county planning and zoning departments. For example, in Morton County, a septic permit from our office is required before a building permit is issued.

Despite the critical nature of this work, funding is limited. Fees from licenses and permits cover only 58% of expenses, with the remainder funded by county mill levies and limited state funding. Costs include salaries, extensive travel, GPS systems, cell phones, and training.

Removing local public health authority under SB 2267 would disrupt a system that has served our communities well for decades. Such a drastic change risks delays in service, reduced local expertise, and diminished environmental protections.

I recognize the need for improvements, such as a statewide code and licensing structure. However, these changes should build on the existing network of dedicated environmental health practitioners from local public health rather than replace it.

For these reasons, I urge you to oppose SB 2267 and instead support solutions that preserve local input, protect public health, and safeguard our environment.

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

## SB 2267

## Fiscal Impact for the North Dakota State Plumbing Board

Expenditures

\$588,000 – Salaries and benefits for 12 inspectors

\$150,000 - Salaries and benefits for 2 office staff

\$14,400 – Additional Office space

\$233,184 - Vehicle expenses

\$3,000 – Office supplies

\$6,500 – Printing

\$5,000 – Postage

\$18,800 – Cell phones (monthly fee)

\$150,000 – Modification to website and content management system (IT Support)

\$34,500 - Computers and cell phones

\$5,000 – Risk Management insurance

\$30,000 – Attorney fees and audit

\$22,500 – Continuing education and training

\$1,500 – Membership/subscription fees

\$1,000 – Miscellaneous charges

\$1,263,384

Revenue

\$1,000,000.00 – Calculated at 2000 private sewage disposal systems at \$500.00 permit and certification fee per system

Deficit Year 1: (\$263,384)

Deficit Year 2: (\$263,384)

Total Deficit: (526,768)

Year 1: \$1,263,384

Year 2: \$1,263,384

Total: \$2,526,768

## Testimony Against Senate Bill No. 2267

Chairman and members of the committee,

My name is Scott Samuelson I am a Plumbing Inspector with the North Dakota State Plumbing Board I here today to testify against Senate Bill 2267 on behalf of the State Plumbing Board. I want to thank you for the opportunity to provide testimony regarding the proposed changes to the regulation of onsite wastewater treatment systems under Senate Bill.

As written, this bill seeks to shift the responsibility for regulating and overseeing onsite wastewater systems away from public health units to the State Plumbing Board, and to prohibit public health units from engaging in related activities such as issuing permits, inspecting systems, and overseeing installation or servicing.

While the intention behind this bill may be to streamline the regulatory process, I believe it would result in significant challenges that could undermine public health and environmental safety in North Dakota. Below are several key concerns I have with this proposed legislation:

1. **Public Health Oversight and Local Expertise:** Public health units have long played a crucial role in safeguarding public health in North Dakota, particularly in rural and underserved areas where onsite wastewater treatment systems are most prevalent. Local health units are familiar with their communities and can respond quickly to emerging issues, including contamination or system failures that may affect public health. Eliminating their role in permitting, inspections, and enforcement will reduce their ability to respond effectively to public health concerns tied to wastewater systems. Additionally, public health units have the expertise to engage with residents and business owners about proper system maintenance, which is vital to preventing contamination.
2. **Increased Risk to Environmental Health:** By prohibiting local health units from regulating wastewater systems, the bill centralizes oversight under the State Plumbing Board, which may not have the same level of localized knowledge or accessibility to communities. As onsite wastewater treatment systems are unique to each site and require attention to specific environmental factors, the bill risks creating inefficiencies and delays in addressing environmental hazards. Local health units are better positioned to consider these factors in the context of their communities, whereas a more centralized approach might struggle to maintain this level of localized understanding and responsiveness.
3. **Impact on Public Health Education and Outreach:** Public health units are a valuable source of education and outreach for residents who need guidance on maintaining their wastewater systems. Education on best practices for waste disposal, wastewater treatment, and system maintenance is integral to ensuring public health safety. Shifting oversight away from these units could result in decreased community engagement and fewer resources available for residents to properly care for their wastewater systems, leading to potential violations, contamination, and system failure.
4. **Financial and Logistical Challenges:** The bill proposes that the State Plumbing Board would assume full regulatory authority over onsite wastewater systems. This raises questions about the capacity of the Plumbing Board to adequately manage the increased responsibility,

particularly in terms of staffing, resources, and local engagement. Public health units have the infrastructure and resources already in place to carry out these functions effectively. Removing them from the equation would likely create an unnecessary administrative burden, which could delay approvals and inspections, and create confusion for property owners and system installers alike.

Additionally, the fiscal impact of transferring these responsibilities to the State Plumbing Board should not be overlooked. To effectively produce the necessary rules, hire qualified staff, and manage the increased workload associated with regulating onsite wastewater systems statewide, the Plumbing Board would likely face significant costs—potentially up to \$3 million in new expenses. These funds would be needed for hiring new staff, developing training programs, and creating the infrastructure required to oversee the permitting, licensing, inspection, and enforcement processes. Without adequate funding and planning, this transition would strain the Plumbing Board's capacity, resulting in delays and inconsistencies in the system.

5. **Potential for Legal and Regulatory Gaps:** As the bill eliminates the role of local public health units, it opens up the possibility of regulatory gaps or inconsistencies across the state. Local units are deeply embedded in their communities and provide a layer of accountability and enforcement that is tailored to regional needs. The bill's centralization of authority could result in a disconnect between local realities and statewide regulations, leaving some areas more vulnerable to inadequate oversight.

In conclusion, I urge the committee to reconsider the provisions of Senate Bill 2267 that seek to remove local public health units from the regulation of onsite wastewater treatment systems. Local health units are uniquely positioned to provide the necessary expertise, education, and oversight to ensure the safe and effective operation of these systems, and the proposed changes would undermine the state's ability to protect public health and the environment.

Moreover, the significant fiscal impact on the State Plumbing Board should be taken into account to ensure the success of this regulatory shift, as it could cost up to \$3 million to implement effectively.

Thank you for your time and consideration.

## TESTIMONY AGAINST SB 2267 by NORTH DAKOTA STATE PLUMBING BOARD

The North Dakota State Plumbing Board (NDSPB) is not interested at all in doing private sewage disposal system designs or inspections. We do not have the inspectors to do it, we do not have the office staff to do it, and more importantly we do not have any knowledge or experience in designing and inspecting septic tanks and drain field systems.

Plumbing installations and private sewage disposal system installations are two completely different disciplines. Why would North Dakota want to take private sewage disposal system licensure and inspections (and jobs) away from the local and district health units and force it on an entity of state government (NDSPB) that doesn't want it, and more importantly doesn't know anything about it?

This bill also tasks the Plumbing Board with promulgating rules for (PSDS) including writing and completing the private sewage disposal system technical guide (code book), which was never completed by an interim committee which had almost two years to work on it. Once again, how is the Plumbing Board supposed to write a technical guide (code book) on subject matter that we know nothing about?

If forced to take on this responsibility, it would have a huge financial impact on the Plumbing Board, from having to hire inspectors and office staff, to needing a larger office, vehicles, cell phones, computers, additions and modifications to our web site, and the list goes on. Even if installers paid a \$500 permit fee for each PSDS installation, that would still leave the Plumbing Board with a huge yearly budget deficit, which we would not be able to recover.

The local, county, and district health unit employees that are inspecting (PSDS) are environmental health specialists. They sample, test, and know the soil types in their area. They can also design systems in their area with regard to terrain, ground water levels, and take many other criteria into account when designing and inspecting these systems. The North Dakota State Plumbing Board does not wish to make itself a bigger state government entity with more regulatory authority, especially in a specialized area that we know nothing about.

I urge you to not support this bill, SB 2267

Brent Beechie     Executive Director     North Dakota State Plumbing Board

**March 13, 2025**

**House Energy and Natural Resources Committee  
SB 2267**

Good morning Chairman Porter 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 favor of 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.

SB 2267 leaves oversight of the onsite wastewater industry with the North Dakota State Plumbing Board, which is where it belongs, in my opinion, and eliminates the need for professionals to license with two separate entities in order to install water and sewer service lines.

The heartburn is that there is no guidance regarding a universal code for onsite wastewater systems, and there is no provision that provides the onsite wastewater industry a voice regarding establishment of the uniform statewide code or a seat at the table on the plumbing board.

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

25.0988.02001  
Title.

Prepared by the Legislative Council  
staff for Senator Myrdal  
March 12, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2267

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

**License required.**

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

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

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

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

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2267  
4/10/2025

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

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

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

Members absent: Representative Heinert

### **Discussion Topics:**

- Coding and licensing changes

10:12 a.m. David Glatt, Director, Department of Environmental Quality, DEQ, testified in favor and submitted testimony. # 44897

10:31 a.m. Chairman Porter closed the hearing.

*Leah Kuball, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO. 2267**

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact ~~three new sections to chapter 43-18~~chapter 23.-17 of the  
2 North Dakota Century Code, relating to onsite wastewater treatment systems; to amend and  
3 reenact ~~section 43-18-24~~sections 23-35-02 and 23-35-08 of the North Dakota Century Code,  
4 relating to ~~onsite wastewater treatment system violations~~the powers and duties of the 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; and ~~to~~  
7 ~~provide a penalty~~to provide an appropriation.

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

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

11 ~~—43-18-24. Violation of chapter – Penalty.~~

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

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

19 ~~—Standards for onsite wastewater sewage treatment system installation, servicing,~~  
20 ~~and inspection – Adoption of rules.~~

21 ~~—1. The board shall establish rules relating to the permitting and licensing for onsite~~  
22 ~~wastewater sewage treatment systems.~~

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

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

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

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

10 ~~Appeal to department of environmental quality.~~

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

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

21 ~~License required.~~

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

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

29 **SECTION 1.** Chapter 23.1 17 of the North Dakota Century Code is created and enacted as  
30 follows:



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

1. Notwithstanding any other provisions of law, the department has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of onsite wastewater treatment systems.
2. The department shall provide technical assistance and guidance to municipalities and local public health units in all matters related to 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. Definitions.**

1. "Department" means the North Dakota Department of Environmental Quality.
2. "Install" means to place or replace a part of an onsite wastewater treatment systems, whether new or existing to make it ready for use.
3. "License" means the authorization by the department for an individual to engage in the business of installation of onsite wastewater treatment systems.
4. "Onsite Wastewater Treatment System" means a wastewater treatment system or part thereof, serving a dwelling or building, or group thereof, which utilizes soil treatment and disposal. May be 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 a onsite wastewater treatment system based on the specific site and the rules adopted under this title.

**23.1-17-03. Licensing.**

1. An individual may not engage in the business of installing an onsite wastewater sewage 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 sewage 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 the license issued under this chapter if the licensed individual has practiced fraud or deception in obtaining the license or in the



individual's performance of a licensed activity; if 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 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 licensure may be considered by the department only after the conditions causing the suspension or revocation have been corrected, and evidence of this fact has been satisfactorily submitted to the department. A new license may then be granted by the department.

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

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

2. The department may prescribe by rule a process for obtaining variances for existing onsite wastewater treatment systems that are nonconforming or nonfunctional. This process will consider impacts to the environment, impacts to public health, and the cost of compliance.

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

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

An action of a political subdivision denying, modifying, or revoking a permit to install, an onsite wastewater treatment system may be appealed to the department by petition for review. The appeal must be filed with the department within ten days of receiving notice of the denial, modification or revocation. Upon receipt of the petition, the department shall review the appealed decision and if it appears the permit was not issued or the permit was improperly modified or revoked in accordance with the provisions of this title and rules adopted under this title, the department shall provide its findings and recommendation to the political subdivision, the licensed installer, and the owner of the property where the proposed onsite wastewater treatment system is located.

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



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

**23.17-07. Enforcement.**

1. A person that 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. A person that 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 rules relating to licensing individuals for the installation or servicing of onsite wastewater treatment systems, or for determining compliance with rules of the department, must be conducted in accordance with the provisions 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 2. 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 onsite wastewater treatment systems in accordance with section 23.1-17. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of onsite wastewater treatment 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 3. 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 onsite wastewater treatment 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.



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

21 **SECTION 54. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century  
22 Code are repealed.

23 **SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY –**  
24 **ONSITE WASTEWATER TREATMENT SYSTEMS.** There is appropriated out of any moneys in  
25 the general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so  
26 much of the sum as may be necessary, to the department of environmental quality for the  
27 purpose of the regulation of onsite wastewater treatment systems, for the biennium beginning  
28 July 1, 2025, and ending June 30, 2027. The department shall report to legislative management  
29 prior to the opening of the 70<sup>th</sup> Legislative Assembly.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau AB Room, State Capitol

SB 2267

4/11/2025

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

10:16 a.m. Chairman Porter called the meeting to order.

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

Members absent: Representative Heinert

### Discussion Topics:

- Committee action

10:18 a.m. David Glatt, Director, Department of Environmental Quality,  
submitted amendment, testimony #44945.

10:33 a.m. Representative Dockter moved to adopt proposed amendment. #44945

10:33 a.m. Representative Olson seconded the motion.

Voice vote: Motion carried

10:33 a.m. Representative Olson moved a Do Pass as amended.

10:34 a.m. Vice Chair Novak 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	AB
Representative Jared c. Hagert	AB
Representative Craig Headland	AB
Representative Pat D. Heinert	Y
Representative Jorin Johnson	N
Representative Andrew Marschall	Y
Representative Jeremy L. Olson	Y
Representative Matthew Ruby	Y

Motion carried: 9-1-3

House Energy and Natural Resources Committee  
SB 2267  
04-11-25  
Page 2

Bill carrier: Representative Marschall

10:35 a.m. Chairman Porter closed the hearing.

*Leah Kuball, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VC 4/11/25  
10:49

**ENGROSSED SENATE BILL NO. 2267**

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact ~~three new sections to chapter 43-18~~ a new chapter to  
2 title 23.1 of the North Dakota Century Code, relating to onsite wastewater treatment systems; to  
3 amend and reenact ~~section 43-18-24~~ sections 23-35-02 and 23-35-08 of the North Dakota  
4 Century Code, relating to ~~onsite wastewater treatment system violations~~ the powers and duties  
5 of the boards of health and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of  
6 the North Dakota Century Code, relating to the onsite wastewater recycling technical  
7 committee; to provide for a legislative management report; ~~and to provide a penalty; and to~~  
8 provide an appropriation.

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

10 ~~— **SECTION 1. AMENDMENT.** Section 43-18-24 of the North Dakota Century Code is~~  
11 ~~amended and reenacted as follows:~~  
12 ~~— **43-18-24. Violation of chapter – Penalty.**~~  
13 ~~— Any person that violates the state plumbing code adopted under section 43-18-09; violates~~  
14 ~~section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of~~  
15 ~~another person in a manner that is in violation of section 43-18-13, or installs or services an~~  
16 ~~onsite wastewater sewage treatment system without being licensed under this chapter is guilty~~  
17 ~~of a class B misdemeanor.~~  
18 ~~— **SECTION 2.** A new section to chapter 43-18 of the North Dakota Century Code is created~~  
19 ~~and enacted as follows:~~

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

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

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

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

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

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

~~Appeal to department of environmental quality.~~

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

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

~~License required.~~

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



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

**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 onsite wastewater treatment systems in accordance with section 3 of this Act. A public health unit shall conduct a required in-person or virtual inspection of an onsite wastewater system within one business day of receiving the request for the inspection. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of onsite wastewater treatment systems within the boundaries of the county or city. A cooperative 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 rules regarding the licensing of onsite wastewater treatment 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.** A new chapter to title 23.1 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

For the purposes of this chapter:

1. "Department" means the department of environmental quality.

2. "Install" means to place or replace a part of an onsite waster treatment system, whether new or existing, to make it ready for use.

3. "License" means authorization by the department for an individual to engage in the business of installing an onsite wastewater treatment system.

4. "Onsite wastewater treatment system" means a wastewater treatment system or part thereof, serving a dwelling or building, or group thereof, which uses soil treatment and disposal. The term commonly may be known as a septic system.

5. "Permit" means authorization from a local public health unit or other political subdivision to install an onsite wastewater treatment system, in accordance with the specific site and rules adopted under this title.

**Septic systems - Authority.**

1. Except as otherwise provided by law, the department has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of onsite wastewater treatment systems.

2. The department shall provide technical assistance and guidance to municipalities and local public health units on all matters related to onsite wastewater treatment systems.

3. An ordinance enacted or adopted by a county or city in accordance with a home rule charter, or an ordinance enacted or adopted by any other political subdivision, in conflict with a rule adopted under this section is void.



**Licensing.**

1. An individual may not engage in the business of installing an onsite wastewater treatment system unless the individual is licensed. To remain licensed in good standing, a licensee 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 sewage 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 licensee practices 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 licensee's knowledge or ability is not used in the performance of the licensee's duties; or
  - c. The licensee 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 licensure may be considered by the department only after the conditions causing the suspension or revocation have been corrected, and evidence of this fact is submitted to the satisfaction of the department.

**Standards for onsite wastewater treatment systems - Installation - Inspection.**

1. The department shall establish rules relating to permitting onsite wastewater treatment systems.
2. The department may prescribe by rule a process for obtaining variances for existing nonconforming or nonfunctional onsite wastewater treatment systems. The process shall consider the:
  - a. Environmental impact;
  - b. Impact to public health;
  - c. Cost of compliance; and



d. Least restrictive means.

3. Onsite wastewater sewage treatment system installation and inspections must comply with the rules adopted in accordance with this title.

**Appeal to the department.**

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

2. Upon receipt of the petition, the department shall review the appealed decision and the petition to determine whether the denial, modification, or revocation was made in accordance with the provisions of this title and rules. The department shall provide its findings and recommendation to the political subdivision, the licensed installer, and the owner of the property where the proposed onsite wastewater treatment system is located.

**Fees.**

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

**Enforcement.**

1. An individual who violates a provision of this chapter or any rule, standard, order, or permit condition adopted in accordance with 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, false representation, or false certification in an application, record, report, plan, 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.



**Administrative procedure and judicial review.**

1. A proceeding under this chapter to adopt or modify rules relating to licensing individuals for the installation or servicing of onsite wastewater treatment systems, or for determining compliance with rules of the department, must be conducted in accordance with the provisions 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 4. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code are repealed.

**SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY -**

**ONE-TIME FUNDING - REPORT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much of the sum as may be necessary, to the department of environmental quality for the purpose of regulation of onsite wastewater treatment systems, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall provide a report to the legislative management prior to August 1, 2026. The appropriation in this section is considered a one-time funding item.

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2267**

**Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS** ([25.0988.02003](#)) and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2267 was placed on the Sixth order on the calendar.

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT  
ENGROSSED SENATE BILL NO. 2267**

Introduced by

Senators Myrdal, Klein, Magrum

Representatives K. Anderson, Koppelman

1 A BILL for an Act to create and enact ~~three new sections to chapter 43-18~~chapter 23.-17 of the  
2 North Dakota Century Code, relating to onsite wastewater treatment systems; to amend and  
3 reenact ~~section 43-18-24~~sections 23-35-02 and 23-35-08 of the North Dakota Century Code,  
4 relating to ~~onsite wastewater treatment system violations~~the powers and duties of the 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 for a legislative management report; to provide a penalty; and to provide a penalty to  
8 provide an appropriation.

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

10 ~~SECTION 1. AMENDMENT. Section 43-18-24 of the North Dakota Century Code is~~  
11 ~~amended and reenacted as follows:~~  
12 ~~—43-18-24. Violation of chapter – Penalty.~~  
13 ~~—Any person that violates the state plumbing code adopted under section 43-18-09; violates~~  
14 ~~section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23; or works under the license of~~  
15 ~~another person in a manner that is in violation of section 43-18-13, or installs or services an~~  
16 ~~onsite wastewater sewage treatment system without being licensed under this chapter is guilty~~  
17 ~~of a class B misdemeanor.~~  
18 ~~—SECTION 2. A new section to chapter 43-18 of the North Dakota Century Code is created~~  
19 ~~and enacted as follows:~~  
20 ~~—Standards for onsite wastewater sewage treatment system installation, servicing,~~  
21 ~~and inspection – Adoption of rules.~~  
22 ~~—1. The board shall establish rules relating to the permitting and licensing for onsite~~  
23 ~~wastewater sewage treatment systems.~~



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

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

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

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

10 ~~Appeal to department of environmental quality.~~

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

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

21 ~~License required.~~

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

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

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

31 **23-35-02. Public health units - Core functions.**

32 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 onsite wastewater treatment systems in accordance with section 23.1-17. A public health unit shall conduct a required in-person or virtual inspection of an onsite wastewater system within one business day of receiving the request for the inspection. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of onsite wastewater treatment 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 onsite wastewater treatment 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.** 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 North Dakota Department of Environmental Quality.

2. "Install" means to place or replace a part of an onsite wastewater treatment



1 system, whether new or existing, to make it ready for use.

2 3. "License" means the authorization by the department for an individual to engage  
3 in the business of installation of an onsite wastewater treatment system.

4 4. "Onsite Wastewater Treatment System" means a wastewater treatment system  
5 or part thereof, serving a dwelling or building, or group thereof, which uses soil  
6 treatment and disposal. May be commonly known as a septic system.

7 5. "Permit" means the authorization by a local public health unit or other political  
8 subdivision for the installation of an onsite wastewater treatment system based  
9 on the specific site and the rules adopted under this title.

10 **23.1-17-02. Septic systems - Authority.**

11 1. Notwithstanding any other provisions of law, the department has the exclusive  
12 authority to adopt rules regarding licensing, permitting, and inspections of onsite  
13 wastewater treatment systems.

14 2. The department shall provide technical assistance and guidance to municipalities and  
15 local public health units in all matters related to onsite wastewater treatment 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 **23.1-17-03. Licensing.**

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

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

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

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

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

31 b. Reasonable care, judgment, or the application of the individual's knowledge or  
32 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 licensure may be considered by the department only after the conditions causing the suspension or revocation have been corrected, and evidence of this fact has been satisfactorily submitted to the department. A new license may then be granted by the department.

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

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

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

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

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

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

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

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

The department by rule may provide for the payment and collection of reasonable fees for the issuance of licenses for onsite wastewater system installers. The license fees must be



1 based on the anticipated cost of filing and processing the application, taking action on the  
2 requested license, and conducting an oversight program to determine compliance or  
3 noncompliance with the license. Any moneys collected for licensing fees must be deposited in  
4 the department operating fund in the state treasury and any expenditure from the fund is subject  
5 to appropriation by the legislative assembly.

6 **23.17-07. Enforcement.**

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

16 **23.1-17-08. Administrative procedure and judicial review.**

- 17 1. A proceeding under this chapter to adopt or modify rules relating to licensing  
18 individuals for the installation or servicing of onsite wastewater treatment  
19 systems, or for determining compliance with rules of the department, must be  
20 conducted in accordance with the provisions of chapter 28 - 32.
- 21 2. An appeal of a decision issued under subsection 1, must be conducted in  
22 accordance with the provisions of chapter 28 – 32.

23 **SECTION 54. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century  
24 Code are repealed.

25 **SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY –**  
26 **ONSITE WASTEWATER TREATMENT SYSTEMS.** There is appropriated out of any moneys in  
27 the general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so  
28 much of the sum as may be necessary, to the department of environmental quality for the  
29 purpose of the regulation of onsite wastewater treatment systems, for the biennium beginning  
30 July 1, 2025, and ending June 30, 2027. Before August 1, 2026, the department shall report to  
31 legislative management prior to the opening of the 70<sup>th</sup> Legislative Assembly.