

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2307

Introduced by

Senators Lyson, Dever, Luick

Representative Sukut

1 A BILL for an Act to create and enact a new subsection to section 23-35-08, four new
2 subsections to section 61-28-02, and a new section to chapter 61-28 of the North Dakota
3 Century Code, relating to regulation of septic system installers and septic systems; to provide a
4 penalty; and to provide an appropriation.

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

6 **SECTION 1.** A new subsection to section 23-35-08 of the North Dakota Century Code is
7 created and enacted as follows:

8 Shall implement and enforce the rules adopted by the department under chapter 61-28
9 regulating the alteration, repair, construction, and installation of small septic systems.

10 **SECTION 2.** A new subsection to section 61-28-02 of the North Dakota Century Code is
11 created and enacted as follows:

12 "Large septic system" means a septic system that regularly serves at least twenty-five
13 individuals.

14 **SECTION 3.** A new subsection to section 61-28-02 of the North Dakota Century Code is
15 created and enacted as follows:

16 "Septic system" means a disposal system and all of its components used to receive,
17 treat, and dispose of domestic wastewater through microbiological decomposition and
18 soil absorption.

19 **SECTION 4.** A new subsection to section 61-28-02 of the North Dakota Century Code is
20 created and enacted as follows:

21 "Septic system installer" means a person that engages in the business of altering,
22 repairing, constructing, or installing septic systems.

23 **SECTION 5.** A new subsection to section 61-28-02 of the North Dakota Century Code is
24 created and enacted as follows:

1 "Small septic system" means a septic system that regularly serves fewer than
2 twenty-five individuals.

3 **SECTION 6.** A new section to chapter 61-28 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Septic system installation - Certification and approval required - Inspection authority**
6 **- Fees.**

7 1. A person engaged in the business of altering, repairing, constructing, or installing
8 septic systems must be certified by the department.

9 2. The department shall administer and enforce a certification program for septic system
10 installers and has the following powers and duties:

11 a. To require training of and to examine septic system installers and their
12 employees;

13 b. To establish standards and procedures for certification of septic system installers;

14 c. To issue certificates to all applicants who satisfy the requirements for certification
15 under this section and any rules under this section, to renew certificates, and to
16 suspend or revoke certificates for cause after notice and opportunity for hearing;

17 d. To establish reasonable fees for certifying septic system installers; and

18 e. To adopt and enforce rules as necessary for implementation of this section.

19 3. A person who engages in the business of altering, repairing, installing, or constructing
20 septic systems without certification or in violation of such certification is guilty of a
21 class A misdemeanor and is subject to civil penalty under section 61-28-08. All other
22 violations related to this section are subject to civil or criminal penalty under section
23 61-28-08.

24 4. A person must have the department's approval before altering, repairing, constructing,
25 or installing a large septic system, or causing a large septic system to be altered,
26 repaired, constructed, or installed.

27 5. The department shall implement a program for the design approval of all large septic
28 systems and has the following powers and duties:

29 a. To establish design and construction standards;

30 b. To issue approvals to all applicants who satisfy the requirements for approval
31 under this section and any rules under this section;

- 1 c. To establish reasonable fees for approving large septic systems;
2 d. To require an owner to repair a malfunctioning large septic system; and
3 e. To adopt and enforce rules as necessary for implementation of this section.
4 6. The department shall adopt rules containing standards for the alteration, repair,
5 construction, and installation of small septic systems, which shall be implemented and
6 enforced by boards of health under chapter 23-35.
7 7. The department may inspect large septic systems and any septic system installation
8 activities at all reasonable times to ensure compliance with the laws of this state, the
9 provisions of this chapter, and the rules and regulations authorized herein.
10 8. Any moneys collected for septic system installer certification fees or large septic
11 system approval fees must be deposited in the department operating fund in the state
12 treasury and any expenditure from the fund is subject to appropriation by the
13 legislative assembly.

14 **SECTION 7. APPROPRIATION.** There is appropriated out of any moneys in the general
15 fund in the state treasury, not otherwise appropriated, the sum of \$357,645, or so much of the
16 sum as may be necessary, to the state department of health for the purpose of establishing
17 design standards for septic systems and regulating septic system installers, for the biennium
18 beginning July 1, 2013, and ending June 30, 2015. The state department of health is authorized
19 two full-time equivalent positions to establish design standards and to regulate septic system
20 installers.