

**FIRST ENGROSSMENT  
with House Amendments  
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; and to  
4 provide a penalty.

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 - Penalty.**

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.