

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

SENATE BILL NO. 2107  
(Energy and Natural Resources Committee)  
(At the request of the State Department of Health)

AN ACT to create and enact a new section to chapter 23.1-01 of the North Dakota Century Code, relating to the certification of environmental laboratories; to repeal section 61-28.1-07 of the North Dakota Century Code, relating to certification of laboratories; and to provide an effective date.

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

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

**Environmental laboratories - Certification required - Fees.**

1. The department shall establish and administer a certification program for environmental laboratories. The department may:
  - a. Establish standards and procedures for certifying environmental laboratories;
  - b. Issue certifications to all applicants who satisfy the requirements for certification under this section and any rules under this section, to renew certifications, and to deny, suspend, or revoke certifications for cause after notice and opportunity for hearing;
  - c. Specify in a certification the parameters and analytical procedures the environmental laboratory is certified to conduct;
  - d. Conduct onsite evaluations of certified environmental laboratories and applicants for certification;
  - e. Establish reasonable fees for certifying environmental laboratories, which must be deposited in the department operating fund and spent subject to appropriation by the legislative assembly;
  - f. Reject any testing or data submitted by an environmental laboratory not certified by the department;
  - g. Refuse to accept testing or data from a certified environmental laboratory when the department reasonably determines that the results do not meet reasonable criteria for validation; and
  - h. Adopt and enforce rules as necessary for implementation of this section.
2. Unless exempted by the department, all environmental laboratories that conduct tests or prepare data for submittal to the department must be certified by the department and comply with any conditions imposed by the certification.
3. The department may grant interim approval to operate an environmental laboratory required to obtain certification under this section if the laboratory was certified under any department program as of July 31, 2019. An environmental laboratory with interim approval shall apply immediately for certification once the department adopts rules for the issuance of certifications under this section. The interim approval is valid until the department acts on the application.

**SECTION 2. REPEAL.** Section 61-28.1-07 of the North Dakota Century Code is repealed.

**SECTION 3. EFFECTIVE DATE.** This Act is effective on August 1, 2019, if the Legislative Council has received certification from the chief of the environmental health section of the state department of health that all authority, powers, and duties from the environmental health section of the state department of health have been transferred to the department of environmental quality. If the certification in this section is not received by August 1, 2019, this Act is effective on the date certification is received.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2107.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 90            Nays 0            Absent 4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State