

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1377

Introduced by

Representatives Keiser, Berg, M. Klein

1 A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota
2 Century Code, relating to the authority of the board of podiatric medicine to borrow funds; to
3 provide for a legislative council study; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 43-05 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Loan for litigation expenses.** Subject to approval by the emergency commission, the
8 board may borrow funds sufficient to pay for attorneys' fees and costs incurred in
9 investigations, administrative proceedings, and litigation resulting from the board performing its
10 duties. Notwithstanding section 43-05-15, the board may establish an annual renewal license
11 fee for each year following the issuance of a loan under this section, and the fee must be
12 maintained until the loan is fully repaid, including any accrued interest. The amount of the
13 annual renewal license fee assessed under this section may not exceed one thousand dollars.
14 Once the loan is paid in full, the annual renewal license fee must revert to the amount
15 established by the board before the issuance of the loan. The notice of a proposed rule to
16 assess the fee in this section or revert to the previous license fee may be sent by certified mail
17 to each individual licensed by the board in lieu of the publication requirements for the notice in
18 chapter 28-32.

19 **SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider
20 studying during the 2001-02 interim the ability of occupational and professional boards with less
21 than one hundred licensees to process disciplinary complaints and carry out other statutory
22 responsibilities. The study should address procedures used by boards to respond to
23 disciplinary complaints and initiate disciplinary actions, the boards' ability to pay for the cost of
24 disciplinary actions, and the legal services and staff services available to assist boards with the

- 1 processing of disciplinary complaints and the performance of other statutory responsibilities.
- 2 The legislative council shall report its findings and recommendations, together with any
- 3 legislation required to implement the recommendations, to the fifty-eighth legislative assembly.
- 4 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.