

**HOUSE BILL NO. 1455**

Introduced by

Representatives Gulleason, Henegar

Senator Mutzenberger

1 A BILL for an Act to create and enact a new subsection to section 23-01-04.1 of the North  
2 Dakota Century Code, relating to rulemaking authority and procedure of the department of  
3 health.

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

5 **SECTION 1.** A new subsection to section 23-01-04.1 of the 1995 Supplement to the  
6 North Dakota Century Code is created and enacted as follows:

7 If a petition is filed and a review is undertaken as provided in subsection 3, the  
8 department may employ and fix the compensation of such medical, environmental,  
9 and other expert help and assistance as the department may decide is reasonably  
10 necessary to determine whether there is a continuing need for the rule to protect  
11 public health and the environment of the state. The expense of any hearings or  
12 investigations and the actual expenses of any employees of the department while  
13 engaged upon any review must upon the order of the department be paid by the  
14 person who filed the petition. The department shall ascertain the costs and  
15 expenditures. After giving the petitioner notice and opportunity to demand a  
16 hearing, and after a hearing, if any, is held, the department shall render a bill and  
17 make an order for payment by certified mail or by personal delivery to the  
18 petitioner. The billing and order may be made from time to time during the review  
19 or at the conclusion thereof, as the department determines. Upon receipt of the bill  
20 and order for payment, as evidenced by return receipt or other proof, the petitioner  
21 shall pay to the department the amount billed. All amounts not paid within thirty  
22 days after receipt of the order for payment draw interest at the rate of six percent  
23 per annum from the date of receipt of the order. All costs and expenses collected  
24 by the department under this subsection must be deposited in a special account

- 1 within the department. The department may spend the collected funds for the
- 2 designated purposes.