

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2243

Page 1, after line 15, after the period, insert “Thirty days after issuance of a notice of noncompliance, the department, without notice and hearing, may assess a civil penalty of not more than five thousand dollars for each violation of this section. The civil penalty shall be awarded to the department and deposited into the department’s general operating fund for use in regulating compliance with this chapter. A person aggrieved by an order issued under this section may request a hearing before the department if a written request is made within ten days after the receipt of the order. An adjudicative proceeding under this section must be conducted in accordance with chapter 28-32, unless otherwise specifically provided herein. If the department prevails in an adjudicative proceeding pursuant to this section, the department may assess the nonprevailing person for all adjudicative proceeding and hearing costs, including reasonable attorney's fees, investigation fees, costs, and expenses of any investigation and action.”

Renumber accordingly