

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.