

# EMBALMERS.

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## CHAPTER 111.

[H. B. No. 129—Gilbert.]

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### STATE BOARD OF EMBALMERS.

AN ACT Establishing a State Board of Embalmers.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. GOVERNOR TO APPOINT.] That the governor shall as soon as practicable after the passage of this act, appoint the president and secretary of the state board of health, and three persons who shall be practical and practicing embalmers in this state, who shall constitute a state board of embalmers. One of the embalmers so appointed shall hold office for two years, one for three years, and one for four years, unless sooner removed. Appointments to fill vacancies caused by death, resignation or removal before the expiration of terms, shall be made for the residue of such terms by the governor, and all the appointments to fill vacancies caused by expiration of terms shall be made in same manner and shall be for a period of four years.

§ 2. OATH OF OFFICE.] The members of said board, before entering upon their duties shall respectively take and subscribe the oath required by other state officers, which shall be filed in the office of the secretary of state, who is hereby authorized to administer same. They shall have power to elect out of their own number a president, secretary and treasurer, and adopt such regulations for the transaction of the business of the board and the management of its affairs, as they may deem expedient. The members of such board shall receive no salary as such, except the secretary, who shall have fifty dollars a year for services; but the actual traveling and necessary expenses of the board and its members shall be paid, but only out of the receipts as hereinafter directed.

§ 3. MEETINGS OF THE BOARD.] Said board shall meet at least once a year, and may also hold special meetings as frequently as the proper and efficient discharge of its duties shall require, at a time and place to be fixed by the rules and by-laws of the board; and the rules and by-laws of the board shall provide for the giving it timely notice of all meetings to every member of the board, and to all applicants for license. Three of the members shall at any meeting constitute a quorum for the transaction of business.

§ 4. BOARD TO EXAMINE CANDIDATES.] The members of this board, or such number thereof as shall be designated by said board, shall examine candidates for license on the subjects of embalming,

and care, disposition and preservation of deceased persons, also on the subject of sanitation for the prevention and spread of infectious and contagious diseases, in accordance with the rules of the state board of health. And they shall adopt such rules and regulations for the disinfection of dead bodies, their bedding, clothes and surroundings, as they shall think proper, and shall cause such rules to be made known to every person engaged in the profession of embalming and the business of undertaker. And it is the intention that this board shall be an aid to the state board of health.

§ 5. LICENSE ISSUED, WHEN.] Every person who wishes to practice the profession of embalming the bodies of persons having died of any infectious or contagious disease in the state of North Dakota or prepare for shipment the body of any person having died of any infectious or contagious disease, shall appear before the state board of embalmers, or such member thereof designated, as hereinbefore provided, for examination on their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person and the apartments, bedding, clothing, excretion and anything likely to be affected in case of death from infectious or contagious disease, in accordance with the rules and regulations of the state board of health. Such examination shall be in writing and all examination papers shall be kept on record by said state board of embalmers; and if the applicant be of good moral character and passes a satisfactory examination, then the said board shall issue to said applicant, on payment of the sum of five dollars to the treasurer of said board, a license to practice the profession of embalming for the term of one year. If the applicant desires the renewal of the license, the said board shall grant it, except for cause, and the annual fee for the renewal of the license shall not exceed three dollars.

§ 6. MAY USE A COMMON SEAL.] Said board is hereby authorized to adopt and use a common seal, and any transcript of any matter of record in the office of said board, with the certificate of the secretary thereof attached, under the seal of said board, shall be competent evidence of such matter of record in any court in this state. All licenses shall be signed by a majority of the state board of embalmers and attested by its seal, and shall specify by name, the person to whom issued. Every such license shall be non-assignable and non-transferable, and shall be displayed by such embalmer in a conspicuous place in his or her office or place of business.

§ 7. VIOLATION OF LAW. PENALTY.] Any person who shall practice or hold himself or herself out as practicing the art of embalming the dead in accordance with the provisions of section 5 of this act, without having complied with the provisions of said section 5, shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than fifty dollars, or more than five hundred dollars, or undergo an imprisonment of not exceeding one year, or both, at the discretion of the court, for each and every offense, but the penalties of this section named shall not be enforced until after an ex-

amination of applicants has been held under the provisions of this act.

§ 8. FEES AND FINES TO BE PAID TO THE TREASURER. BOND OF.] All fees collected and fines paid under the provisions of this act shall be paid to the treasurer of the state board of embalmers, to be used for the purpose of defraying the necessary expenses, and the treasurer of the state board shall give bond in the sum of five hundred dollars to the approval of said board for the honest and faithful discharge of his duties. It shall be the duty of said state board on or before the first Monday in November of each and every year to make a report in writing to the governor of this state, containing a detailed statement of the nature of the receipts and the manner of the expenditures and balance of money remaining at the end of the year after the payment of the necessary expenses, including the salary of the secretary and the traveling and other necessary expenses of the members of the board, incurred in the discharge of their duties as such, may be used by the state board of embalmers for educational purposes in their profession.

§ 9. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1905.

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## ESTRAYS.

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### CHAPTER 112.

[H. B. No. 18—Tofsrud.]

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### ESTRAYS.

AN ACT to Amend Section 1 of Chapter 96 of the Laws of 1903 (Being an Amendment of Section 1572 of the Revised Codes) Relative to Giving Notice Upon Taking Up Estrays and Providing Penalty for Failure to Give Such Notice.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That chapter 96 of the laws of 1903 (being an amendment of section 1572 of the revised codes) be and the same is hereby amended so as to read as follows:

§ 1572. NOTICE OF TAKING UP ESTRAYS.] Each person taking up an estray horse, mare, colt, ass, mule or neat cattle, sheep, hog or goat, shall within ten days thereafter give notice of the finding and taking up of the said animal in a weekly newspaper, if there is such a newspaper published in the county, if not, in the nearest newspaper, which advertisement shall give a description of such estray and the marks and brands thereon. Any person taking up such estray shall also file, within ten days, with the county auditor of the county where-