

commonly or commercially known or sold as gasoline, including casinghead and absorption or natural gasoline, regardless of their classifications or uses; and any liquid which when subjected to distillation in accordance with the standard method of test for distillation of gasoline, naphtha, kerosine, and similar petroleum products (American Society for Testing Materials Designation D-86) show not less than ten percent distilled (recovered) below three hundred forty-seven Fahrenheit (one hundred seventy-five degrees Centigrade) and not less than ninety-five percent distilled (recovered) below four hundred sixty-four degrees Fahrenheit (two hundred forty degrees Centigrade).

Approved March 17, 1943.

HAIRDRESSERS AND COSMETOLOGISTS

CHAPTER 144

S. B. No. 206—(Braun)

REGULATIONS, HAIRDRESSERS & COSMETOLOGISTS, AMENDMENT

An Act to amend and re-enact Section 19 (*of Chapter 157) of the Session Laws of North Dakota for 1927 as amended and re-enacted by Chapter 150 of the Session Laws of North Dakota for 1939, relating to the regulation of the Occupation of Hairdressers and Cosmetologists, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 19 of Chapter 157 of the Session Laws of 1927 be and the same is hereby amended and re-enacted to read as follows:

§ 19. POWERS AND DUTIES OF THE BOARD.]

(1) The said Board created by this Act shall have the power to revoke and suspend certificates provided in this Act, upon proof of violation of the rules and regulations established by the said Board governing the classified practices under this Act.

(2) The Board may refuse to grant a certificate to a person guilty of fraud in passing the examination or at any time guilty of a felony or gross immorality, grossly unprofessional or dishonest conduct or to one addicted to the use of intoxicating liquor or drugs, to such an extent to render him or her unfit to practice in any prac-

tices or occupations classified under this Act, or to anyone advertising by means of knowingly false or deceptive statements, or for the failure to display the certificates as provided in this Act.

(3) The said Board shall have the power to require the attendance of witnesses and the production of such books, records, and papers as it may desire at any hearing or any matter which the Board has authority to investigate, and for that purpose may require the Secretary of the Board to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the Court in Criminal Cases. Fees and mileage shall be paid from the fund in the state treasury for the use of the Board in the same manner as other expenses of the said Board are paid.

(4) In addition to the powers hereinbefore provided for, the said Board shall have power to establish minimum prices to be charged for beauty culture, subject to the following conditions:

(a) Upon receipt of an application signed by not less than 75% of the registered beauty culturists and registered establishments for beauty culture in any district, which district shall be in said application definitely described and defined, to establish minimum prices for beauty culture therein, the Board shall set a hearing.

(b) Notice of the time and place of such hearing shall be given by the Secretary by registered mail to the registered beauty culturists and registered establishments in such district not less than ten days prior thereto.

(c) The Board shall prior to the hearing, make such investigation as to conditions in such district as it may deem necessary and proper.

(d) At the hearing any established beauty culturist or registered establishment or other person affected by the application may testify and present arguments. After the hearing and investigation, the Board may approve or disapprove the application as submitted, or in its order make such provisions as it may deem proper and may in said order change the boundaries of the district affected which order shall be issued by said Board within a reasonable time after such hearing. Thereafter no beauty culturists or establishment in the District may charge or collect any price less than that ordered by the Board for any beauty culture work, except that this provision shall not apply in towns and villages having less than two shops.

(e) The Board upon its own initiative or upon application of

75% of the registered beauty culturists and establishments affected may order a new investigation and hearing regarding the minimum theretofore established for any district. Such hearing and new order issued pursuant thereto shall be subject to the provisions of this Act.

(f) In establishing minimum prices for any district the Board shall consider only:

(1) Reasonableness of the proposed prices.

(2) Local conditions affecting the relation of the beauty culture profession to public health and safety.

(3) Minimum prices required to provide sanitary services and appliances necessary to minimize danger to public health and costs necessarily incurred in such district in maintaining a shop in a healthful and sanitary condition.

(g) Schools of beauty culture shall be subject to the provisions hereof, and in the event students of such schools perform the work therein when a charge is made for such work by such students said charge shall be not less than 60% of the minimum price set for shops or licensed operators.

(h) Any person aggrieved by an order of the Board establishing minimum prices for any beauty work as herein provided for in any district may appeal therefrom within ten days after the date of the order complained of by filing a notice of appeal with the Clerk of the District Court of any county in which such district or portion thereof may be located. The Court shall hear the appeal de novo on the merits.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 15, 1943.

*Correction made by Governor.