

the insurance carried by the Fund shall be increased or decreased from time to time so as to maintain at all times on the property insured thereby the amount of insurance required by the provisions of this act. All reinsurance policies taken or held by the Fund shall be cancelled as of the first day of August, 1943, and all returned premiums thereon shall be added to the reserve fund.

§ 22. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 20, 1943.

*Correction made by Governor.

LICENSE

CHAPTER 160

H. B. No. 144—(Fleck, Sailer, Bureau)

ANTI-FREEZE, REGULATION & LICENSE TO SELL

An Act to Regulate the Sale of Anti-freeze; to Provide for the Inspection Thereof; to Prevent Fraud and Deception in the Sale of Anti-freeze; to Prevent Adulteration and Misbranding Thereof; to Provide for the Enforcement of the Provisions of the Act; to Provide Licensing, Payment and Disposition of License Fees; and Provide Penalties for Violation Thereof.

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

§ 1. This Act may be known and cited as the North Dakota Anti-freeze Act.

§ 2. (a) The term "anti-freeze" as used herein shall include all substances and preparations intended for use as the cooling medium or to be added to the cooling liquid in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or lower its freezing point.

(b) The term "person" as used in this Act shall be construed to import both the singular and plural as the case demands, and shall include individuals, partnerships, corporations, companies and associations.

§ 3. ADULTERATION. WHAT CONSTITUTES.] An anti-freeze shall be deemed to be adulterated:

First. If it consists in whole or in part of any substance which will render it injurious to the cooling system of internal combustion engines or will make the operation of the engine dangerous to the user.

Second. If its strength [strength], quality or purity falls below the professed standard of strength, quality or purity under which it is sold.

§ 4. MISBRANDING. WHAT CONSTITUTES.] An anti-freeze shall be deemed to be misbranded:

First. If its labeling is false or misleading in any particular.

Second. If in package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller or distributor; and an accurate statement of quantity of the contents in terms of weight or measure, and they are not plainly and correctly stated on the outside of the package.

§ 5. (1) Before any anti-freeze can be sold, exposed for sale or held with intent to sell within the State, it must be licensed by the State Laboratories Department. Upon application of the manufacturer or distributor and the payment of the fee prescribed in paragraph 2 of this section the State Laboratories Department shall license any anti-freeze not in violation of the provisions of section 3 and 4 of this Act. Such license shall be good for one year unless sooner cancelled or a change is made in the name, brand or trademark under which such anti-freeze is sold. If the product does not meet all requirements of law, a license for it shall be refused and its sale shall be unlawful. (2) Application for license and payment of license fee shall be made annually during the month of December of every year or prior to placing such anti-freeze on the market, and said license shall expire December 31 of the year next following its issuance. The license fee shall be \$20.00 for each brand of anti-freeze sold.

§ 6. That State Laboratories Department shall enforce the provisions of this Act by inspections, chemical analysis and other appropriate methods. All samples for analysis shall be taken from stocks in the state or intended for sale in the state and the Department through its agents may call upon the manufacturer or distributor applying for license of an anti-freeze to supply such samples thereof for analysis. The State Laboratories Department through its agents shall have free access by legal means during the business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale or storage of any anti-freeze and shall have the powers and authority to open by legal means any box, carton, parcel or package, containing or supposed to contain any anti-freeze and take therefrom samples for analysis.

§ 7. The State Food Commissioner and Chemist shall have

authority to promulgate rules and regulations for the interpretation of the provisions and intent of this Act and the same shall have the force and effect of law.

§ 8. The State Laboratories Department shall have authority to make such analysis, inspections and investigations and to carry on research and to publish the reports of such analysis, inspections, and research for the information of the public.

§ 9. Whenever the State Food Commissioner and Chemist shall find by analysis or otherwise that adulterated, misbranded, insufficiently labeled or an unlicensed product is being sold in violation of this Act, the facts so found shall forthwith be transmitted to the State's Attorney of the county in which the product was found and it shall be the duty of said State's Attorney to institute appropriate proceedings in the court of proper jurisdiction.

§ 10. There is hereby appropriated out of the monies collected under this Act the sum of \$2,000.00 for the purpose of administering the provisions of this Act, providing, however, that this appropriation shall not exceed the amount of revenue collected under the provisions of this Act.

§ 11. Any person violating or failing to comply with any of the provisions of this Act or any rule, regulation, definition or standard issued pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars or more than One Hundred (\$100.00) Dollars or by imprisonment for not less than ten days or more than thirty days or both at the discretion of the court.

§ 12. The provisions of this Act and each part thereof and its sections and each part thereof are independent and severable and if any provisions or part thereof or section or part thereof be held unconstitutional or invalid, no other provisions or part thereof or section or part thereof shall thereby be impaired or rendered unconstitutional or invalid.

Approved March 12, 1943.

CHAPTER 161

S. B. No. 79—(Committee on Appropriations)

ATTORNEY GENERAL LICENSING FUND TRANSFER .

An Act Transferring the Sum of Eighty-Five Thousand Dollars (\$85,000.00) from the Attorney General Licensing Fund to The General Fund of the State.

WHEREAS, there exists an accumulated surplus in the Attorney General Licensing Fund of One Hundred and Twelve Thousand, Nine Hundred Sixty-two and 80/100 Dollars (\$112,962.80) as of January 1, 1943; and

WHEREAS, the appropriation from said fund for the maintenance of said department for the balance of the present biennium does not exceed ten thousand dollars (\$10,000.00), and the amount hereby transferred will not be required for the payment of the appropriation made for the next biennium,

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

§ I. TRANSFER OF FUNDS.] There is hereby transferred from the Attorney General Licensing Fund to the General Fund of the State of North Dakota, the sum of Eighty-five Thousand Dollars (\$85,000.00).

Approved March 5, 1943.

CHAPTER 162

H. B. No. 139—(Johnson of Cass and Sandness)

ENGINEERS, LICENSE AND REGISTRATION

An Act to regulate the practice of professional engineering; creating a State Board of Registration for Professional Engineers; defining its powers and duties; providing for registration of Professional Engineers; fixing fees therefor; imposing certain duties upon the State and the political subdivisions thereof in connection with public works; and providing penalties for violation of its provisions.

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

§ I. PROFESSIONAL ENGINEERS TO BE REGISTERED.] In order to safeguard life, health, and property, any person practicing or offering to practice professional engineering shall hereafter be required to submit evidence that he is qualified so to practice and shall

be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this State, professional engineering, as defined in the provisions of this Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly registered under the provisions of this Act.

§ 2. DEFINITIONS.] (a) ENGINEER. The term engineer as used in this Act shall mean a professional engineer as hereinafter defined.

(b) PROFESSIONAL ENGINEER.] The term professional engineer as used in this Act shall mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering as hereinafter defined.

(c) ENGINEERING.] The term engineering as used in this Act shall mean professional engineering as hereinafter defined.

(d) PROFESSIONAL ENGINEERING.] The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or Initial operation, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

(e) ACT INAPPLICABLE TO CERTAIN OPERATORS, ETC.] The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

(f) BOARD.] The term "Board" as used in this Act shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

§ 3. BOARD—APPOINTMENTS—TERMS.] A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this Act. The Board shall consist of three professional engineers, who shall be appointed by the Governor from among at least six nominees recommended by the North Dakota Society of Professional Engineers and shall have the qualifications required by Section 4. The members of the first Board shall be appointed within thirty days after this Act becomes effective, to serve for the following terms: One member for two years, one member for four years, and one member for six years, from the date of their appointment, or until their successors are

duly appointed and qualified. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board on payment of the fee specified in Section 13 of this Act. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of six years a registered professional engineer, having the qualifications required by Section 4, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

§ 4. BOARD—QUALIFICATIONS.] Each member of the Board shall be a citizen of the United States and a resident of this State, and shall have been engaged in the practice of the profession of engineering for at least eight years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

§ 5. BOARD—COMPENSATION AND EXPENSES.] Each member of the Board shall receive the sum of eight dollars (\$8.00) per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this Act.

§ 6. REMOVAL OF MEMBERS—VACANCIES.] The Governor may remove any member of the Board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

§ 7. BOARD—ORGANIZATION AND MEETINGS.] The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually the following officers: A Chairman, a Vice-Chairman, and a Secretary. A quorum of the Board shall consist of not less than two members.

§ 8. BOARD—POWERS.] The Board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the Constitution and Laws of this State, which may be reason-

ably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal.

In carrying into effect the provisions of this Act, the Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition to the district court of the district wherein the hearing is held, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before the Court and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said district court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of said court.

§ 9. RECEIPTS AND DISBURSEMENTS.] The Secretary of the Board shall receive and account for all moneys derived under the provisions of this Act, and shall pay the same monthly to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Professional Engineers' Fund." Such fund shall be kept separate and apart from all other moneys in the Treasury, and shall be paid out only upon proper voucher and audit of the State Auditing Board. All moneys in the "Professional Engineers' Fund" are hereby specifically appropriated for the use of the Board. The Secretary of the Board shall give a surety bond to the State in such sum as the Board may determine. The premium on such bond shall be regarded as a proper and necessary expense of the Board, and shall be paid out of the "Professional Engineers' Fund". The Board may employ such clerical or other assistants as are necessary for the proper performance of its duties under this Act. Under no circumstances shall the total amount of warrants issued by the State Auditor in payment of the expenses and compensation provided for in this Act exceed the amount of the examination and registration fees collected as herein provided.

§ 10. RECORDS AND REPORTS.] The Board shall keep a record of its proceedings and a register of all applications for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was

granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced. Annually, as of January first, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and Secretary.

§ 11. ROSTER.] A roster showing the names and places of business of all registered professional engineers shall be published by the Secretary of the Board during the month of March of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public on request.

§ 12. GENERAL REQUIREMENTS FOR REGISTRATION.] The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to wit:

ENGINEERS—GRADUATION PLUS EXPERIENCE. (a) Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the Board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering); or

ENGINEERS—EXAMINATION PLUS EXPERIENCE. (b) Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

ENGINEERS OF LONG ESTABLISHED PRACTICE. (c) A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty-five years of age.

CHARACTER. (d) No person shall be eligible for registration

as a professional engineer who is not of good character and reputation.

TEACHING CREDITS. (e) In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

EDUCATION CREDITS. (f) The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Section 12b. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience in Section 12b; provided, however, that no applicant shall receive credit for more than four years experience because of undergraduate educational qualifications.

WORK AS CONTRACTOR. (g) The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice in professional engineering.

NON-PRACTICING APPLICANTS. (h) Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

§ 13. APPLICATIONS AND REGISTRATION FEES.] Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee shall be fifteen dollars (\$15.00), which shall accompany application.

Should the Board deny the issuance of a certificate of registration to any applicant one-half of the registration fee shall be retained as an application fee and the balance returned to applicant. The Board shall have the authority, with the approval of the Governor, to raise or lower the fees for certificates and/or renewals by an amount not to exceed fifty per cent of the fees shown herein in order to keep the Board self-sustaining.

§ 14. EXAMINATIONS.] When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula)

the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the Board.

§ 15. CERTIFICATES—SEALS.] The Board shall issue a certificate of registration authorizing the practice of "professional engineering" upon payment of registration fee as provided for in this Act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary of the Board under seal of the Board. The issuance of a certificate of registration by this Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Professional Engineer." Plans, specifications, plats, and reports approved by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

§ 16. EXPIRATIONS AND RENEWALS.] Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five dollars (\$5.00). The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such

person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

§ 17. PRACTITIONERS AT TIME ACT BECAME EFFECTIVE.] At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee of fifteen dollars (\$15.00), the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the State of North Dakota for at least one year immediately preceding the date of his application, and was practicing professional engineering, at the time this Act became effective, and has performed work of a character satisfactory to the Board. For the purpose of this section, a City Engineer is considered a professional engineer.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 19 thereof. However any professional engineer meeting the above requirements who is in the Military Service of the United States at the time of taking effect of this Act and who was practicing professional engineering for at least one year immediately preceding such Military Service, shall have six months after honorable discharge to obtain a certificate of registration without written or oral examination.

§ 18. ENGAGING IN CERTAIN WORK WITHOUT BEING REGISTERED PROHIBITED.] After September 1, 1944, it shall be unlawful for any person to prepare any plans or specifications for any public work involving professional engineering, for the State or any of its political subdivisions, or any municipality, unless such person is a registered professional engineer; provided, that nothing in this Section shall prohibit engaging in any such activity when the contemplated expenditure for the project does not exceed two thousand dollars (\$2,000.00).

The provisions of this act shall not apply to the designing or engineering of County and Township roads.

§ 19. RECIPROCITY.] The Board may, upon application therefor, and the payment of a fee of ten dollars (\$10.00), issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or of any Country, provided that the requirements

for the registration of professional engineers under which said Certificate of Registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Section 12 of this Act; and provided that particular State, Territory or Possession of the United States, or Country extends similar privileges to the persons registered under this Act.

§ 20. REVOCATIONS.] The Board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering, as a registered professional engineer.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the Secretary of the Board. All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such hearing, two or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer.

REISSUANCE OF CERTIFICATES. The Board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing two or more members of the Board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated may be issued, subject to the rules of the Board, and a charge of three dollars (\$3.00) shall be made for such issuance.

APPEALS. Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the district court and, after full hearing, said court shall make such decree sustaining or reversing the action of the Board as to it may seem just and proper.

§ 21. VIOLATIONS AND PENALTIES.] Any person who shall practice, or offer to practice, professional engineering in this State without being registered in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months, or both.

It shall be the duty of all duly constituted officers of the law of this State, or any political subdivision thereof, to enforce the provisions of this Act and to prosecute any persons violating same. The Attorney General of the State or his assistant shall act as legal adviser of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

§ 22. SAVING CLAUSE.] This Act shall not be construed to prevent or to affect:

OTHER PROFESSIONS OR TRADES. (a) The practice of any other legally recognized profession or trade, nor shall it be construed to permit registered professional engineers to perform duties requiring the services of a licensed architect, as provided by the laws of the State of North Dakota licensing and regulating architects and architecture; or

NON-RESIDENTS. (b) The practice of a person not a resident of and having no established place of business in this State, practicing or offering to practice herein the profession of engineering when such practice does not exceed in the aggregate more than thirty days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own State or Country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in the Act; or

RECENT ARRIVALS IN STATE. (c) The practice of a person not a resident of and having no established place of business in this State, or who has recently become a resident thereof, practicing or offering to practice herein for more than thirty days in any calendar year the profession of engineering, if he shall have filed with the Board an application for a certificate of registration and shall have paid the fee required by this Act; provided, that such person is

legally qualified by registration to practice said profession in his own State or Country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act. Such practice shall continue only for such time as the Board requires for the consideration of the application for registration; or

EMPLOYEES AND SUBORDINATES. (d) The work of an employee or a subordinate of a person holding a certificate of registration under this Act, or an employee of a person practicing lawfully under Paragraphs (b) or (c) of this Section; provided such work is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this Act or a person practicing lawfully under Paragraphs (b) or (c) of this Section; or

GOVERNMENT OFFICERS AND EMPLOYEES. (e) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering, for said Government.

§ 23. INVALID SECTIONS.] If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Sections of this Act.

Approved March 9, 1943.

CHAPTER 163

S. B. No. 152—(Bridston)

LICENSE FEES OF PUBLIC CONTRACTORS

An Act to Amend and Re-enact Section Six (6) of Chapter 110 of the Session Laws of 1937 relating to license fees of Public Contractors, and Declaring an Emergency.

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

§ I. AMENDMENT.] That Section Six (6) of Chapter 110 of the Session Laws of North Dakota for the year 1937, be and the same is hereby amended and re-enacted to read as follows:

§ 6. It shall be the duty of the registrar to investigate and determine the applicant's fitness to act in the capacity of public contractor, as defined in this Act, and no license shall be issued to such applicant until the expiration of ten days after the filing of such

application. The license so issued in pursuance of the first and original application shall entitle the licensee to act as a public contractor within this state, subject to the limitations of such license for the then current calendar year.

Any license issued under the provisions of this Act may be renewed for each successive calendar year by obtaining from the registrar a renewal thereof. For the purpose of obtaining such certificate of renewal the licensee shall file with the registrar an application therefor, stating the class of license applied for and containing the same information as that required in the application for the original license. The application for such certificate of renewal must be made to the registrar on or before the first day of April of each successive calendar year; and such renewal shall be good for the then current calendar year.

On any payment of renewal license fee for 1943 made prior to the taking effect of this Act, refund shall be made to the licensee of the difference in such license as hereby reduced, upon proper voucher approved by the Secretary of State and presented to the State Auditor, such refund to be made from the miscellaneous refund account or in event the same is depleted from the General Fund of the State.

A contractor must be holder of license at least ten days prior to the date set for receiving bids, to be a qualified bidder.

At the time of filing application for the renewal of any such contractor's license, the applicant shall pay in to the registrar a renewal fee in the sum of Ten (10) percent of the license fee for the original license. If any applicant for a certificate of renewal shall apply for a renewal under a different class from the license theretofore issued licensee, such new license shall only be issued upon the same showing and under the same terms and conditions and upon the fee required for issuance of an original license. All certificates of renewal, wherein the applicant does not apply for a change in class of license shall be issued by the registrar forthwith when application filed and renewal fee paid.

§ 2. EMERGENCY.] An emergency is hereby declared to exist in that the present license renewal fee is excessive in view of the present construction work in the state, and this Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1943.

CHAPTER 164

S. B. No. 125—(Nelson of McKenzie and Bridston)

PLUMBING PERMITS, TEMPORARY

An Act to Amend and Re-enact Section 15, Chapter 187, Session Laws of 1941, providing for the issuance of temporary permits, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 15, Chapter 187, Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 15. TEMPORARY CERTIFICATES OF REGISTRATION.] The State Plumbing Board shall have the power, upon the payment of the regular examination fee, to issue a temporary permit either as a master plumber or journeyman plumber, or both, effective until the next examination of plumbers is held, to any person to engage in work of plumbing, who shall furnish to the Board satisfactory evidence of his qualifications to do so. In case of the failure of such applicant to appear for the next examination, except for sickness, certified to by a physician, or other accepted excuse presented at the time or in the case of his failure to pass the examination, said applicant's permit shall become void and his fee forfeited. The State Plumbing Board shall also have the power to issue temporary permits authorizing the making of repairs and replacements only, to persons whom they deem qualified to perform this work, and who reside in cities or villages in which no licensed plumber is located. No fee shall be charged for the issuance of this permit, and the authority to issue this form of permit shall cease six months after the termination of the present war.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1943.

CHAPTER 165**S. B. N. 146—(Committee on State Affairs)**

SUNDAY BOWLING LEGALIZED

An Act to Legalize the operation of bowling alleys during certain hours on the first day of the week; permitting labor and services to be performed in connection therewith; permitting municipalities by ordinance to prohibit operation; Repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. BOWLING PERMITTED ON FIRST DAY OF WEEK; WHEN.] That any licensed bowling alley in the State of North Dakota may be operated from and after one o'clock p. m. on the first day of the week, and that all necessary labor performed and service rendered in connection therewith is hereby declared to be legal and lawful; provided, that any municipality may by ordinance prohibit the operation of bowling alleys on the first day of the week.

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

Approved March 17, 1943.

MORTGAGES

CHAPTER 166**S. B. No. 59—(Young)**

**CHATTEL MORTGAGE AND BILL OF SALE ON
HOUSEHOLD GOODS**

An Act to amend and re-enact Section 1 of Chapter 205 of the Session Laws of North Dakota for the year 1933, relating to rendering void incumbrance upon exempt personal property unless the execution of same be joined in by husband and wife.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 205 of the Session Laws of North Dakota for 1933 is hereby amended and re-enacted to read as follows: