

OCCUPATIONS AND PROFESSIONS

CHAPTER 264

H. B. No. 685
(Levin and McLellan)

ABSTRACTERS

AN ACT

To amend and reenact sections 43-0109, 43-0110, 43-0111, 43-0112, 43-0114, 43-0115, 43-0116, 43-0117, (43-0118) of the North Dakota Revised Code of 1943 as amended by chapter 285, House Bill No. 155 of the 1949 Session Laws of the State of North Dakota; and section 43-0121 of the North Dakota Revised Code of 1943 relating to abstracters.

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

§ 1. AMENDMENT.) Section 43-0109 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0109. REQUIREMENTS OF ABTRACTER OF TITLE; RECORDS, CERTIFICATE OF REGISTRATION BOND OR LIABILITY POLICY.) Before any person, firm, or corporation may engage in the business of making and compiling abstracts of title to real estate within this state, he or it shall:

1. Have for use in such business a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which he or it is engaged in business, or shall have been engaged in good faith in the preparation of such books or records for not less than six months;
2. Obtain a certificate of authority as is required by this chapter;
3. File the bond or abstracter's liability policy required under section 43-0111; and
4. Have in charge of such business a registered abstracter, as defined by this chapter.

§ 2. AMENDMENT.) Section 43-0110 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0110. CERTIFICATE OF REGISTRATION; APPLICATION; EXAMINATION; FEE.) Any person, firm, or corporation desiring to obtain a certificate of authority under the provisions of section 43-0109 subs. No. 2 shall make application therefor to the board and shall pay to the secretary-treasurer thereof an examination fee of twenty-five dollars. The application shall be upon a form prepared by the board and shall contain such information as may be desired by it. The board shall fix the date and place for the examination of the applicant and shall give him notice thereof by mail. The applicant shall present himself at the time and place specified in the notice, and the board shall examine him under such rules and regulations as it may prescribe. If the application is made by a firm or corporation, one of the members or officers thereof shall take the examination.

1. Registered abstracters, within the meaning of the act, shall comprise all persons who shall, upon the passage of this act, be in charge, either individually or jointly with other persons, of the abstract office which is the holder of a valid and subsisting certificate of authority as provided by this chapter and who shall obtain a certificate of registration as hereinafter provided, or persons who shall be granted certificates of registration by the said abstracter's board of examiners after passage of this act.
2. Any person desiring to obtain a certificate of registration under this act shall make application to said abstracters' board of examiners therefor and shall pay to the secretary-treasurer of said board an examination fee of twenty-five dollars except as hereinafter provided. Such application shall be upon a form to be prepared by said board and to contain such information as may be desired by it. Thereupon said board shall fix a date and place for the examination of such applicant, of which notice shall be given to applicant by mail, who shall present himself at such meeting; whereupon said board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said board prescribed.
3. Any person, who, upon the effective date of this act, is in charge, either individually or jointly with other persons, of an abstract office which is the holder of a valid and subsisting certificate of authority provided by, section 43-0109, subs. No. 2, and who shall make application to the abstracters' board of examiners prior to the expiration of said certificate of authority shall upon the payment of a fee of five dollars, be issued a certificate of registration, without examination, under such rules as may be provided by said board.

4. The certificate of registration issued by said board under the provisions hereof shall recite, among other things, that the holder thereof has complied with the provisions of this act relating to examination or otherwise, and shall entitle the holder of such certificate of registration to take charge of any abstract office in any county in this state holding a certificate of authority, under the provisions of this Act. Certificates of registration shall be issued upon the payment of a five dollar fee and shall be valid for one year from the date thereof but shall be renewed annually by said board upon application within thirty days prior to the expiration thereof upon a payment of two dollars and fifty cents to the secretary-treasurer of said board. Said board may issue temporary certificates of registration in their discretion between meeting of said board.
5. Said board shall keep a register, wherein it shall enter the names of all applications for registration, and for certificates of authority, with their place of business and such other information as may be deemed appropriate, including the action taken by said board thereon, and the dates upon which certificates of registration and certificates of authority are issued.

§ 3. AMENDMENT.) Section 43-0111 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0111. BONDS OR LIABILITY POLICY.) Before a certificate of authority shall be issued, the applicant therefor shall file a surety bond running to the state of North Dakota, or abstracters' liability policy to be approved by the abstracters' board of examiners as to form, sufficiency, and surety thereof and written by a company authorized to write such insurance in this state, in a penal sum or limit of liability equal to ten thousand dollars for each ten thousand inhabitants, or major fraction thereof, residing in the county in which the applicant's office is maintained, as shown by the last official federal or state census preceding the filing of the bond or abstracters' liability policy. Such bond, or abstracter's liability policy, however, shall not be less than ten thousand dollars nor more than forty thousand dollars. The bond or liability policy shall be conditioned for the payment by the abstractor of any liability imposed upon him by law for damages arising from any claim against him that may be sustained by or that shall accrue to any person by reason or on account of any negligent act, error or omission in any abstract or certificate of title, or continuation thereof, made and issued by the abstractor. Said board shall file all surety bonds in the office of the

county auditor of the county in which the applicant has his place of business. All abstractor's liability policies shall be endorsed to provide that cancellation cannot be effected by either the abstractor or the insurance company without ten days written notice to the abstractor's board of examiners, who shall file said endorsed policy or a certificate thereof in the office of the county auditor of the county in which the applicant has his place of business.

§ 4. AMENDMENT.) Section 43-0112 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0112. BOARD MAY REQUIRE ADDITIONAL SECURITY ON ABSTRACTOR'S BOND.) The board, upon thirty days' notice, may require any person, firm or corporation holding a certificate of authority to furnish additional bond or additional abstractor's liability coverage as to the board seems proper, and to show cause why any bond or abstractors' liability policy filed with it should not be held and declared insufficient and invalid.

§ 5. AMENDMENT.) Section 43-0114 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0114. CERTIFICATION OF AUTHORITY: FEE; RENEWAL.) A certificate of authority shall be issued to an applicant who successfully passes the examination of the board and complies with the other provisions of this chapter, upon the payment of the registration fee of twenty-five dollars which shall be in addition to the examination fee. A certificate shall be valid for five years after the date thereof. A certificate shall be renewed by the board upon application, made within thirty days prior to the expiration date, accompanied by the sum of twenty-five dollars and an affidavit that the applicant has for use in his business a complete set of abstract books or records of all instruments of record in the office of the register of deeds in and for the county in which the applicant has his place of business or has been engaged in good faith in the preparation of such books or records for not less than six months.

§ 6. AMENDMENT.) Section 43-0115 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0115. AUTHORITY AND DUTY OF ABSTRACTOR UNDER CERTIFICATE.) The certificate of authority shall authorize the person, firm or corporation named therein to engage in and carry on the business of an abstractor of real estate titles in the county in which he has his place of business and for that purpose to

have access during ordinary office hours to the offices of any county or of the state and to make such memoranda or notations from the records thereof as may be necessary for the purpose of making such abstracts of title. Any person, firm, or corporation holding a certificate shall furnish or continue an abstract of title to any tract of land in the county, when requested to do so, on payment of the fees provided in this chapter.

§ 7. AMENDMENT.) Section 43-0116 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0116. CANCELLATION OF CERTIFICATE.) The board, upon thirty days' notice, may require any person, firm or corporation holding a certificate of authority, or any person holding a certificate as a registered abstractor, to show cause why the same should not be annulled. A certificate of authority or certificate of registration may be recalled and annulled, however, only for one or more of the following reasons:

1. Violation of the provisions of this chapter by the holder;
2. If the holder thereof has been convicted of a crime;
3. A finding by the board that the holder is guilty of habitual carelessness, inattention to business, or intoxication, or the use of drugs to such an extent as to incapacitate him for business;
4. A finding by the board that the holder is guilty of fraudulent practices. If the certificate of authority is held by a firm or corporation, the provisions of this section shall be applicable to the members or officers thereof. A certificate of authority may be cancelled upon the failure of the holder thereof to provide additional security as provided by section 43-0112, or shall fail to file an abstractors' liability policy in lieu of any cancelled policy, before such cancellation becomes effective, or a surety bond in place thereof.

§ 8. AMENDMENT.) Section 43-0117 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0117. APPEAL FROM CANCELLATION OF CERTIFICATE.) Upon the denial of an application for a certificate of authority, or an applicant for a certificate of registered abstractor, or upon the cancellation of either a certificate of authority or a certificate of registered abstractor, the applicant or the holder thereof may appeal from the decision of the board to the district court. Such appeal shall be taken by the service upon the secretary-

treasurer of the board within thirty days after notice of the decision has been served, of a notice of appeal and an appeal bond in the sum of two hundred fifty dollars. The appeal shall come on for hearing at the next regular term of the district court in the county in which the applicant or certificate holder has his place of business or residence within the State of North Dakota.

§ 9. AMENDMENT.) Section 43-0118 of the North Dakota Revised Code of 1943, as amended by chapter 285, House Bill No. 155, of the 1949 session laws of the state of North Dakota is hereby amended and reenacted to read as follows:

43-0118. FEES CHARGEABLE BY ABSTRACTER.) An abstracter may charge the following fees, and no more for making and certifying to an abstract:

1. For the first entry on an abstract or continuation thereof, one dollar and fifty cents;
2. For every entry other than the first entry, one dollar;
3. For a complete certification covering the records of the several county offices, seven dollars and fifty cents;
4. For each name searched for judgments, real estate taxes, federal tax liens, state tax liens, mechanic's liens and mechanic's lien notices, fifty cents;
5. For all miscellaneous instruments, seventy-five cents for the first one hundred words, and twenty-five cents for each additional hundred words or fraction thereof;
6. Such fees as may be fixed by special statute.

Approved March 12, 1953.

NOTE: Title does not show (43-0118); "and Section 43-0121," etc., not included.

CHAPTER 265

S. B. No. 139
(Senate Judiciary Committee)

ABSTRACTS BY OFFICIAL ABTRACTER PRIMA FACIE
EVIDENCE

AN ACT

To provide that abstracts prepared by an official abstractor be received as evidence in all courts, and shall be prima facie evidence in all courts and places of the facts stated therein.

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

§ 1. ABSTRACT PREPARED BY REGULARLY BONDED ABTRACTER IS EVIDENCE.) Abstracts prepared by an official abstractor shall be received as evidence in all courts, and shall be prima facie evidence in all courts and places of the facts stated therein.

Approved March 13, 1953.

CHAPTER 266

S. B. No. 39
(Legislative Research Committee)

SURFACE ABSTRACTS AND MINERAL ABSTRACTS
BY ABTRACTERS UPON REQUEST

AN ACT

Relating to surface abstracts and mineral abstracts to be furnished by abstractors upon request.

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

§ 1.) An abstractor shall furnish an abstract of title to the surface of any tract of land, when requested to do so, omitting therefrom all instruments of transfer or conveyance of mineral rights, royalties, and other mineral interests except instruments which sever mineral rights or royalties from surface rights. In addition to such surface abstract, an abstractor shall

when requested to do so, furnish a list showing the names of the grantor and grantee and the recording data of all instruments in the chains of title which transfer or convey mineral rights, royalties, or other mineral interests and which are not included in the surface abstract. For each instrument searched and listed, but not included in the surface abstract, an abstractor may charge a fee of twenty-five cents, and no more. When requested to do so, an abstractor shall furnish a mineral abstract of any chain of title to the minerals of any tract of land which shall consist of the instrument severing the mineral rights or royalties from the surface rights and include all instruments of transfer or conveyance of mineral rights, royalties, and other mineral interests. If requested, such mineral abstract may be combined with a surface abstract of all instruments affecting title to the tract of land to and including the instrument severing the mineral rights, royalties, or other mineral interests being abstracted.

Approved February 28, 1953.

CHAPTER 267

H. B. No. 596
(Baker by request)

REGISTRATION OF CHIROPODISTS AND DOCTORS OF SURGICAL CHIROPODY

AN ACT

To amend and reenact subsection 1 of section 43-0501, sections 43-0503, 43-0506, 43-0510, 43-0511, 43-0512, 43-0513, and 43-0516 of the North Dakota Revised Code of 1943 relating to chiropractors and doctors of surgical chiropody.

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

§ 1. AMENDMENT.) Subsection 1 of section 43-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0501. DEFINITIONS.) In this chapter, unless the context or subject matter otherwise requires:

1. "Chiropractor" shall mean one who examines, diagnoses, and treats abnormal nail conditions, excrescences occurring on the feet, including corns, warts, callosities, bunions,

and arch disorders, or who treats the human foot medically, mechanically, or by physiotherapy in a chiropodic manner; a "doctor of surgical chiropody" is a chiropodist who has a degree from an accredited college of chiropody. A doctor of surgical chiropody in addition to the aforementioned privileges of practice is hereby permitted to practice minor foot surgery and to administer local anesthetics. Minor foot surgery shall consist only of any surgical procedure of the foot, except amputation of the foot or amputation of toe or toes in toto, but does allow partial amputation of toe or toes, that can be done under a local anesthetic.

§ 2. AMENDMENT.) Section 43-0503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0503. BOARD OF REGISTRATION IN CHIROPODY; APPOINTMENT OF MEMBERS; TERM OF OFFICE; QUALIFICATIONS; VACANCIES.) The board of registration in chiropody shall consist of three persons appointed by the governor for a term of three years each with the terms of office so arranged that one term only shall expire on the thirtieth day of June of each year. The members of the board shall have practiced chiropody in this state for at least two years prior to their appointment. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold his office until his successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term. No person shall hereafter be appointed a member of such board who is not a licensed doctor of surgical chiropody.

§ 3. AMENDMENT.) Section 43-0506 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0506. COMPENSATION OF MEMBERS OF BOARD.) Each member of the board shall receive ten dollars per day for each day employed in the actual discharge of his duties, and his necessary expenses incurred in connection therewith. The mileage and travel expense allowed shall not exceed the amount provided for in section 54-0609.

§ 4. AMENDMENT.) Section 43-0510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0510. APPLICATION: EXAMINATION FEE.) In order to obtain a license to practice as a doctor of surgical chiropody, an application shall be made to the board through the secretary-treasurer. The applicant shall submit evidence that he has the

required qualifications and shall pay to the secretary-treasurer a fee of seventy-five dollars. The application shall be filed on or before the first day of June.

§ 5. AMENDMENT.) Section 43-0511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0511. QUALIFICATIONS OF LICENSEE.) An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he:

1. Is twenty-one years of age;
2. Is of good moral character;
3. Has such preliminary preparation and education as the rules and regulations of the board require.

An applicant for a license to practice as a doctor of surgical chiropody shall present evidence to the board that he has all the qualifications set forth above for the practice of chiropody and, in addition, he shall present satisfactory evidence to the board that he has a degree of doctor of surgical chiropody from an accredited college of chiropody approved by the bureau of education of the national association of chiropodists.

§ 6. AMENDMENT.) Section 43-0512 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0512. EXAMINATION: SUBJECTS COVERED; MARK REQUIRED; WHEN GIVEN.) Before an applicant may be licensed as a doctor of surgical chiropody, he shall pass satisfactorily an examination in the following subjects, limited in their scope to the treatment of the human foot:

1. Anatomy;
2. Histology;
3. Pathology;
4. Bacteriology;
5. Dermatology;
6. Physical diagnosis;
7. Chemistry;
8. Clinical and orthopedic chiropody;
9. Physiology and materia medica;
10. And other subjects as may be required by the board.

The minimum requirement for the license shall be a general average of seventy-five percent and not less than fifty percent in any one subject. Regular examinations shall begin on the second Tuesday in June of each year but special meetings for the purpose of giving examinations may be designated from time to time by the board. If an applicant shall pass the examination given under this chapter, he shall be entitled to a license.

§ 7. AMENDMENT.) Section 43-0513 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0513. REEXAMINATION WHEN APPLICANT FAILS IN FIRST EXAMINATION.) Any applicant who fails in the examination and is refused a license, within one year after such refusal, may be reexamined upon paying an additional fee of ten dollars. Only one such reexamination shall exhaust the applicant's privilege under the original application.

§ 8. AMENDMENT.) Section 43-0516 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0516. GROUNDS FOR REVOKING OR REFUSING TO GRANT LICENSE.) After notice and due hearing the board may refuse to renew a license to practice chiropody or as a doctor of surgical chiropody or may revoke an existing license for any one or more of the following causes:

1. Prescribing for or treating any disease or defect of any part of the human body which in the opinion of the board is outside the scope of the practice of chiropody;
2. The use of untruthful or improbable statements to patients or in his advertisements;
3. The willful betrayal of professional secrets of a patient;
4. False statement of an applicant in an application for a license or an affidavit connected with an application;
5. Conviction of any crime involving moral turpitude;
6. Proof of the use by the applicant or licensee of morphine, opium, cocaine, or any other substance or drug having a similiar effect;
7. Giving away or prescribing any substance or compound containing morphine, opium, cocaine, or similar drug, exchanging the same for money or its equivalent, or vending or bartering the same for other than legal and legitimate therapeutic purposes;

8. When findings have been presented to the board by an official health agency that the licensee has failed to maintain proper standards of sanitation.

It shall be unlawful for any person hereinafter licensed under this chapter to maintain his or her professional office in conjunction or relation with any business other than those engaged in the practice of the medical sciences. The board of registration in chiropraxy may revoke the license of anyone violating this provision.

Approved March 6, 1953.

CHAPTER 268

S. B. No. 111

(Geelan, O'Brien, Duffy, Sandness, Schrock and Stucke)

PROFESSIONAL NURSING

AN ACT

Providing for the examination and licensure of nurses, regulation of professional nursing, and education of professional nurses; and repealing chapter 43-12 of the North Dakota Revised Code of 1943.

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

§ 1. DEFINITIONS.) In this Act, unless the context or subject matter otherwise requires:

1. "Board" shall mean the North Dakota state board of nursing education and nurse licensure;

2. "Professional nursing" shall mean one of the services for the care of the sick, for the prevention of illness and for the promotion of health which is carried on under medical direction. Nursing is designed to provide physical, mental and emotional care for the patient, to care for his immediate environment; to carry out treatment prescribed by the physician; to teach the patient and the family the nursing care which they may have to perform; to give general health instruction, to supervise auxiliary workers, to coordinate the services of other workers contributing to patient and family care and to participate in research related to health care. This service may be given in hospitals or other institutions for the care of the sick, in the home, in community health agencies, in industries or in schools;

3. "Professional nurse" shall mean one who has met all the legal requirements for licensure in this state and has been registered by the board, who practices or holds a position by virtue of her professional knowledge and legal status, and who holds a certificate of licensure from the board for the current year, acquired according to the provisions of this Act;

4. "Registered nurse" shall mean a person who has been registered by the board and is entitled to a certificate of licensure according to provisions of this Act.

§ 2. PERSONS EXEMPTED FROM PROVISIONS OF ACT.) The provisions of this Act shall not apply to gratuitous nursing of the sick by friends or members of the family, nor to any person nursing the sick for hire who is not a professional nurse.

§ 3. NORTH DAKOTA STATE BOARD OF NURSING EDUCATION AND NURSE LICENSURE; MEMBERS; APPOINTMENT; TERMS OF OFFICE.) The North Dakota state board of nursing education and nurse licensure shall consist of five members, all professional nurses, appointed by the governor for terms of five years each, so arranged that one term shall expire on the thirtieth day of June in each year. Each member of the board shall hold office until her successor is appointed and qualified. Persons appointed to the board shall take the oath required of civil officers. Vacancies on the board shall be filled by appointment by the governor for the remainder of the unexpired term.

§ 4. QUALIFICATIONS OF MEMBERS OF BOARD.) No person shall be appointed as a member of the board unless such person has the following qualifications:

1. Is recommended by the North Dakota state nurses' association;
2. Is licensed in North Dakota;
3. Has resided at least two years in North Dakota;
4. Is currently engaged in nursing, teaching or administration; and
5. Has had at least five years' experience in nursing education including teaching, administration and supervision.

At least ten days before an appointment is to be made, the North Dakota state nurses' association shall recommend three persons to the governor for such appointment.

§ 5. BOARD; ORGANIZATION; MEETINGS; OFFICERS; BOND OF TREASURER; OFFICE OF BOARD.) The board shall meet annually at its office in the state capitol for the purpose of organization. At such meeting the members of the board shall elect from

their number a president, a vice-president, a secretary, and a treasurer. The office of the secretary and treasurer may be held by the same person, if so determined by the board. The secretary-treasurer or the treasurer shall be bonded in a penal sum equal at least to the largest amount of money which will come into her hands in any one year. The amount of such bond shall be determined by the board and in no event shall be less than two thousand dollars. The bond shall be filed in the office of the secretary of state.

§ 6. COMPENSATION OF MEMBERS OF BOARD; EXPENSES; HOW PAID.) Each member of the board shall receive not to exceed five dollars per day and the expenses necessarily incurred while actually engaged in the performance of the duties of her office. Such compensation shall be paid from fees received by the board under the provisions of this Act. The executive director of nursing education and executive secretary of the board shall be paid such salary for services as may be fixed by the board. The board, from moneys received, shall pay all necessary expenditures for clerical help, printing, postage, travel, nursing surveys, preparation and grading of examination papers, office equipment and maintenance, attendance at board meetings, conducting public examinations, and executing any other legitimate project pertaining to nursing education and schools of nursing.

§ 7. POWERS AND DUTIES OF BOARD.) The board may draw up such rules and regulations as are necessary to carry out the provisions of this Act and shall:

1. Adopt an official seal which shall remain in the custody of the executive secretary of the board;
2. Record, in a suitable book, the names of schools of nursing accredited under the provisions of this Act;
3. Record, in a suitable book, the names of all persons to whom licenses to practice professional nursing are issued. Such register at all times shall be open to public inspection;
4. Maintain a roster of nurses who desire to retire temporarily from the practice of nursing in this state;
5. Employ an executive director of nursing education and executive secretary of the board and define the duties of such offices.

§ 8. ACCREDITATION OF SCHOOL OF NURSING; FEE; REVOCATION OF ACCREDITATION.) Any school, to be accredited under the provisions of this Act, shall be required to pay fifty dollars to the treasurer of the board for an annual survey and meet the

requirements of the board for such school. If such school subsequently becomes disqualified by failure to comply with terms and requirements for accreditation, such school shall pay fifty dollars to the treasurer for a new survey.

§ 9. SCHOOLS OF NURSING; QUALIFICATIONS OF APPLICANTS FOR ADMITTANCE.) Before any school of nursing shall admit a student for a professional nursing course, the student shall present certified evidence that she has completed at least sixteen units of high school work or an equivalent education. Such high school work may include one unit of physical education. An applicant graduating from a graded and consolidated school with a high school department, who has taken the state examinations, shall present certified evidence from the superintendent of public instruction to the effect that she has earned the prescribed number of units. A student graduating from a classified high school shall present certified evidence from the superintendent of such school to the effect that she has earned the prescribed number of high school units. Applicants from other states or foreign countries shall present certified transcripts of credits to show preliminary education equivalent to that required of North Dakota residents.

§ 10. SURVEY OF SCHOOLS OF NURSING.) The board may appoint a person or persons to survey schools of nursing in this state at any time. Such person or persons may be members of the board or may be other duly licensed nurses. The services of such person or persons may be terminated at the will of the board.

§ 11. EXECUTIVE DIRECTOR OF NURSING EDUCATION; DUTIES.) The executive director of nursing education shall survey all schools of nursing in this state annually and shall survey affiliating schools at the discretion of the board. She shall perform such other nursing education and administrative duties as may be assigned by the board.

§ 12. CERTIFICATE OF LICENSURE REQUIRED; USE OF TITLE "REGISTERED NURSE.") No person shall practice professional nursing in this state as a professional nurse unless she has been granted a certificate of licensure for the current year from the board. No person shall use the title "registered nurse," the abbreviation "R. N.," or any other letter or figure to indicate that she is a registered nurse unless she has been registered by the board. Any nurse employed in federal hospitals in this state must present to the board her certificate of licensure for the current year from the state in which she is licensed.

§ 13. EXAMINATION REQUIRED; APPLICATION; FEE FOR EXAMINATION; QUALIFICATIONS FOR EXAMINATION.) Any person who

desires to practice professional nursing in this state shall pass the examination given by the board before a certificate of licensure shall be issued. Such person shall make an application for licensure to the executive secretary of the board at least three weeks prior to the date set for the examination and shall pay to the treasurer of the board at the time of making such application the sum of eighteen dollars. Enclosed with such application, proof shall be submitted that the applicant has the following qualifications:

1. Is at least twenty-one years of age;
2. Is a citizen of the United States or has declared her intention to become a citizen;
3. Is of good moral character;
4. Has received the preliminary education required in section 9 of this Act for admission to a school of nursing;
5. Has graduated, or within three months will graduate, from an accredited school of nursing which furnishes instruction in a course of nursing and practice of nursing that meets the minimum requirements of the board. Such course may be received in one or more hospitals or institutions of higher education approved by the board.

§ 14. MEETING OF BOARD; WHEN HELD.) The board shall hold at least two regular meetings in each year for the examination of applicants for licensure as professional nurses and such additional meetings at such times and places as it may determine.

§ 15. EXAMINATION.) The applicant for a certificate of licensure to practice professional nursing in this state shall present herself for examination at the next regular examination held by the board after her application has been filed. Ten days prior to the examination, notice of the time and place of examination shall be mailed to each applicant. Notice shall be published not less than thirty days prior to the examination in at least two newspapers of general circulation in the state and in at least one nursing journal.

§ 16. CERTIFICATE OF LICENSURE; WHEN ISSUED; AUTHORITY UNDER.) If the applicant for a certificate of licensure to practice professional nursing in this state passes her examination, the board shall enter her name in the register provided for in subsection 3 of section 7 of this Act and shall issue to her a certificate of licensure authorizing her to practice as a professional nurse in this state. She shall show the certificate of licensure at any time upon request.

§ 17. REEXAMINATION.) The board may make such rules and regulations as it deems necessary for the reexamination of applicants who fail to pass a regular examination.

§ 18. CERTIFICATE.. OF LICENSURE ISSUED TO APPLICANT LICENSED IN ANOTHER STATE; EXAMINATION NOT REQUIRED.) The board may issue a certificate of licensure to practice professional nursing in this state to an applicant who has not taken the examination if she:

1. Produces satisfactory evidence of having been duly licensed by another state or a foreign country to practice therein as a professional nurse;
2. Meets the qualification requirements for nurse licensure in this state;
3. Is a citizen of the United States or has declared her intention to become a citizen; and
4. Pays a twenty dollar licensure fee.

Pending the issuance of a certificate of licensure to such applicant and upon payment of a fee of two dollars, the board may issue the applicant a temporary permit to practice professional nursing in this state until the licensure has been completed. Such temporary permit shall expire at the end of one year and may be renewed only for reasons satisfactory to the board.

§ 19. PERMIT TO PRACTICE ISSUED TO APPLICANT WHO IS NOT A CITIZEN.)..The board, in case of an emergency, may issue a temporary permit to practice professional nursing in this state to an applicant who has all the required qualifications for nurse licensure except that of citizenship. The fee for such a permit shall be twenty dollars for the first year and it may be renewed for reasons satisfactory to the board upon the payment of a fee of two dollars per year.

§ 20. CERTIFICATE OF LICENSURE RECORDED; FEE.) Every person to whom a certificate of licensure to practice professional nursing in this state shall have been issued shall cause the same to be recorded in the office of the register of deeds of the county in which such person resides within thirty days after its issuance, and shall pay the required fee for recording the same.

§ 21. RENEWAL OF CERTIFICATE OF LICENSURE; FEE; FAILURE TO PAY; RELICENSURE.) A certificate of licensure issued under the provisions of this Act shall be valid for only one year and shall be renewed on or before the fifteenth day of February in each year. The fee for the renewal certificate shall be two dollars. On or before the first day of January in each year,

the executive secretary of the board shall mail to all registered nurses an application form for a renewal certificate. The application and fee shall be in the hands of the executive secretary of the board by the fifteenth day of February in each year. The failure of any person to renew her license annually shall suspend her right to practice professional nursing in this state, but she may be relicensed by paying the required renewal fee of two dollars for each year it has not been paid and an additional fee of one dollar for failure to complete her relicensure on time.

A roster, as provided for in subsection 4 of section 7 of this Act, shall be compiled by the executive secretary of the board. Any nurse who voluntarily places her name on such roster on or before the fifteenth day of February in the year she desires to retire temporarily from the practice of nursing may be relicensed in any subsequent year by paying the current annual fee for a certificate of licensure without incurring any penalty. Nurses who have not placed their names on such roster shall be subject to payment of the required renewal fee for each year it has not been paid.

§ 22. REVOCATION OF CERTIFICATE OF LICENSURE; GROUNDS FOR.) The board may revoke any certificate of licensure issued by it under the provisions of this Act for the following reasons:

1. Gross incompetency;
2. Dishonesty;
3. Any act derogatory to the morals or standing of the profession of nursing.

§ 23. REVOCATION; NOTICE OF HEARING; APPEAL; BOARD TO FURNISH LIST OF PERSONS HAVING LICENSES REVOKED TO OTHER STATES.) A certificate of licensure to practice professional nursing in this state shall be revoked only after a hearing by the board. Specific written charges against the certificate holder shall be made under oath and filed with the executive secretary of the board. A certified copy of the charges and a written notice of the hearing shall be served on the accused by registered mail addressed to the licensee at the last known address at least thirty days prior to the hearing. The accused licensee shall be advised along with the notice of hearing that revocation of license may result upon failure to appear. The certificate shall be revoked only after due consideration by the board, or upon failure of the accused licensee to appear and upon a majority vote of the board. The board shall keep a record of all its proceedings in the matter of revoking licenses together with the evidence offered. An appeal from the final decision of the board revoking a license to practice professional nursing in this

state may be taken to the district court of the county in which the decision was made in accordance with the provisions of chapter 32 of the title Judicial Procedure, Civil. The board shall furnish a list of the names and addresses of those whose certificates have been revoked to the boards of nursing education and nurse licensure, or comparable boards, of all other states.

§ 24. PENALTY FOR VIOLATION OF ACT.) Any person who violates any of the provisions of this Act, or who wilfully makes a false representation to the board in applying for a certificate of licensure, is guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars. Subsequent violations shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

§ 25. REPEAL.) Chapter 43-12 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 7, 1953.

CHAPTER 269

S. B. No. 35
(Legislative Research Committee)

REGULATION OF OIL AND GAS BROKERS

AN ACT

Relating to oil and gas brokers, requiring bonding and registration, and providing for their regulation; service of process; and a penalty.

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

§ 1. DEFINITION.) In this Act, unless the context of subject matter otherwise requires:

1. "Oil and gas broker" shall mean any person, copartnership, association, or corporation engaged in the business of buying for resale oil and gas leases, mineral rights, royalties, or other interests in oil and gas properties from the surface holder or land owner, whether for himself or as agent of others.

2. Commissioner shall mean the state securities commissioner.

§ 2. **BROKER SHALL REGISTER.**) No person shall engage in business as an oil and gas broker without first having registered with the commissioner on a form provided by the commissioner which shall include the following information:

1. The full name of said broker and his full business address in the state of North Dakota;
2. The position or capacity of the broker if he is a member of a partnership or the employee of a corporation and the business address of such copartnership or corporation; and
3. The place of legal residence of the registering broker.

The registration shall be kept permanently on file by the commissioner and shall be public records open for inspection.

§ 3. **BOND REQUIRED; FILING OF BOND WITH REGISTRATION.**) Every broker making the registration required by this Act shall at the same time file with the commissioner a surety bond in the penal sum of three thousand dollars, the surety on which shall be a surety company authorized to transact business in the state of North Dakota. The obligee in such bond shall be the state of North Dakota for the use and benefit of any person dealing with such broker and shall be conditioned for the performance of any purchase, sale or other agreement made by such broker, provided, however, that the aggregate liability of the surety to all such surface holders or land owners should in no event exceed the amount of such bond.

§ 4. **DEPOSIT OF CASH OR SECURITIES IN LIEU OF BOND. MANNER OF WITHDRAWAL THEREOF.**) In lieu of the bond herein required, a broker may deposit with the commissioner the sum of three thousand dollars in cash or any bond or bonds of the United States of America or of the state of North Dakota the current face value of which aggregates three thousand dollars under such rules and regulations as the commissioner may provide. In the event a broker desires to cancel his registration under this Act and withdraw any cash or securities he may have deposited under this Act in lieu of a bond, he shall give written notice of such intention to the commissioner who shall thereupon publish a notice in the official newspaper of the county in which said broker maintains his place of business in North Dakota to the effect that such notice of cancellation has been filed by such broker and that unless a notice is filed with the commissioner within sixty days after the publication of said notice that an action has been commenced and is

pending against said broker which might result in a claim against said deposit of cash or securities, or that a judgment has been entered against the broker in such an action, the said deposit shall be returned to said broker and his registration cancelled. Notice of entry of a final judgment against a broker as provided herein shall authorize the commissioner to pay as much thereof as may be from funds in his hands from such deposit.

§ 5. BOND COVERS AGENT.) The bond or deposit furnished by an oil and gas broker shall cover the acts of his duly authorized employees or agents. Any such employee or agent need not furnish a separate bond but the burden of proof shall rest upon any person not himself bonded to establish that he was duly authorized by a bonded broker.

§ 6. UNLAWFUL TO RETAIN LEASE OR MINERAL OR ROYALTY TRANSFER IF NOT PAID FOR.) It shall be unlawful to retain any oil and gas lease or transfer of any mineral right or royalty after the presentation and non-payment of any draft or check given in payment therefor which by its terms is due and payable, and in the event of non-payment such lease or transfer must be returned to the lessor or grantor and such return may be made by mailing the same to the address given in such instrument by the lessor or grantor.

§ 7. NON-RESIDENT SHALL APPOINT COMMISSIONER AS AGENT FOR SERVICE OF PROCESS.) Any broker registering under this Act who shall be a non-resident of the state of North Dakota, shall, at the time of registration file with the commissioner his or its consent that service of process may be made upon him or it by service thereof on the commissioner and such consent shall be deemed an appointment of the commissioner as agent for the service of process upon such broker. In the event of such service on the commissioner the commissioner shall, within five days after such service send a copy thereof by registered mail to such broker at the address given in such registration.

§ 8. REGISTRATION FEES.) The commissioner shall receive and the broker shall pay the following fees:

1. For registration as provided in this Act the sum of fifty dollars.
2. For a withdrawal of cash or securities deposited in lieu of bond the sum of fifteen dollars.

§ 9. PENALTY FOR VIOLATION OF ACT.) Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or by imprison-

ment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, and he shall not thereafter be entitled to be registered under this Act or employed by any registered broker.

§ 10. APPROPRIATION.) There is hereby appropriated to the state securities commissioner out of the state treasury not otherwise appropriated the sum of five hundred dollars to cover the cost of the administration of this act for the biennium from July 1, 1953 to June 30, 1955, which amount shall be fully available when this act becomes effective.

Approved March 12, 1953.