

OCCUPATIONS AND PROFESSIONS

CHAPTER 297

H. B. No. 684

(Boustad, Erickson (Ward), Whittlesey)

BARBER FEES

AN ACT

To amend and reenact section 43-04-42 of the North Dakota Century Code, relating to barber board fees.

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

§ 1. **Amendment.)** Section 43-04-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-04-42. Fees.) The fees to be paid by an applicant are as follows: For examination for a certificate to practice master barbering, fifteen dollars;

For issuance of such certificate, two dollars;

For examination for a certificate to practice as an apprentice barber, seven dollars;

For issuance of such certificate, two dollars;

For renewal of master barber's certificate, ten dollars;

For restoration of expired master barber's certificate, a five dollar penalty fee in addition to the regular renewal fee;

For renewal of apprentice barber's certificate, six dollars;

For restoration of expired apprentice barber's certificate, a five dollar penalty fee in addition to the regular renewal fee;

For a permit to operate a barber school or college, an annual fee of one hundred twenty-five dollars; and

Annual establishment fees to be paid by each shop owner in advance, two dollars for the first barber chair and one dollar for each additional barber chair which is in use one month or more in any one year. Each application to open or establish a barber shop in this state shall be accompanied by a fee of twenty-five dollars to cover expenses of inspection,

which shall be retained by the board and deposited as other fees. A duplicate license certificate or permit will be issued upon the filing of a statement covering the loss of the same, verified by the oath of the applicant, and submitting a signed photograph of the applicant and the payment of a fee of fifty cents for the issuance of the duplicate. The board shall have the power to reduce renewal fees below the amounts heretofore set out in this section whenever such board determines that the full amount is not necessary to finance the necessary and regular operations of the board. Such reduction shall be made by the board only by applying an equal percentage of reduction to all renewal fees provided for in this chapter, and such reduction shall be made when commencing the licensing year and shall be in effect for the whole of such year. Anyone becoming a member of armed forces of the United States in time of war while holding a license as a barber or apprentice and while in good standing as to payment of fees, may obtain a restoration of his certificate without payment of such restoration fee.

Approved March 15, 1965.

CHAPTER 298

H. B. No. 556

(Belquist, Stockman, Gronhovd, Haugland, Kvasager)

CHIROPRACTIC LICENSES

AN ACT

To amend and reenact section 43-06-08, subsection 3 of section 43-06-09, sections 43-06-11 and 43-06-13 of the North Dakota Century Code, relating to chiropractic license.

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

§ 1. **Amendment.)** Section 43-06-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-06-08. License Required—Application—Examination Required—Fee.) No person shall practice chiropractic in this state unless he has a license from the state board of chiropractic examiners. Any person who desires a license shall apply to the board and submit to an examination. Each applicant shall present with his application his diploma from an accredited school or college of chiropractic, or a photograph of the same, and proof that he has the required qualifications.

Before beginning the examination, the applicant shall pay to the secretary-treasurer of the board the sum of fifty dollars. The board may in its discretion accept a national examining board certificate in lieu of an examination for a license, provided all other requirements are met.

§ 2. **Amendment.)** Subsection 3 of section 43-06-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A degree received from an accredited school or college of chiropractic where the resident course of instruction is not less than four years of eight months each, or four thousand hours.

§ 3. **Amendment.)** Section 43-06-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-06-11. License—When Issued—Who Issues—Title Used by Licensed Chiropractor.) A license to practice chiropractic in this state shall be issued by the board to an applicant who has submitted proof of the required qualifications and passed the required examination. No license to practice chiropractic shall be granted except upon the affirmative vote of at least three of the members of the board. A licensed chiropractor may not use the title physician, or surgeon, but may use the title doctor of chiropractic, or D. C.

§ 4. **Amendment.)** Section 43-06-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-06-13. Term of License—Renewal—Fee—Requirements.) A license to practice chiropractic in this state shall be valid for one year only and shall be renewed on or before the first day of September of each year. The fee for renewal of a license shall be determined by the board, but shall not exceed twenty-five dollars. The board, before it issues a renewal license, may require each applicant practicing in this state to attend a postgraduate course in an accredited chiropractic school or college, or to attend at least a two-day session of the educational program arranged by the North Dakota Chiropractic association.

Approved March 19, 1965.

CHAPTER 299

S. B. No. 244
(Rait, Larson)

INCOME TAX CLEARANCE OF PUBLIC CONTRACTORS

AN ACT

Relating to income tax clearance to be obtained by individuals, corporations and others performing contracts for the state of North Dakota or any political subdivision or governmental subdivision thereof and providing for an effective date.

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

§ 1. Contracts with State.)

1. No contractor, resident or nonresident shall be eligible to enter into a public contract with any department of the state of North Dakota, nor any political or governmental subdivision of the state until satisfactory showing is made that said contractor has paid all delinquent income taxes, if any, owed to the state pursuant to the provisions of chapter 57-38, and which have been assessed either by the filing of an income tax return by the contractor, or by an assessment of additional income taxes against the contractor by the commissioner that has become finally and irrevocably fixed, before the date that the contract was executed by the parties thereto.
 - a. "Contractor" and "public contract" having the same definition for purposes of this section as in chapter 43-07 relating to issuance of licenses to contractors.
2. A certificate from and by the tax commissioner shall satisfy the requirement of subsection 1. Upon failure to file such a certificate, such department, political or governmental subdivision shall refuse to execute said public contract.
3. The provisions of this section shall apply only to contracts executed after the effective date of this Act.

Approved March 19, 1965.

CHAPTER 300

H. B. No. 614
(Ruddy, Bergman, Tweten)

LICENSES OF PUBLIC CONTRACTORS

AN ACT

To amend and reenact section 43-07-12 of the North Dakota Century Code, relating to the licensing of bidders on public contracts, and to exempt therefrom the requirement that contractors be licensed prior to submitting bids to the state highway department for any federal aid project, and declaring an emergency.

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

§ 1. Amendment.) Section 43-07-12 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-07-12. Bids to Show License Issued.) All bids and proposals for the construction of any public contract project subject to the provisions of this chapter shall contain a statement showing that the bidder or contractor is duly and regularly licensed hereunder. The number and class of such license then held by such public contractor shall appear upon such bid or proposal. No contract shall be awarded to any contractor unless he is the holder of a license in the class within which the value of the project shall fall as hereinbefore provided. Except in the case of bids submitted to the state highway department for any federal aid project, a contractor must be the holder of a license at least ten days prior to the date set for receiving bids, to be a qualified bidder. Except in the case of bids submitted to the state highway department the bid shall be submitted in a sealed envelope upon which there is disclosed the following information:

1. The class of license held by the bidder;
2. The number of the bidder's license;
3. The name of the person, firm or corporation submitting the bid;
4. Date on which license was issued or renewed.

A bid submitted without this information on the envelope shall not be considered and shall be returned to the bidder.

§ 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 6, 1965.

CHAPTER 301

S. B. No. 299
(Urdahl, Jurgensen, Lips)

NURSES' SCHOLARSHIP LOANS

AN ACT

To amend and reenact subsections 2, 3, and 4 of section 43-12-25 and sections 43-12-26, 43-12-27, 43-12-28, 43-12-29, 43-12-30, and 43-12-31 of the North Dakota Century Code, relating to nurse preparation scholarship loans for qualified residents of North Dakota who express an intent to prepare for nursing and designating the state board to administer the provisions of this Act.

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

§ 1. **Amendment.)** Subsections 2, 3, and 4 of section 43-12-25 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A "student of nursing" shall mean one who has met all the requirements for enrollment in an approved school of nursing;
3. A "practical nurse student" shall mean one who has met all the requirements for enrollment in an approved course for practical nursing;
4. A "professional graduate nurse" shall mean one who has met all legal requirements for licensure in this state and has been registered by the state 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 state board for the current year.

§ 2. **Amendment.)** Section 43-12-26 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-26. Advisory Committee.) There shall be an advisory committee composed of three members, to be designated by the North Dakota council on health careers. This advisory

committee shall assist the state board in awarding scholarship loans.

§ 3. Amendment.) Section 43-12-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-27. Duties of the State Board.)

1. The state board may grant scholarship loans to students attending a school of nursing in accordance with the laws pertaining to registration of nurses or licensing of practical nurses and to professional graduate nurses meeting requirements for advanced study.
2. The state board shall make rules and regulations and establish standards, requirements and procedure in administering sections 43-12-25 through 43-12-31 so as to encourage young men and women to enter the nursing profession.

§ 4. Amendment.) Section 43-12-28 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-28. Qualifications of Candidates.) A person shall not be selected as a candidate for a scholarship loan unless such applicant be at least eighteen years of age. In selecting candidates for scholarship loans, consideration shall be given to:

1. Adaptability to nursing,
2. Health,
3. Character,
4. Person-social characteristics,
5. Record of level of achievement,
6. Capacity and willingness upon graduation to nurse in a hospital or institution in North Dakota for two years, and
7. Financial need for such scholarship in pursuing education in the field of nursing.

§ 5. Amendment.) Section 43-12-29 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-29. Use of Scholarship Loans.) These scholarship loans shall be used, first, to pay the tuition and other institutional fees and expenses of the recipient incidental to such nursing education; second, to defray the cost of books and

equipment needed by the recipient in pursuit of studies and, third, for partial subsistence of the recipient through facilities operated by the school or college. Scholarship loans shall be awarded only to students enrolled in an accredited school of nursing; to students enrolled in an approved course for practical nurses; and to professional graduate nurses enrolled in a college or university. Any facilities of the school designed to aid in securing part-time employment for students, to help defray costs of their education shall be made available to a recipient of a scholarship loan on an equal basis with other students enrolled. Scholarship loan holders may not continue to hold the scholarship loan unless they maintain a satisfactory grade average as set by the state board.

§ 6. **Amendment.**) Section 43-12-30 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-30. Scholarship Loan Payments — Note Required — Conditions — Scholarship Loan Continued.) 1. The student of nursing shall receive a scholarship loan of no more than one thousand dollars. Equal distribution of payments shall be made for each year in the nursing program.

2. The practical nurse scholarship loan shall not exceed three hundred dollars and shall be available to the student upon enrollment in the course.

3. The fund shall provide for scholarship loans for professional graduate nurses desiring to take advanced courses in nursing education which further qualifies applicants for a position or leads to a baccalaureate or higher degrees. After completion of such advanced study the recipient shall be required to return to North Dakota for a position to be held for at least two years. The professional graduate nurse shall receive a scholarship loan not to exceed one thousand eight hundred dollars for advanced study in a college or university which may lead to a degree. The scholarship loan shall be allotted according to rules and regulations adopted by the state board.

4. Each scholarship loan recipient shall sign and execute a note to the state treasurer for each payment, endorsed by a responsible adult for the amount of such scholarship loan. The state board shall certify to the state auditor the name of each recipient of a scholarship loan. The auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship loan through the secretary of the school or college in which the recipient is enrolled.

5. The notes of scholarship loan recipients shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest thereon upon demand.

§ 7. **Amendment.)** Section 43-12-31 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-12-31. Collection and Cancellation.) 1. A rate of six percent per annum will be charged on any portion of the scholarship loan not repaid upon demand of the state board.

2. The note of the student of nursing scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections 43-12-25 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the required basic course in nursing and has satisfactorily completed two full years of nursing in North Dakota the note and accrued interest thereon shall be canceled.

3. The note of the practical nurse student scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections 43-12-25 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the required course in practical nursing and has satisfactorily completed one full year of practical nursing in North Dakota the note and accrued interest thereon shall be canceled.

4. The note of the professional graduate nurse scholarship loan recipient shall bear interest at the rate of three percent per annum. Before the note provided in sections 43-12-25 through 43-12-31 has been called for payment, and when the recipient has satisfactorily completed the advanced course in nursing and has satisfactorily completed two full years of nursing in North Dakota the note and accrued interest thereon shall be canceled.

5. Upon satisfactory proof of the requirements herein set forth, the board shall notify the state treasurer to cancel the notes.

Whenever less than two full years of nursing has been completed the notes may be canceled in the order of execution corresponding with the months of nursing which are completed. In the event of death or total disability of the recipient the notes and accrued interest shall be canceled.

Approved March 15, 1965.

CHAPTER 302

H. B. No. 796
(Poling, Haugland)

NURSES' GOOD SAMARITAN LAW

AN ACT

To create and enact sections 43-12-33 and 43-12-34, relating to emergency care rendered by licensed and registered nurses at the scene of an emergency or in the event of a disaster and declaring an emergency.

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

§ 1.) Section 43-12-33 of the North Dakota Century Code is hereby created and enacted to read as follows:

43-12-33. Emergency Treatment.) Any nurse licensed and registered under the provisions of this chapter, who, in good faith, renders in this state emergency care at the scene of the emergency shall be expected to render only such emergency care as in her judgment is at the time indicated.

§ 2.) Section 43-12-34 of the North Dakota Century Code is hereby created and enacted to read as follows:

43-12-34. Emergency Treatment by Resident Nurses During Disaster.) In the event of a disaster the nurse shall perform therapeutic measures delegated by medical authority or shall initiate therapeutic measures until medical direction is available.

§ 3. **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 19, 1965.

CHAPTER 303

S. B. No. 236
(Longmire)

LICENSING OF DETECTION OF DECEPTION EXAMINERS

AN ACT

To provide for licensing and regulating detection of deception examiners.

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

§ 1. Definitions.) As used in this Act, unless the context otherwise requires: "Detection of deception examiner", hereinafter referred to as "examiner" means any person who uses any device or instrument to test or question individuals for the purpose of detecting deception.

"Person" includes any natural person, partnership, association, corporation or trust.

§ 2. Device or Instrument To Be Used.) Every examiner shall use an instrument which records permanently and simultaneously the subject's cardio-vascular and respiratory patterns as minimum standards, but such an instrument may record additional physiological changes pertinent to the detection of deception. An examiner shall, upon written request of a person examined, make known the results of such test to the person examined within five days of receipt of the written request.

§ 3. Unlawful Acts.) It is unlawful for any person to administer detection of deception examinations, or attempt to hold himself out as an examiner, without a license issued by the attorney general of the state.

§ 4. Applications for Licenses.) Applications for licenses shall be made to the attorney general in writing on forms prescribed by the attorney general and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the attorney general will enable him to pass on the qualifications of the applicant for a license.

§ 5. Renewal of Licenses.) The license of an examiner which has not been revoked or is not suspended shall be renewed annually upon payment of the required fee by the examiner.

§ 6. Consent for Service of Process.) Each nonresident applicant for an original license or a renewal license, shall file an irrevocable consent that actions against the applicant may be filed in any appropriate court of any county of this state in which the plaintiff resides or in which some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the attorney general. Such consent shall stipulate and agree that such service of process shall be taken and held to be valid and binding for all purposes. The attorney general shall send forthwith one copy of the process to the applicant at the address shown on the records of his office by registered or certified mail.

§ 7. Qualifications of Applicant.) A person is qualified to receive a license as an examiner:

1. Who is at least twenty-one years of age; and
2. Who is a citizen of the United States; and
3. Who establishes that he is a person of honesty, truthfulness, integrity and moral fitness; and
4. Who has not been convicted of a misdemeanor involving moral turpitude or a felony, or who has not been released or discharged under other than honorable conditions from any of the Armed Services of the United States; and
5. Who has passed an examination conducted by the attorney general, or under his supervision, to determine his competency to obtain a license to practice as an examiner; and
6. Who has satisfactorily completed specialized training deemed acceptable by the attorney general.

§ 8. Reinstatement of License.) An examiner whose license has expired may be reinstated at any time within five years after the expiration thereof, by making a renewal application therefor and by paying the renewal license fee and all lapsed renewal fees for each year since the expiration of his license.

§ 9. Contents of License — Posting.) A license must be prominently displayed at the principal place of business of every examiner. Each license shall be signed by the attorney general and shall be issued under the seal of his office.

§ 10. Revocation or Suspension.) The attorney general may refuse to issue or renew or may suspend or revoke a license for any one of the following grounds:

1. Material misstatement in the application for original license or in the application for any renewal license under this Act.
2. Willful disregard or violation of this Act or of any regulation or rule issued pursuant thereto.
3. Conviction of a felony or a misdemeanor involving moral turpitude.
4. Making any willful misrepresentation or false promises or causing to be printed any false or misleading advertisement for the purpose of directly or indirectly obtaining business or trainees.
5. Having demonstrated incompetency to act as an examiner as defined under this Act.
6. Allowing one's license under this Act to be used by an unlicensed person in violation of the provisions of this Act.
7. Willfully aiding or abetting another in the violation of this Act or of any rule issued by the attorney general pursuant thereto.
8. Where the license holder has been adjudged mentally ill, mentally deficient or in need of mental treatment.
9. Failing, within a reasonable time, to provide information requested by the attorney general as the result of a formal or informal complaint to the attorney general, which would indicate a violation of this Act.

§ 11. Notice and Hearing on License Revocation.) The attorney general may, upon his own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation, as herein set forth, investigate the actions of any person holding or claiming to hold a license. The attorney general shall, before refusing to issue, suspending or revoking any license, at least ten days prior to the date set for the hearing notify in writing the applicant or holder of such license of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the attorney general. At the time and place fixed in the notice, the attorney general shall proceed to hearing of the charges and both the accused person and

the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The attorney general may continue such hearing from time to time.

§ 12. Appeal from Decision.) The district court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon provided application therefor is made by either party within thirty days from the date of service of such order.

§ 13. Attorney General May Issue Regulations.) The attorney general may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be issued in connection therewith.

§ 14. Examination and License Fees.)

1. The fee to be paid by an applicant for an examination to determine his fitness to receive an examiner's license is twenty-five dollars.
2. The fee to be paid for an examiner's renewal license is ten dollars.
3. The fee to be paid for the issuance of a duplicate license is five dollars.
4. The fee to be paid for the reinstatement of an examiner's license within five years of the lapse thereof shall be five dollars and all of the lapsed renewal fees.
5. The fee to be paid for the restoration of a license which lapsed more than five years preceding the application for restoration shall be twenty-five dollars.

§ 15. Exemptions.) The provisions of this chapter shall not apply to any examiner in the exclusive employment of the United States of America, the state of North Dakota, any county, municipality, or political subdivision in this state, any department, bureau or agency of any of the foregoing, or any examiner thereof in the pursuit of his official duties.

§ 16. Examiner Licensed in Another State Exempt from Examination.) An applicant who is an examiner, licensed under the laws of another state of the United States, may be issued a license without examination by the attorney general, in his discretion, upon payment of a fee of twenty-five dollars, and the production of satisfactory proof:

1. That the applicant is at least twenty-one years of age; and
2. That the applicant is a citizen of the United States; and
3. That he is of good moral character; and
4. That the requirements for the licensing of examiners in such particular state of the United States were at the date of licensing, substantially equivalent to the requirements then in force in this state; and
5. That the applicant had lawfully engaged in the administration of polygraph examinations under the laws of such state for at least two years prior to his application for license hereunder.

§ 17. Violation—Penalty.) Any person who violates any provision of this Act or any person who falsely states or represents that he has been or is an examiner or trainee shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars, or imprisonment in the county jail for a term of not to exceed six months, or both.

Approved March 15, 1965.