

NORTH DAKOTA ADMINISTRATIVE CODE

Supplements 81 through 84

January 1986
February 1986
March 1986
April 1986

**Prepared by the Legislative Council staff
for the
Administrative Rules Committee**



TABLE OF CONTENTS

Credit Review Board	1
Game and Fish Department	9
Health, Department of	29
Historical Board	35
Laboratories Commission	47
Nursing, Board of	51
Pharmacy, Board of	79
Tax Commissioner	85
Treasurer, State	91
Veterinary Medical Examiners, Board of	95

TITLE 18.5
Credit Review Board

APRIL 1986

ARTICLE 18.5-01
GENERAL ADMINISTRATION

Chapter
18.5-01-01 Organization of Board [Reserved]

CHAPTER 18.5-01-01
ORGANIZATION OF BOARD

[Reserved]

STAFF COMMENT: Chapter 18.5-02-01 contains all new material but is not underscored so as to improve readability.

ARTICLE 18.5-02
CREDIT ASSISTANCE

Chapter
18.5-02-01 General Provisions

**CHAPTER 18.5-02-01
GENERAL PROVISIONS**

Section	
18.5-02-01-01	Eligibility
18.5-02-01-02	Application Process
18.5-02-01-03	Negotiations
18.5-02-01-04	Interest Subsidies
18.5-02-01-05	Danger of Immediate Foreclosure Defined

18.5-02-01-01. Eligibility.

1. Applicants for assistance provided by the credit review board shall submit:
 - a. A written petition requiring assistance;
 - b. A completed application form;
 - c. Financial statements as required by the board;
 - d. Proof of actual or threatened foreclosure; and
 - e. Any other information required by the board to determine eligibility or necessary to provide assistance.
2. An applicant for assistance provided by the credit review board must be a farmer as defined in subsection 3 of North Dakota Century Code section 6-09.10-01 and otherwise meet the requirements of North Dakota Century Code chapter 6-09.10 and rules adopted pursuant to it.
3. A person shall be considered to have applied for assistance by the credit review board and shall be considered for eligibility as of the date of the postmark on that person's written application form or petition received by the credit review board, or its agents, providing the application form or petition was properly addressed and deposited in the mail with postage or cost of transmission provided, whether or not such application form or petition meets the precise requirements of the board's desired format. Nevertheless, the board shall have the right to require additional information as necessary.
4. Any person whose right of redemption has expired by the filing of a sheriff's deed prior to submitting an application form or petition is ineligible for assistance under the provisions of North Dakota Century Code chapter 6-09.10.

History: Effective September 17, 1985.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-01, 6-09.10-03, 6-09.10-04

18.5-02-01-02. Application process. The credit review board will process applications as follows:

1. The board will, within thirty days of receipt of a completed application, advise the applicant, in writing, as to eligibility or ineligibility, including a statement as to the reasons for ineligibility.
2. If the information submitted by the applicant is inadequate for further processing, the board may, as necessary, advise the applicant that credit counseling through the department of agriculture's farm credit counseling program can assist the applicant in preparation of the application.
3. Any applicant aggrieved by a denial of assistance by the board may appear in person before the board to present facts or arguments as to why assistance should be provided.

History: Effective September 17, 1985.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-03, 6-09.10-04

18.5-02-01-03. Negotiations.

1. The credit review board shall assign a negotiator to each person upon acceptance of the application and the determination that the person is eligible for assistance. Where necessary to conserve resources, the board may waive the assignment of a negotiator where a credit counselor, attorney, or other person can fulfill that role. In all other cases, the negotiator will be assigned to determine the facts and position of the parties involved.
2. The role of the negotiator is to represent the board in the workout arrangement of obtaining a settlement that will allow the farmer to reside in the farm residence and allow the farmer to continue to produce agriculture commodities. If the negotiator is unable to mediate a settlement in the negotiation of the farmer's debt, the negotiator may at the direction of the board, work with the lender and the farmer to negotiate a purchase, repurchase, refinancing, or redemption of the farmer's home-quarter.
3. The negotiator is an authorized agent of the board who shall report to and be responsible to the board in the negotiation process. The negotiator shall only enter into financial negotiations with a lender or its agents on behalf of the farmer. At the conclusion of negotiations, the negotiator shall report to the board the outcome of the negotiations and any settlement that may have been accomplished.

4. Because each applicant's situation is fact specific, the negotiator shall have broad discretion to work out a financial settlement as appropriate, and as approved by the lender and the farmer.
5. The negotiator shall clearly disclose to the farmer that foreclosure is a legal issue, that legal counsel is both necessary and advisable, and that the negotiator will not function in the capacity of an attorney nor be responsible for legal issues, defenses, or counterclaims.

History: Effective September 17, 1985.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-03, 6-09.10-04, 6-09.10-05

18.5-02-01-04. Interest subsidies. The following factors and criteria shall be considered by the credit review board in making a determination as to whether interest subsidies shall be provided pursuant to the provisions of North Dakota Century Code chapter 6-09.10:

1. Financial ability to make all payments and meet all financial responsibilities with regard to the proposed loan.
2. The commercial reasonability of the lender's actual rate of interest on the proposed loan.
3. The applicant's desire to stay in the area where the land which is the subject of the loan is located, due to community ties, family, and other related reasons.
4. The terms and conditions of the loan, including the amortization schedule and terms of repayment.
5. The lack of other available assets, financing, or resources for financing a home in the area or for refinancing, repurchase, or redemption of the home-quarter.
6. The relationship of the amount of the principal of the loan to the appraised value of the home-quarter as determined by the board.
7. Whether the farmer has an interest in returning to farming and continuing to produce agriculture commodities.
8. The security for the loan and the security for the interest subsidy.

The principal upon which an interest subsidy is approved by the board may not exceed the appraised value of the home-quarter as determined by the board. No interest may be paid by the farmer on any interest rates

subsidized by the credit review board for loans made pursuant to the provisions of North Dakota Century Code chapter 6-09.10.

History: Effective September 17, 1985.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-06, 6-09.10-07

18.5-02-01-05. Danger of immediate foreclosure defined. A farmer is in danger of immediate foreclosure pursuant to the provisions of North Dakota Century Code chapter 6-09.10 if, based on the information supplied by the farmer, other information obtained by the credit review board, and determinations made by the credit review board, the credit review board believes the farmer is in danger of immediate foreclosure and that legal action will be taken against the borrower.

History: Effective September 17, 1985.

General Authority: NDCC 6-09.10-09

Law Implemented: NDCC 6-09.10-03, 6-09.10-04

TITLE 30
Game and Fish Department

APRIL 1986

30-02-02-02. Permit requirements. A valid North Dakota falconry permit is required before any person may take, possess, or transport a raptor for falconry purposes or practice falconry in North Dakota. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-04. Permit conditions. In addition to the general conditions, every permit issued shall be subject to the following special conditions:

A permittee may trade or transfer a raptor to another permittee if the transportation occurs entirely within North Dakota, the North Dakota game and fish department has been notified in writing of such a trade or transfer, and no money or other consideration is involved. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written approval of the game and fish department is obtained and no money or other consideration is involved in the transaction.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-05. Classes of permits.

1. **Apprentice class.** A permittee shall be at least eighteen years old and have a sponsor who is a holder of a general or master falconry permit for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.
2. **General class.** A permittee shall be at least eighteen years old and have at least two years' experience in the practice of falconry at the apprentice level or its equivalent. A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any twelve-month period; and a permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered.
3. **Master class.** An applicant shall have at least five years' experience in the practice of falconry at the general class level or its equivalent. A permittee may not take, transport, or possess any raptor species listed as endangered or threatened in part 17 of title 50, Code of Federal Regulations.
4. **Resident and nonresident permits.** Permits will be classified as resident or nonresident depending on the permittee's permanent home address.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-06. Examination. Before any North Dakota falconry permit is issued, the applicant shall be required to answer correctly at least eighty percent of the questions on a supervised examination provided or approved by the United States fish and wildlife service and administered by the North Dakota game and fish department, relating to basic biology, care and handling of raptors, literature, laws, regulations, or other appropriate subject matter. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-07. Facilities and equipment. Before a North Dakota falconry permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the department as meeting the following standards:

1. **Facilities.** The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, and undue disturbance. The applicant shall have the following facilities:
 - a. Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can easily be closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.
 - b. Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbances and attack by predators. The area shall be large enough to ensure that the birds cannot strike any obstacle when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.
2. **Equipment.** The following items shall be in the possession of the applicant before the applicant can obtain a permit:
 - a. Jesses. At least one pair of aliymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional one piece jesses may be used on raptors when not being flown.)
 - b. Leashes and swivels. At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.
 - c. Bath container. At least one suitable container, two to six inches [5 to 15.25 centimeters] deep and wider than the length of the raptor, for drinking and bathing for each raptor.
 - d. Outdoor perches. At least one weathering area perch of an acceptable design shall be provided for each raptor.

- e. Weighing device. A reliable scale or balance suitable for weighing the raptor or raptors held and graduated to increments of not more than one-half ounce [15 grams] shall be provided.
3. **Maintenance.** All facilities and equipment shall be kept at or above the preceding standards at all times.
4. **Transportation - Temporary holding.** A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperature and excessive disturbance, for a period not to exceed thirty days.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-09. United States fish and wildlife marker required. No raptor may be acquired unless the person acquiring the raptor first obtains a numbered nonreusable marker supplied by the United States fish and wildlife service and attaches it to the raptor immediately upon acquisition.

1. An inventory and description of all raptors held within North Dakota except those held for scientific or zoological purposes shall be made and reported to the department by July 31, 1976.
2. The alteration, counterfeiting, or defacing of a marker is prohibited except that permittees may remove the rear tab on markers and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-10. Taking of raptors from the wild.

1. The department shall be notified in writing of any intent to obtain a raptor for falconry purposes, regardless of means or source of acquisition, prior to actual taking.
2. Young birds not yet capable of flight (eyasses) may only be taken by a general or master falconer during the period

specified by the department and no more than two eyasses may be taken by the same permittee during the specified period. Eyasses may be taken only under supervision of department personnel.

3. First-year (passage) birds may be taken only during the period specified by the state.
4. Raptors may be taken only between May fifteenth and November fifteenth of each year, except that a marked raptor may be retrapped at any time.
5. Only American kestrels (*falco sparverius*) may be taken when over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by general and master falconers.
6. Nonresident permittees may not take raptors from the wild in North Dakota.

Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-12. Release of birds to wild. A falconry permitholder shall obtain written authorization from the game and fish department before any species not indigenous to that state is intentionally released to the wild; at which time the marker from the released bird shall be removed and surrendered to the game and fish department. The marker from an intentionally released bird which is indigenous to that state shall also be removed and surrendered to the game and fish department. A standard federal bird band shall be attached to such birds by the state or service-authorized federal bird bander whenever possible. Any person who violates this section is guilty of a noncriminal offense and shall pay a seventy-five dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-02-14. Annual falconry report. By July thirty-first of each year, a permittee shall submit a falconry report to the game and fish department. A report shall contain the following:

1. A listing of all raptors in the permittee's possession on June thirtieth of the year in which the report is filed by species,

marker number, sex (if known), age (if known), and date and where or from whom acquired.

2. A listing of all raptors possessed or obtained since the previous annual report, but no longer possessed, by species, marker number, sex (if known), age (if known), date and where or from whom obtained or given to, whether escaped, died, or released, and when the event occurred.
3. Any other information required by the department.

Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-14-03

Law Implemented: NDCC 20.1-14-03

30-02-03-16. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

30-03-01-14. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

30-03-03-06. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

30-03-04-04. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)

30-04-02-01. Public access and use. All game and fish state wildlife management areas are open for public access and use hunting, fishing, and trapping, except as provided under this chapter, governor's proclamation, other valid rules and regulations or laws, or as posted at public road entry points. No part of any game and fish management area may be entered or used during the hours eleven p.m. to five a.m. if so posted at the major access points. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-02. Public hunting, fishing, and trapping. All game and fish management areas are open for public hunting, fishing, and trapping unless otherwise posted according to law. Repealed effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-03. Motor vehicles. Mallard and de Trobriand Matthews Islands are closed to the use of all motorized vehicles and aircraft. On all other game and fish state wildlife management areas, the use of all motorized vehicles is restricted to those constructed roads, well-worn trails, and parking areas normally used by passenger cars. Off-road vehicles may also be used on designated trails and areas marked by the department with appropriate signs, and may be used on the Established roads and trails do not include temporary trails across cultivated land used for agricultural purposes. Motor vehicles may be used on the ice of lakes for access for fishing unless otherwise prohibited by posting or by proclamation. Persons operating any motor vehicle on the ice of any lake or other water area on a state wildlife management area do so at their own risk. All motorized vehicles which produce a noise level of greater than eighty-five decibels, or greater, measured on scale A, at a distance of fifty feet [15.2 meters] are prohibited. Motor vehicle use is further restricted or prohibited where such restrictions or prohibitions are posted. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-04. Watercraft. Use of watercraft is restricted or prohibited where such restrictions or prohibitions are posted at public road or trail entry points. Watercraft shall

not be left unattended for more than ~~forty-eight~~ twenty-four hours, except in designated mooring areas marked designated by the department with appropriate signs. Any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-05. Firearms. Use of firearms is prohibited for such periods of time as are posted at public road and trail entry points, except that firearms are permitted on target ranges designated by the department. Promiscuous shooting is prohibited on all game and fish state wildlife management areas. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-06. Littering and abandonment of property. The disposal of refuse, rubbish, bottles, cans, or other waste materials is prohibited except in garbage cans containers where provided. Abandonment of ~~cars~~ vehicles or other personal property is prohibited. Holding tanks of campers may not be dumped within a state wildlife management area. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-07. Removal and destruction of property. Trees, shrubs, vines, plants, gravel, fill, sod, water, crops, firewood, posts, poles, or other property may not be removed without a permit issued by the department, except that dead trees may be removed or used for firewood for personal use, and berries firewood may be removed under certain stated conditions from department designated firewood cutting plots. Commercial cutting of firewood is prohibited on designated firewood cutting plots. Removal of property from a wildlife management area by permit shall be only in a manner, limit, and/or conditions specified by the permit. Berries and fruit may be picked, for noncommercial use unless posting prohibits same. Property may not be destroyed or defaced. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-08. **Private property and structures.** No person shall construct or maintain any building, cabin, dock, fence, beehive, billboard, sign, or other structure except by permit issued by the department. Fishhouses may be used during the ice fishing season, but must be removed from the management area by May first. Fishhouses not removed by May first are subject to removal and impoundment by the game and fish department in accordance with the governor's proclamation. Duck, goose, crane, and other type decoys may not be left unattended in the field on any state wildlife management area. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-09. **Cropping, haying, and commercial enterprises.** No person shall conduct any cropping, haying, or other commercial enterprise, except by permit issued by the department. Any person who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-10. **Animal trespass, trail riding, and gun dogs.**

1. Livestock. Livestock shall not be permitted, on any state wildlife management area except by lease agreement. Unattended domestic animals and unattended pets are prohibited. Trail riding and group horseback riding in groups larger than twenty-five persons are prohibited without a permit issued by the department. Field trials for bird and gun dogs are prohibited without a permit issued by the department as provided for by a grazing permit issued by the department. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

Training of bird and gun dogs is prohibited April first through July fourteenth on all game and fish management areas. Training of bird and gun dogs on any game and fish management area by a professional trainer is prohibited.

2. Pets. Pets may not be permitted to run unattended. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-11. Camping. Camping for longer than ten consecutive days on any game or fish state wildlife management area is prohibited. Trailers, campers, motor homes, or tents may not remain be left unattended for more than twenty-four hours on any game or fish state wildlife management area longer than ten consecutive days (except those at the Heart Butte trailer sites). Camping is prohibited on those game and fish state wildlife management areas where so posted at public road and trail entry points. Any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-12. Organized group activity activities. Organized group activities attended by more than twenty-five persons are prohibited without a permit issued by the department. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-13. Other uses. As may be provided by governor's proclamation or other valid rules or laws, other uses may be restricted or prohibited on those game and fish management areas where so posted at public road and trail entry points. Repealed effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-14. Restrictions Noise. Quiet will be maintained on all game and fish management areas between the hours of eleven p.m. and six a.m. Excessive noise during such times, which unreasonably disturbs persons, is prohibited on state

wildlife management areas. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-14.1. Tree stands. No person may construct or use a permanent tree stand or permanent steps to a tree stand on any state wildlife management area except as provided by a permit issued by the department. Permanent tree stands and steps are defined as those which are (1) fastened to the tree with nails, spikes, bolts, or other metal fasteners driven or screwed into the tree or are (2) themselves fixtures driven or screwed into the tree.

Portable tree stands and natural tree stands may be used without a permit. Portable tree stands and steps to the tree stand are defined as those which are held to the tree with ropes, straps, cables, or bars which do not penetrate the bark of the tree. The ladder type stands which lean against the tree are portable stands. The notched board placed in a tree crotch is a portable stand. Natural stands are those crotches, trunks, down trees, etc., where no platform is used. Tree stands do not preempt hunting rights in the vicinity of the tree stand. Tree stands, both permanent and portable, may not be put up prior to August twentieth of the year, and they shall be taken down by January tenth of the following year. Stands not removed by the tenth of January are considered abandoned property and are subject to removal and confiscation by the department.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-14.2. Dogs. Field trials for dogs are prohibited without a permit issued by the department. Training of bird and gun dogs is prohibited April first through August fifteenth on all state wildlife management areas. Training of dogs on any state wildlife management areas by a professional trainer is prohibited at all times. Any person who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-02-15. Department personnel work. These rules shall not apply to activities by department personnel and other persons designated by the department which are necessary for law enforcement or for

development, management, or maintenance of any game or fish state wildlife management area, or for law enforcement.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

30-04-03-01. License required. A license is required for any person to act as a hunting or fishing guide or outfitter, which is defined as any resident who holds oneself out to the public as a guide or outfitter and who provides, for compensation in excess of five hundred dollars a year, transportation, equipment, arrangement of lodging, or the resident's own or another's personal services for the primary purpose of assisting a person or persons to locate, pursue, or hunt small game, big game, or fur-bearers.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-02-05

Law Implemented: NDCC 20.1-02-05

30-04-03-08. Receipt required. Any licensed guide or outfitter, upon payment received for service, shall immediately thereon issue to the payee a receipt showing the amount received and shall indicate thereon "for ~~hunting guide or outfitter~~ service" and the period for which the service was rendered, and the receipt shall bear the guide's or outfitter's signature, complete permanent address and the number of the guide's or outfitter's license.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-02-05

Law Implemented: NDCC 20.1-02-05

30-04-06-02. Fees. Each petition shall be accompanied by a two dollar application fee. In addition to the application fee, the following fees are required for each license that is to be replaced:

Type of License	Fee
Resident fishing licenses	\$ 1.00
Husband-wife resident fishing license	1.00
Resident senior citizen fishing license	1.00
Resident totally or permanently disabled fishing license	1.00
Nonresident fishing license	4.00
Nonresident husband-wife fishing license	8.00
Trout and salmon license	1.00
Resident small game and habitat license (age 19 and over)	1.00
Resident youth small game and habitat license (under age 19)	1.00

Nonresident small game - including general game	10.00
Nonresident small game/waterfowl - including general game	10.00
Resident deer bow license	8.00
Nonresident deer bow license	18.00
Resident fur-bearer license	1.00
Resident antelope bow license	8.00
Nonresident antelope bow license	18.00
Resident deer gun license	8.00
Nonresident deer gun license	18.00
Resident general game license	1.00
Nonresident general game license	1.00
Nonresident nongame license	2.00
Wild turkey license	2.00
<u>Guide license</u>	<u>2.00</u>

History: Effective September 1, 1983; amended effective June 1, 1984; April 1, 1986.

General Authority: NDCC 20.1-02-05

Law Implemented: NDCC 20.1-02-05

30-05-01-01. Display of numbers. The number appearing on the certificate of number must be painted or permanently attached to each side of the forward half of the vessel, in plain vertical block letters at least three inches [7.6 centimeters] in height, excluding any border, trim, outlining, or shading, in contrasting color to the hull, and must be maintained in a legible condition so that the numbers and letters are clearly visible in daylight hours. Demonstrator numbers may be temporarily attached, but must be securely fastened in such a manner as to be clearly legible. The number shall read from left to right, and groups of numbers and letters must be separated by a space or a hyphen equivalent in width to the letter M. A validation sticker issued by the department must be displayed on the boat, within six inches [15.25 centimeters] to the rear of the number. Any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-03

30-05-01-02. Boat safety equipment. The following equipment is required as indicated, and must be usable and in serviceable condition.

- 1. Personal flotation devices.** All motorboats less than sixteen feet [4.8 meters] in length and all nonpowered boats must have one coast guard approved type I, II, III, or IV device aboard for each person. All motorboats sixteen feet [4.8 meters] or greater in length must have one coast guard approved type I,

II, or III device aboard for each person, and, in addition, one coast guard approved throwable type IV device.

All persons manipulating any water skis, surfboard, or similar device must wear a coast guard approved type I, II, or III device. The only exception is that of a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under North Dakota Century Code section 20.1-13-11.

2. **Fire extinguishers.** Motorboats of less than twenty-six feet [7.8 meters] in length need no fire extinguishing equipment, unless the boat has a double bottom not sealed to the hull or not completely filled with flotation material; or unless it has closed stowage compartments in which combustible or flammable materials are stored; or unless it has closed compartments under thwarts and seats wherein portable fuel tanks may be stored; or unless it has closed living spaces; or unless it has permanently installed fuel tanks. If in any of these categories, it must have either a fixed fire extinguishing system in the machinery spaces, or at least one coast guard approved B-I type portable extinguisher. Motorboats twenty-six [7.8 meters] to forty feet [12 meters] in length must have either two coast guard approved B-I type portable extinguishers or one coast guard approved B-II type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one coast guard approved B-I type portable extinguisher. Motorboats forty feet [12 meters] or over in length must have either three coast guard B-I type portable extinguishers, or one coast guard approved B-II type portable extinguisher and one B-I type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces along with one coast guard approved B-II type or two B-I type portable extinguishers, or a fixed fire extinguishing system in the machinery spaces along with one coast guard approved B-II type or two B-I type portable extinguishers.
3. **Backfire flame arrester.** One coast guard approved device is required on each carburetor of all gasoline powered engines, except outboard motors.
4. **Bells and whistles.** Boats sixteen feet [4.8 meters] to less than twenty-six feet [7.8 meters] in length require one hand, mouth, or power operated whistle audible at least one-half mile [.8 of a kilometer]. Boats twenty-six feet [7.8 meters] to less than forty feet [12 meters] in length require a hand or power operated whistle audible at least one mile [1.6 kilometers], and a bell which produces a clear, bell-like tone when struck. Boats over forty feet [12 meters] in length require a power operated whistle audible at least one mile [1.6 kilometers] and a bell which produces a clear, bell-like tone when struck.

5. **Ventilation.** All motorboats with enclosed engine or fuel compartments, and using gasoline as a fuel, must have at least two ventilator ducts, fitted with cowls, or the equivalent, leading to each such compartment, to properly and efficiently ventilate the compartment.
6. **Lighting.** When operating between sunset and sunrise, all motorboats under twenty-six feet [6.8 meters] in length shall exhibit a twenty-point [225 degree] combination red and green bowlight visible for one mile [1.6 kilometers], ten points [112.5 degrees] to the left of the centerline of the boat being red, the ten points [112.5 degrees] to the right of the centerline being green, and a thirty-two-point [360 degree] white stern light, visible for two miles [3.2 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

When operating between sunset and sunrise, all motorboats twenty-six feet [6.8 meters] in length or over shall exhibit a twenty-point [225 degree] white bowlight visible for two miles [3.2 kilometers], a ten-point [112.5 degree] red side light, visible for one mile [1.6 kilometers], on the left side of the vessel, a ten-point [112.5 degree] green side light, visible for one mile [1.6 kilometers] on the right side (the side lights shall be visible through an arc beginning parallel to the centerline of the vessel and extending ten points [112.5 degrees] toward the stern), and a thirty-two-point [360 degree] white stern light visible for two miles [3.6 kilometers], placed higher than the bowlight and unobstructed by occupants or portions of the vessel.

All nonpowered boats operating between sunset and sunrise shall have readily accessible a white light source which shall be temporarily exhibited in sufficient time to prevent a collision.

All vessels at anchor between sunset and sunrise must display a white light visible to a boat approaching from any direction.

Any person who violates this section is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.

History: Amended effective December 1, 1982; April 1, 1986.

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-05

30-05-01-03. Hazardous conditions. North Dakota law provides that any enforcement officer who observes a vessel being used in an unsafe condition, and in the officer's judgment such use creates an especially hazardous condition, may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of

those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended. For purposes of this section an unsafe condition is defined as any one of the following:

1. Operating without boat safety equipment required by section 30-05-01-02. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a twenty-five dollar fee.
2. Operating in an overloaded condition.
3. Fuel leakage or presence of fuel in the bilges.
4. Riding on the bow, gunwales, transom, or on the backs of seats without taking precautions sufficient to prevent falls overboard.
5. Operating a boat in a state of gross disrepair, rendering it in unseaworthy condition.
6. Operating in weather or water conditions which endanger the boat and its occupants.

Any person who violates a subsection of this section for which a penalty is not specifically provided is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

History: Amended effective April 1, 1986.

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-18

30-05-01-05. Accident reports. If a collision, accident, or other casualty involving a vessel results in death or injury to a person or damage to property in excess of two hundred dollars, or a person disappears from such vessel under circumstances that indicate death or injury, the operator thereof shall complete and submit a complete boating accident report, CG-3865 form, or revision thereof, in duplicate to the game and fish department, within forty-eight hours in cases involving death or injury, within five days in all other cases. Any person who violates this section is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Amended effective December 1, 1982; April 1, 1986.

General Authority: NDCC 20.1-13-12

Law Implemented: NDCC 20.1-13-08

30-05-02-04. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a fifty dollar fee.

History: Effective April 1, 1986.
General Authority: NDCC 20.1-02-05(24)
Law Implemented: NDCC 20.1-02-05(24)

30-05-03-22. Violations are noncriminal. Any person who violates any section of this chapter is guilty of a noncriminal offense and shall pay a thirty-five dollar fee.

History: Effective April 1, 1986.
General Authority: NDCC 20.1-02-05(24)
Law Implemented: NDCC 20.1-02-05(24)

TITLE 33
Health, Department of

JANUARY 1986

33-04-15-02. Amount of fee.

1. For the issuance of the first full certified copy, short form, or birth card certification of a ~~vital~~ birth record, the initial fee per request is ~~five~~ seven dollars. For subsequent copies or certifications, ~~or both,~~ issued at the time of the request, the fee is ~~two~~ four dollars per copy. The filing fee for a delayed certificate of birth is five dollars. The fee for amendments to vital records is five dollars per request. The fee for creation of a new certificate of birth following adoption, legitimation, or paternity determination is five dollars. ~~For each search of the files when no record is found or no copy is made, a fee of five dollars must be charged.~~
2. For the issuance of the first certified copy of a death, fetal death, or marriage record, the initial fee per request is five dollars. For subsequent copies issued at the time of the request, the fee is two dollars per copy. For each search of the files when no death or marriage record is found or no copy is made, a fee of five dollars shall be charged.
3. For statistical research purposes, the state registrar shall determine the fee for such services and shall determine the manner in which the costs are to be paid.

History: Amended effective February 1, 1984; January 1, 1986.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-29

33-11-01-01. Definitions. Words defined in North Dakota Century Code chapter 23-27 shall have the same meaning in this chapter.

1. "An ambulance driver" means an individual who operates a vehicle.
2. "An ambulance run" means the response of an ambulance vehicle and personnel to an emergency or nonemergency for the purpose of rendering medical care or transportation or both to someone sick or incapacitated.
3. "An attendant" means a qualified individual responsible for the care of the patient while on an ambulance run.
4. "Department" means the state department of health as defined in North Dakota Century Code chapter 23-01.
5. "Driver's license" means the license as required under North Dakota Century Code section 39-06-01.
6. "Emergency care technician" means a person who meets the requirements of the state emergency care technician program and is certified by the department.
7. "Emergency medical technician-ambulance" means a person who meets the requirements of the national emergency medical technician-ambulance program and is certified by the national registry of emergency medical technicians.
8. "Emergency medical technician-paramedic" means a person who meets the requirements of the national emergency medical technician-paramedic program and is certified by the national registry of emergency medical technicians.
9. "Equivalent" means training of equal or greater value which accomplishes the same results as determined by the department.
10. "Personnel" means qualified attendants, or drivers, or both, within an ambulance service.
11. "Separate location" means separate town, city, or municipality.
12. "State health council" means the council as defined in North Dakota Century Code title 23.

History: Effective September 25, 1979; amended effective March 1, 1985; January 1, 1986.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-01-02. License required - Fees.

1. No surface ambulance services, as defined in North Dakota Century Code chapter 23-27, shall be advertised or offered to

the public or any person unless the operator of such service shall be licensed by the state health council.

2. The license shall expire midnight on ~~December thirty-first~~ June thirtieth of the year ~~issued~~ following issuance. License renewal shall be on a ~~calendar year~~ annual basis. For special licenses, the expiration date shall be in accordance with the time period specified.
3. A license is valid only for the service for which it is issued. A license may not be sold, assigned, or transferred.
4. The license shall be displayed in a conspicuous place inside the patient compartment of the ambulance vehicle. An operator operating more than one ambulance unit out of a town, city, or municipality will be issued duplicate licenses for each unit at no additional charge.
5. The annual license fee, including special licenses, shall be twenty-five dollars for each ambulance service operated.
6. From January 1, 1986, until June 30, 1986, the ambulance services shall operate under the authority of the 1985 calendar year license.

History: Effective September 25, 1979; amended effective January 1, 1986.

General Authority: NDCC 23-27-01

Law Implemented: NDCC 23-27-01

33-11-02-01. Training standards for ambulance driver. The driver shall have a current American heart association, Dakota affiliate, inc. basic rescuer (cardiopulmonary resuscitation) certification, or equivalent ~~as prescribed by the department~~, unless there are two attendants as defined in section 33-11-02-02 or one attendant plus one other person with a current American heart association, Dakota affiliate, inc. basic rescuer certification, or equivalent, attending the patient.

History: Effective March 1, 1985; amended effective January 1, 1986.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-02-02. Training standards for attendant. The attendant must have a current certification in the American national red cross advanced first aid course or its equivalent ~~as may be prescribed by the department~~ and must have a current American heart association,

Dakota affiliate, inc. basic rescuer (cardiopulmonary resuscitation) certification or its equivalent.

History: Effective March 1, 1985; amended effective January 1, 1986.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-03-01. Standards for personnel.

1. One person must have, as a minimum, a current emergency medical technician-ambulance or emergency care technician certification.
2. One person must have, as a minimum, a current emergency medical technician-paramedic certification, or be a registered nurse currently certified as an emergency medical technician-ambulance or emergency care technician who has a current American heart association, Dakota affiliate, inc. advanced cardiac life support certification.

History: Effective March 1, 1985; amended effective January 1, 1986.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

33-11-03-05. Availability on first call. The advanced life support ambulance must be available for the first call. If the advanced life support ambulance is already on an ambulance run, a basic life support ambulance may respond to the emergency call. A basic life support ambulance may also be offered on prescheduled nonemergency calls.

History: Effective March 1, 1985; amended effective January 1, 1986.

General Authority: NDCC 23-27-04

Law Implemented: NDCC 23-27-04

TITLE 40
Historical Board

MARCH 1986

40-02-01-01. Definitions. The terms used throughout this title have the same meaning as in North Dakota Century Code chapter 55-10, except:

1. "Board" means the state historical board as defined in North Dakota Century Code section 55-01-01.
2. "Criteria" means the written standards used by the board to determine that a site possesses historical value as defined in North Dakota Century Code section 55-10-02.
3. "Division" means the division of archaeology and historic preservation of the state historical society as defined in North Dakota Century Code section 55-01-01.
4. "Meeting" means an officially called meeting of the board as defined in North Dakota Century Code section 55-01-03.
5. "Nomination" means a written statement describing the physical condition and historical value of a property.
6. "Originator" means the individual who prepared the nomination.
7. "Petition" means a written statement describing a property's loss of historical value.
8. "Registry" means the state historic sites registry as defined in subsection 4 of North Dakota Century Code section 55-10-02.
9. "Committee" means the committee on archaeology and historic preservation of the board as defined in North Dakota Century Code section 55-01-01.

10. "Superintendent" means the superintendent of the state historical ~~society~~ board of North Dakota as defined in North Dakota Century Code section 55-02-01.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 28-32-01, 28-32-02

Law Implemented: NDCC 55-10-02(4), 55-10-10

40-02-01-03. Criteria for listing properties in the registry. Copies of criteria established by the board for listing properties in the registry are available on request from The state historical board shall consider historic and prehistoric sites, structures, buildings, objects, neighborhoods, networks, and cultural landscapes eligible for inclusion in the registry if it can be demonstrated that:

Superintendent
State Historical Society of North Dakota
North Dakota Heritage Center
Bismarck, North Dakota 58505

1. They have been associated with and now illustrate, recall, or characterize one or more of the following:

- a. Individuals;
- b. Groups;
- c. Events;
- d. Processes;
- e. Institutions;
- f. Movements;
- g. Lifeways;
- h. Folkways;
- i. Ideals;
- j. Beliefs; or
- k. Other patterns or phenomena

that had a significant influence on or are important reflections of the prehistoric or historic development or identity of the state, or of a region, community, or cultural group within the state, or;

2. They are distinctive or they distinctively illustrate one or more of the following:

a. Architectural styles;

b. Building types;

c. Types or methods of construction;

d. Vernacular, popular, or traditional building design;

e. Landscape architecture;

f. Urban design or planning;

g. Works of significant architects, designers, builders, or planners;

h. Monumental sculpture; or

i. Industrial, technological, or engineering design, or other architectural, aesthetic, or engineering expressions

that characterize, are unique to, possess special artistic or aesthetic values for, or had an important influence on the historic or prehistoric community, or cultural group for which they were created, or;

3. They contain information about or evidence of one or more of the following historic or prehistoric:

a. Events;

b. Processes;

c. Institutions;

d. Design;

e. Construction;

f. Settlement;

g. Migration;

h. Ideals;

i. Beliefs;

j. Lifeways; or

k. Folkways, or other facets of development and cultural systems

that are known or established likely to be important to professional or public knowledge or understanding of earlier cultures or cultural systems or of the development of the state or of regions or communities within the state, and;

4. They possess integrity of form, material, and setting, generally retaining those historic characteristics such as:

- a. Physical features;
- b. Evidence of workmanship;
- c. Fabric;
- d. Location; and
- e. Surroundings

that convey, support, represent, or contain values and qualities for which they are judged significant.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 28-32-01, 28-32-02

Law Implemented: NDCC 55-10-02(4)

40-02-01-05. Notification of pending review. The division provides notification not less than sixty days prior to the meeting at which the property is reviewed. The board will not review nominations submitted unless the notification procedures outlined in this section have been followed.

1. Notification is made as follows:
 - a. Written notification by registered mail to the private property owners.
 - b. For state-owned properties, written notification by registered mail to the state agency head having jurisdiction over the property.
 - c. For properties occupied but not owned by the state, written notification to the state agency head occupying the property.
 - d. Written notification to the chief elected official of the political jurisdiction in which the property is located.
 - e. News releases sent to a wire service in the state and to at least one newspaper of general circulation in the area in which the property is located.
2. Notification information includes:

- a. Name of the property.
- b. Legal boundary description of the property except that archaeological properties will be located only by range, township, and section.
- c. A summary statement of the property's significance.
- d. Invitation to attend the meeting at which the property is reviewed.
- e. Invitation to provide written comments in support of or opposition to the nomination.
- f. The place, date, and time of the meeting.
- g. A concise statement of the legal implications of state historic sites registry listing.
- h. Name and address of the originator and the organization, institution or governmental entity, if any, which requested or directed the nomination to be prepared.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 28-32-01, 28-32-02

Law Implemented: NDCC 44-04-19, 44-04-20

40-02-01-07. Notification of action taken. Not less more than fifteen days following board action on a nomination, the division provides shall provide written notification of action taken to those property owners, governmental officials, and to the general public as outlined in subsection 1 of section 40-02-01-05.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 55-02-01

Law Implemented: NDCC 55-10-02(4)

40-02-01-08. Publication and distribution. No later than January ~~thirty-first~~ of each year 31, 1986, the society publishes shall publish and distributes, in accordance with state law dealing with publications, The distribute the North Dakota State Historic Sites Registry which includes, and shall annually thereafter publish, as necessary, any updates to that publication. The publication must, at a minimum, include:

1. A list of all properties in the registry as of the last day of the November preceding.
2. A brief statement of the significance of each property listed.

3. The location of each property, except that archaeological properties will be located only by range, township, and section.
4. The portions of the North Dakota Century Code and of the board's policies and procedures relating to the registry.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 55-10-02

Law Implemented: NDCC 54-24-09, 55-10-02(4)

40-02-01-09. Removal of properties from registry. The board ~~removes~~ may remove properties from registry listing when the features or characteristics for which the property was determined ~~significant~~ to meet the criteria have been substantially lost or destroyed. The requirements for documentation, review, and action taken are substantively the same whether the board initiates removal proceedings or whether removal proceedings have been initiated by petition. Petition for removal can be made by any state agency, department, municipality, county, school district, or other governmental subdivision or private organization or individual by submitting an adequately documented petition to the division. Petitions which are not adequately documented are returned within fifteen days of receipt with an explanation of deficiencies, and no further action is taken until adequate documentation is provided.

1. Adequate documentation includes:
 - a. Names and addresses of the petitioners.
 - b. Name of the property and its legal boundary description as listed in the registry.
 - c. Description of any physical changes made to the property after its listing in the registry.
 - d. Eight-inch by ten-inch [20.32-centimeter by 25.4-centimeter] black and white photographs of the property, both interior and exterior if the property is a building, sufficient to illustrate physical changes made after its listing in the registry. In the case of properties covering an extremely large area an aerial photo series, composite aerial photographs, or other method of photo documentation necessary to illustrate changes are acceptable in lieu of, or in addition to, eight-inch by ten-inch [20.32-centimeter by 25.4-centimeter] black and white photographs.
 - e. Names and addresses of property owners of record.
 - f. Statement of why the property no longer meets the criteria upon which its listing in the registry was based.

2. Procedures following receipt by the division of an adequately documented petition include:
- a. Review of the petition by the board at its first meeting held not less than ninety days following receipt of the petition by the division.
 - b. Not less than sixty days prior to the meeting at which the board reviews the petition the division notifies in writing the petitioner, originator, property owner, and the chief elected official of the political jurisdiction in which the property is located of the substance of the petition, the place, date, and time of the meeting, and invites their written comment and attendance at the meeting.
 - c. Not less than sixty days prior to the meeting at which the board reviews the petition the division submits a news release outlining the substance of the petition to a wire service in the state and to at least one newspaper of general circulation in the area in which the property is located.
 - d. Not less than ten days prior to the meeting at which the board reviews the petition the division mails the petition to the board.
 - e. The committee makes recommendations to the board regarding action to be taken on the petition.

Recommendations fall into one of the following categories:

- (1) Removal of the property from the registry.
 - (2) Continued listing of the property on the registry.
 - (3) Return petition to the petitioner for additional information.
- f. The board allows any person in attendance at the meeting an opportunity to comment upon the petition under consideration.
 - g. The board shall vote on each petition presented during the meeting, except that any petition presented but not voted upon due to the lack of a quorum of voting members shall be presented to the board at its next scheduled meeting and reviewed and acted upon before taking action on any more recently received petition.
 - h. Petitions returned by board action to the petitioner for additional information shall, if resubmitted, be

considered new petitions and subject to all procedures set forth in section 40-02-01-09.

- i. Not ~~less~~ more than fifteen days following board action on a petition the division ~~provides~~ shall provide written notification of action taken to the petitioner, originator, property owner, chief elected official, a wire service in the state, and one newspaper of general circulation in the area in which the property is located.

History: Effective July 1, 1982; amended effective March 1, 1986.

General Authority: NDCC 55-10-10

Law Implemented: NDCC 55-10-02(4), 55-10-10

40-02-01-10. Alteration or demolition of registry properties. Any state department or agency or any city, county, school district, or other body corporate and politic must notify the superintendent of, and receive the superintendent's written approval for, any of the governmental bodies' proposed actions which would result in the alteration or demolition of registry properties.

1. Notification to the superintendent shall include:
 - a. Name and address of the property.
 - b. A description of the proposed action.
 - c. Reasons for proposing the action.
 - d. A copy of any building inspector, fire marshal, workmen's compensation bureau, planning department, or other official inspection or planning report which forms the basis for proposing the action.
 - e. An assessment of all alternatives considered in reaching the decision to propose alteration or demolition, and the reasons for rejecting those alternatives.
 - f. A copy of any supporting documentation, such as architect's plans and specifications, which graphically explains the result of the proposed action if approved by the superintendent.
2. Proposed alterations which would not, in the superintendent's opinion, jeopardize the property's registry status may be approved by independent action of the superintendent.
3. The superintendent shall notify the board of any proposed demolition of a registry property, and of any proposed alteration of a registry property if such alteration would result in the alteration to or destruction of those features or characteristics for which the property was determined to

meet the criteria. The superintendent shall schedule board review of such proposed demolition or alteration at any regular meeting of the board which is held not later than one hundred fifty days after the superintendent's receipt of notification of proposed demolition or alteration. The superintendent shall notify the governmental body proposing alteration or demolition of the date, time, and place of board review, but immediately shall initiate any studies, inspections, meetings, and negotiations with that governmental body in order to identify and implement any reasonable alternatives to alteration or demolition of the property.

History: Effective March 1, 1986.

General Authority: NDCC 55-10-08(1), 55-10-08(2)

Law Implemented: NDCC 55-10-08(2)

TITLE 47
Laboratories Commission

FEBRUARY 1986

47-04-05-04. Food supplies. Food must be in sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food shall be obtained from or be equal to food from sources that comply with all laws relating to food and food labeling. Before serving any food to the public, the bed and breakfast facility shall comply with all applicable inspections of food required by law. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the grade A quality standards established by law.

History: Effective December 1, 1985.

General Authority: NDCC 23-09.1-02

Law Implemented: NDCC 23-09.1-02; NDAC 47-04-03.1-02, 47-04-03.1-03

OBJECTION

THE LEGISLATIVE COUNCIL'S COMMITTEE ON ADMINISTRATIVE RULES OBJECTS TO THAT PORTION OF SECTION 47-04-05-04 RELATING TO PROHIBITING IN BED AND BREAKFAST FACILITIES THE USE OF FOOD IN HERMETICALLY SEALED CONTAINERS THAT WAS NOT PREPARED IN A FOOD PROCESSING ESTABLISHMENT.

Section 28-32-03.3 provides that after the filing of a committee objection, the burden of persuasion is upon the agency in any action for judicial review or for enforcement of the rule to establish that the whole or portion thereof objected to is within the procedural and substantive authority delegated to the agency. If the agency fails to meet its burden of persuasion, the court shall declare the whole or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs.

History: Effective December 30, 1985.

General Authority: NDCC 28-32-03.3

TITLE 54
Nursing, Board of

MARCH 1986

54-02-01-02. **Passing score.** The passing score shall be a standard score of ~~one thousand six hundred~~ sixteen hundred for the registered nurse licensing examination.

The passing score will be ~~an average~~ a standard score of three hundred fifty for the licensed practical nurse examination ~~which is comprised of two tests.~~

History: Amended effective June 1, 1982; March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10

54-02-01-04. **Examination material.** Examination material for each candidate shall be sent for scoring, as provided by the contract. In the event that the material is lost or destroyed through circumstances beyond control of the board, the candidate will be required to rewrite the ~~entire~~ examination in order to meet requirements for licensure. The candidate must assume the cost of rewriting the examination.

History: Amended effective June 1, 1982; March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(10)

54-02-01-06. **Examination fees.** The board shall set the fee for ~~writing the registered nurse licensing examination and practical nurse licensing licensure by examination.~~ The fee for each applicant desiring to take the registered nurse licensing examination shall be sixty-five dollars. The fee for each applicant desiring to take the practical nurse licensing examination shall be forty dollars. The ~~examination~~ fees will not be refunded after the deadline date for filing the application. The candidate shall be responsible for any payment of fees charged by the national council of

state boards of nursing for use of the national council licensure examination.

History: Amended effective November 1, 1979; March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(3)

54-02-01-11. Qualifications for admission to the licensing examination. An "appropriate nursing education program" is a practical nursing education program or registered nursing education program which meets or exceeds requirements as set forth in article 54-03 or 54-03.1 and has been approved by the board.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10

54-02-02-01. Rewriting the practical nurse licensing examination. Candidates who fail the practical nurse licensing examination must rewrite the entire examination. Repealed effective March 1, 1986.

General Authority: ~~NDCC 43-12.1-08~~

Law Implemented: ~~NDCC 43-12.1-10~~

54-02-02-02. Rewriting the registered nurse licensing examination. Candidates who fail the registered nurse licensing examination must rewrite the entire examination. Repealed effective March 1, 1986.

History: Amended effective ~~June 1, 1982.~~

General Authority: ~~NDCC 43-12.1-08~~

Law Implemented: ~~NDCC 43-12.1-10~~

54-02-02-03. ~~Second failure~~ Failure of licensing examination. Candidates who fail the licensing examination shall file an application to rewrite the licensing examination and submit the proper fee. The candidate shall be responsible for payment of any fees charged by the national council of state boards for use of the national council licensure examination. Candidates who fail the licensing examination two times will not be permitted to rewrite the examination until they present evidence to the board of having had planned directed instruction in an approved nursing education program or by a registered nurse tutor. Guidelines are provided by the board.

History: Amended effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-10

54-02-02-05. Fee to rewrite the practical nurse examination. The fee to rewrite the practical nurse licensing examination shall be forty dollars. Repealed effective March 1, 1986.

History: Amended effective November 1, 1979.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(3)

54-02-02-06. Fee to rewrite the registered nurse examination. The fee to rewrite the registered nurse licensing examination shall be sixty-five dollars. Repealed effective March 1, 1986.

History: Amended effective November 1, 1979, June 1, 1982.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(3)

54-02-03-04. North Dakota candidates proctored in another state. Candidates for license by examination in North Dakota who have failed the licensing examination, may upon written permission from the board rewrite the examination in another state, provided the other board of nursing will consent to proctor and is a member board of the national council of state boards of nursing. Repealed effective March 1, 1986.

History: Amended effective June 1, 1982.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10

54-02-05-07. Encumbered license. A license that is encumbered by specific practice restrictions shall be issued with the following statement: "This license is encumbered. Please contact the board office."

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-14

54-02-06-01. Application and fee for license by endorsement. Applicants for license by endorsement must submit a completed notarized application and pay the endorsement fee of sixty-five dollars for registered nurses or forty dollars for licensed practical nurses. Applicants for licensure by endorsement must have completed a state-approved nursing education program which meets or exceeds those

requirements outlined in article 54-03 or 54-03.1 according to the date the applicant enrolled in the nursing education program.

History: Amended effective November 1, 1979; March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-12

ARTICLE 54-03

REQUIREMENTS FOR NURSING EDUCATION PROGRAMS

[Repealed effective January 1, 1987]

STAFF COMMENT: Article 54-03.1 contains all new material but is not underscored so as to improve readability.

ARTICLE 54-03.1

REQUIREMENTS FOR NURSING EDUCATION PROGRAMS

Chapter	
54-03.1-01	General Provisions
54-03.1-02	Establishing a Nursing Program
54-03.1-03	School
54-03.1-04	Program Philosophy and Objectives
54-03.1-05	Curriculum Requirements - All Programs
54-03.1-06	Practical Nurse Program Requirements
54-03.1-07	Registered Nurse Program Requirements
54-03.1-08	Faculty Requirements
54-03.1-09	Students
54-03.1-10	Resources, Facilities, and Services
54-03.1-11	Approval of Programs
54-03.1-12	Terminating a Program

**CHAPTER 54-03.1-01
GENERAL PROVISIONS**

Section	
54-03.1-01-01	Nursing Programs Approved Prior to January 1, 1987
54-03.1-01-02	Waiver of Hearing
54-03.1-01-03	Termination of Programs Approved Under Article 54-03
54-03.1-01-04	Candidate Eligibility for Licensing Examination
54-03.1-01-05	Definitions

54-03.1-01-01. Nursing programs approved prior to January 1, 1987. Nursing programs approved by the board prior to January 1, 1987, who plan to seek board approval under article 54-03.1 shall:

1. Maintain education standards as prescribed by article 54-03 for those students attending classes on or before January 1, 1987;
2. Submit a written report of plans for program modifications necessary to comply with article 54-03.1 to the board before January 1, 1987; and
3. Receive board approval as outlined in section 54-03.1-02-05 prior to the admission of any students after January 1, 1987.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)(7)(8)

54-03.1-01-02. Waiver of hearing. Requirements for a hearing as prescribed in section 54-03-02-01 may be waived for any nursing program that has complied with section 54-03.1-01-01.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-01-03. Termination of programs approved under article 54-03. Schools that have a nursing education program approved by the board under article 54-03 and will be terminating the nursing program shall meet the requirements of chapter 54-03-05.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(8)

54-03.1-01-04. Candidate eligibility for licensing examination. Graduates of nursing programs approved under article 54-03 shall be eligible for admission to the licensing examination as long as the enrollment and class attendance in the nursing program was on or before January 1, 1987.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-10

54-03.1-01-05. Definitions. The terms used throughout this article have the same meaning as in North Dakota Century Code chapter 43-12.1, except:

1. "Approved" means board recognition of a nursing program which meets legal requirements for nursing education programs.
2. "Competency" means the ability of a graduate to integrate cognitive, affective, and psychomotor skills in a performance that meets a specific standard.
3. "Curriculum" means the series of courses required to prepare for the practice of nursing.
4. "Program" means the component of the school that offers a curriculum preparing students for the practice of nursing.
5. "School" means a postsecondary educational institution offering transferable academic credit which includes a program in nursing.
6. "Survey visit" means an onsite visit of a nursing program by the board of nursing.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-02 ESTABLISHING A NURSING PROGRAM

Section	
54-03.1-02-01	Initial Requirements
54-03.1-02-02	Board Hearing
54-03.1-02-03	Development of a Program
54-03.1-02-04	First Survey Visit
54-03.1-02-05	Board Review and Initial Approval

54-03.1-02-06 Admission of Students
54-03.1-02-07 Progress and Evaluation Reports
54-03.1-02-08 Annual Survey

54-03.1-02-01. Initial requirements. A school considering establishing a nursing program shall:

1. Conduct a feasibility study which includes information relative to:
 - a. Justification for the type of nursing program to be established;
 - b. Willingness of community and health agencies to accept and support the program;
 - c. Projection of adequate enrollment;
 - d. Assurance of adequate education and clinical facilities;
 - e. Assurance of adequate funds to finance the program;
 - f. Assurance of qualified faculty for teaching and supervision; and
 - g. Proposed starting date.
2. Present the feasibility study to the board in a written report.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-02-02. Board hearing. The board shall conduct a public hearing to determine the effects of the proposed nursing education program on surrounding programs and on nursing education within the state. The board will use the results of the public hearing and the feasibility study to determine if the school may proceed with the development of the program.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-02-03. Development of a program. If the board determines that a program may be developed, the school shall employ a qualified nurse-administrator for the program a minimum of twelve months prior to the proposed starting date. The function of the nurse-administrator shall include the development of the program and

submission of a written application for approval to the board at least four months before the proposed starting date, detailing the following information:

1. Philosophy and objectives of the school.
2. Proposed philosophy and objectives of the nursing program.
3. Organizational chart of school and nursing program.
4. Signed agreements with agencies to be used for clinical experiences.
5. Description of educational and clinical facilities.
6. Description of support services for students.
7. Financial plans and budget for nursing program.
8. Curriculum organization with rationale and course descriptions.
9. Projected number of faculty with proposed employment dates.
10. Faculty qualifications, responsibilities, and personnel policies.
11. Admission criteria and projected number of students to be admitted.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-02-04. First survey visit. After the application has been received, a survey visit of the school proposing the nursing program will be made by the board. A copy of the survey visit report will be submitted to the school and the nurse-administrator.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)(7)(8)

54-03.1-02-05. Board review and initial approval. The board will consider the application and the survey visit report at the next scheduled board meeting. The school shall be advised in writing of the board's decision within ten working days following the board meeting.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(8)

54-03.1-02-06. Admission of students. Students may be admitted to the program only after approval has been given by the board.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-15(5)

54-03.1-02-07. Progress and evaluation reports. Progress and evaluation reports of the program which demonstrate implementation of approved plans under section 54-03.1-01-01 shall be submitted by the nurse-administrator upon the board's request.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-02-08. Annual survey. The board shall survey the program annually until the first class has graduated.

History: Effective March 1, 1986.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(7)

CHAPTER 54-03.1-03 SCHOOL

Section	
54-03.1-03-01	Accreditation Requirements
54-03.1-03-02	Organizational Chart
54-03.1-03-03	Organization and Administration
54-03.1-03-04	Financial Support
54-03.1-03-05	Record Requirements
54-03.1-03-06	Faculty Responsibilities and Duties
54-03.1-03-07	Program Information

54-03.1-03-01. Accreditation requirements. The school offering the program must be accredited by the appropriate nationally recognized accrediting body.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-02. Organizational chart. There must be organizational charts showing the lines of responsibility and communication:

1. Within the school.
2. Within the nursing program.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-03. Organization and administration. The organization and administration of the nursing program must be consistent with the organization and administration of other programs offered by the school.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-04. Financial support. The school must provide financial support for the nursing program. The nurse-administrator shall have authority to administer the financial budget in collaboration with nursing faculty.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-05. Record requirements. School records concerning faculty, students, and graduates must be maintained. These records must include, but are not limited to, the following:

1. Faculty:
 - a. Responsibilities and duties.
 - b. Evaluations.
 - c. Evidence of personal and professional development.
2. Student:
 - a. Evidence of progression in the program.
 - b. Clinical evaluations.
3. Graduates:
 - a. Transcripts.

b. Performance summary.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-06. Faculty responsibilities and duties. There must be descriptive statements of faculty responsibilities and duties which are equitable in relation to all school faculty and allow time for:

1. Teaching and research activities.
2. Maintenance of clinical expertise.
3. Faculty development.
4. Program evaluation and development.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-03-07. Program information. Information describing the program in nursing must be clearly stated and available to those interested in the program.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

**CHAPTER 54-03.1-04
PROGRAM PHILOSOPHY AND OBJECTIVES**

Section	
54-03.1-04-01	Statement of Philosophy
54-03.1-04-02	Objectives of Nursing Program
54-03.1-04-03	Periodic Review and Revision

54-03.1-04-01. Statement of philosophy. There must be clearly defined written statements of the faculty's beliefs concerning:

1. Nursing;
2. Education and learning;

3. Responsibility of faculty to the student; and
4. The practice of the graduate.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-04-02. Objectives of nursing program. There must be written, measurable, terminal objectives identifying the role of the graduate of the nursing program.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-04-03. Periodic review and revision. There must be planned formal review of the philosophy and objectives on a regular basis.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-05 CURRICULUM REQUIREMENTS - ALL PROGRAMS

Section	
54-03.1-05-01	Philosophy and Objectives
54-03.1-05-02	Course Requirements
54-03.1-05-03	Clinical Facilities
54-03.1-05-04	Curriculum Changes

54-03.1-05-01. Philosophy and objectives. The curriculum shall implement the philosophy and objectives of the nursing program.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-05-02. Course requirements. There must be a written plan of instruction for each nursing course which:

1. Identifies the relationship of the course to the curriculum;

2. Adheres to the school's policy on credit allocation;
3. Identifies course objectives to be achieved by the student;
4. Specifies methods of validating the achievement of objectives by one or more alternatives; and
5. Identifies essential correlated learning experiences that enable the student to develop nursing competencies consistent with the level of preparation.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-05-03. Clinical facilities.

1. Agencies used to provide learning experiences must be evaluated periodically by faculty.
2. There must be sufficient patient care experiences to assure the development of nursing competencies consistent with the level of preparation.
3. There must be written agreements with cooperating agencies which are reviewed and revised periodically.
4. Nursing faculty is responsible for selecting learning experiences within the clinical facility consistent with the student's level of preparation.
5. Sufficient faculty must be employed to supervise student learning experiences. The ratio of students to faculty at any one time may not exceed eight to one for beginning nursing students or a ratio acceptable to the board for advance learning experiences.
6. Nurses who meet the program criteria for preceptors and are approved by their agency may supervise advanced nursing students in a one-to-one learning experience.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-05-04. Curriculum changes. All proposed curriculum changes must be submitted to the board for approval prior to implementation.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-06 PRACTICAL NURSE PROGRAM REQUIREMENTS

Section	
54-03.1-06-01	Competencies
54-03.1-06-02	Curriculum Requirements
54-03.1-06-03	Faculty Qualifications
54-03.1-06-04	Unqualified Faculty

54-03.1-06-01. Competencies. The competencies of the licensed practical nurse are derived from the definition of practical nursing found in North Dakota Century Code chapter 43-12.1 - the Nurse Practices Act. The patient of the licensed practical nurse is an individual and family, or a group of individuals with common, well-defined actual or potential responses to health problems. The licensed practical nurse delivers nursing care under the direction of the registered nurse, licensed physician, or dentist with established policies, procedures, and protocols. These competencies are expected at the time of completion of a practical nurse program.

The licensed practical nurse utilizes the nursing process to provide nursing care to the patient with common, well-defined actual or potential responses to health problems by:

1. Collecting and recording health pattern data from available resources through established basic assessment, observation, and identification of patient responses and basic needs.
2. Organizing data to contribute to the identification of relevant functional health patterns of the patient.
3. Contributing to the development of an individualized nursing care plan.
4. Performing nursing care measures based on the nursing care plan utilizing established protocols for common well-defined nursing diagnoses.

5. Participating in the evaluation of the patient's response to the nursing measures and in the revision of the nursing care plan utilizing criteria established in collaboration with other members of the health care team.

The licensed practical nurse:

1. Utilizes established lines of authority and basic communication skills to provide assistance with common, well-defined actual or potential responses to health problems of patients.
2. Participates in patient teaching specific to the common actual or potential learning needs by implementing or modifying standard teaching plans.
3. Manages the environment and resources effectively and efficiently to attain goals specific to common, well-defined actual or potential responses to health problems of patients.
4. Recognizes and utilizes the knowledge base of nursing practice acquired through nursing research.
5. Recognizes patient rights and seeks appropriate resources to protect those rights.
6. Practices within the ethical and legal framework of the nursing profession.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(15)

54-03.1-06-02. Curriculum requirements. The curriculum includes courses from the following academic disciplines and meets requirements for an associate degree with a major in nursing:

1. English and speech skills and concepts of communication.
2. Behavioral and social science concepts which will serve as a framework for understanding growth and development throughout the life cycle, human behavior, and interpersonal relationships.
3. Arts and humanities concepts which will develop the aesthetic, ethical, and intellectual capabilities of the student.
4. Physical and biological sciences concepts which will help the students gain an understanding of the principles of scientific theory in chemistry, microbiology, nutrition, pharmacology, anatomy, and physiology.

5. Nursing concepts which will provide the basis for understanding the principles of nursing care and appropriate and sufficient correlated clinical learning experiences to assure development of competencies.
6. General requirements courses required to meet the school's general requirements for the associate degree.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-06-03. Faculty qualifications. The faculty for practical nurse programs must include:

1. A registered nurse-administrator who holds a master's degree in nursing and has the minimum of two years' experience in each of the following:
 - a. Clinical nursing practice.
 - b. Teaching in a nursing program.
2. Registered nurse faculty who have primary responsibility for planning, implementing, and evaluating a clinical nursing course with a master's degree in nursing and with a minimum of two years of clinical nursing practice experience. Faculty who hold a master's degree in another discipline shall provide the board with proof of having graduate level coursework in nursing acceptable to the board.
3. Additional registered nurse faculty as needed. These faculty must hold a minimum of a baccalaureate degree in nursing and must have had a minimum of two years' experience in clinical nursing practice.
4. Nonnurse faculty, who have primary responsibility for teaching supportive courses, hold a master's degree or a comparable professional credential in their respective discipline.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-06-04. Unqualified faculty. Faculty members who do not meet the requirements of section 54-03.1-06-03 shall provide the board with evidence of progression toward achievement of the required degree.

All nursing faculty employed in practical nursing programs as of September 1, 1990, must meet the requirements of section 54-03.1-06-03.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-07 REGISTERED NURSE PROGRAM REQUIREMENTS

Section	
54-03.1-07-01	Competencies
54-03.1-07-02	Curriculum Requirements
54-03.1-07-03	Faculty Qualifications
54-03.1-07-04	Unqualified Faculty

54-03.1-07-01. Competencies. The competencies of the registered nurse are derived from the definition of registered nurse found in North Dakota Century Code chapter 43-12.1 - the Nurse Practices Act. The patient of the registered nurse is an individual, family, or group of individuals and communities in health care settings which may or may not have established policies, procedures, and protocols. Such settings may require independent nursing care and management decisions. The registered nurse practices in a collaborative role with other members of the health care team but is responsible and accountable for the total scope of nursing practice. The registered nurse utilizes a broad-based liberal and professional education in analyzing and synthesizing information in the critical thinking necessary for professional practice. These competencies are expected at the time of completion of the registered nurse program.

The registered nurse utilizes the nursing process to diagnose and treat human responses to actual or potential health problems by:

1. Assessing the patient's health status utilizing relevant data from the nursing history, health examination, and other sources to establish a nursing data base.
2. Prioritizing and verifying inferences from the nursing data base in establishing the nursing diagnosis for patients.
3. Planning nursing care by establishing scientifically based nursing orders and identifying measurable comprehensive patient outcomes.
4. Implementing the nursing care plan.

5. Evaluating the patient's responses to the nursing care plan and modifying the care plan as indicated.

The registered nurse:

1. Provides for and uses communication skills with and between the patient and health care team.
2. Designs and implements a comprehensive individual or group teaching plan or educational program.
3. Manages resources, environments, and programs to maximize patient outcomes.
4. Applies research findings to nursing practice and participates in research studies.
5. Advocates for patient rights.
6. Practices within the ethical and legal framework of the nursing profession.
7. Is prepared to assume a leadership role in health care management.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(15)

54-03.1-07-02. Curriculum requirements. The curriculum includes courses from the following academic disciplines and meets requirements for a baccalaureate degree with an upper division major in nursing:

1. English and speech skills and concepts of communication, concepts of value clarification, and scientific inquiry.
2. Behavioral and social sciences concepts which will serve as a framework for the understanding of growth and development throughout the life cycle, human behavior, interpersonal relationships, and the social context of health care.
3. Physical and biological sciences concepts which will help the students gain an understanding of the principles of scientific theory in chemistry, physics, microbiology, pharmacology, nutrition, research, anatomy, and physiology.
4. Arts and humanities concepts which will develop the aesthetic, ethical, and intellectual capabilities of the student.
5. Nursing concepts which will provide the basis for understanding the principles of nursing care and appropriate and sufficient correlated clinical learning experiences to

assure development of nursing competencies to practice in a variety of nursing care settings, traditional or new and evolving.

6. General requirements concepts which will provide the student with an understanding of the principles of education and learning, management and technology, and courses to meet requirements for a baccalaureate degree.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-07-03. Faculty qualifications. The faculty for a registered nurse program must include:

1. A registered nurse-administrator who holds a master's degree and a doctoral degree, one of which is in nursing, with a minimum of two years of experience in each of the following:
 - a. Clinical nursing practice.
 - b. Teaching in a nursing program.
 - c. Administration.
2. Registered nurse faculty with a master's degree in nursing with a major in their area of responsibility and a minimum of two years of experience in their area of responsibility. Faculty who hold a master's degree in another discipline must provide the board with proof of having graduate level coursework in nursing acceptable to the board.
3. Nonnurse faculty, who have primary responsibility for teaching supportive courses, hold a master's degree or a comparable professional credential in their respective discipline.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-07-04. Unqualified faculty. Faculty members who do not meet the requirements of section 54-03.1-07-03 shall provide the board with evidence of progression toward achievement of the required degree. All nurse faculty members employed in registered nurse programs as of September 1, 1990, must meet the requirements of section 54-03.1-07-03.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

**CHAPTER 54-03.1-08
FACULTY REQUIREMENTS**

Section	
54-03.1-08-01	License Requirements
54-03.1-08-02	Faculty Self-improvement
54-03.1-08-03	Faculty Meetings

54-03.1-08-01. License requirements. All nursing faculty shall hold an unencumbered current license to practice as a registered nurse in North Dakota and comply with legal requirements of other states in which they supervise student clinical learning experiences.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-08-02. Faculty self-improvement. Nursing faculty must show evidence of continuing education in nursing or academic self-improvement.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-08-03. Faculty meetings. Nursing faculty participate in interdepartmental and intradepartmental meetings and work collaboratively in sharing, planning, implementing, evaluating, and revising the nursing curriculum. Minutes which reflect the decisionmaking process must be kept of all meetings. A record of all decisions made by faculty must be kept on file.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

**CHAPTER 54-03.1-09
STUDENTS**

Section	
54-03.1-09-01	Student Policies

54-03.1-09-01. Student policies. There must be written policies for students in relation to:

1. Admission, promotion, attendance, graduation, withdrawal, and dismissal.
2. Validation of knowledge and clinical competency meriting advanced placement.
3. Student health and welfare.
4. Student rights and grievance procedures.
5. Student participation on appropriate program-related committees.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-10 RESOURCES, FACILITIES, AND SERVICES

Section

54-03.1-10-01 Physical Facility Requirements
54-03.1-10-02 Secretarial and Support Services

54-03.1-10-01. Physical facility requirements. The physical facilities that are used for the nursing program shall include:

1. Comfortable convenient office space for administrative and instructional personnel.
2. Classrooms and conference rooms that are conducive to teaching and learning.
3. Sufficient accessible library resources for student and faculty use with current representative textbooks, audiovisual material, reference material, and periodicals in nursing and related sciences.

History: Effective January 1, 1987.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(6)

54-03.1-10-02. Secretarial and support services. There shall be sufficient secretarial and support services provided for faculty use.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-11 APPROVAL OF PROGRAMS

Section

54-03.1-11-01	Continuing Compliance
54-03.1-11-02	Certificate of Approval
54-03.1-11-03	Publishing Approval Status
54-03.1-11-04	Notification of Deficiencies
54-03.1-11-05	Appeal

54-03.1-11-01. Continuing compliance. The nursing education programs must submit a biennial report and shall be surveyed by the board at least every two years. The board at its discretion may survey a nursing program more often.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-11-02. Certificate of approval. A certificate of approval shall be issued by the board for a maximum of two years to nursing education programs which meet board rules.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-11-03. Publishing approval status. The board shall publish a list of approved nursing programs.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-11-04. Notification of deficiencies. If the board determines that a nursing program does not meet board rules, the school must be notified in writing detailing the deficiencies requiring

correction within a given time period. If at the end of that time period the deficiencies have not been corrected, board approval shall be withdrawn and a date to discontinue the program shall be set.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-11-05. Appeal. Upon receipt of notice of withdrawal of approval, administrators of the program may file an appeal of the decision according to North Dakota Century Code chapter 28-32.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

CHAPTER 54-03.1-12 TERMINATING A PROGRAM

Section

54-03.1-12-01 Notice to Board
54-03.1-12-02 Requirements of Notice

54-03.1-12-01. Notice to board.

1. When the board withdraws their approval of a program, the school must submit a written plan for termination of the program to the board within thirty days after receipt of the notice of withdrawal of approval.
2. When the school voluntarily decides to terminate a nursing program, written notice of intent to terminate the program and the rationale for this decision must be submitted to the board.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-03.1-12-02. Requirements of notice. The notice of intent to terminate a nursing program shall include plans for:

1. Official closing date.
2. Provision for enrolled students.

History: Effective January 1, 1987.
General Authority: NDCC 43-12.1-08
Law Implemented: NDCC 43-12.1-08(6)

54-05-01.1-01. Statement of intent. The practice of the licensed practical nurse providing specialized nursing care is based upon usual licensed practical nurse practice in that all care is to be performed under supervision (North Dakota Century Code section 43-12.1-02). Specialized nursing care provided by the licensed practical nurse is not commonly performed by a licensed practical nurse and requires knowledge and skills beyond the scope of a practical nursing program. The board of nursing recognizes that a terminal vocational program of approximately one year cannot provide for a comprehensive or transferable expanded role; it also recognizes that applicable learning may take place following a formal program of instruction.

Only that care in which the licensed practical nurse is competent may be delegated to the licensed practical nurse. This care is the responsibility of both the delegator and the licensed practical nurse and is consistent with chapter 54-05-01.

Performance of specialized nursing care is voluntary and may not be a condition of continued employment. The authorization to provide specialized nursing care is limited to specific practice within an identified institution. An institution employing a licensed practical nurse to carry out specialized nursing care shares in the responsibility to meet the standards of practice.

History: Effective May 1, 1980; amended effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(16)

54-05-02-01. Statement of intent. Nursing education institutions preparing students for registered nurse licensure in North Dakota include hospital diploma programs and university/college associate degree and baccalaureate degree programs. Each type of program has its own characteristics, such as client focus and length of time for completion, as well as others that are shared in common.

The practice of the registered nurse is determined both by the educational program completed and the knowledge, technical skills and process skills the nurse acquires for facilitating a positive alteration in the health status of the client/patient. A working knowledge of the nursing process is the standard by which nursing practice is currently measured, a standard that can be applied to the care given by the graduates of all nursing programs. Ultimately, the standard must be the client's/patient's response to this care.

The registered nurse role includes independent, collaborative, dependent, and managerial functions. Each function is to be carried out with consideration for optimum health care and client/patient safety. The registered nurse is accountable for all nursing responsibilities the registered nurse accepts.

All registered nurses have the obligation to meet each standard. The extent to which the standard will be met is relative to the nurse's academic preparation and experience.

History: Effective June 1, 1979; amended effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(15)

54-05-03-07. Nurse practitioner - License renewal. The license for a nurse practitioner shall be valid up to two calendar years and shall be renewed by December thirty-first of the second year. Applicants for renewal of the nurse practitioner license shall pay the relicensure fee of ten dollars, submit evidence of current certification, and shall submit a scope of practice statement for review and approval by the board.

History: Effective October 1, 1980; amended effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(18)

54-05-03-10. Clinical nurse specialist - License renewal. The license for a clinical nurse specialist shall be valid up to two calendar years and shall be renewed by December thirty-first of the second year. Applicants for renewal of the license shall pay the relicensure fee of ten dollars, submit evidence of current certification, and shall submit a scope of practice statement for review and approval by the board.

History: Effective October 1, 1980; amended effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(18)

54-05-03-11. Certified nurse midwife. Nurse midwives who meet the requirements for advanced licensure and hold the appropriate advanced license may use the title "certified nurse midwife" and the abbreviation "C.N.M." in lieu of the designated assigned title for the specific advanced license.

History: Effective March 1, 1986.

General Authority: NDCC 43-12.1-08

Law Implemented: NDCC 43-12.1-08(18)

TITLE 61
Pharmacy, Board of

APRIL 1986

61-03-01-03. Ratings required. Applications for registration by examination will be required to obtain an average rate of seventy-five percent and not less than seventy-five percent in oral examination/practical laboratory and written practice of pharmacy, nor less than sixty percent in any of the following branches: pharmacy, chemistry, pharmacology, pharmaceutical mathematics, and a federal drug law examination as may be required by the board. Score required. An applicant for registration as a pharmacist in North Dakota by examination or reciprocity must obtain a score of seventy-five in any written, oral, or practical laboratory examination required by the board.

History: Amended effective August 1, 1983; June 1, 1986.

General Authority: NDCC 28-32-02, 43-15-10(3), 43-15-10(12), 43-15-10(14), 43-15-19

Law Implemented: NDCC 28-32-03, 43-15-10(3), 43-15-10(12), 43-15-10(14), 43-15-19

STAFF COMMENT: Chapter 61-03-04 contains all new material but is not underscored so as to improve readability.

CHAPTER 61-03-04 CONTINUING PHARMACEUTICAL EDUCATION

Section	
61-03-04-01	Definitions
61-03-04-02	Requirements for Continuing Pharmaceutical Education
61-03-04-03	Approved Continuing Education
61-03-04-04	Advisory Council on Continuing Pharmaceutical Education

61-03-04-01. Definitions.

1. Continuing pharmaceutical education is a planned learning experience beyond a formal degree program designed to promote the continual development of professional knowledge, professional skills, and professional attitudes on the part of the practitioners and includes, but is not limited to, professional postgraduate education in any of the following subjects:
 - a. Properties and actions of drugs and drug dosage forms.
 - b. Etiology, characteristics, and therapeutics of the disease state.
 - c. Pharmacy practice.
 - d. Legal, psychological, and socioeconomic aspects of health care delivery.
2. One continuing education unit (c.e.u.) equals ten hours of instruction.

History: Effective April 1, 1986.

General Authority: NDCC 28-32-02, 43-15-10(12), 43-15-10-(14), 43-15-25.1

Law Implemented: NDCC 28-32-03, 43-15-10(12), 43-15-10(14), 43-15-25.1

61-03-04-02. Requirements for continuing pharmaceutical education.

1. Commencing March 1, 1987, no annual renewal of a certificate of registration may be issued to a pharmacist until such pharmacist has completed at least thirty hours (three c.e.u.) of approved continuing pharmaceutical education during the previous two-year period. Thereafter, each pharmacist shall complete at least thirty hours (three c.e.u.) of approved continuing pharmaceutical education every two years as a condition of renewal of a certificate of registration as a pharmacist in the state of North Dakota. To meet the continuing pharmaceutical education requirements for the period ending March 1, 1987, a pharmacist may use any hours of approved continuing pharmaceutical education obtained during the period from July 1, 1983, to March 1, 1987.
2. There may be no carryover or extension of continuing education units with the exception that continuing education units

obtained twelve months prior to the end of each two-year reporting period may be used in that two-year reporting period or the following reporting period.

3. Pharmacists shall maintain their own records on forms supplied by the board. The records shall be maintained for a two-year period.
4. The requirements of this section do not apply to a pharmacist applying for a first renewal of a certificate of registration.
5. A pharmacist holding a certificate of registration from the board may make application to the board for a waiver of compliance with the continuing pharmaceutical education requirements and may be granted an exemption by the board. No pharmacist holding such an exemption may practice pharmacy in North Dakota until reinstated by the board after completing fifteen hours of continuing pharmaceutical education (one and one-half c.e.u.) during the year before reinstatement.
6. Upon request of the board, proof of compliance must be furnished to the board.

History: Effective April 1, 1986.

General Authority: NDCC 28-32-02, 43-15-10(12), 43-15-10-(14), 43-15-25.1

Law Implemented: NDCC 28-32-03, 43-15-10(12), 43-15-10(14), 43-15-25.1

61-03-04-03. Approved continuing education.

1. Approved continuing pharmaceutical education means those continuing pharmaceutical education programs made available by an approved provider. Postgraduate courses offered by a school or college of pharmacy recognized by the board as an approved school shall constitute approved continuing pharmaceutical education. The board shall maintain a record of approved programs including the hours of credit assigned to each program which shall be available upon request.
2. Approved provider means any association, corporation, educational institution, organization, or person who has been recognized by the American council on pharmaceutical education in accordance with its policy and procedure, as having met its criteria indicative of the ability to provide quality continuing pharmaceutical education programs.

History: Effective April 1, 1986.

General Authority: NDCC 28-32-02, 43-15-10(12), 43-15-10-(14), 43-15-25.1

Law Implemented: NDCC 28-32-03, 43-15-10(12), 43-15-10(14), 43-15-25.1

61-03-04-04. Advisory council on continuing pharmaceutical education.

1. There is hereby established an advisory council to the state board of pharmacy consisting of:
 - a. Two pharmacists appointed by the state board of pharmacy.
 - b. Two pharmacists appointed by the North Dakota state university college of pharmacy.
 - c. Two pharmacists appointed by the North Dakota state pharmaceutical association.
2. The advisory council on continuing pharmaceutical education shall advise the state board of pharmacy in the implementation, coordination, and accreditation of programs of continuing pharmaceutical education and members shall serve without compensation.
3. The advisory council on continuing pharmaceutical education shall meet at least annually, and at such other times as determined by the council. The advisory council shall annually elect a chairman and vice chairman from its membership, and the secretary of the state board of pharmacy shall act as secretary to the council.
4. Membership of each pharmacist on the advisory council on continuing pharmaceutical education shall be for a two-year term, with one of the two pharmacists appointed by the state board of pharmacy, North Dakota state university college of pharmacy, and the North Dakota state pharmaceutical association, to have a term of one year upon the initial appointment of pharmacists to the advisory council, and thereafter shall have a two-year term. The purpose of this requirement is to stagger the membership so that not all members will be replaced at the end of each two-year period.

History: Effective April 1, 1986.

General Authority: NDCC 28-32-02, 43-15-10(12), 43-15-10-(14), 43-15-25.1

Law Implemented: NDCC 28-32-03, 43-15-10(12), 43-15-10(14), 43-15-25.1

TITLE 81
Tax Commissioner

FEBRUARY 1986

81-06.1-01-01. **Definitions.** As used in this article, unless the context otherwise requires, all terms and phrases have the same meaning as defined in the North Dakota Century Code, and, in addition:

1. "Anhydrous alcohol" means qualifying alcohol whose purity is at least ninety-nine percent.
2. "Motor fuel" means all motor vehicle fuels and aviation fuels.
- ~~2-~~ 3. "Public funds" means payment by the United States, state, county, city, township, park district, or other political subdivision.
- ~~3-~~ 4. "Special fuels" include diesel fuel, heating oil, kerosene, jet aviation fuel, propane, butane, agriculturally derived alcohol used pure or blended with another agriculturally derived alcohol, and fuel consisting of a blend of diesel fuel and recovered oil. It does not include gasoline or antifreeze.
5. "Wet alcohol" means qualifying alcohol whose purity is less than ninety-nine percent.

History: Effective June 1, 1984; amended effective December 3, 1985.

General Authority: NDCC 57-43.1-30, 57-43.2-22, 57-43.3-05

Law Implemented: NDCC 57-43.1-01, 57-43.2-01, 57-43.3-01

81-06.1-02-06. Tax reduction, exemption, credit, or refund on gasoline containing alcohol. In order for a motor vehicle fuel dealer to receive a reduction from the motor vehicle fuel tax pursuant to North Dakota Century Code section 57-43.1-02, the dealer must receive a certificate from the alcohol plant which produced anhydrous alcohol for

use in the gasoline blending process. The certificate must state the following:

1. The anhydrous alcohol for gasoline blending was produced from wet alcohol manufactured or distilled from agricultural products produced in the United States or from coal.
2. The anhydrous alcohol for gasoline blending was at least ninety-nine percent alcohol.
3. The name of the state in which the wet alcohol, used to produce the anhydrous alcohol, was manufactured or distilled.

The certificate must also contain a written statement that all the information provided is accurate and must be signed by an authorized representative of the alcohol plant.

In making the certification to the dealer, the following restrictions apply. If wet alcohol manufactured or distilled in one state is upgraded to anhydrous alcohol in another state, the tax reduction, exemption, credit, or refund allowed when the anhydrous alcohol is blended with gasoline and sold in North Dakota is based upon the qualification of the state where the wet alcohol was manufactured or distilled.

If an alcohol plant manufactures or distills wet alcohol from coal or agricultural products and upgrades that wet alcohol to anhydrous alcohol and also upgrades wet alcohol manufactured or distilled in another state to anhydrous alcohol, the tax reduction, exemption, credit, or refund allowed on the gasohol blend containing the anhydrous alcohol produced in that plant is dependent on the qualification of the state where the wet alcohol was manufactured or distilled. When the plant is producing anhydrous alcohol from two separate processes and commingling the production, the plant shall maintain separate book inventories from the two processes. Where only a part of the anhydrous alcohol produced in the plant is sold to North Dakota dealers, the alcohol plant shall provide the purchaser of the anhydrous alcohol with a breakdown of the gallons sold to North Dakota dealers according to the percentage of the anhydrous alcohol produced from each process.

Example No. 1: If a plant located in Iowa manufactures or distills wet alcohol and transports the wet alcohol to Minnesota where it is upgraded to anhydrous alcohol, the tax reduction as applied to gasoline blended with that anhydrous alcohol and sold in North Dakota, is the qualifying Iowa state reduction.

Example No. 2: If a Minnesota plant produces one hundred thousand gallons of anhydrous alcohol by upgrading Iowa wet alcohol and produces one hundred thousand gallons of anhydrous alcohol by upgrading wet alcohol manufactured or distilled from coal or agricultural products and the anhydrous alcohol from each process is commingled, the gasoline blended with anhydrous alcohol sold from the Minnesota plant will be taxed at two rates, fifty percent at the Minnesota reduction and fifty

percent at the Iowa reduction. When the anhydrous alcohol is sold in North Dakota, the alcohol plant shall indicate to the purchaser the portion which was produced from Iowa wet alcohol and the portion which was produced from Minnesota wet alcohol. When the anhydrous alcohol is so commingled, the plant will not be allowed to claim that all the anhydrous alcohol produced from Minnesota wet alcohol was sold in North Dakota while the anhydrous alcohol produced from Iowa wet alcohol was consigned to another state.

History: Effective December 3, 1985.

General Authority: NDCC 57-43.3-05

Law Implemented: NDCC 57-43.3-02

TITLE 84
Treasurer, State

JANUARY 1986

84-02-01-05. Liquor manifesting.

1. All persons sending or bringing liquor into North Dakota shall file a North Dakota Schedule A Report of all shipments and returns for each calendar month with the state treasurer. The report must be postmarked on or before the fifteenth day of the following month.
2. All liquor arriving in North Dakota shall be shipped only to licensed wholesalers pursuant to a Manifest of Liquor Shipment.
3. These manifests shall be prepared in triplicate and sent to the state treasurer, alcohol beverage division, prior to shipment. After registration the treasurer shall mail two copies to the wholesaler concerned. The wholesaler at the time of delivery shall indicate the date of receipt on the original copy of the manifest and promptly send it to the state treasurer, alcohol beverage division. The second copy may be retained by the wholesaler.
4. Where breakage occurs in any shipment, the information on the reverse side of the Manifest of Liquor Shipment will be completed and the office of the state treasurer will be furnished a copy of a Report of Claims in addition to the original manifest.
5. A bill of lading and manifest shall be sent to the state treasurer, alcohol beverage division, for all shipments out of the state by North Dakota liquor wholesalers.
6. Shipments between liquor wholesalers within North Dakota will be accomplished by the transferring wholesaler furnishing the state treasurer a detailed invoice in duplicate.

7. All liquor destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler for delivery to such bona fide federal enclave in North Dakota shall have clearly identified on each individual item that such shall be for consumption within the federal enclave exclusively. Such identification must be in a form and manner prescribed and approved by the state treasurer.

History: Amended effective January 1, 1986.

General Authority: NDCC 5-03-05

Law Implemented: NDCC 5-03-04, 5-03-05

84-02-01-06. Beer suppliers reporting requirements. Beer shall not be sent or brought into North Dakota except to licensed wholesalers. All persons sending beer into North Dakota shall send the state treasurer a copy of the invoice at the time of shipment and file a monthly North Dakota Schedule C Report with the state treasurer. The report shall be postmarked on or before the fifteenth day of the following month.

All beer destined for delivery to a federal enclave in North Dakota for domestic consumption and not transported through a licensed North Dakota wholesaler for delivery to such bona fide federal enclave in North Dakota shall have clearly identified on each individual item that such shall be for consumption within the federal enclave exclusively. Such identification must be in a form and manner prescribed and approved by the state treasurer.

History: Amended effective January 1, 1986.

General Authority: NDCC 5-03-05

Law Implemented: NDCC 5-03-04, 5-03-05

TITLE 87
Veterinary Medical Examiners, Board of

APRIL 1986

87-03-01-03. Prerequisites for taking the certification examination. The prerequisites for taking the certification examination is one of the following:

1. Graduation from a two-year animal health technician training program.
2. Graduation from a one-year animal health technician training program, plus one year of on-the-job training.
- 3- At least two years on-the-job training for any person with no formal training-

History: Effective October 1, 1981; amended effective April 1, 1986.

General Authority: NDCC 43-29-09

Law Implemented: NDCC 43-29-09

