

# **NORTH DAKOTA ADMINISTRATIVE CODE**

Supplement 378

October 2020

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

## TABLE OF CONTENTS

Attorney General.....	1
State Electrical Board.....	7
Game and Fish Department.....	53
Industrial Commission.....	73
Board of Podiatric Medicine.....	125
Education Standards and Practices Board.....	137
Secretary of State.....	199
Department of Human Services.....	259
Real Estate Appraiser Qualifications and Ethics Board.....	269

**TITLE 10**  
**ATTORNEY GENERAL**



## OCTOBER 2020

### CHAPTER 10-16-04

#### 10-16-04-02. Expected prize pool percentages and odds.

The ~~minimum~~ grand prize ~~is forty million dollars and~~ will be determined and announced by the game group. The grand prize is paid on a pari-mutuel basis. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts with these expected prize payout percentages:

<u>Matches Per Play</u>	<u>Prize</u>	<u>Prize Pool Percentage Allocated to Prize</u>	<u>Odds*</u>
5 white + 1 red	Grand prize	68.01%	1:292,201,338
5 white + 0 red	\$1,000,000	8.56%	1:11,688,054
4 white + 1 red	\$50,000	5.48%	1:913,129
4 white + 0 red	\$100	0.27%	1:36,525
3 white + 1 red	\$100	0.69%	1:14,494
3 white + 0 red	\$7	1.21%	1:580
2 white + 1 red	\$7	1.00%	1:701
1 white + 1 red	\$4	4.35%	1:92
0 white + 1 red	\$4	10.44%	1:38

Overall odds of winning a prize on a two dollar play are 1:24.87.

\*Reflects the odds of winning and probable distribution of winning tickets in and among each prize tier, based on the total number of possible combinations.

**History:** Effective February 1, 2004; amended effective November 8, 2005; April 1, 2008; January 4, 2009; January 15, 2012; October 4, 2015; April 9, 2020.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

## CHAPTER 10-16-08

### 10-16-08-02. Expected prize pool percentages and odds.

The ~~minimum~~ grand prize ~~is forty million dollars and~~ will be determined and announced by the game group. The grand prize is paid on a pari-mutuel basis. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts with these expected prize payout percentages:

<u>Matches Per Play</u>	<u>Prize</u>	<u>Prize Pool Percentage Allocated to Prize</u>	<u>Odds**</u>
5 white + 1 gold	Grand prize*	75.30%	1:302,575,350
5 white + 0 gold	\$1,000,000	7.93%	1:12,607,306
4 white + 1 gold	\$10,000	1.07%	1:931,001
4 white + 0 gold	\$500	1.29%	1:38,792
3 white + 1 gold	\$200	1.37%	1:14,547
3 white + 0 gold	\$10	1.65%	1:606
2 white + 1 gold	\$10	1.44%	1:693
1 white + 1 gold	\$4	4.48%	1:89
0 white + 1 gold	\$2	5.46%	1:37

Overall odds of winning a prize on a two dollar play are 1:24.

\* The grand prize is pari-mutuel and will be divided equally by the number of plays winning the grand prize.

\*\* Reflects the odds of winning and probable distribution of winning tickets in and among each prize tier, based on the total number of possible combinations.

**History:** Effective January 31, 2010; amended effective October 19, 2013; October 28, 2017; April 8, 2020.

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-13

## CHAPTER 10-16-12

### 10-16-12-02. Expected prize pool percentages and odds.

The ~~minimum~~ grand prize ~~is two million dollars and~~ will be determined and announced by the game group. The grand prize is paid on a pari-mutuel basis. Except as provided by rule, a set prize must be paid according to these matches per play and prize amounts with these expected prize payout percentages:

<u>Matches Per Play</u>	<u>Prize</u>	<u>Prize Percentage Allocated to Prize</u>	<u>Odds*</u>
5 red/white + 1 blue/white	Grand prize	23.10%	1:25,989,600
5 red/white + 0 blue/white	\$20,000	0.69%	1:2,887,733
4 red/white + 1 blue/white	\$1,000	0.90%	1:110,594
4 red/white + 0 blue/white	\$100	0.81%	1:12,288
3 red/white + 1 blue/white	\$20	0.83%	1:2,404
3 red/white + 0 blue/white	\$5	1.87%	1:267
2 red/white + 1 blue/white	\$5	3.12%	1:160
1 red/white + 1 blue/white	\$2	6.86%	1:29
0 red/white + 1 blue/white	\$2	11.80%	1:17

Overall odds of winning a prize on a one dollar play are 1:9.63.

\*Reflects the odds of winning and probable distribution of winning tickets in and among each prize tier, based on the total number of possible combinations.

**History:** Effective November 12, 2017; [amended effective April 9, 2020](#).

**General Authority:** NDCC 53-12.1-13

**Law Implemented:** NDCC 53-12.1-12



**TITLE 24.1**  
**STATE ELECTRICAL BOARD**



OCTOBER 2020

CHAPTER 24.1-01-01

**24.1-01-01-01. History and functions.**

In 1917 legislation was approved which created a state board of electricians. In 1949 the name of the board was changed to the state electrical board. The board is charged with the responsibility to examine applicants and issue licenses to those having the necessary qualifications and knowledge in the laws of electricity and electrical codes. The board has jurisdiction over all electrical installations. ~~Electrical inspectors authorized by the board~~The executive director may condemn installations hazardous to life and property and order electric service to be discontinued.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 28-32-02.1

**Law Implemented:** NDCC 28-32-02.1

## CHAPTER 24.1-02-01

### 24.1-02-01-02. General statement of policy and interpretative rules.

1. Purpose and scope. The purpose of these standards is the practical safeguarding of persons and of buildings and building contents from electrical hazards arising from the use or control of electricity for light, heat, power, and control thereof ~~and of the~~ fire detection ~~systems~~systems, ~~and power limited systems~~. It covers the electrical ~~conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, railroad right of way and, also the conductors that supply street lighting, with the~~and power limited installations and associated equipment necessary ~~to~~for its safe operation.
2. These standards, based on the National Electrical Code, are the result of years of experience and research to meet the demand for uniform standards to govern electrical and power limited systems wiring in North Dakota, and provide basic rules for intelligent and uniform installation and inspection.
3. All requirements contained herein must be given careful consideration to ensure greatest permanence, convenience, and safety. These standards do not constitute a design specification for any particular installation, or an instruction manual for untrained ~~persons~~individuals. Skill and experience are necessary factors for a safe and adequate wiring installation. Whenever these requirements differ or are in conflict with the requirements of the NFPA 70 2017 edition National Electrical Code and NFPA 101 2015 edition Life Safety Code® through December 31, 2020, and NFPA 70 2020, edition National Electrical Code and NFPA 101 2018 edition Life Safety Code® thereafter, and applicable articles in locally adopted codes or North Dakota State Building Code pertaining to fire detection, fire alarms, fire communications, and smoke detectors, the more restrictive requirements are the minimum.
4. Severability. If any section, sentence or clause, or provision of this chapter or the applicability thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provision to other persons or circumstances are not affected thereby.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-05, 43-09-21, 43-09-22

### 24.1-02-01-03. Administrative powers and duties.

1. The executive director, under the direction of the board, shall administer laws, rules, and wiring standards of this state, the electrical requirements of the NFPA 70 2017 edition National Electrical Code and applicable NFPA 72, 101, 110 2015 edition Life Safety Code® through December 31, 2020, and NFPA 70 2020, edition National Electrical Code and NFPA 72, 101, 110 2018 edition Life Safety Code® thereafter, and applicable articles in locally adopted codes or North Dakota State Building Code pertaining to fire detection, fire alarms, fire communications, and smoke detectors. Whenever any action is taken by the executive director to enforce the provisions of any sections contained in these electrical regulations, the NFPA 70 2017 edition National Electrical Code and NFPA 101 2015 edition Life Safety Code® through December 31, 2020, and NFPA 70 2020, edition National Electrical Code and NFPA 101 2018 edition Life Safety Code® thereafter, such acts must be done in the name of and on behalf of the state.
2. The electrical regulations of these standards, the NFPA 70 2017 edition National Electrical Code and NFPA 101 2015 edition Life Safety Code® through December 31, 2020, and NFPA 70 2020, edition National Electrical Code and NFPA 101 2018 edition Life Safety Code® thereafter, may be modified or waived by special permission in particular cases when such modification or waiver is specifically permitted or in particular cases when an

advancement in the technology of electricity makes such modification or waiver advisable in the best interest of the people of North Dakota. Such "special permission", in all cases, must be obtained from the executive director in writing before to the commencement of the work.

3. Whenever the board is authorized or mandated by law to inspect an electrical installation, the inspector may enter upon land for the purpose of conducting the inspection. Except in emergency circumstances, the inspector shall request permission from the property owner or agent before entering a dwelling, other building, or other place so enclosed as manifestly to exclude intruders. If the landowner refuses to give permission, the board may request the district court of the district containing the property for an order authorizing the inspector to enter the property to conduct the inspection. Emergency circumstances include situations presenting imminent danger to health, safety, or property.

**History:** Effective April 1, 2017; [amended October 1, 2020](#).

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## CHAPTER 24.1-03-01 LICENSING REQUIREMENTS

### Section

24.1-03-01-01	Application, Examination, and Annual License Fees
24.1-03-01-02	Master Electrician
24.1-03-01-03	Journeyman Electrician
24.1-03-01-04	Class B Electrician
24.1-03-01-05	<del>Apprentice</del> Power Limited Electrician
24.1-03-01-06	<u>Provisional Military Spouse Licensure</u>
<u>24.1-03-01-07</u>	<u>Apprentice Electrician</u>
<u>24.1-03-01-08</u>	<u>Power Limited Apprentice Electrician</u>
<u>24.1-03-01-09</u>	Supervision and Responsibilities

### **24.1-03-01-01. Application, examination, and annual license fees.**

1. Upon receiving an application packet for an electrician's license from an applicant, the board shall process and review the applicant's employment verification of electrical construction experience as outlined under this section. Upon final approval of the application by the board, the applicant shall be sent an invitation to take the examination. The invitation shall outline the available testing dates. Upon receiving the invitation, the applicant shall contact the board and inform the board as to the date chosen to take the examination. Examination fees shall be paid separately to the examination testing center provider, if required.
2. ~~The person~~An applicant shall have the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations of the National Electrical Code.
3. The board issues an identification card to currently licensed and registered electricians. This identification card, along with a government-issued picture identification card, shall be in the possession of the electrician when doing electrical work. If the identification card is misplaced or destroyed, a replacement charge to cover board costs shall be imposed.
4. The application fees are as follows:

a.	Master <u>license</u>	\$50.00
b.	Journeyman <u>license</u>	\$25.00
c.	Class B <u>license</u>	\$40.00
d.	<u>Apprentice registration</u>	<u>\$10.00</u>
e.	<u>Power limited license</u>	<u>\$50.00</u>
f.	<u>Power limited apprentice registration</u>	<u>\$10.00</u>
5. Effective November 1, 2020, annual renewals must be submitted electronically through the board's website.

The ~~annual~~license and registration or annual renewal fees are as follows:

a.	Master license	\$50.00	Expires April thirtieth.
b.	Journeyman license	\$25.00	Expires March thirty-first.
c.	Class B license	\$40.00	Expires April thirtieth.

d.	Apprentice registration	\$10.00	January thirty-first.
e.	Power limited license	\$50.00	Expires April thirtieth.
f.	Power limited apprentice registration	\$10.00	January thirty-first.

Expired licenses and registrations shall require a reinstatement fee equal to the annual fee.

~~6. Licenses renewed after the expiration date require a reinstatement fee as follows:~~

- ~~a. Master license \$50.00.~~
- ~~b. Journeyman license \$25.00.~~
- ~~c. Class B license \$40.00.~~
- ~~d. Apprentice registration \$10.00.~~

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-13, 43-09-21, 43-09-22

#### **24.1-03-01-02. Master electrician.**

A master electrician shall have at least two thousand hours of experience working as a licensed journeyman electrician under the supervision of a contracting master electrician or master of record. There are three categories of master electricians, which are as follows:

1. A contracting master is ~~a person~~ an individual responsible to adhere to all laws and rules of the North Dakota wiring standards and has shown proof of liability insurance.
2. A master of record is ~~a person~~ an individual responsible to adhere to all laws and rules of the North Dakota wiring standards for the partnership, company, corporation, limited liability company, or association and has shown proof of liability insurance that the master of record is covered by the organization. The master of record is not allowed to work on other property other than property owned or leased by the organization.
3. A noncontracting master is ~~a person~~ an individual responsible to adhere to all laws and rules of the North Dakota wiring standards and has the same responsibility as a journeyman electrician. Electrical work shall be done under the supervision of a contracting master or master of record.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-03-01-03. Journeyman electrician.**

A journeyman electrician shall have completed eight thousand hours experience, which experience may not be obtained in less than three years, registered as an apprentice electrician (of which up to three thousand hours may apply under the qualifications of a class B electrician) under the supervision of a contracting master or master of record licensed electrician in an area where electrical construction work is done in ~~the a~~ jurisdiction ~~regulating~~ with similar licensing and inspection rules ~~of~~ to the state of North Dakota, and successfully completed apprentice electrician training. Two thousand hours credit may be granted for a graduate of a two-year or more electrical school accepted by the board. Practical

experience consists of a minimum of four thousand hours and a maximum of eight thousand hours credit may be granted for wiring and installing electrical wiring, apparatus, and equipment. Practical electrical experience gained through a contracting master electrician also consists of an apprentice completing ~~an approved bureau of apprenticeship~~ a board-approved training program. Credit allowed in other areas may include any combination of the following:

1. A maximum of one thousand hours credit for repairing electrical wiring, apparatus, and equipment and light, heat, and power.
2. A maximum of one thousand hours credit for wiring fire alarm technology circuits or systems;
3. A maximum of two thousand hours credit for wiring process control circuits or power limited systems; and
4. A maximum of two thousand hours credit of electrical construction experience gained in the armed forces of the United States which the board has determined is equivalent to work performed under the supervision of a North Dakota licensed electrical contractor.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-03-01-05. ~~Apprentice~~Power limited electrician.**

~~There are two categories of apprentice electrician training:~~

- ~~1. Apprentice electricians who have successfully completed at least two years of electrical school approved by the board.~~
- ~~2. Apprentice electricians who have successfully completed five hundred seventy-six hours of training classes recognized by the United States department of labor office of apprenticeship. An unlicensed electrician who has prior experience outside of the state of North Dakota may take a placement examination equal to the verification of practical experience obtained in order to apply credit toward the verification of hours. If the electrician fails the placement examination, the electrician is ineligible to retake the examination. An appeal would need to be submitted in writing to the board.~~

~~An apprentice electrician who has not successfully completed training as stated in subsections 1 or 2 is required to be registered with the board, but is not eligible to take the journeyman or class B license examination. If the person receives a license from another state based on the verification that the majority of practical experience was obtained in the state of North Dakota the person will not be eligible for examination for licensure or a reciprocal license.~~

A power limited electrician shall have completed six thousand hours experience, which experience may not be obtained in less than two and one-half years, registered as a power limited apprentice electrician under the supervision of a contracting master, master of record, contracting power limited, or a power limited electrician of record. Experience must be obtained where power limited electrical construction work is done in a jurisdiction with similar licensing and inspection rules to the state of North Dakota. The board also may approve licenses based on power limited education or a board-approved tradesman certification. Classification types of a power limited electrician must be defined by the board. There are three categories of power limited electricians, which are as follows:

1. A contracting power limited electrician is an individual responsible to adhere to all laws and rules of the North Dakota wiring standards and has shown proof of liability insurance.

2. A power limited electrician of record is an individual responsible to adhere to all laws and rules of the North Dakota wiring standards for the partnership, company, corporation, limited liability company, or association and has shown proof of liability insurance that the power limited electrician of record is covered by the organization. The power limited electrician of record is not allowed to work on other property other than property owned or leased by the organization.

3. A noncontracting power limited electrician is an individual responsible to adhere to all laws and rules of the North Dakota wiring standards. Power limited electrical work must be done under the supervision of a contracting master, master of record, or a contracting power limited electrician or a power limited electrician of record.

**History:** Effective April 1, 2017; amended effective January 1, 2018; October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC ~~43-09-21, 43-09-22~~43-09-11

**24.1-03-01-06. ~~Supervision and responsibilities~~Provisional military spouse licensure.**

~~1. A licensed electrician shall supervise not more than three apprentices. Any person over sixteen years of age may work as an apprentice under a licensed master or class B electrician, but the master or class B electrician shall not allow an apprentice to work on any installation without direct constant supervision by a North Dakota licensed electrician working with the apprentice at the worksite.~~

~~2. When an apprentice electrician is found to be doing electrical work not under the direct supervision of a licensed electrician, an investigative fee may be charged to cover the costs incurred by the board. Costs are to be calculated at a rate of fifty dollars per hour and mileage rates currently allowed by North Dakota Century Code section 54-06-09 per mile of travel.~~

~~3. Electrical contractors shall maintain records of all employees who are or will be performing electrical work for that electrical contractor and shall permit the electrical board to examine and copy all such records as required by this section. It is the responsibility of the master or class B electrician to ensure all employees who are or will be performing electrical work for that electrical contractor either be licensed electricians or registered apprentices with the board.~~

~~4. Any master or class B electrician who fails or refuses to comply with this section or who fails or refuses to comply or demonstrate compliance with this section at the request of the board or its representative shall subject that person's license to nonrenewal, suspension, or revocation by the board.~~

~~5. A master or class B electrician may exercise that person's privileges as a licensed master or class B electrician for no more than one shop or business, and shall comply with provisions as required for contracting with the secretary of state's office as stated in North Dakota Century Code chapter 43-07. A master or class B electrician must be actively engaged in the supervision of every project certified under that electrician's license. A master or class B electrician shall notify the board office immediately upon changing from contracting status to noncontracting status for the shop or business they represent.~~

~~6. Maintenance personnel regularly employed by the owner may maintain or make minor repairs to existing electrical wiring devices and appliances, but are precluded from extending or changing the characteristics of existing circuits, feeders, or other electrical apparatus.~~

See North Dakota Century Code section 43-51-11.1

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC ~~43-09-21, 43-09-22~~43-51-11.1

**24.1-03-01-07. Apprentice electrician.**

There are two categories of apprentice electrician training:

1. Apprentice electricians who have successfully completed at least two years of electrical school approved by the board.
2. Apprentice electricians who have successfully completed five hundred seventy-six hours of training classes recognized by the board. An applicant who has prior experience outside of the state of North Dakota may take a placement examination to verify the practical experience obtained in order to apply credit toward the verification of hours. If the applicant fails the placement examination, the applicant is ineligible to retake the examination. An appeal may be submitted in writing to the board within thirty days.

An apprentice electrician who has not successfully completed training as stated in subsection 1 or 2 is required to be registered with the board, but is not eligible to take the journeyman or class B license examination. If the individual receives a license from another state based on the verification that the majority of practical experience was obtained in the state of North Dakota the individual is not eligible for examination for licensure or a reciprocal license.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-11, 43-09-15.1

**24.1-03-01-08. Power limited apprentice electrician.**

A power limited apprentice electrician shall meet the following requirements to be eligible for examination:

1. A power limited apprentice must be registered with the board under the same classification as the power limited electrician under whom the apprentice will be working and have completed six thousand hours of work experience under the direct supervision of a power limited electrician; or
2. A power limited apprentice must possess a valid board recognized tradesman certification. An applicant who has prior experience outside of the state of North Dakota may take a placement examination to verify the practical experience obtained in order to apply credit toward the verification of hours. If the applicant fails the placement examination, the applicant is ineligible to retake the examination. An appeal may be submitted in writing to the board within thirty days.

A power limited apprentice electrician who has not complied as stated in subsection 1 or 2 is not eligible to take the power limited electrician license examination. If the individual receives a license from another state based on the verification that the majority of practical experience was obtained in the state of North Dakota, the individual is not eligible for examination for licensure or a reciprocal license.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-11, 43-09-13.1

#### 24.1-03-01-09. Supervision and responsibilities.

1. A licensed electrician shall supervise not more than three apprentices. Any individual over sixteen years of age may work as an apprentice under a licensed master, class B, or power limited electrician, but the master, class B, or power limited electrician may not allow an apprentice to work on any installation without direct constant supervision by a North Dakota licensed electrician working with the apprentice at the worksite.
2. When an apprentice is found to be doing electrical or power limited work not under the direct supervision of a licensed electrician, an investigative fee may be charged to cover the costs incurred by the board. Costs are to be calculated at a rate of fifty dollars per hour and mileage rates currently allowed by North Dakota Century Code section 54-06-09 per mile of travel.
3. Contractors shall maintain records of all individuals who are or will be performing electrical or power limited work for that contractor and shall permit the electrical board to examine and copy all such records as required by this section. It is the responsibility of the master, class B, or power limited electrician to ensure all individuals who are or will be performing electrical or power limited work for that contractor either be licensed electricians or registered apprentices with the board. Credit may not be given for hours spent working under a power limited electrician to any applicant for a master, journeyman, or class B electrician license.
4. Any master, class B, or power limited electrician who fails or refuses to comply with this section or who fails or refuses to comply or demonstrate compliance with this section at the request of the board or its representative shall subject that individual's license to nonrenewal, suspension, or revocation by the board.
5. A master, class B, or power limited electrician may exercise that person's privileges as a licensed master, class B, or power limited electrician for no more than one shop or business, and shall comply with provisions as required for contracting with the secretary of state's office as stated in North Dakota Century Code chapter 43-07. A master, class B, or power limited electrician must be actively engaged in the supervision of every project certified under that electrician's license. A master, class B, or power limited electrician shall notify the board office immediately upon changing their status for the business they represent.
6. Maintenance personnel regularly employed by the owner or property manager may maintain or make minor repairs to existing electrical wiring devices and appliances, but are precluded from extending or changing the characteristics of existing circuits, feeders, or other electrical apparatus.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-05-15, 43-09-18, 43-09-21

**ARTICLE 24.1-04**  
**~~CONTINUING~~-EDUCATION**

Chapter  
24.1-04-01 ~~Continuing~~-Education Requirements

**CHAPTER 24.1-04-01**  
**~~CONTINUING~~-EDUCATION REQUIREMENTS**

Section  
24.1-04-01-01 ~~Course~~Education Requirements for ~~License~~Licensure and Renewal  
24.1-04-01-02 ~~Course~~Class Approvals  
24.1-04-01-03 Instructor Qualifications  
24.1-04-01-04 Education Advisory Committee

**24.1-04-01-01. ~~Course~~Education requirements for ~~license~~licensure and renewal.**

No master, journeyman, power limited, or class B electrician license will be renewed unless proof of eight continuing education hours have been submitted, of which a minimum of fifty percent of the hours shall be based on the NFPA 70 2017 edition National Electrical Code through December 31, 2020, and NFPA 70 2020 edition National Electrical Code thereafter. The remaining credits shall be subjects related to the electrical industry. Approval of the course~~education~~ curriculum is required by the board.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

**24.1-04-01-02. ~~Course~~Class approvals.**

1. ~~Courses, seminars~~Classes, apprenticeship programs, and instructors shall have prior approval by the board ~~to receive credit. Request for approval of courses, seminars, and instructors and requests for approval~~ shall be made no later than thirty days prior to class instruction. Board approval of ~~courses, seminars, continuing education classes~~ and instructors accepted expires when the board adopts an updated edition of the National Electrical Code. Approved apprenticeship programs shall be reviewed at intervals set by the board.
2. Application for approval of ~~courses~~educational classes and instructors shall be on a form provided by the board. A complete description (detailed curriculum outlining the subject matter along with the time and sequence of each item) and copies of all materials provided to the attendants shall be submitted. All educational classes shall meet minimum education requirements set by the board.
3. ~~Continuing education~~Education programs held in other states may be considered for credit if the program meets the requirements of the board.
4. The board shall be notified in writing no later than fifteen days prior to the date, time, and location of the ~~presentation~~class. A representative of the board shall be entitled to attend without charge and have the authority to audit or review ~~continuing—education presentations~~classes.
5. The board may withdraw approval of any educational ~~program~~classes not in compliance with this section.
6. The provider of the ~~presentation~~class shall forward an attendance list to the board on a form supplied by the board within fifteen days following the ~~presentation~~class. A certificate of completion shall also be provided to each ~~licensee in attendance~~attendee. Each certificate of completion and attendance list shall include the name of the provider, the name of the

instructor, the ~~course~~class identification number, the date and location of ~~presentation~~the class, and the number of code and noncode hours of instruction for ~~continuing~~ education units. For all classes, include the electrician's attendee's name, and the electrician's license or registration number, and last four digits of the electrician's social security number. It is the responsibility of the ~~licensee~~attendee to have a copy of this certificate of completion. The certificates shall be sent to the board only if requested ~~to do so~~ by the board. The provider shall be responsible to keep accurate attendance by periodically checking attendees during the class. For providers that conduct continuing education classes in North Dakota, the attendance record shall be submitted ~~electronically through~~to the board's website~~board as required~~.

7. Continuing education credits can be deposited with the board for a period up to two license renewal periods. Continuing education credits will not be given for attending the same continuing education class more than once in a code cycle (example: same sponsor, same title, and same ~~course~~class approval number).

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-04-01-03. Instructor qualifications.**

Instructors shall submit their qualifications to the board before the ~~presentation of the course or seminar~~class. ~~Courses~~Classes may not be approved unless the instructor has one or more of the following qualifications:

1. A master electrician with at least one year's experience in electrical inspection.
2. A journeyman or master electrician who is certified as an instructor through a vocational education department.
3. ~~A person~~An individual with a valid teaching accreditation from a trade or technical school, college, or university teaching an electrical curriculum.
4. A registered or licensed electrical engineer with at least four years' experience in design of premise electrical wiring systems.
5. A representative from the national fire prevention association, testing laboratories, international association of electrical inspectors, and other product manufacturer representatives with five years' practical experience in the subject taught.
6. Instructor of an apprenticeship training program.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-04-01-04. Education advisory committee.**

1. The board shall form an education advisory committee to review educational classes and programs required by the board.
2. The committee shall develop minimum requirements in the area of study for the electrical education of individuals registered and licensed by the board.
3. The committee shall review the approved classes and programs every five years or as necessary and submit a report to the board for final approval.

4. The executive director shall preside over the committee meetings.
5. The committee shall meet as deemed necessary, but no less than once per year.
6. Committee members may be reimbursed expenses of mileage and travel as per North Dakota Century Code sections 44-08-04 and 54-06-09.
7. The education advisory committee members may consist of individuals selected from the following categories:
  - a. The executive director of the board.
  - b. The training administrator of the board.
  - c. A representative from a North Dakota college-approved electrical degree program.
  - d. A representative from a North Dakota college-approved off-campus electrical correspondence or online program.
  - e. A North Dakota registered professional electrical engineer.
  - f. A North Dakota master electrician who is certified as an instructor through a vocational education department.
  - g. A North Dakota journeyman electrician who is certified as an instructor through a vocational education department.
  - h. A North Dakota power limited electrician who is certified as an instructor through a vocational education department.
  - i. An individual having experience with an apprenticeship training program.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-07, 43-09-15.1

## CHAPTER 24.1-05-01

### 24.1-05-01-01. Electrical certificates.

1. All electrical installations, including ~~new jobs and additional work on old installations, made in this state~~ power limited system installations defined by the National Electrical Code Special Occupancies, articles 500 through 517, with a value of five hundred dollars or more, must have an electrical wiring certificate ~~or e-cert (electronic version of a wiring certificate) properly executed and~~ submitted by the master ~~or~~ class B, or power limited electrician supervising the installation ~~of electrical wiring. The board shall prescribe an e-cert form for a master or class B electrician licensed on or after the effective date of these rules~~ on a form prescribed by the board. A project with multiple address locations requires an electrical wiring certificate for each location.
2. Before work commences on any electrical installation when a new entrance is installed, an existing entrance is altered or repaired, a building is moved, when a mobile home feeder is installed, or when the cost of the repair work or additional installation exceeds five hundred dollars, the master or class B electrician supervising such installation shall submit an electrical wiring certificate and distribute as follows:
  - a. A startup copy of the certificate must be submitted to the board and a copy to the power company before work is commenced and before an electrical installation may be energized.
  - b. Within fifteen days of completion, use, or occupancy, whichever is first, the final paperwork must be submitted to the office of the board, along with the proper fee. The wiring certificate must be completed with the location and a proper description of work completed.
  - c. A copy must be retained by the master ~~or~~ class B, or power limited electrician.
  - d. A copy must be left in or on the panel or given to the owner.
3. Certificates with job cost of twenty thousand dollars or less are valid twelve months from the original filing date. A new wiring certificate must be filed on all unfinished work.
4. E-certs are available upon request and submission of an application from any master ~~or~~ class B, or power limited electrician holding a proper current license from the board. Electrical (paper) wiring certificates are available until August 31, 2020, or the effective date of the 2020 Laws, Rules & Wiring Standards. The master ~~or~~ class B, or power limited electrician is responsible for all certificates issued to and by that person. A charge of twenty-five dollars to cover board costs must be assessed on each lost electrical paper wiring certificate issued to any master ~~or~~ class B, or power limited electrician, unless returned to the board.
5. Whenever an electrical installation made by or under the supervision of a master ~~or~~ class B, or power limited electrician is commenced or in use without submitting an electrical wiring certificate, as directed in subsection 2, the certificate may be considered late and the normal inspection fee, as required under this section, is increased in the amount of fifty dollars. In addition when time and travel are expended by employees of the board to obtain a late certificate, an investigative fee may be charged to cover the costs incurred. Costs are to be calculated at a rate of fifty dollars per hour and mileage rates currently allowed by North Dakota Century Code section 54-06-09 per mile of travel.
6. Property owners who are self-wiring or doing their own electrical work shall comply with the following before any electrical work commences:
  - a. Notify the board office of intent to self-wire.

- b. Must own and occupy the residential property or farmstead where the electrical work will be done.
- c. Review plans or drawings depicting wiring to be done with the local electrical inspector.
- d. Inspection fees will be calculated as stated in this section with a minimum of fifty dollars.
- e. Certification and inspection are required as stated in this section.

**History:** Effective April 1, 2017; amended effective January 1, 2018; October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

**24.1-05-01-02. Fees.**

1. The electrical and power limited systems inspection fee shall be based on the total amount of the ~~electrical~~ contract or total cost to the owner, including extras. This includes power limited systems in National Electrical Code chapter 5 special occupancies, articles 500 through 517. The following items need not be included in the cost:
  - a. Appliances, including dishwashers, heat pumps, air-conditioners, disposals, and similar equipment.
  - b. Heating, ventilating, and air-conditioning (HVAC) units.
  - c. Electric motors, PLC, generators; and
  - d. Industrial machines.
2. The ~~electrical~~ contractor is responsible to collect the proper inspection fee on each installation. When the owner furnishes the material and the ~~electrical~~ contractor furnishes the labor, the owner shall provide the ~~electrical~~ contractor with the total amount expended for ~~electrical~~ materials used in connection with the installation, and the ~~electrical~~ contractor shall then calculate and collect the necessary inspection fee from the owner. Whenever ~~electrical~~ materials are donated or removed from an existing installation and placed at another location or labor is donated to an installation, the ~~electrical~~ contractor shall estimate the cost of these materials and labor and include the amount in the job cost for the purpose of calculating the proper inspection fee. The contractor shall maintain all job-related records for a minimum of four years and shall permit the board to examine and copy all such records as requested.
3. It shall be grounds for discipline of a master-~~or~~, class B, or power limited electrician's license if it is discovered that they charged or collected from the customer an electrical inspection fee greater than the fee actually in effect.
4. ~~Inspection~~Effective October 1, 2020, inspection fees shall be as follows:

Job Cost:	Inspection Fee:
Up to \$500.00	<del>\$25.00</del> <u>\$50.00</u> (minimum fee)
\$500.00 to <del>\$3,000.00</del> <u>\$20,000.00</u>	<del>\$25.00</del> <u>\$50.00</u> for the first \$500.00 plus <del>2%</del> <u>1.25%</u> on balance up to <del>\$3,000.00</del> <u>\$20,000.00</u>
<del>\$3,000.00 to \$10,000.00</del>	<del>\$79.00 for the first \$3,000.00 plus 1.5% on balance up to \$10,000.00</del>
<del>\$10,000.00 to \$15,000.00</del>	<del>\$184.00 for the first \$10,000.00 plus 1% on balance</del>

	<del>up to \$15,000.00</del>
<del>\$15,000.00 to \$100,000.00</del>	<del>\$234.00 for the first \$15,000.00 plus 1/2 of 1% on balance up to \$100,000.00</del>
Over <del>\$100,000.00</del> <u>\$20,000.00</u>	<del>\$659.00</del> <u>\$293.75</u> for the first <del>\$100,000.00</del> <u>\$20,000.00</u> plus <del>1/4</del> <u>1/10</u> of 1% on balance <u>over \$20,000.00</u>

Effective July 1, 2024, inspection fees shall be as follows:

<u>Job Cost:</u>	<u>Inspection Fee:</u>
<u>Up to \$500.00</u>	<u>\$50.00 (minimum fee)</u>
<u>\$500.00 to \$20,000.00</u>	<u>\$50.00 for the first \$500.00 plus 2% on balance up to \$20,000.00</u>
<u>Over \$20,000.00</u>	<u>\$440.00 for the first \$20,000.00 plus 1/10 of 1% on balance over \$20,000.00</u>

5. Companies having supervision of elevators, dumbwaiters, electrically driven irrigation machine or out-of-state structures or skids installed in North Dakota shall submit reports to the board. The report shall be completed, signed by owner or manager, and forwarded to the board with the inspection fee. The inspection fee shall be as follows:
  - a. Elevators and dumbwaiters having horsepower rating up to 5 horsepower - \$25.00
  - b. Elevators and dumbwaiters having horsepower rating 5 horsepower through 15 horsepower - \$40.00
  - c. Elevators and dumbwaiters having horsepower rating over 15 horsepower - \$60.00
  - d. Electrically driven irrigation machines - \$50.00
  - e. Out-of-state structures or skids - Based on inspection fee schedule.
6. Whenever a correction order is written and corrections are not completed within the allotted time, there shall be an administration charge of fifty dollars, which shall be paid to the board by the master-~~of~~, class B, or power limited electrician.
7. All reinspections shall be paid for by the ~~electrical~~ contractors at a ~~cost of fifty dollars per hour with a~~ minimum charge of one hundred dollars. In addition, an investigative fee may be charged to cover the costs incurred to be calculated at a rate of fifty dollars per hour and mileage rates currently allowed by North Dakota Century Code section 54-06-09 per mile of travel.
8. For inspections not covered in this section or special services, the fee shall be fifty dollars per hour, including travel time, plus mileage rates currently allowed by North Dakota Century Code section 54-06-09 per mile traveled.

**History:** Effective April 1, 2017; amended effective January 1, 2018; October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-05-01-03. Carnivals, circuses, fairs, and similar events.**

1. All carnivals, circuses, fairs, and similar events shall comply with article 525, 2017 edition, National Electrical Code through December 31, 2020, and article 525, 2020 edition, National Electrical Code thereafter.
2. All installations shall be approved by the electrical inspector before usage.
3. Each carnival, circus, fair, or similar event operating or intending to operate in North Dakota shall notify the North Dakota State Electrical Board, P.O. Box 7335, Bismarck, North Dakota 58507-7335, each year of its itinerary and make application for the initial inspection thirty days before the first engagement in the state. Failure to notify the board may result in expenses incurred for excess time and travel to inspect these installations.
4. The fee shall be paid to the inspector at the first engagement or inspection as follows:
  - a. \$15.00 each ride or concession;
  - b. \$15.00 reinspection fee on each unit, if required; and
  - c. \$50.00 each transformer or generator truck.
5. Each ride or concession wired properly will be issued a certification of compliance, serving for an entire season, subject to subsequent inspections.
6. Minor code violations will be issued a correction order with instructions to correct each violation before the next engagement. A reinspection will be required.
7. The electrical inspector is empowered to write a correction order for immediate compliance should the inspector find a condition dangerous to life and property.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## ARTICLE 24.1-06 ELECTRICAL WIRING STANDARDS

Chapter	
24.1-06-01	General Requirements
24.1-06-02	Wiring and Protection
24.1-06-03	Wiring Methods and Materials
24.1-06-04	Appliances
24.1-06-05	Special Occupancies
<u>24.1-06-06</u>	<u>Special Equipment</u>

### CHAPTER 24.1-06-01

#### **24.1-06-01-20. Water damaged electrical equipment.**

Water damaged electrical equipment wiring and equipment exposed to water damage must comply with the following:

1. All breaker panel boards, breakers, fuses, disconnect switches, controllers, receptacles, switches, light fixtures, and electric heaters that have been submerged or exposed to water damage must be replaced or all electrical equipment, switchgear, motor control centers, boilers and boiler controls, electric motors, transformers, and other similar equipment, such as appliances, water heaters, dishwashers, ovens, and ranges that have been submerged must be reconditioned by the original manufacturer or by its approved representative or replaced.
2. Electrical wiring may require replacement depending on the type of wire or cable and what application it was listed for.
3. Splices and terminations must be checked to ensure compliance with article 110.14, 2017 edition, National Electrical Code through December 31, 2020, and article 110.14, 2020 edition, National Electrical Code thereafter.
4. Energized electrical panels that have been submerged must be de-energized to prevent loss of life and property.

Other recommendations can be found in "Guidelines for Handling Water Damaged Electrical Equipment" published by the national electrical manufacturers association (NEMA).

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-06-01-30. Markings of means of egress, illumination of means of egress, and emergency lighting.**

The purpose of this section is to provide marking of means of egress, illumination of means of egress, and emergency lighting of means of egress. Installations must comply with the requirements of NFPA 101® (7.10.6 and 7.10.7), Life Safety Code®, 2015 edition through December 31, 2020, and NFPA 101® (7.10.6 and 7.10.7), Life Safety Code®, 2018 edition thereafter or more stringent locally adopted codes. A condensed guide is included in the appendix for convenience, for complete and official information refer to the applicable standard.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

**24.1-06-01-40. Smoke alarms, heat alarms, fire alarm systems, and carbon monoxide alarm requirements for evacuation and life safety.**

Alarm systems stated in this section shall be installed in accordance with the locally adopted codes or the State Building Code and state fire code under the supervision of a master or class B electrician. In new construction, all alarm systems shall receive their primary power from the building wiring and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

1. Dwelling units, congregate residences, and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke alarms. Alarms shall be installed in accordance with the approved manufacturer's instructions.
  - a. When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Smoke alarms shall be installed in the following locations:
    - (1) In each sleeping room.
    - (2) Outside each separate sleeping area in the immediate vicinity of the ~~bedrooms~~sleeping rooms.
    - (3) On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
    - (4) In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by twenty-four inches [60.96 centimeters] or more, smoke alarms shall be installed in the hallway and in the adjacent room.
  - b. Heat alarms. For new construction, an approved heat alarm shall be installed in the attached single tenant garage of a residence and interconnected with the smoke alarms within the residence.
  - c. Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detectors and audible notification device installed as required by this section for smoke alarms, shall be permitted. The household fire alarm system shall provide the same level of smoke detection and alarm as required by this section for smoke alarms. Where a household fire warning system is installed using a combination of smoke detector and audible notification device, it shall become a permanent fixture of the occupancy and owned by the homeowner. The system shall be monitored by an approved supervising station and be maintained in accordance with NFPA 72 upper level.
2. Apartment houses, hotels, and congregate residences shall be provided with a manual and automatic fire alarm system in accordance with the requirements of locally adopted codes or the State Building Code and state fire codes.
3. An approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

A table in the appendix is offered as a condensed guide for convenience. For further information consult the locally adopted codes or the State Building Code and state fire codes.

**History:** Effective April 1, 2017; [amended effective October 1, 2020](#).

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## CHAPTER 24.1-06-02

### 24.1-06-02-10. (NEC 210) Branch circuits.

Branch circuits shall comply with article 210, 2017 edition, National Electrical Code through December 31, 2020, and article 210, 2020 edition, National Electrical Code thereafter.

1. The total connected load shall be divided as evenly as practicable, between the two ungrounded conductors of a threewire system and three conductors of a four-wire wye system.
2. AIn a dwelling unit, a separate circuit with disconnect shall be provided for the purpose of operating or controlling electrical equipment ~~on~~for primary source heating units. Wiring requirements for fixed electrical space heating equipment is provided under article 424, 2017 edition, National Electrical Code through December 31, 2020, and article 424, 2020 edition, National Electrical Code, thereafter.
3. A minimum of six 20-amp small appliance branch circuits shall be installed for counter receptacles in kitchens that may be used to serve public gatherings at schools, churches, lodges, and similar buildings. Any island counter in these locations shall have at least one receptacle.
4. In dwelling occupancies. A minimum of three 20-amp small appliance branch circuits shall be installed to supply receptacle outlets in kitchen, pantry, dining room, and breakfast room. These circuits shall not supply other outlets and shall have conductors not smaller than no. 12. Two of these circuits shall supply receptacle outlets on or near work counter area and so arranged that adjacent receptacles are not on the same circuit.
5. In dwelling occupancies, one 20-amp bathroom circuit for receptacles shall not feed more than two bathrooms.
6. Fifteen and twenty ampere ~~125-volt~~ receptacles supplying sewer pumps and sump pumps shall not need arc fault circuit protection, but shall be ground-fault protected or a single receptacle ~~shall be installed in an enclosure that is lockable~~on a dedicated circuit.
7. Fifteen and twenty ampere ~~125-volt~~ receptacles supplying power for garage door openers located in attached or detached garages associated with dwelling units shall be ground-fault protected or a single receptacle installed.
8. Portable cleaning equipment receptacle outlets shall be installed in corridors and located so that no point in the corridor along the floor line, measured horizontally, is more than twenty-five feet [7.62 meters] from an outlet.
9. Exception: 2017 edition, National Electrical Code through December 31, 2020, and 2020 edition, National Electrical Code thereafter, article 210.11(C)(4): Requirements shall not include buildings two hundred fifty square feet or smaller.
10. Exception: 2017 edition, National Electrical Code through December 31, 2020, and 2020 edition, National Electrical Code thereafter, article 210.12(A): AFCI protection is not required for ~~refrigeration~~the following:
  - a. Refrigeration appliances if a single receptacle on a dedicated circuit is installed;
  - b. Furnaces used for main heating source.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

**24.1-06-02-30. (NEC 230) Services.**

Electrical services shall comply with article 230, 2017 edition, National Electrical Code, through December 31, 2020, and article 230, 2020 edition, National Electrical Code thereafter.

1. Perpendicular mast used for support of a service may not be less than two-inch [5.08-centimeter] galvanized rigid steel conduit or intermediate metal conduit, fitted with storm collar flashing.
2. Outside switch location. The equipment may not be mounted lower than two feet [.6096 meter] above grade level unless listed for such purpose. If installed outside, the service or services must be installed on the structure or within ten feet of the structure.
3. All services in single-family dwellings must be located in a single accessible location.

Exception: Special permission may be granted by the electrical inspector for a second service location to be added where there is no available space for the service equipment. The second service location must be installed in accordance with article 230.2, 2017 edition, National Electrical Code, through December 31, 2020, and article 230.2, 2020 edition, National Electrical Code thereafter.

4. Rating of service switch. Any new or old single-family dwelling where the main house panel or service is altered or repaired, the dwelling is moved, or where the dwelling is rewired, a minimum one hundred ampere service-rated panel must be installed. Replacement of service mast or meter enclosure is an alteration of the service.
  - a. A one hundred ampere main house panel must be installed using ungrounded conductors sized for the proper ampacity. The panel must contain provisions for a minimum of twenty full-sized branch circuit spaces.
  - b. A greater than one hundred ampere but less than two hundred ampere main house panel must be installed using ungrounded conductors sized for the proper ampacity. The panel or panels must contain provisions for a minimum of thirty full-sized branch circuit spaces.
  - c. A two hundred ampere or larger main house panel must be installed using ungrounded conductors sized for the proper ampacity. The panel or panels must contain provisions for a minimum of forty full-sized branch circuit spaces.
  - d. Service and feeder calculation for electric heating loads must be sized to one hundred twenty-five percent of the full load rating.
5. For the purpose of separating services within one building, each portion of a building separated by one or more fire walls must be considered a separate building as defined by the locally adopted codes or the State Building Code and state fire codes.

6. 230.67 surge protections for dwelling unit services is not required.

**History:** Effective April 1, 2017' amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

**24.1-06-02-40. (NEC 240) Overcurrent protection.**

Overcurrent protection must comply with article 240, 2017 edition, National Electrical Code through December 31, 2020, and article 240, 2020 edition, National Electrical Code thereafter.

1. Exterior overcurrent devices must be located at a height of no less than two feet [.6096 meters] above grade level to the bottom of the enclosure.

Exception: If raising the switch would exceed the height requirements of NEC 240.24(A).

2. Switchboards and panel boards may not be located in bathrooms, clothes closets, stairways, or crawl spaces.

**History:** Effective April 1, 2017; [amended effective October 1, 2020](#).

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-06-02-50. (NEC 250) Grounding and bonding.**

Grounding and bonding must conform to article 250, 2017 edition, National Electrical Code [through December 31, 2020, and article 250, 2020 edition, National Electrical Code thereafter](#).

1. At motor connections, a bonding jumper sized in accordance with table 250.122, 2017 edition, National Electrical Code [through December 31, 2020, and table 250.122, 2020 edition, National Electrical Code thereafter](#), must be provided around all flexible conduit. The bonding jumper is not required if a separate grounding conductor is included.
2. Grounding of metal outdoor lighting standards.
  - a. Definition of lighting standard is a pole exceeding twelve feet [3.66 meters] in height measured from the bottom of the base or from the intended grade level of poles.
  - b. The metal lighting standard must be connected to a one-half inch [12.70-millimeter] by ten-foot [3.05-meter] copperweld ground rod, or twenty feet [6.10 meters] of one or more bare or zinc galvanized or other electrically conductive coated steel reinforcing bars or rods (rebar) of not less than one-half inch [1.27 centimeters] in diameter, by the means of a bonding jumper. The ten-foot [3.05-meter] ground rod must be driven in the center of the metal standard base and project slightly above the base. Both ground rod and equipment grounding conductor must be connected to the metal standards. The bonding jumper must be in accordance with 2017 edition, National Electrical Code [through December 31, 2020, and 2020 edition, National Electrical Code thereafter](#), and in no case smaller than no. 8 copper or no. 6 aluminum.
3. The grounding electrode conductor must be connected to the grounded service conductor in the enclosure for the service disconnect.

**History:** Effective April 1, 2017; [amended effective October 1, 2020](#).

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## CHAPTER 24.1-06-03

### 24.1-06-03-01. (NEC 300) Wiring methods.

1. Agricultural buildings. This section covers all buildings housing livestock, poultry, and other areas of similar or like nature. All electrical panel boards, wiring devices, and equipment shall be installed in accordance with the provisions of article 547, 2017 edition, National Electrical Code through December 31, 2020, and article 547, 2020 edition, National Electrical Code thereafter.

A site-isolating device shall be permitted to be installed at the distribution point where two or more agricultural building structures are supplied from the distribution point.

2. Electric metallic tubing shall not be used in concrete below grade, in concrete slab or masonry in direct contact with earth. A vapor barrier, if used, will have no effect on the requirements of the section. Electric metallic tubing shall not be embedded in earth or fill.
3. Aluminum conduit shall not be installed in contact with earth or embedded in concrete.
4. The installation of rigid nonmetallic conduit shall comply with the provision of article 352, 2017 edition, National Electrical Code. Expansion fittings for rigid nonmetallic conduit shall be provided to compensate for thermal expansion and contraction in accordance with section 352.44, 2017 edition, National Electrical Code through December 31, 2020, and section 352.44, 2020 edition, National Electrical Code thereafter. When installed outdoors and above grade, one hundred forty degrees Fahrenheit [60 degrees Celsius] shall be considered the minimum change in degrees.
5. Fertilizer rooms, meatpacking plants, salt processing plants, and similar locations are judged to be occupancies where severe corrosive conditions are likely to be present. It is recommended that nonmetallic conduit with nonmetallic boxes and fittings be used as the wiring method for such occupancies. Ferrous and nonferrous metal raceways shall be used providing the raceway, boxes, and fittings are properly protected against corrosion.
6. In any room of an existing building where the sheetrock or wall covering has been removed from all walls, the electrical wiring requirements shall comply with the provisions of 2017 edition, National Electrical Code through December 31, 2020, and 2020 edition, National Electrical Code thereafter.
7. Metal raceways or metal clad cable (type MC) rated for the environment shall be installed in the following occupancies:
  - a. Hospitals;
  - b. Nursing homes;
  - c. Related patient care areas;
  - d. Places of assembly; and
  - e. Dormitories designed to house more than sixteen people.

Metal raceways or metal clad cable (type MC) shall be used in fixed wiring methods including fire alarms along with metal boxes or nonmetallic raceways encased in not less than two inches of concrete.

Exception 1: As provided in article 640, 2017 edition, National Electrical Code, sound reproduction and similar equipment; in article 800, 2017 edition, National Electrical Code, communication circuits; and in article 725, 2017 edition, National Electrical Code, for class 2

and class 3 remote control and signaling circuits [through December 31, 2020, and article 640, 2020 edition, National Electrical Code, sound reproduction and similar equipment; in article 800, 2020 edition, National Electrical Code, communication circuits; and in article 725, 2020 edition, National Electrical Code, for class 2 and class 3 remote control and signaling circuits thereafter.](#)

Exception 2: Listed two-hour fire-rated cables as permitted in article 695.6, article 700.9D, and article 760, 2017 edition, National Electrical Code [through December 31, 2020, and article 695.6, article 700.9D, and article 760, 2020 edition, National Electrical Code thereafter.](#)

Adjacent areas separated by an approved fire barrier may be wired in any approved wiring method in chapter 3 of the 2017 edition, National Electrical Code [through December 31, 2020, and chapter 3 of the 2020 edition, National Electrical Code thereafter.](#) For the purpose of this section, a fire barrier is defined as a continuous assembly, vertical or horizontal, in accordance with locally adopted codes or the State Building Code.

**History:** Effective April 1, 2017; [amended effective October 1, 2020.](#)

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

#### **24.1-06-03-14. Boxes and fittings.**

1. Not more than one extension ring may be used on outlet boxes unless special permission has been obtained from the electrical inspector having jurisdiction.
2. Boxes or conduit bodies shall be installed at each opening, splice, or connection, except as provided in article 604, 2017 edition, National Electrical Code [through December 31, 2020, and article 604, 2020 edition, National Electrical Code thereafter.](#)

**History:** Effective April 1, 2017; [amended effective October 1, 2020.](#)

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## CHAPTER 24.1-06-04

### 24.1-06-04-22. (NEC 422) Appliances.

Exception: 2017 edition, National Electrical Code, Article 422.16 through December 31, 2020, and 2020 edition, National Electrical Code, Article 422.16 thereafter: The use of not more than six feet of flexible appliance cord shall be permitted on permanently installed one hundred twenty volt twenty amp or less fuel-fired furnaces in residential dwellings. The receptacle for this appliance shall be GFCI protected, or a single receptacle, with a lockable in-use cover, and the cord shall meet all requirements of NEC 422.16.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## CHAPTER 24.1-06-05

### 24.1-06-05-01. (NEC 500) Hazardous locations.

1. Classification of hazardous locations is required to be completed by owner, representative, or engineer that has the qualifications and shall provide documentation as required by the provisions of article 500.4, 2017 edition, National Electrical Code through December 31, 2020, and article 500.4, 2020 edition, National Electrical Code thereafter, including the reference standards as listed in article 500.4, 2017 edition, National Electrical Code through December 31, 2020, and article 500.4, 2020 edition, National Electrical Code thereafter.
2. For classifications of oilfield installations refer to API RP 500, Classification of Locations for Electrical Installations at Petroleum Facilities, third edition, December 2012.
3. Surge arrestors shall be provided for all services in grain elevators.
4. Hot bearing or other similar detection systems shall be installed in accordance with articles 500-516, 2017 edition, National Electrical Code through December 31, 2020, and articles 500-516, 2020 edition, National Electrical Code thereafter.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

### 24.1-06-05-50. (NEC 550) Mobile home parks.

~~1. Mobile homes, manufactured homes, and mobile home parks shall comply with article 550, 2017 edition, National Electrical Code.~~

~~2.~~ Service equipment may be installed on manufactured homes as required in article 550.32(b) if the following requirements are met:

- ~~a.~~1. The mobile home is located on property owned by the homeowner and not in mobile home park.
- ~~b.~~2. The mobile home is secured to a permanent foundation that complies with locally adopted codes or the State Building Code.

**History:** Effective April 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22

## APPENDIX

Short Cut  
At 75° C

Voltage Drop Formulas 167° F

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$$\text{Voltage drop} = \frac{K \times L \text{ ft.} \times I}{C.M.A.}$$

or

L = length in feet, one way

I = load in amps

E = Volts

C.M.A. = circular-mil area

K factor = 25.8 multiplying factor for copper, 42.4 multiplying factor for aluminum at 75° C.

Percent drop = permissible voltage drop times voltage of circuit as follows:

$$3\% \text{ of } 208 = 208 \times .03 = 6.24 \text{ volts}$$

$$3\% \text{ of } 120 = 120 \times .03 = 3.6 \text{ volts}$$

$$3\% \text{ of } 240 = 240 \times .03 = 7.2 \text{ volts}$$

$$5\% \text{ of } 240 = 240 \times .05 = 12.0 \text{ volts}$$

Example:

240 volts, 1,000 ft. distance, 10 ampere load, 5% drop

$$25.8 \times 1,000 = 25,800 \times 10 = 258,000$$

258,000 divided by 26,250 (C.M.A. of No. 6) = 9.8 volts (less than 5%)

258,000 divided by 16,510 (C.M.A. of No. 8) = 15.6 volts (more than 5%)

120 volts, 8 ampere load, 100 ft. distance, 3% drop

$$25.8 \times 100 = 2,580 \times 8 = 20,640$$

20,640 divided by 6,530 (C.M.A. of No. 12) = 3.16 volts (less than 3%)

20,640 divided by 4,107 (C.M.A. of No. 14) = 5.0 volts (more than 3%)

or

$$25.8 \times 8 \text{ amps} \times 100 \text{ ft.} = 20,640$$

~~20,640 divided by 3.6 (volts representing 3%) = 5,733 C.M.A. (No. 12)~~

$$C.M.A. = \frac{K \times L \text{ ft.} \times I}{\% \text{ drop} \times \text{voltage}}$$

~~For 3-phase circuits, use formula, then multiply the results by .86.~~

$$\text{Voltage drop} = \frac{K \times L \times I}{CMA}$$

$$CMA = \frac{K \times L \times I}{\% \text{ drop} \times \text{voltage}}$$

$$\text{Length} = \frac{CMA \times \text{Voltage drop}}{K \times I}$$

$$\text{Area of circle} = \pi r^2$$

L = length in feet, one way

I = load in amps

E = Volts

CMA = circular-mil area

K-factor = 25.8 multiplying factor for copper, 42.4 multiplying factor for aluminum at 75° C.

For three-phase circuits, use formula, then multiply the results by .86

Percent drop permissible voltage drop times voltage of circuit as follows:

5% of 120 208 x .05 = 6 volts

5% of 208 120 x .05 = 10.4 volts

5% of 240 240 x .05 = 12 volts

Examples with copper wire:

240 volts, 1,000 foot distance, 10 ampere load, 5% volt drop maximum

$$\text{CMA} = \frac{25.8 \times 1000 \times 10}{.05 \times 240}$$

| = 21,500 CMA minimum = #6 cu minimum

| Same values as above but use #8 copper wire instead

$$\text{Voltage drop} = \frac{25.8 \times 1000 \times 10}{16510}$$

| = 15.6 volts/240 = 6.5% volt drop

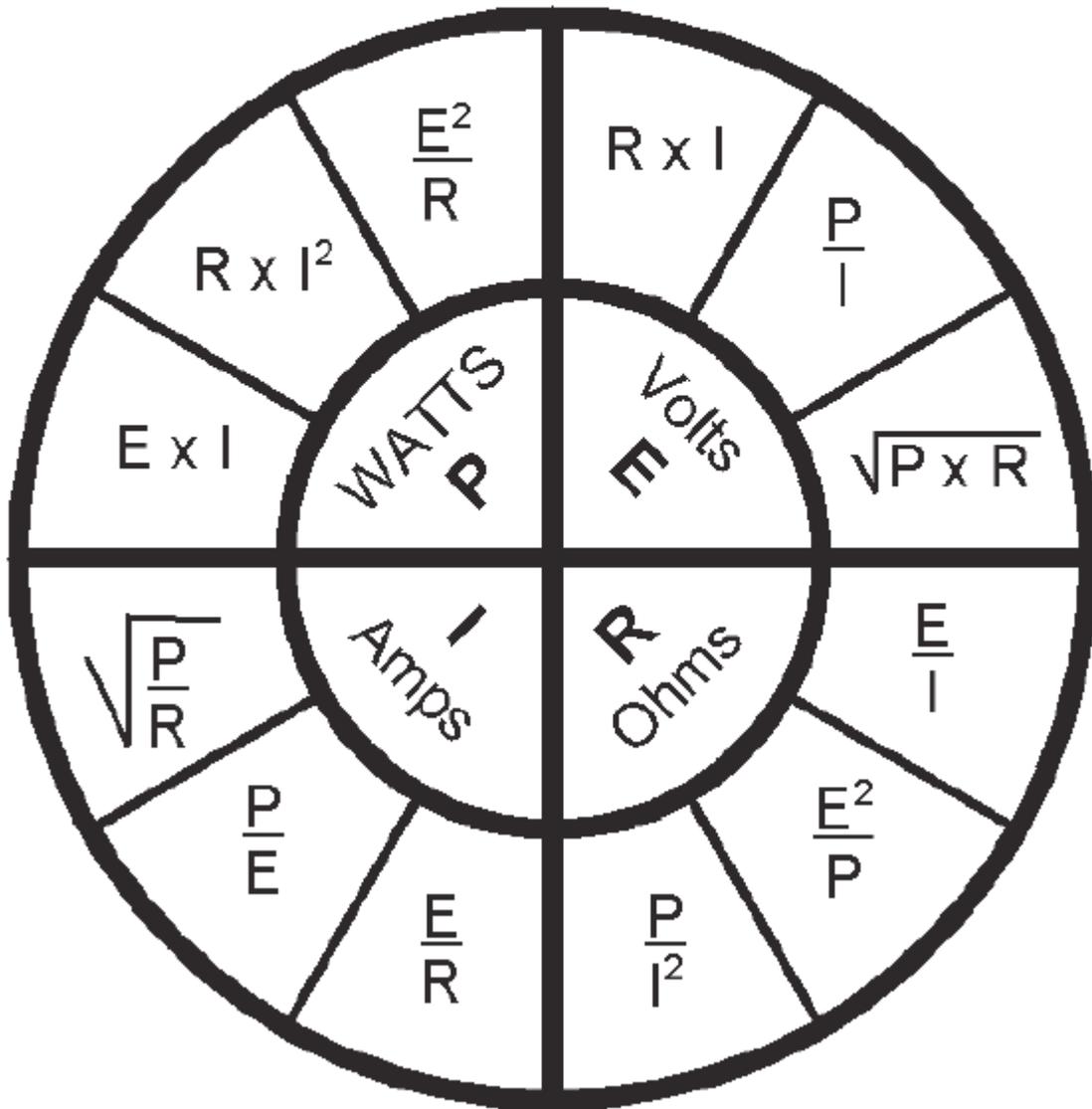
| 120 volts, 8 ampere load, 100 foot distance, 3% volt drop maximum

$$\text{CMA} = \frac{25.8 \times 100 \times 8}{.03 \times 120}$$

| = 5733 CMA minimum = #12 cu minimum

| Refer to Chapter 9 Table 8 of NEC for conductor properties

# OHM'S LAW



## Means of Egress Condensed Guide

1. Marking of means of egress. All required exits and access to exits shall be marked by readily visible signs. For externally illuminated signs, letters shall be not less than six inches [150 millimeters] high. Internally illuminated signs shall be listed per ANSI/UL 924 which assures proper letter size. Chevron-shaped arrows are required to indicate direction to exits. Every sign shall be suitably illuminated. For externally illuminated signs see subsection 7.10.6, Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and subsection 7.10.6, Life Safety Code®, NFPA 101, 2018 edition thereafter](#) and for internally illuminated signs see subsection 7.10.7.
2. Illumination of means of egress. Illumination of means of egress shall provide continuous, dependable, illumination of not less than one foot-candle at floor level for all areas such as corridors, stairways, and exit doorways, providing a lighted path of travel to the outside of the building and public way during all times that the means of egress is available for use. For new stairs, the required minimum illumination level is ten foot-candle during conditions of stair use. Illumination shall be from a source of reasonable assured reliability and may be supplied from normal lighting circuits or special circuits with switching controlled by authorized personnel. Illumination required for exit marking shall also serve for illumination of means of egress and shall be so arranged that failure of a single unit, such as burning out of a single bulb will not leave any area in darkness.
3. Emergency lighting. Emergency lighting systems shall be so arranged to provide the required illumination automatically in event of any interruption or failure of the normal power supply. An acceptable alternate source of power may be an electric generator or approved battery. In occupancies where emergency lighting is required, the circuits supplying exit marking and illumination of means of egress shall be supplied by the emergency system. Other areas of the facilities only requiring exit marking and illumination of means of egress may be supplied by the normal source.
4. Classification of occupancy based on chapter 6, Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and chapter 6, Life Safety Code®, NFPA 101, 2018 edition thereafter](#).

Note: Check with local building officials to determine occupancy and occupant load.

Assembly. Assembly occupancies include all buildings or portions of buildings used for gathering together fifty or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, amusement, or awaiting transportation. Assembly occupancies also include special amusement buildings regardless of occupant load.

Assembly occupancies might include the following:

Armories	Libraries
Assembly halls	Mortuary chapels
Auditoriums	Motion picture theaters
Bowling lanes	Museums
Clubrooms	Passenger stations and terminals of air, surface, underground, and marine public transportation facilities
Colleges and university	Places of religious worship
Classrooms, fifty persons and over	Poolrooms
Conference rooms	Recreation piers
Courtrooms	Restaurants

Dance halls  
Drinking establishments  
Exhibition halls

Skating rinks  
Theaters  
Gymnasiums

Occupancy of any room or space for assembly purposes by fewer than fifty persons in a building or other occupancy and incidental to such other occupancy shall be classified as part of the other occupancy and shall be subject to the provisions applicable thereto.

Educational. Educational occupancies include all buildings or portions of buildings used for educational purposes through the twelfth grade by six or more persons for four or more hours per day or more than twelve hours per week.

Educational occupancies include the following:

Academies  
Kindergartens

Schools

Other occupancies associated with educational institutions shall be in accordance with the appropriate part of Life Safety Code®, NFPA 101, 2015 edition.

In cases when instruction is incidental to some other occupancy, the section of Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and Life Safety Code®, NFPA 101, 2018 edition thereafter](#), governing such other occupancy applies. For example:

College and university classrooms under fifty persons - business occupancy  
College and university classrooms fifty persons and over - assembly  
Instructional building - business occupancy  
Laboratories, instructional - business occupancy  
Laboratories, noninstructional - industrial

Day care. Day care occupancies include all buildings or portions of buildings in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than twenty-four hours per day.

Day care occupancies include the following:

Child day care occupancies  
Adult day care occupancies, except where part of a health care occupancy  
Nursery schools  
Day care homes  
Kindergarten classes that are incidental to a child day care occupancy

In areas when public schools offer only half-day kindergarten programs, many child day care occupancies offer state-approved kindergarten classes for children who require full day care. As these classes are normally incidental to the day care occupancy, the requirements of the day care occupancy should be followed.

Health care. Health care occupancies are those used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease, or infirmity and for the care of infants, convalescents, or infirm aged persons. Health care occupancies provide sleeping facilities for four or more occupants and are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.

Health care occupancies include the following:

- Hospitals
- Nursing homes
- Limited care facilities

Ambulatory health care. Ambulatory health care occupancies are those used to provide services or treatment simultaneously to four or more patients on an outpatient basis. The patients are considered incapable of self-preservation due to the treatment rendered, the use of anesthesia, or the injury for which they are receiving emergency or urgent care.

Detention and correctional. Detention and correctional occupancies are used to house individuals under varied degrees of restraint or security and are occupied by persons who are mostly incapable of self-preservation because of security measures not under the occupants' control.

Detention and correctional occupancies include the following:

- Adult and juvenile substance abuse centers
- Adult and juvenile work camps
- Adult community residential centers
- Adult correctional institutions
- Adult local detention facilities
- Juvenile community residential centers
- Juvenile detention facilities
- Juvenile training schools

Residential. Residential occupancies are those occupancies in which sleeping accommodations are provided for normal residential purposes and include all buildings designed to provide sleeping accommodations.

Exception. Those classified under health care or detention and correctional occupancies.

Residential occupancies are treated separately in Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and Life Safety Code®, NFPA 101, 2018 edition thereafter](#), in the following groups:

- One-family and two-family dwelling unit
- Lodging or rooming house
- Hotels
- Dormitory
- Apartment building
- Residential board and care occupancy

Mercantile occupancy. An occupancy used for the display and sale of merchandise.

Mercantile occupancies include the following:

- |                   |   |
|-------------------|---|
| Auction rooms     | Restaurants with fewer than fifty persons |
| Department stores | Shopping centers                          |
| Drugstores        | Supermarkets                              |

Office, storage, and service facilities incidental to the sale of merchandise and located in the same building should be considered part of the mercantile occupancy.

Business. Business occupancies are those used for the transaction of business other than those covered under mercantile.

Business occupancies include the following:

Air traffic control towers (ATCTs)	Doctors' offices
City halls	Townhalls
College and university instructional buildings, classrooms under fifty persons, and instructional laboratories	General offices
Courthouses	Outpatient clinics, ambulatory
	Dentists' offices

Doctors' and dentists' offices are included unless of such character as to be classified as ambulatory health care occupancies.

Industrial. Industrial occupancies include factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing.

Industrial occupancies include the following:

Dry cleaning plants	Power plants
Factories of all kinds	Pumping stations
Food processing plants	Refineries
Gas plants	Sawmills
Hangars (for servicing or maintenance)	Telephone exchanges
Laundries	

In evaluating the appropriate classification of laboratories, the authority having jurisdiction should determine each case individually based on the extent and nature of the associated hazards. Some laboratories may be classified as occupancies other than industrial, for example, a physical therapy laboratory or a computer laboratory.

Storage. Storage occupancies include all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals.

Storage occupancies include the following:

Barns	Hangars (for storage only)
Bulk oil storage	Parking structures
Cold storage	Warehouses
Freight terminals	Truck and marine terminals
Grain elevators	

Storage occupancies are characterized by the presence of relatively small numbers of persons in proportion to the area. Any new use that increases the number of occupants to a figure comparable with other classes of occupancy changes the classification of the building to that of the new use.

Multiple occupancies. A building or structure in which two or more classes of occupancy exists shall be classified as a multiple occupancy. Multiple occupancies shall be protected either as mixed occupancies or as separated occupancies, in accordance with subsection 6.1-14.3 or 6.1-14.4, respectively, of Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and Life Safety Code®, NFPA 101, 2018 edition thereafter](#). Where exit access from an occupancy traverses another occupancy, the multiple occupancy shall be protected as a mixed occupancy. In implementing the mixed occupancies form of protection, the building shall comply with the most restrictive requirements of the occupancies involved, unless separate safeguards are approved.

5. Occupant load factor table.

Use	Square Feet per Person
Assembly use - less concentrated use	15 net*
Areas of concentrated use without fixed seating	7 net*
Waiting space	3 net*
Bleachers, pews, and similar bench-type seating	Note 1
Fixed seating	Note 2
Kitchens	100 gross**
Libraries	
In stack areas	100 gross**
In reading rooms	50 net*
Swimming pools	
Water surface	50 gross**
Pool decks	30 gross**
Stages	15 net*
Educational use	
Classroom area	20 net*
Shops, laboratories, and similar vocational areas	50 net*
Day care use	
Maximum number of persons intended to occupy that floor, but not less than	35 net*
Health care use	
Sleeping departments	120 gross**
Inpatient departments	240 gross**
Ambulatory health care	150 gross**
Detention and correctional use	
Maximum number of persons intended to occupy that floor, but not less than	120 gross**
Residential use	
Hotels, motels, dormitories, apartment buildings:	
Maximum probable population, but not less than	200 gross**
Residential board and care use	Note 3
Mercantile use (including malls)	
Street level and below (sales)	30 gross**

Upper floor (sales)	60 gross**
Storage, receiving, or shipping (not open to the general public)	300 gross**
Assembly areas	See "Assembly"
Business use (other than below)	100 gross**
Concentrated business use	50 gross**
Air traffic control tower observation levels	40 gross**
Other purposes	Note 4
Industrial use	
General and high hazard industrial	100 gross**
Special purpose industrial	N/A
Storage use	
In storage occupancies	N/A
In mercantile occupancies	300 gross**
In other than storage and mercantile occupancies	500 gross**

\* Net floor area is the actual occupied area, not including accessory unoccupied areas or thickness of walls.

\*\* Gross floor area is the floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features.

Notes to occupant load table.

Note 1. Bleachers, pews, and similar bench-type seating: one person per eighteen linear inches.

Note 2. Fixed seating. The occupant load of an area having fixed seats shall be determined by the number of fixed seats installed. Required aisle space serving the fixed seats shall not be used to increase the occupant load.

Note 3. Refer to chapters 32 and 33 of Life Safety Code®, NFPA 101, 2015 edition [through December 31, 2020, and chapters 32 and 33 of Life Safety Code®, NFPA 101, 2018 edition thereafter](#).

Note 4. Occupant load factors associated with the use.

## 6. Building classification table.

x - indicates required

o - indicates not required

Occupancy	Marking of Means Egress	Illumination of Means Egress	Emergency Lighting
Assembly	x	x	x
Educational	x	x	x
Day care	x	x	x
Interior stairs and corridors	x	x	x
Assembly use spaces	x	x	x

Flexible and open plan buildings	x	x	x
Interior or limited access portions of buildings	x	x	x
Shops and laboratories	x	x	x
Family day care homes (more than three but fewer than seven persons)	o	x	o
Group day care homes (seven to twelve persons)	o	x	o
Health care occupancies (Note 1) (for complete details see article 517 of NEC and NFPA standard 99)	x	x	x
Detention and correctional	x	x	x
Residential			
Hotels and dormitories	x	x	x Note 2
Apartment buildings			
Twelve or less apartments	x	x	o Note 3
More than twelve apartments or greater than three stories in height	x	x	x Note 3
Residential board and care			
More than sixteen residents	x	x	x Note 2
Mercantile			
Class A - Over thirty thousand square feet [2787.09 square meters] or greater than three stories	x	x	x
Class B - Three thousand square feet to thirty thousand square feet [278.71 square meters to 2787.09 square meters] or three thousand square feet [278.71 square meters] or less and two or three stories	x	x	x
Class C - Under three thousand square feet [278.71 square meters] and one story	x Note 5	x	o
Malls	x	x	x
Business	x	x	o
Three or more stories in height	x	x	x
Fifty or more persons above or below level of exit discharge	x	x	x
Three hundred or more persons	x	x	x
All limited access and underground	x	x	x
Industrial	x	x Note 6	x Note 6 and 7
Storage	x	x Note 8	x Note 8 and 9
Special structures (refer to chapter 11, Life Safety Code®, NFPA 101, 2015 edition <a href="#">through December 31, 2020, and chapter 11, Life Safety Code®, NFPA 101, 2018 edition thereafter</a> ).			
Mixed occupancies (Note 5).			

NOTES:

Note 1. Exception: Power supply for exit and emergency lighting shall conform to NFPA 110.

Note 2. Exception: Where each guest room, guest suite, or resident sleeping room has an exit direct to the outside of the building at street or ground level emergency lighting is not required.

Note 3. Exception: Buildings with only one exit need not be provided with exit signs.

Note 4. Exception: Where the same means of egress serve multiple use or combined occupancies, exit lighting, exit signs, and emergency lighting shall be provided for the occupancy with the most stringent lighting requirements. The occupant load of each type of occupancy shall be added to arrive at the total occupant load.

Note 5. Exception: Where an exit is immediately apparent from all portions of the sales area, the exit marking is not required.

Note 6. Exception: Special purpose industrial occupancies without routine human habitation.

Note 7. Exception: Structures occupied only during daylight hours, with skylights or windows arranged to provide the required level of illumination on all portions of the means of egress during these hours.

Note 8. Exception: Storage occupancies do not require emergency lighting when not normally occupied.

Note 9. Exception: In structures occupied only during daylight hours, with skylights or windows arranged to provide the required level of illumination of all portions of the means of egress during these hours, emergency lighting is not required.

Fire Alarm System Condensed Guide  
~~○ NOT required~~      ~~X required~~

Occupancy	Manual Stations	Smoke Detector	Heat Detector	Flow Switch	Fire Station Alarm
Assembly under three hundred	○	○	○	○	○
Assembly over three hundred	x Note 1	○	○	○	○
Amusement buildings	x	x	○	x	x
Hotel-motel					
Nineteen rooms or less	○	x Note 2	○	○	○
Three or more story*	x	x	○	○	○
Hotel-motel					
Twenty rooms or more* and congregate residences	x	x Note 2	x	x	○
Commons area					
Hotels-motels-apartment houses	x	x	x Note 3	Note 5	
Educational					
North Dakota Century Code Section-18-12-16					
Institutional*	x	x	x	x	x
Office—High-rise	x	x	x	x	
Apartments (see #2 above)	○	x	○	○	○
Industrial—Check with the local fire authority or the state fire marshal					
Office building—Check with local jurisdiction					

\*State Department of Health rules.

Note 1. Placement of devices shall be at exit on each level.

Note 2. Detectors required in each sleeping room and one detector for each seventy five feet [22.86 meters] of hallway.

Note 3. When automatic sprinklers and flow detectors are installed, they shall be connected to the alarm system. Heat detectors are required in mechanical rooms, laundry rooms, and storerooms.

Note 4. Institutional includes hospitals, nursing homes, jails, and similar facilities, including any occupancy where movement is restricted.

Note 5. If equipped with sprinkler.

Note 6. Emergency voice alarm and signal.

Note 7. One hundred or more sprinkler heads.

All signaling devices for all occupancies shall meet Americans with Disabilities Act (ADA) requirements (check ADA requirements).

| Smoke ~~detectors~~alarms in hotels, motels, and apartments are not to be tied to the central alarm system (alarm in room or apartment only).

Central alarm trouble indicator shall be located where it will be heard.

Systems with two or more zones shall have an annunciator panel located at an entrance approved by the local fire department.

Cities shall have additional or more stringent requirements.

Be aware the table is the minimum and the owner or designer shall ask for more.

**CHAPTER 24.1-06-06  
SPECIAL EQUIPMENT**

Section

- 24.1-06-06-01 [Reserved]
- 24.1-06-06-02 [Reserved]
- 24.1-06-06-03 [Reserved]
- 24.1-06-06-04 [Reserved]
- 24.1-06-06-05 [Reserved]
- 24.1-06-06-06 [Reserved]
- 24.1-06-06-07 [Reserved]
- 24.1-06-06-08 [Reserved]
- 24.1-06-06-09 [Reserved]
- 24.1-06-06-10 [Reserved]
- 24.1-06-06-11 [Reserved]
- 24.1-06-06-12 [Reserved]
- 24.1-06-06-13 [Reserved]
- 24.1-06-06-14 [Reserved]
- 24.1-06-06-15 [Reserved]
- 24.1-06-06-16 [Reserved]
- 24.1-06-06-17 [Reserved]
- 24.1-06-06-18 [Reserved]
- 24.1-06-06-19 [Reserved]
- 24.1-06-06-20 [Reserved]
- 24.1-06-06-21 [Reserved]
- 24.1-06-06-22 [Reserved]
- 24.1-06-06-23 [Reserved]
- 24.1-06-06-24 [Reserved]
- 24.1-06-06-25 (NEC 625) Electric Vehicle Charging System

**24.1-06-06-01. [Reserved].**

**24.1-06-06-02. [Reserved].**

**24.1-06-06-03. [Reserved].**

**24.1-06-06-04. [Reserved].**

**24.1-06-06-05. [Reserved].**

| 24.1-06-06-06. [Reserved].

| 24.1-06-06-07. [Reserved].

| 24.1-06-06-08. [Reserved].

| 24.1-06-06-09. [Reserved].

| 24.1-06-06-10. [Reserved].

| 24.1-06-06-11. [Reserved].

| 24.1-06-06-12. [Reserved].

| 24.1-06-06-13. [Reserved].

| 24.1-06-06-14. [Reserved].

| 24.1-06-06-15. [Reserved].

| 24.1-06-06-16. [Reserved].

| 24.1-06-06-17. [Reserved].

24.1-06-06-18. [Reserved].

24.1-06-06-19. [Reserved].

24.1-06-06-20. [Reserved].

24.1-06-06-21. [Reserved].

24.1-06-06-22. [Reserved].

24.1-06-06-23. [Reserved].

24.1-06-06-24. [Reserved].

24.1-06-06-25. (NEC 625) Electric vehicle charging system.

625.41 Overcurrent protection. Overcurrent protection for feeders and branch circuits supplying vehicle charging equipment must be sized for continuous duty and must have a rating of not less than one hundred twenty-five percent of the maximum load of the equipment. For these installations, "maximum load of equipment" means the setting the electrician adjusted the device to. The adjustment may not be readily accessible or cannot easily be adjusted by the consumer. The electrician shall label the device if set to a value less than the maximum nameplate rating. The contractor shall assure the size of the service feeding these devices is adequate.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-09-05

**Law Implemented:** NDCC 43-09-21, 43-09-22



**TITLE 30**  
**GAME AND FISH DEPARTMENT**



## OCTOBER 2020

### CHAPTER 30-02-02

#### 30-02-02-02. License requirements.

1. A valid North Dakota falconry license is required before any resident may take, possess, sell, barter, or transport a raptor for falconry purposes or practice falconry in North Dakota.
2. A nonresident must have a valid falconry license issued by the state or country in which the licensee resides in order to possess or transfer a raptor for falconry purposes or practice falconry in North Dakota. Nonresidents must comply with subsections 6 and 7 of section 30-02-02-04, subsection 5 of section 30-02-02-07, and sections 30-02-02-10 and 30-02-02-15.
3. Any nonresident licensee who wishes to practice falconry in North Dakota must first register on the North Dakota game and fish department website (gf.nd.gov), or through any department office, prior to participating.
4. Nonresident falconers relocating to North Dakota and in possession of a raptor must obtain a state license within one hundred twenty days.
5. If a licensee moves to a new state, tribe, or territory, within thirty days the licensee must inform both the former and the new licensing authority for the new place of residence of the address change.
6. When pursuing, taking, or attempting to take game birds or game animals, the licensee also must have in possession the required hunting license and follow associated season regulations.

Any person who violates subsection 3, 4, or 5 is guilty of a noncriminal offense and shall pay a two hundred dollar fee.

**History:** Amended effective April 1, 1986; January 1, 2000; January 1, 2013; October 1, 2020.

**General Authority:** NDCC 20.1-14-03

**Law Implemented:** NDCC 20.1-14-03

## CHAPTER 30-02-10

### 30-02-10-03. Accounting statement.

Any organization that receives a license in accordance with North Dakota Century Code sections 20.1-04-07.1, 20.1-05.1-01, and 20.1-05.1-02 shall provide the director a detailed accounting statement ~~within thirty days after the completion of the raffle drawing or auction,~~ completed on a standardized form provided by the department, by December thirty-first of the license season. At a minimum, this statement must include information regarding raffle or auction expenses, gross and net raffle or auction income, number of raffle tickets sold and unsold, as well as ~~documented proof~~ a statement certifying that no more than ten percent of the gross raffle or auction proceeds were used to promote the raffle or auction.

**History:** Effective October 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 20.1-04-07.1, 20.1-05.1-01, 20.1-05.1-02

**Law Implemented:** NDCC 20.1-04-07.1, 20.1-05.1-01, 20.1-05.1-02

### 30-02-10-04. Performance report.

~~Any organization that receives any license in accordance with North Dakota Century Code sections 20.1-04-07.1, 20.1-05.1-01, and 20.1-05.1-02 shall provide the director by the end of each calendar year an annual performance report that identifies all projects funded with raffle or auction proceeds and which states the balance of unspent funds.~~ Any organization that receives a license in accordance with North Dakota Century Code section 20.1-05.1-02 shall provide the director a performance report, completed on a standardized form provided by the department, by December thirty-first of the license season. At a minimum, the report must include information regarding:

1. The conservation-related projects funded, in this state, with at least ten percent of the net proceeds of the raffle or auction. Supporting documentation may be requested by the department.
2. Any unspent amount of the ten percent net proceeds must be submitted to the department with the report. An exception may be granted by the director to carryover unspent funds for one year.

**History:** Effective October 1, 2017; amended effective October 1, 2020.

**General Authority:** NDCC 20.1-04-07.1, 20.1-05.1-01, 20.1-05.1-02

**Law Implemented:** NDCC 20.1-04-07.1, 20.1-05.1-01, 20.1-05.1-02

## CHAPTER 30-03-01.1

### 30-03-01.1-04. License limitations.

Retail or wholesale bait vendor licenses are issued for a calendar year to one person only. An individual may be issued only one wholesale license per calendar year. The holder of a retail bait vendor license may sell legal live aquatic bait at retail only, at one specified selling location per license. A wholesale bait vendor may only sell legal live aquatic bait to licensed bait vendors or for permitted private fish pond stocking. A person licensed as a wholesaler in any state may not act as an assistant under a North Dakota wholesaler license. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee. Violations of ~~this chapter~~ state or federal game or fish laws may result in license denial, suspension, or revocation. An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not receive a wholesale or retail bait vendor license. As used in this rule, "conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of no lo contendere, a judgment of conviction even though the court suspended execution of a sentence in accordance with subsection 3 of North Dakota Century Code section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of North Dakota Century Code section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt which is reversed on appeal.

**History:** Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010; January 1, 2014; January 1, 2018; October 1, 2020.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

### 30-03-01.1-05. Assistants covered by license.

A licensed wholesale bait vendor may employ the assistance of up to six other persons to capture or sell and transport legal live aquatic bait in the manner approved by the director. All assistants must have in their possession department-issued documentation. The licensee is responsible for the actions of employees, including all agents or assistants acting under the licensee's license. ~~No one who has had a department issued license revoked or suspended within three years may act as an agent or assistant.~~ An individual who has been convicted of a state or federal criminal game or fish violation in the last three years or whose license to hunt or fish is under suspension or revocation may not act as an assistant. Anyone who violates this section is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

**History:** Effective April 1, 2008; amended effective October 1, 2010; January 1, 2018; October 1, 2020.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

### 30-03-01.1-14. Wholesale bait pond.

The term "wholesale bait pond" means any pond used to take legal live aquatic bait for wholesale. A legal description, to the quarter section, of each wholesale bait pond must be listed on the wholesaler's pond application form and all ponds must be approved by the director ~~before a license is issued~~ prior to trapping. The maximum number of approved legal descriptions for ponds from which a wholesale bait vendor may trap annually is fifty. Any bait vendor who violates this section is guilty of a noncriminal offense and shall pay a two hundred fifty dollar fee.

**History:** Effective April 1, 2008; amended effective April 1, 2009; October 1, 2010; January 1, 2018; October 1, 2020.

**General Authority:** NDCC 20.1-06-14

**Law Implemented:** NDCC 20.1-06-14

## CHAPTER 30-03-03

### 30-03-03-05. Open when in use.

Houses Fishhouses, when in use, shall be open for inspection ~~at all times and hooks on doors shall be illegal.~~

History: Amended effective October 1, 2020.

**General Authority:** NDCC 20.1-06-07

**Law Implemented:** NDCC 20.1-06-07

## CHAPTER 30-03-05

### 30-03-05-01. Fishing contest defined.

A fishing contest is any event where prizes or cash are given for catching fish from waters open to public use. These events include high-value tag contests, fishing tournaments, fishing leagues, biggest fish contests, and contests giving prizes for the largest number or weight of fish. Also included are fishing leagues and tournaments that involve multiple fishing events and have a cumulative fee equal to or exceeding ~~five~~fifteen dollars. Individual entry fees, if assessed, represent the number of contest participants. Entry fees must be collected and listed separately from other activities, such as raffles. Fishing contests do not include the following:

1. Any fishing event charging an entry or participation fee less than fifteen dollars, and with fewer than fifty participants, and with fewer than fifteen boats.
- ~~2. Individual big fish promotions sponsored by resident, local businesses not charging any entry or participation fee. If any local, resident business desires to sponsor a high value (prizes exceeding one thousand dollars cash or merchandise) individual fishing contest, the game and fish director shall designate the species of game fish to be included and the contest may be limited to only those species in select waters.~~
- ~~2. Any local fishing tournament charging an entry or participation fee of less than five dollars per angler, unless there are more than forty-nine participating individuals or fourteen participating boats.~~
3. Organized youth fishing events when participants are under the age of sixteen and no fishing entry fee is charged.

**History:** Effective March 1, 1984; amended effective May 1, 1994; April 1, 2009; October 1, 2020.

**General Authority:** NDCC 20.1-02-05(20)

**Law Implemented:** NDCC 20.1-02-05(20)

### 30-03-05-03. Use of proceeds.

A minimum of seventy-five percent of any entry or participation fee paid by the contestants for fishing activities must be returned to the contestants as cash or merchandise (must be cash equivalent and cannot include donated merchandise when an entry fee is required). Payback procedures must be stated in the tournament rules and regulations. A minimum of ten percent of the gross proceeds from entry or participation fees, ~~to a maximum of five thousand dollars,~~ is required to be paid as a conservation fee. Contests with no entry fee, but still subject to regulations as defined in subsection 2 of section 30-03-05-01, are required to submit a ~~five~~ten thousand dollar conservation fee unless there is no cash payout associated with the contest, i.e., all prizes are donated merchandise. The conservation fees must be expended on fishery conservation projects or for providing public access to fishing areas and the intended project must be identified on the permit application form. Moneys for fishery conservation or public access projects must be allocated within ninety days after the completion of the tournament. The fishery conservation projects and public access projects must be approved by the game and fish director.

~~In the absence of an outside sponsor, the~~The tournament ~~committee~~applicant may retain a maximum of fifteen percent of the gross proceeds from entry or participation fees for expenses incurred in putting on the contest.

**History:** Effective March 1, 1984; amended effective May 1, 1994; January 1, 2000; October 1, 2020.

**General Authority:** NDCC 20.1-02-05(20)

**Law Implemented:** NDCC 20.1-02-05(20)

## CHAPTER 30-03-06

### 30-03-06-01. Equipment.

Upon leaving any water body or while in transit, all watercraft, watercraft motors, watercraft trailers, docks, boatlifts, and recreational and commercial equipment used in fishing, hunting, and watercrafting or construction equipment shall be free of prohibited or regulated aquatic nuisance species, as defined in the state's aquatic nuisance species list. All equipment is subject to inspection by a duly appointed agent of the director.

**History:** Effective April 1, 2008; amended effective October 1, 2020.

**General Authority:** NDCC 20.1-17-01

**Law Implemented:** NDCC 20.1-17-04

## CHAPTER 30-04-02

### 30-04-02-10. Animals prohibited - Exceptions.

The director has determined that animals, other than free-ranging wildlife that may be found on wildlife management areas, are detrimental to the protection and propagation of wildlife and other natural resources. Except as otherwise provided in this section and section 30-04-02-14.2, no individual may possess or cause the entry of any animal on any wildlife management area.

1. **Livestock.** Livestock shall not be permitted to graze or roam on any wildlife management area except as provided for by a grazing permit or lease issued by the director or the director's designee. As used in this section, "livestock" means domestic animals and nontraditional livestock as defined by North Dakota Century Code section 36-01-00.1.
2. **Pets.** Pets may not be permitted to run unattended on wildlife management areas. Any individual who violates this subsection is guilty of a noncriminal offense and shall pay a fifty dollar fee.
3. **Horseback riding.** A person may engage in casual horseback riding or trail riding on wildlife management areas, unless signed otherwise. Groups of twenty-five or more individual riders or twenty-five or more horses or other equine animals must first obtain a permit from the director or the director's designee. No person may engage in, conduct, or organize any competitive or noncompetitive activity involving the use of horses or other equines to conduct racing, barrel racing, roping, jumping, or other activities that cause unnecessary disturbance to the wildlife and wildlife habitat. Any person who violates this subsection is guilty of a noncriminal offense and shall pay a one hundred dollar fee.

**History:** Amended effective April 1, 1986; April 1, 2006; October 1, 2020.

**General Authority:** NDCC 20.1-11-05

**Law Implemented:** NDCC 20.1-11-05

## CHAPTER 30-04-03

### 30-04-03-19. Hunt or fish records.

The licensed outfitter shall keep a complete and current record of all transactions as a guide or outfitter, including a hunt or fish record for each hunting or fishing client. The records shall be kept by the outfitter for at least three years and shall be subject to inspection at any time on demand of the director, the director's authorized personnel, or any law enforcement officer. A copy of these records must be submitted to the director no later than thirty days following expiration of the license. The department shall provide the hunt or fish record form to all licensed outfitters. The records shall be kept and maintained in North Dakota. ~~If the outfitter wishes to use the outfitter's own form, it must contain the following information~~The information on the department form must include, at a minimum:

1. The client's name, address, and hunting or fishing license number.
2. The contracting outfitter's name and original signature attesting to the accuracy of the information supplied on the hunt or fish record form.
3. The names of all hunting guides, hunting outfitters, or fishing outfitters who will accompany the client in the field.
4. For each guided client, at the conclusion of the hunting or fishing trip, the licensed outfitter shall complete the applicable remaining portions of the hunt or fish record, including:
  - a. The dates the client was in the field.
  - b. The species of game hunted or fish pursued.
  - c. For each animal, bird, or fish species taken, the:
    - (1) Date taken.
    - (2) Number of each species taken.
  - d. For each fish species taken, the:
    - (1) Name of the waterbody where the fish were taken.
    - (2) County where the fish were taken.
- ~~5. The hunting guide, hunting outfitter, or fishing outfitter may refer to a client by group name if the individual members of the group are identified elsewhere in the guide's records and their individual information is recorded as to name, address, and license number.~~

**History:** Effective April 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 20.1-02-04(2), 20.1-03-38(1)

**Law Implemented:** NDCC 20.1-03-38

## CHAPTER 30-04-05 GENERAL LICENSE REQUIREMENTS

### Section

30-04-05-01	Fishing, Hunting, and Fur-bearer Certificate
30-04-05-02	License Design <u>[Repealed]</u>
30-04-05-03	Combined Licenses
30-04-05-04	Moose, Elk, and Bighorn Sheep Licenses <u>[Repealed]</u>
30-04-05-05	Issuance of Stamps <u>[Repealed]</u>
30-04-05-06	Computer-generated Licenses

### 30-04-05-01. Fishing, hunting, and fur-bearer certificate.

For licensing purposes, fishing, hunting, and fur-bearer ~~stamps shall~~licenses must be attached ~~to~~included on a certificate provided by the North Dakota game and fish department. The certificate ~~shall be provided for listing information required by state law for licensing of fishermen, hunters, and trappers. The following additional information is required on the certificate: the applicant's county of residence, telephone number, birth date, age, and signature. The applicant's drivers license number is also required if available. Persons born after December 31, 1961, must list their hunter education certificate number and issuing state if they are purchasing hunting licenses for which this training is required~~must include the name, address, driver's license number, and other identifying information. Additional registration and certification information shall be included when available.

**History:** Effective March 1, 1983; amended effective October 1, 2020.

**General Authority:** NDCC 20.1-02-04

**Law Implemented:** NDCC 20.1-02-04

### 30-04-05-02. License design.

Repealed effective October 1, 2020.

~~—The following hunting, fishing, and fur-bearer stamps will be issued and are to be attached to the appropriate nonresident or resident fishing, hunting, and fur-bearer certificate: resident small game, nonresident small game, resident big game (deer and antelope), nonresident big game (deer and antelope), resident fur bearer, resident fishing, fishing license for residents sixty five years or over, fishing license for a resident totally or permanently disabled, nonresident fishing, nonresident short-term fishing, resident husband and wife fishing, nonresident nongame hunting, resident and nonresident permits to hunt deer in certain restricted areas, resident and nonresident general game, and nonresident waterfowl hunting. A license for these categories shall consist of the appropriate signed stamp, the completed fishing, hunting, and fur-bearer certificate, and tags if required. For a license to be valid, required stamps for licenses must be attached in the designated positions on the certificate and the licensee's signature must be made in ink across the face of each stamp.~~

**History:** Effective March 1, 1983; amended effective May 1, 1994.

**General Authority:** NDCC 20.1-02-04

**Law Implemented:** NDCC 20.1-03-02, 20.1-03-03, 20.1-03-07.1, 20.1-03-11, 20.1-03-12

### 30-04-05-03. Combined licenses.

~~The following licenses or permits are combined into one stamp each: resident general game and habitat restoration stamp; and nonresident general game and habitat restoration stamp.~~The resident general game license and the resident habitat restoration license are combined into the resident general game and habitat license. The nonresident game license and nonresident habitat restoration license are combined into the nonresident general game and habitat license.

**History:** Effective March 1, 1983; amended effective September 1, 1989; May 1, 1994; October 1, 2020.

**General Authority:** NDCC 20.1-02-04

**Law Implemented:** NDCC 20.1-03-12, 20.1-03-12.1

### **30-04-05-04. Moose, elk, and bighorn sheep licenses.**

Repealed effective October 1, 2020.

~~— In addition to a locking seal, the license for moose, elk, and bighorn sheep shall consist of a certificate that contains the hunter's identification information. This information shall be the same as that required on the fishing, hunting, and fur-bearer certificate as described in section 30-04-05-01.~~

~~**History:** Effective March 1, 1983.~~

~~**General Authority:** NDCC 20.1-02-04~~

~~**Law Implemented:** NDCC 20.1-03-03~~

### **30-04-05-05. Issuance of stamps.**

Repealed effective October 1, 2020.

~~— Persons issuing hunting, fishing, and fur-bearer stamps shall record the purchaser's fishing, hunting, and fur-bearer certificate number on the pages provided in the stamp book.~~

~~**History:** Effective March 1, 1983.~~

~~**General Authority:** NDCC 20.1-02-04~~

~~**Law Implemented:** NDCC 20.1-02-04, 20.1-03-19~~

### **30-04-05-06. Computer-generated licenses.**

~~In addition to the license system described in sections 30-04-05-01 to 30-04-05-05, licenses may be generated by computer. These licenses will consist of a computer-generated certificate, required information, and a listing of the licenses that have been purchased. For these licenses to be valid, the licenseholder must sign the computer-generated certificate. All licenses are electronically generated by the department's online licensing system. Licenses may be printed on standard paper or displayed on an electronic device. Licenses do not require signature.~~

~~**History:** Effective May 1, 1995; amended effective October 1, 2020.~~

~~**General Authority:** NDCC 20.1-02-04~~

~~**Law Implemented:** NDCC 20.1-02-04~~

## CHAPTER 30-04-06

### 30-04-06-01. Petition required.

Upon the filing of a petition by the license purchaser, the game and fish department may reissue replacements for lost or destroyed game and fish licenses. ~~The petition shall state the name and address of the license vendor where the original license was purchased.~~ It shall also include personal information as required by law for the original license and a listing of the licenses that are to be replaced. ~~The petition shall be signed by the person requesting license replacement and properly notarized or otherwise witnessed by a game and fish department employee.~~

**History:** Effective September 1, 1983; amended effective October 1, 2010; [October 1, 2020](#).

**General Authority:** NDCC 20.1-02-05(21)

**Law Implemented:** NDCC 20.1-02-05(21)

### 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
<del>Resident fishing licenses-</del>	\$1.00
<del>Husband-wife resident fishing license-</del>	1.00
<del>Resident senior citizen fishing license-</del>	1.00
<del>Resident totally or permanently disabled fishing license-</del>	1.00
<del>Nonresident fishing license-</del>	4.00
<del>Nonresident husband-wife fishing license-</del>	8.00
<del>Trout and salmon license-</del>	1.00
<del>Resident small game license-</del>	1.00
<del>Nonresident small game—including general game, habitat, and certificate-</del>	20.00
<del>Nonresident small game/waterfowl—including general game, habitat, and certificate-</del>	20.00
Resident big game license	<del>8.00</del> <a href="#">\$15.00</a>
Youth resident big game license	<del>4.00</del> <a href="#">\$5.00</a>
Nonresident big game license	<del>20.00</del> <a href="#">\$50.00</a>
<del>Resident fur-bearer license-</del>	1.00
<del>Resident general game and habitat license-</del>	1.00
<del>Nonresident general game and habitat license-</del>	1.00
<del>Nonresident nongame license-</del>	2.00
<del>Wild</del> <a href="#">Resident wild</a> turkey license	<del>2.00</del> <a href="#">\$10.00</a>
<del>Guide license-</del>	2.00
<del>Combination license-</del>	4.00
<a href="#">Nonresident wild turkey license</a>	<a href="#">\$20.00</a>
Resident swan license	<del>1.00</del> <a href="#">\$5.00</a>

Nonresident swan license

~~3.00~~\$15.00

Motorboat registration decal (all boat lengths)

\$10.00

**History:** Effective September 1, 1983; amended effective June 1, 1984; April 1, 1986; June 1, 1992; September 1, 1993; October 1, 2020.

**General Authority:** NDCC 20.1-02-05

**Law Implemented:** NDCC 20.1-02-05

**CHAPTER 30-04-07  
WILDLIFE REPLACEMENT VALUES**

Section

30-04-07-01 Schedule of Monetary Values  
30-04-07-02 Adjustments to Base Values [for Deer](#)

**30-04-07-01. Schedule of monetary values.**

The following base values for wildlife are established:

- |     |   |         |
|-----|---|---------|
| 1.  | Big game  |         |
| a.  | Deer  | \$500   |
| b.  | Pronghorn   | \$1,000 |
| c.  | <a href="#">Elk, moose, and bighorn sheep, see North Dakota Century Code section 20.1-01-03</a>   |         |
| 2.  | Upland game birds   |         |
| a.  | Prairie chicken   | \$500   |
| b.  | Sage grouse   | \$500   |
| c.  | Turkey  | \$250   |
| d.  | Upland game bird (e.g., pheasant, grouse, gray partridge)   | \$50    |
| 3.  | Migratory game birds  |         |
| a.  | Swan  | \$200   |
| b.  | Sandhill crane  | \$100   |
| c.  | Goose   | \$50    |
| d.  | Redhead, canvasback, pintail  | \$75    |
| e.  | All other ducks and mergansers  | \$50    |
| f.  | Other migratory game birds  | \$50    |
| 4.  | Nongame birds   |         |
| a.  | Species of conservation priority  |         |
| (1) | Level I species<br>(horned grebe, American white pelican, American bittern, Swainson's hawk, ferruginous hawk, yellow rail, willet, upland sandpiper, long-billed curlew, marbled godwit, Wilson's phalarope, Franklin's gull, black tern, black-billed cuckoo, Sprague's pipit, grasshopper sparrow, Baird's sparrow, Nelson's sharp-tailed sparrow, lark bunting, chestnut-collared longspur) | \$400   |
| (2) | Level II species<br>(northern harrier, prairie falcon, American avocet, short-Eared owl, red-headed woodpecker, loggerhead shrike, sedge wren, dickcissel, Le Conte's sparrow, bobolink)  | \$300   |
| (3) | Level III species<br>(Brewer's sparrow, McCown's, longspur)   | \$200   |

b.	Waterbirds (e.g., Egret, heron, loon, grebe)	
	Whooping crane	\$1,000
	Egret and heron	\$50
	Loon	\$200
	Grebe	\$50
c.	Shorebirds (e.g., avocet, sandpiper, killdeer)	\$50
d.	Raptors	
	Golden Eagle	\$500
	Bald Eagle	\$1,000
	Peregrine	\$1,000
e.	All other raptors (e.g., Vulture, hawk, owl, falcon)	\$100
f.	All other birds	\$25
	Except: English sparrows, blackbirds, crows, starlings	No Value
5.	Protected furbearers and small game mammals	
a.	Bear	\$1,000
b.	Bobcat and lynx	\$500
c.	Mountain lion	\$1,000
d.	Wolf	\$1,000
e.	Red fox and coyote	\$75
f.	Otter, fisher, pine marten, wolverine	\$200
g.	All other protected furbearers	\$50
h.	Small game mammals (e.g., rabbit, gray squirrel, fox squirrel)	\$25
6.	<del>Snapping Turtle</del>	<del>\$50</del>

~~7. Fish and Freshwater mussels~~

~~The values of fish are those listed in the American Fisheries Society Special Publication No. 30, "Investigation and Monetary Values of Fish and Freshwater Mussel Kills", 2003~~ mussels are those listed in the American Fisheries Society Special Publication No. 35, "Investigation and Monetary Values of Fish and Freshwater Mollusk Kills", 2017. A copy is available for viewing at the Bismarck office of the North Dakota game and fish department. This publication may be purchased by writing to the following address:

American Fisheries Society  
5410 Grosvenor Lane, Suite 100  
Bethesda, MD 20814

7. Fish and other aquatic species restitution values

	<u>Value per Fish</u>
a. <u>Walleye (zander, hybrids)</u>	<u>\$30</u>
b. <u>Sauger (suageye, hybrids)</u>	<u>\$30</u>
c. <u>Northern pike</u>	<u>\$30</u>

d.	<u>Black bass (largemouth, smallmouth)</u>	<u>\$30</u>
e.	<u>Channel catfish</u>	<u>\$30</u>
f.	<u>Flathead catfish</u>	<u>\$30</u>
g.	<u>Salmon</u>	<u>\$30</u>
h.	<u>Trout</u>	<u>\$30</u>
i.	<u>Sunfish (bluegill, pumpkinseed, green sunfish, longear sunfish, orange spotted sunfish, hybrids)</u>	<u>\$15</u>
j.	<u>Crappie (white, black)</u>	<u>\$15</u>
k.	<u>Yellow perch</u>	<u>\$15</u>
l.	<u>Burbot</u>	<u>\$15</u>
m.	<u>White bass</u>	<u>\$15</u>
n.	<u>Pallid sturgeon</u>	<u>\$1,000</u>
o.	<u>Paddlefish</u>	<u>\$500</u>
p.	<u>Sturgeon (lake, shovelnose)</u>	<u>\$300</u>
q.	<u>Muskellunge</u>	<u>\$300</u>
r.	<u>Other nongame fish</u>	<u>\$10</u>
s.	<u>Live aquatic bait, including fish species (fathead minnows, creek chubs, white suckers, stickleback, and smelt), and frogs, salamanders, leeches, and crayfish</u>	<u>\$10 per gallon, minimum of \$20</u>
t.	<u>Turtles. The restitution values for turtles are as follows:</u>	
	<u>(1) Painted turtle</u>	<u>\$50 per turtle</u>
	<u>(2) All other turtle species</u>	<u>\$200 per turtle</u>

**History:** Effective May 1, 1984; amended effective April 1, 2006; October 1, 2020.

**General Authority:** NDCC 20.1-01-03

**Law Implemented:** NDCC 20.1-01-03

**30-04-07-02. Adjustments to base values for deer.**

The base values listed in section 30-04-07-01, ~~excluding the values of fish,~~ for deer are subject to the following adjustment: Adjustments are calculated using the green, gross score determined by the Boone and Crockett scoring method.

~~Value = Base value x Species age and size percent x Species condition percent.~~

~~Species age and size\*:~~

<del>Big game adult males, 2 1/2 years or older</del>	<del>-150% of base value</del>
<del>Females and males less than 2 1/2 years</del>	<del>-100% of base value</del>
<del>Young of the year**</del>	<del>-50% of base value</del>

~~\*Average size, age, and condition will be determined by investigator.~~

~~\*\* (1) Species that breed once a year—an obvious young of the year animal killed before September first.~~

~~(2) Species that breed more than once a year—an obvious young of the year animal at time of death:~~

~~(3) Bird species before first flight.~~

<u>Antlered white tail deer score of 140 to 159</u>	<u>\$750</u>
<u>Antlered white tail deer score of 160 and above</u>	<u>\$1,000</u>
<u>Antlered mule tail deer score of 160 to 179</u>	<u>\$750</u>
<u>Antlered mule tail deer score of 180 and above</u>	<u>\$1,000</u>

**History:** Effective May 1, 1984; amended effective April 1, 2006; October 1, 2020.

**General Authority:** NDCC 20.1-01-03

**Law Implemented:** NDCC 20.1-01-03

## CHAPTER 30-05-01

### 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 - Penalty.**

- a. All motorboats less than sixteen feet [4.8 meters] in length and all nonpowered boats must have one United States coast guard approved ~~type I, II, or III~~ device labeled as type I, II, or III, or seventy or more Newtons aboard for each person. All motorboats sixteen feet [4.8 meters] or greater in length must have one United States coast guard approved ~~type I, II, or III~~ device labeled as type I, II, or III, or seventy or more Newtons aboard for each person, and, in addition, one United States coast guard approved throwable type IV device. Any person who violates this subdivision is guilty of a noncriminal offense and shall pay a twenty-five dollar fee for each United States coast guard approved ~~type I, II, or III~~ device not aboard as required for each person with a maximum fee of two hundred fifty dollars for a shortage of ten or more.
- b. All persons manipulating any water skis, surfboard, or similar device must wear a United States coast guard approved ~~type I, II, or III~~ device labeled as type I, II, or III, or seventy or more Newtons. 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 United States 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 United States coast guard approved B-I type portable extinguishers or one United States coast guard approved B-II type portable extinguisher, or a fixed fire extinguishing system in the machinery spaces and one United States coast guard approved B-I type portable extinguisher. Motorboats forty feet [12 meters] or over in length must have either three United States coast guard B-I type portable extinguishers, or one United States 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 United States 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 United States coast guard approved B-II type or two B-I type portable extinguishers.
3. **Backfire flame arrester.** One United States 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 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.

7. Except as provided in subdivision a of subsection 1, 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; May 1, 1995; April 1, 2006; [October 1, 2020](#).

**General Authority:** NDCC 20.1-13-12

**Law Implemented:** NDCC 20.1-13-05

### **30-05-01-07. Placement of regulatory signs, markers, buoys, and other warning or marking devices.**

Upon written approval of the director of the game and fish department, regulatory signs, markers, buoys, or other warning or marking devices may be placed near or in the waters of this state as may be necessary for safety or recreation. Any person violating the restrictions on a sign, marker, buoy, or other warning or marking device is guilty of a noncriminal offense and shall pay a ~~thirty-five~~[seventy-five](#) dollar fee.

**History:** Effective November 1, 1995; [amended effective October 1, 2020](#).

**General Authority:** NDCC 20.1-13-12, 20.1-13-14

**Law Implemented:** NDCC 20.1-13-12, 20.1-13-14

**TITLE 43**  
**INDUSTRIAL COMMISSION**



## OCTOBER 2020

### ARTICLE 43-02 MINERAL EXPLORATION AND DEVELOPMENT

Chapter	
43-02-01	Coal Exploration
43-02-02	Subsurface Mineral Exploration and Development
43-02-02.1	Underground Injection Control Program
43-02-02.2	In Situ Leach <del>Uranium</del> <u>Mineral</u> Mining Rules
43-02-02.3	Surface Mining (Noncoal)
43-02-02.4	Solution Mining
43-02-03	Oil and Gas Conservation
43-02-04	Natural Gas Well Status Determinations [Repealed]
43-02-05	Underground Injection Control
43-02-06	Royalty Statements
43-02-07	Geothermal Energy Production
<u>43-02-07.1</u>	<u>Deep Geothermal Energy Production</u>
43-02-08	Stripper Well and Stripper Well Property Determination
43-02-09	Workover Projects [Repealed]
43-02-10	Certification of Secondary and Tertiary Recovery Projects - Determination of Incremental Production
43-02-11	Certification of Shallow Gas Wells
43-02-12	Geophysical Exploration Requirements
<u>43-02-13</u>	<u>High-Level Radioactive Waste</u>

#### CHAPTER 43-02-02.2 IN SITU LEACH ~~URANIUM~~MINERAL MINING RULES

Section	
43-02-02.2-01	Definitions
43-02-02.2-02	Scope of Chapter
43-02-02.2-03	Permit Required
43-02-02.2-04	Submission of Permit Application
43-02-02.2-05	Review for Completeness
43-02-02.2-06	Review Period
43-02-02.2-07	Permit <del>Applications</del> <u>Application and Annual Operating</u> Fees
43-02-02.2-08	Notice of Hearing
43-02-02.2-09	Information Added After Filing Date
43-02-02.2-10	Notice to Agencies
43-02-02.2-11	Summary Document
43-02-02.2-12	Permit Approval or Denial

43-02-02.2-13	Bond
43-02-02.2-14	Permit Application - General Requirements
43-02-02.2-15	Permit Application - General Contents
43-02-02.2-16	Permit Application - Additional Baseline Information
43-02-02.2-17	Permit Application - Mine Operations Plan
43-02-02.2-18	Permit Application - Reclamation Plan
43-02-02.2-19	Determination of Ground Water Restoration Demonstration
43-02-02.2-20	Ground Water Restoration Values
43-02-02.2-21	Establishing Baseline Water Quality and Control Parameters in New Mining Areas
43-02-02.2-22	Technical Revisions to an In Situ Leach Mine Permit
43-02-02.2-23	Designation of Exempted Aquifers
43-02-02.2-24	Injection Wells Subject to This Chapter
43-02-02.2-25	Well Location and Protection
43-02-02.2-26	Well Construction Requirements - General
43-02-02.2-27	Well Construction Requirements - Injection Wells
43-02-02.2-28	Monitoring Wells - Minimum Requirements
43-02-02.2-29	Disposal of Drill Cuttings
43-02-02.2-30	Mechanical Integrity
43-02-02.2-31	Supervision of Well Construction and Testing
43-02-02.2-32	Requirements for Plugging Drill Holes and Repair, Conversion, and Plugging Wells
43-02-02.2-33	Corrective Actions for Improperly Sealed Wells
43-02-02.2-34	Authorizing New Injection Wells Within Permit Area Boundary
43-02-02.2-35	Design and Construction of Surface Facilities
43-02-02.2-36	Construction Quality Assurance Plan
43-02-02.2-37	Pipeline Design and Construction Requirements
43-02-02.2-38	<a href="#">Radioactive Element</a> Recovery Plant and Satellite Facility Design and Construction Requirements
43-02-02.2-39	<a href="#">Uranium</a> <a href="#">Radioactive Element</a> Byproduct Material Handling and Disposal Systems
43-02-02.2-40	Disposal of Liquid Waste
43-02-02.2-41	Disposal of Nonradioactive Solid Waste
43-02-02.2-42	Prohibitions - Injection Volumes and Pressure
43-02-02.2-43	Production Area Operational Monitoring Requirements
43-02-02.2-44	Production Area Monitoring Well Location and Spacing Requirements
43-02-02.2-45	Nonproduction Zone Monitoring
43-02-02.2-46	Subsidence Monitoring
43-02-02.2-47	Confinement of Recovery Fluid
43-02-02.2-48	Excursions - Reporting Requirement
43-02-02.2-49	Excursions - Verifying Analysis
43-02-02.2-50	Excursions - Sampling Frequency
43-02-02.2-51	Excursions - Remedial Action
43-02-02.2-52	Excursions - Controlled
43-02-02.2-53	Excursions - Not Controlled
43-02-02.2-54	Criteria for Determination of Adequacy of Remedial Action Plan
43-02-02.2-55	General Reporting Requirements
43-02-02.2-56	Well Construction Records
43-02-02.2-57	Well Plugging Records
43-02-02.2-58	Maintenance and Retention of Records
43-02-02.2-59	Ground Water Restoration Requirements
43-02-02.2-60	Restoration Sampling Procedure
43-02-02.2-61	Restoration Progress Reports
43-02-02.2-62	Final Restoration - Restoration Values Achieved
43-02-02.2-63	Restoration Values Not Achieved
43-02-02.2-64	Closure of Mine Site Following Restoration
43-02-02.2-65	Postclosure Plan - Postclosure Bond - Estimated Costs for Postclosure Care

43-02-02.2-66	Reclamation of Surface Facilities
43-02-02.2-67	Radiation Survey of Surface Facilities at Mine Closure
43-02-02.2-68	Radiation Standards for Closure of Surface Facilities
43-02-02.2-69	General Postclosure Inspection, Annual Report, and Maintenance Activities
43-02-02.2-70	Postclosure Operation of Monitoring Systems
43-02-02.2-71	Ground Water Contamination During the Postclosure Period
43-02-02.2-72	Approval of the End of the Postclosure Period
43-02-02.2-73	Available Information on In Situ Leach Mines
43-02-02.2-74	Final Bond Release
43-02-02.2-75	Additional Information May Be Required
43-02-02.2-76	Application for Hearing
43-02-02.2-77	Hearing Participants by Telephone
43-02-02.2-78	Hearings - Complaint Proceedings - Emergency Proceedings - Other Proceedings
43-02-02.2-79	Investigatory Hearings
43-02-02.2-80	Official Notice
43-02-02.2-81	Notice of Order by Mail
43-02-02.2-82	Record of Proceedings
43-02-02.2-83	Designation of Examiners
43-02-02.2-84	Powers and Duties of Examiner
43-02-02.2-85	Examiner's Recommended Findings, Conclusions, and Proposed Order
43-02-02.2-86	Commission Order
43-02-02.2-87	Prehearing Motion Practice

#### **43-02-02.2-01. Definitions.**

Terms in this chapter have the same meaning as in North Dakota Century Code chapter 38-12, except:

1. "Abandoned well" means a well whose use has been permanently discontinued or that is in such a state of disrepair that it cannot be used for its intended purpose or for observation purposes.
2. "Background" means the ambient condition that exists as part of the natural environment at a particular location.
3. "Baseline" means a premining condition, concentration, quantity, or quality that is set as a specific value or guideline against which future values are compared.
4. "Baseline well" means a well from which ground water is analyzed to define baseline water quality in the permit area.
5. "Beneficial use" means a practical use of land that has economic or social value and that allows other sustainable uses.
6. "Best available technology" means the best technology, treatment techniques, or other means that the department finds, after examination for efficacy under field conditions and not solely under laboratory conditions, that are available, subject to cost considerations. For the purposes of setting maximum contaminant levels for synthetic organic chemicals, any best available technology must be at least as effective as granular activated carbon.
7. "Byproduct material" means surface wastes or material resulting from in situ leach mining. Underground ore bodies depleted by in situ leach mining do not constitute byproduct material.
8. "Casing" means a pipe or tubing of appropriate material lowered into a borehole during or after drilling to support the sides of the hole to prevent the walls from caving; to prevent loss of

drilling mud into porous ground; and to prevent water, gas, or other fluid from entering or leaving the hole.

9. "Catastrophic collapse" means the sudden and complete failure of overlying strata caused by removing underlying materials.
10. "Cementing" means the process of mixing and placing cement grout in a hole to prevent the vertical movement of fluids in the hole or the annulus.
11. "Class III well" means under the federal underground injection control program promulgated under part C of the Safe Drinking Water Act, 42 U.S.C. 300 et seq. (2003), a well that injects fluids for extraction of minerals, including solution mining of minerals. The term includes any well used in:
  - a. Mining of sulfur by the Frasch process;
  - b. In situ leach mining of uranium or other metals (This category includes only in situ production from ore bodies that have not been conventionally mined. Wells used for solution mining, such as stope leaching, are classified as class V wells.); or
  - c. In situ mining of salts, trona, or potash.
12. "Composite liner" means a liner made of two components, typically a geomembrane and a soil liner.
13. "Confining zone" means a geological unit that is stratigraphically adjacent to one or more aquifers and restricts the movement of ground water into and out of the aquifer or aquifers it confines.
14. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water, soil, or air that is potentially harmful to human health or the health of animals or plants.
15. "Contiguous land" means land bordering the land within the permit area.
16. "Control parameter" means a chemical constituent of ground water monitored on a routine basis and used to detect the presence of recovery fluids in a monitoring well.
17. "Department" means the department of mineral resources of the industrial commission.
18. "Ephemeral drainage" means a stream or reach of a stream that flows only in direct response to precipitation or to the melting of snow or ice in the immediate watershed.
19. "Excursion" means any unauthorized movement of recovery fluid out of the production zone as a result of mining.
20. "Exempted aquifer" means an aquifer or portion of an aquifer that meets the criteria in the definition of "underground source of drinking water" but which has been exempted under section ~~33-25-01-05~~[33.1-25-01-05](#).
21. "Facility" means all contiguous land and all structures and improvements on the permit area used for mining.
22. "Filing date" means the date on which the department notifies the applicant that its application is complete.
23. "Final reclamation" means reclamation performed that satisfies the requirements of the approved reclamation plan and attains the intended postmining land use.

24. "Fluid" means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or other form.
25. "Formation" means a body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mapable on the earth's surface or traceable in the subsurface.
26. "Formation fluid" means fluid present in a formation under natural conditions. It does not include introduced fluids.
27. "Geomembrane" means a synthetic, impermeable membrane used in contact with soil or other materials in geotechnical and civil engineering applications to contain liquids. Geomembranes are made of various materials, with each type having different characteristics that affect installation procedures, lifespan, and performance.
28. "Geotechnical analysis" means a study of the engineering characteristics and properties of the site's soils, rocks, and other materials for suitability in construction.
29. "Ground water" means water below the land surface that is in the zone of saturation.
30. "Ground water restoration" means the condition achieved when the quality of ground water affected by injecting mining solution in production and nonproduction zones is returned to restoration values.
31. "Grout" means a slurry used to form a permanent, impervious seal in the annular space or to fill and seal abandoned holes or wells.
32. "Hazardous waste" has the meaning given in subsection 1 of section ~~33-24-02-03~~[33.1-24-02-03](#) and North Dakota Century Code section 23-20.3-02.
33. "In situ leach mining" means a method of in-place surface mining in which limited quantities of overburden are disturbed to install a conduit or well and ~~uranium is~~[minerals are](#) mined by injecting or recovering a liquid, solid, sludge, or gas that causes the leaching, dissolution, gasification, liquefaction, or extraction of ~~uranium~~[minerals](#). In situ leach mining does not include the primary or enhanced recovery of naturally occurring oil and gas.
34. "Injection well" means a class III well.
35. "Injection zone" means a geological formation, group of formations, or part of a formation receiving fluids through a well for the purposes of mineral recovery.
36. "Intermittent drainage" means a stream or reach of a stream that flows for at least some part of the year and obtains its flow from surface runoff and ground water discharge.
37. "Mechanical integrity" means the condition of an injection well, when there is no significant leak in the casing, tubing, or packer, and there is no significant fluid movement into an unauthorized zone or underground source of drinking water through vertical channels adjacent to the injection well bore. The determination that there are no significant leaks or fluid movement is based on the results of mechanical integrity testing.
38. "Mining" means in situ leach mining, unless the context requires otherwise.
39. "Mining solution" means the injected fluid containing the chemicals used to mobilize the ~~uranium~~[minerals](#) into solution.
40. "Monitoring well" means any cased excavation or opening into the ground made by digging, boring, drilling, driving, jetting, or other methods to determine the physical, chemical, biological, or radiological properties of ground water.

41. "Negative pressure gradient" means the condition that results from the creation of a localized hydrological cone of depression or pressure sink within the production zone caused by the production of more fluid than was injected. The purpose of this pressure gradient is to contain the recovery fluid by causing natural ground water to move from the surrounding area toward the production zone.
42. "Nonproduction zone" means an aquifer that is above or below the production zone.
43. "Occupied dwelling" means a residence that is lived in by a person at least six months throughout a calendar year.
44. "Operator" means the principal that is on the bond covering the facility.
45. "Perennial drainage" means a stream or reach of a stream that flows continuously during all of the calendar year as a result of ground water discharge or surface runoff.
46. "Permit amendment" means a change to an approved mining permit that requires department approval.
47. "Permit application" means a mining permit application.
48. "Permit area" means the area approved by the department in which mining may occur.
49. "Plugging" means the process of filling a borehole or a well to restore hydrologic conditions and to prevent migration of ground water between strata.
50. "Postmining land use" means the beneficial land use or uses upon which a mining operation reclamation plan is based, including forest planting, agriculture or horticulture, rangeland, wildlife habitat, recreation, residential and industrial sites, and future mineral exploration and development.
51. "Pressure" means the total force per unit area acting on a surface.
52. "Process solution" means a solution used in extracting minerals from ore during the milling process.
53. "Production" means removing or processing at least ten percent of the permitted annual uranium minerals or the conduct of other activities, including reclamation, which significantly move the operation toward completion.
54. "Production area" means the area in which mining takes place.
55. "Production well" means a well or conduit through which a recovery fluid, mineral, or product is produced from the subsurface. If a well is used for both injection and recovery, it is considered an injection well for the purposes of this chapter until the operator demonstrates to the department that the well has been converted to uses other than injection.
56. "Production zone" means the geologic interval into which mining solutions are to be injected and recovery fluids extracted.
57. "Radioactive waste" means any waste that contains radioactive material in concentrations that exceed those listed in chapter 33-10-04.1, appendix B, table II, column 2.
58. "Receiving strata" means the geologic units within which the production zones are contained.
59. "Recovery fluid" means the fluid resulting from injecting mining solution that has dissolved or mobilized uranium minerals from the production zone for extraction and recovery.

60. "Restoration table" means a list of parameters in the mining permit with assigned ground water quality restoration values that are the compliance requirements for restoring production and nonproduction zones.
61. "Restored aquifer" means that portion of an aquifer within a restoration area where the water quality has, by natural or artificial processes, returned to restoration values.
62. "Satellite facility" means a uranium mineral recovery or ion exchange facility set up at a remote distance from a central processing plant. ~~The satellite facility extracts uranium from an in situ recovery fluid by loading it on an ion exchange resin. The loaded resin is then transported to a central processing plant where the uranium is removed from the resin and processed into yellowcake. Many of the in situ leach plants operating today process the yellowcake at the plant site and do not utilize satellite facilities.~~
63. "Slope" means the average inclination of a surface measured from the horizontal.
64. "Solid waste" has the meaning given in North Dakota Century Code section 23-29-03.
65. "Submission" means the initial physical delivery of an application to the department.
66. "Surface impoundment" means a natural or artificial closed basin that holds water, slurry, or other liquid or semiliquid material. A permanent surface impoundment is a structure that will remain after final bond release.
67. "Tailings impoundment" means a structure designed to hold tailings, including leach pads and dumps containing treated spent ~~uranium~~ ore of the mined mineral.
68. "Technical revision" means a change in the operating plan, reclamation plan, or permit that the department determines has only a minimal effect on the interests this chapter seeks to protect or advance.
69. "Topsoil" means soil at the earth's surface that will easily produce and sustain vegetation growths specified in an approved reclamation plan.
70. "Treatment" means any method or process, including neutralization, designed to change the physical, chemical, or biological character or composition of a waste for the purpose of disposal or final reclamation.
71. "Unauthorized zone" means the area outside the production zone that is not permitted for injecting mining solution or extracting recovery fluid, or authorized for any excursion of recovery fluid out of the production zone.
72. "Underground source of drinking water" means an aquifer or part of an aquifer that meets any one of the following:
- a. Supplies any public water system;
  - b. Contains a sufficient quantity of ground water to supply a public water system and either currently supplies drinking water for human consumption or contains fewer than ten thousand milligrams per liter total dissolved solids; or
  - c. Is not an exempted aquifer.
73. "Upper limit value" means a chemical or physical concentration greater than the maximum value of a parameter that can be attributed to natural fluctuations and analytical variability. Upper limit values are determined by the department from the baseline sampling prior to initiation of mining. Upper limit values are used to determine when there is movement of recovery fluid out of authorized areas or unapproved changes to a chemical or physical

parameter. For certain parameters, such as pH, an upper limit value may be defined as an acceptable range of values.

74. "Verifying analysis" means a second sampling and analysis of control parameters for the purpose of confirming a routine sample analysis that indicates an increase in a control parameter to a level exceeding the upper limit value.
75. "Well" means an artificial excavation or opening in the ground with a depth greater than the largest surface dimension by which ground water is sought or through which ground water flows under natural pressure or is artificially withdrawn. A well is made by digging, boring, drilling, jetting, or another artificial method, and is often walled or cased to prevent the sides from caving.
76. "Yellowcake" means a processed oxide of uranium, U<sub>3</sub>O<sub>8</sub>, that is extracted and concentrated from uranium ore.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-03. Permit required.**

A permit is required prior to commencement of mining. [The commission shall review the facility permit at least once every five years to determine whether the permit should be amended, modified, or revoked.](#)

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-03

**Law Implemented:** NDCC 38-12-03

#### **43-02-02.2-07. Permit ~~applications~~ -- [Fees application and annual operating fees](#).**

A fee of twenty thousand dollars must accompany the permit application. Permit revisions may require additional fees not to exceed ten thousand dollars.

[The annual operating fees must be based upon the costs to monitor and inspect the facility.](#)

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-03

**Law Implemented:** NDCC 38-12-03

#### **43-02-02.2-15. Permit application - General contents.**

1. The application must:
  - a. Describe by legal description the land for which a permit is sought.
  - b. Identify all property interests the applicant holds, including options, in the lands for which a permit is sought and in all contiguous land. This identification must cover surface and subsurface interests and legal descriptions must be provided identifying the location of each interest and option.
  - c. List the names and addresses of the following:
    - (1) The permit applicant.
    - (2) Every legal or equitable owner of record (surface and subsurface) of the property for which a permit is sought.

- (3) The holders of record (surface and subsurface) of any leasehold interest in the property.
  - (4) Any purchaser of record (surface and subsurface) of the property under a contract.
  - (5) The operator, if the operator is a person different from the permit applicant.
  - (6) If any of the above are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent.
  - (7) Every owner of record of all surface and subsurface interests in contiguous land.
- d. State, if the applicant is a partnership, corporation, limited liability company, association, or other business entity. State that the applicant is registered with the North Dakota secretary of state to do business in North Dakota and state:
    - (1) The names and addresses of every officer, manager, partner, director, governor, or person performing a function similar to a director.
    - (2) The name and address of any person owning of record ten percent or more of any class of voting stock or membership interests of the applicant.
  - e. All names under which the applicant, and any partner, principal shareholder, or principal member of the applicant, was involved in a mining operation within any state during the five years preceding the date of the application.
  - f. A description of any pending, current, or previous permits for mining operations in any state being sought or held by the applicant and any partner, principal shareholder, or principal member of the applicant.
  - g. A description of any instance in which the applicant has been formally notified that it violated any law of the United States or the state of North Dakota, or of any agency of the United States or of the state of North Dakota, pertaining to air or water protection in connection with any mining operation during the five years prior to the date of application. The applicant must also explain the final resolution of any such notice.
  - h. Whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has ever held any federal or state permit for a mining operation that in the five years prior to the date of the application has been suspended or revoked, or has had a bond or similar security for a mining operation forfeited and, if so, explain the facts involved.
  - i. In this subdivision, "mining operations" is interpreted broadly to cover all kinds of mining.
2. The application must provide the names of persons that collected and analyzed data referred to in the application, as well as:
    - a. Dates of collection and analyses.
    - b. Descriptions of methodology used.
  3. The application must provide the name, address, and position of officials of each private or academic research organization or governmental agency consulted in preparing the application.
  4. Maps must accompany the application to aid the department's understanding and analysis of it.

- a. Maps must be legible and drawn to a scale that clearly shows the elements being delineated. Permit area map scales must be 1:2,400 or larger. Maps showing lands and water in contiguous areas must be at a scale 1:24,000 or larger. The department may approve requests for map scale changes. Maps must:
    - (1) Show the name of the applicant;
    - (2) Be prepared and signed by a person qualified to prepare the map;
    - (3) Give the date prepared;
    - (4) Identify the purpose the map fulfills;
    - (5) Include a legend;
    - (6) Indicate township, range, and section boundaries; and
    - (7) Identify scale.
  
  - b. Base maps are required and must identify all major topographic features and landmarks, streams, towns, subdivisions, historic or archaeological sites, utilities, roads, and buildings. In lieu of delineating these items on the map, the use of a standard United States geological survey seven-and-one-half-minute quadrangle map may be used as a base map. Contour (topographic) maps must accurately locate and identify the permit area, the proposed permit boundary, and the location of any public highways, dwellings, utilities, and easements within the permit area and contiguous lands in relation to all proposed affected lands and proposed activities associated with the mining, including all processing facilities, chemical storage areas, production areas, and roads. The map shall also clearly illustrate the location of monitoring wells.
5. The application must describe the activities to be conducted by the applicant for which permits are required from state, federal, and local governments. It must also list all permits or construction approvals received or applied for in association with the proposed mining activity under the following:
- a. The hazardous waste management program under article ~~33-24~~33.1-24;
  - b. The underground injection control program under article ~~33-25~~33.1-25 and chapter 43-02-02.1 and under North Dakota Century Code chapter 61-28;
  - c. The control, prevention, and abatement of pollution of surface waters program under article ~~33-16~~33.1-16 and under North Dakota Century Code chapter 61-28;
  - d. The air quality program under article ~~33-15~~33.1-15 and under North Dakota Century Code chapter ~~23-25~~23.1-06;
  - e. Section 404 of the Clean Water Act;
  - f. The radiation control program under article ~~33-10~~33.1-10 and under North Dakota Century Code ~~chapters 23-20, 23-20.1, 23-20.2, and 23-20.5~~chapter 23.1-02, when radioactive elements will be produced in sufficient quantities;
  - g. A United States nuclear regulatory commission source and byproduct material license, when radioactive elements will be produced in sufficient quantities;
  - h. Laws administered by the state engineer, state water commission, and water resource districts; and

- i. Any other federal, state, and local permits or approvals.

**History:** Effective January 1, 2009; [amended effective October 1, 2020.](#)

**General Authority:** NDCC 38-12-03

**Law Implemented:** NDCC 38-12-03

#### **43-02-02.2-16. Permit application - Additional baseline information.**

1. Baseline water quality and water level data must be submitted with the application. The data must represent at least a one-year period during which data is collected monthly unless the applicant can demonstrate to the department's satisfaction that less frequent sampling or sampling for a shorter period for specific locations is hydrologically justifiable. In no case may baseline sampling be less frequent than quarterly.
2. The following information is required:
  - a. Ground water baseline information, including:
    - (1) A geochemical, lithological, and mineralogical description of the receiving strata and any aquifers that may be affected by injecting mining solution;
    - (2) Aquifer characteristics for the water-saturated portions of the receiving strata and aquifers that may be affected by the mining process. Characteristics must include aquifer thickness, velocity and direction of ground water movement, potentiometric gradient, storage coefficients or specific yields, transmissivity or hydraulic conductivity, water level data, recharge and discharge areas, and the directions of preferred flow under hydraulic stress in the saturated zones of the receiving strata. The extent of hydraulic connection between the receiving strata and overlying and underlying aquifers and the hydraulic characteristics of any influencing boundaries in or near the proposed production areas must be determined and described; and
    - (3) The volume and areal extent of ground water anticipated to be influenced by the injection activities. The area of review must include the area within a one-quarter mile [.40 kilometer] radius of the injection wells, or as determined by the department.
  - b. Geology of the land within the proposed permit area and contiguous lands, including representative geologic cross sections and structure contour maps or three-dimensional fence diagrams of the target [uranium mineral](#) deposit.
  - c. A surface water inventory map on a topographic base map, depicting all identifiable surface water resources potentially affected by the proposed mining process, including seeps, springs, rivers, streams, lakes, ponds, wetlands, and reservoirs. The map must also address surface water quality and quantity, discharge rates, and other information necessary to characterize the hydrologic system.
  - d. A well location inventory map depicting any identifiable wells and exploration test holes, located within one mile [1.61 kilometers] of the boundary of the permit area accompanied by a table of all known existing water wells, producing wells, injection wells, abandoned wells, and exploration holes, giving location, depth, producing intervals, type of use, condition of casing, plugging procedures and date of completion for each well or drill hole within that same area to the extent such information is available in public records and from a reasonable inspection of the property.
  - e. A potentiometric surface map of the mining zone and the overlying and underlying hydrostratigraphic units on a topographic base map as well as any near-surface aquifers.

- f. A geochemical characterization of the ore rock. The EP toxicity test must be used.
  - g. A surface and ground water monitoring plan for the life of the mine.
  - h. Meteorologic data and a meteorologic monitoring plan.
  - i. A drainage, erosion, and sedimentation control plan.
  - j. For operations using chemicals in the milling process, a description of the proposed methods to monitor and collect leakage or spills and a spill contingency plan.
  - k. An estimate of the water requirements, including flow rates and volumes for each phase of the mining and restoration operation. This estimate must include a description of the potential effect on the quality and quantity of the proposed water source.
  - l. A description of the chemical characteristics of process solutions and the chemicals used to process ore, including a range of operating concentrations.
  - m. Preliminary engineering plans and specifications for pollution control facilities and a quality control plan for constructing those facilities.
  - n. Site-specific background radiological data, including the results of measurements of radioactive materials occurring in important species, soil, air, and in surface and ground waters that could be affected by the proposed mining operations, when radioactive elements will be produced in sufficient quantities. The applicant shall develop a preoperational environmental radiological monitoring plan. The plan must include a radiation survey of the proposed mine facilities area to include process or recovery facilityfacilities, ponds, impoundments, and wellfields.
  - o. Identification of unstable or seismic areas.
  - p. A list and map of all adjudicated and permitted ground water and surface water rights within a six-mile [9.65-kilometer] radius of the mine permit boundary.
  - q. Land use and zoning laws within the mine permit and within a one-mile [1.61-kilometer] radius of the mine permit boundary.
  - r. A list of occupied dwellings within the mine permit and within a one-mile [1.61-kilometer] radius of the mine permit boundary.
3. The department may require presubmission meetings to discuss the procedures for baseline data and site characterization.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-03

**Law Implemented:** NDCC 38-12-03

#### **43-02-02.2-17. Permit application - Mine operations plan.**

Applications must include a mining plan, which must include:

- 1. A narrative description of the mining and milling techniques to be employed, including plan view maps of the proposed mining;
- 2. A narrative description of the proposed depth and direction of mining including representative maps and cross sections;

3. A map depicting the proposed locations of all buildings and infrastructure, including pipelines, surface impoundments, waste dumps, and other mine-related facilities;
4. Discussion and illustration of the estimated mining schedule, including:
  - a. A list of the proposed wellfields;
  - b. A map showing the proposed sequence for mining the wellfields;
  - c. An estimated time schedule for mining each wellfield; and
  - d. The capacity of the water and wastewater treatment systems and correlation of their capacity with the mining and restoration schedules;
5. Conceptual plans and specifications for mining facilities in accordance with section 43-02-02.2-35;
6. ~~In accordance with United States nuclear regulatory commission requirements, a~~ plan for ground water monitoring adjacent to ponds and surface impoundments and a leak response plan detailing actions that will be taken in response to detecting leaks from these areas. The plan must be in accordance with United States nuclear regulatory commission requirements when radioactive elements will be produced in sufficient quantities;
7. ~~In accordance with United States nuclear regulatory commission requirements, a~~ plan for the periodic inspection and maintenance of mine facilities to include pipelines and lined impoundments. The plan must include criteria for repair or replacing equipment or infrastructure to keep mine facilities in good repair and order, and a quarterly report to include inspection logs, problems identified, and repair or replacement work completed. The plan must be in accordance with United States nuclear regulatory commission requirements when radioactive elements will be produced in sufficient quantities;
8. The composition of all known and anticipated wastes and procedures for their disposal;
9. Procedures for ensuring that all radioactive, toxic, acid-forming, or other materials constituting a fire, health, safety, or environmental hazard encountered during or created by the mining are promptly treated, confined, or disposed of in a manner designed to prevent pollution of air, surface water, or ground water, degradation of soils or vegetation, or a threat to human or animal health and safety, and according to state law;
10. A site monitoring plan to include:
  - a. Ground water quality for both production and nonproduction zones;
  - b. Surface water quality and quantity, including discharge points, streams and lakes, and general direction of flow off the site;
  - c. Requirements for water quality sampling and analysis to include:
    - (1) A description of, or reference for, the procedures and methods used for sample collection, preservation, quality control, and detection levels;
    - (2) The name, address, and telephone number of the laboratory performing the analyses, and the laboratory identification number; and
    - (3) Signatures of the laboratory manager or technician performing the analyses for the prepermit baseline study and permit requirements;
  - d. Air quality, including process facilities and other enclosed facilities;

- e. Soils;
  - f. Wildlife and aquatics;
  - g. Subsidence;
  - h. Vegetation; and
  - i. Environmental radiological monitoring of surface water, air, soils, and vegetation;
11. A description of the location within the permit area where underground injection is proposed;
  12. A description of the proposed method of operation, including:
    - a. Injection rate, with the average and maximum daily rate and the volume of fluid to be injected;
    - b. Injection pressures, with average and maximum injection pressures;
    - c. A description of how a negative pressure gradient will be maintained within the production zone;
    - d. Proposed well stimulation program;
    - e. Type of mining solution to be used;
    - f. Proposed injection procedure; and
    - g. Expected changes in pressure, native ground water displacement, and direction of movement of mining solution;
  13. The following information concerning the production zone:
    - a. If the receiving strata is naturally a water-bearing formation:
      - (1) Fluid pressure;
      - (2) Fracture pressure;
      - (3) Physical and chemical characteristics of the receiving strata fluids; and
      - (4) Compatibility of injected fluids with formation fluids; and
    - b. If the receiving strata is not a water-bearing formation, the fracture pressure in the production zone;
  14. The procedures to ensure that installing recovery, injection, and monitoring wells will not result in hydraulic communication between the production zone and overlying or underlying stratigraphic horizons;
  15. The procedures used to verify that the injection and production wells are in communication with monitoring wells completed in the receiving strata and employed for the purpose of detecting excursions;
  16. The well construction method must be stated in the permit application. Descriptions of the construction and completion details for all injection and production wells in accordance with sections 43-02-02.2-25 through 43-02-02.2-27, and for monitoring wells in accordance with sections 43-02-02.2-25, 43-02-02.2-26, and 43-02-02.2-28;

17. A schedule for and description of the procedures to demonstrate and maintain mechanical integrity of all injection and production wells in accordance with section 43-02-02.2-30;
18. A corrective action plan in accordance with section 43-02-02.2-33 for wells that are improperly sealed, completed, or abandoned, consisting of the steps or modifications necessary to prevent movement of fluid into unauthorized zones;
19. A description of the proposed mining solution and the chemical reactions that may occur during mining as a result of injecting the mining solution;
20. A subsidence analysis, using established geotechnical principles, that estimates, based upon the proposed mining operation, the effect of subsidence upon the land surface and overlying aquifers;
21. A spill contingency plan in accordance with section ~~33-16-02.1-01~~33.1-16-02.1-01 to include reporting, response, assessment, and remedial actions;
22. A description of measures employed to prevent an excursion, and in the event of an excursion, the plans to report or to verify the excursion, and plans for remedial action in accordance with sections 43-02-02.2-48 through 43-02-02.2-53;
23. An assessment of impacts that mining may reasonably be expected to have on water resources and water rights inside the permit area and on contiguous land, and the steps that will be taken to mitigate these impacts;
24. A well maintenance plan to ensure:
  - a. Wells are sufficiently covered to protect against entrance of undesirable material into the well;
  - b. The wells are marked and can be clearly seen;
  - c. The area surrounding each well is kept clear of brush or debris; and
  - d. Monitoring equipment is appropriately serviced and maintained so monitoring requirements can be met;
25. To the extent that existing information or data is available, a determination of whether the annulus of existing water wells has been properly sealed and whether former producing wells, former injection wells, former monitoring wells, abandoned wells, and exploration holes in the proposed production area have been appropriately plugged and abandoned, and if not, a plan for replugging these wells;
26. A plan to minimize a mining operation's adverse impacts, including:
  - a. Design, construction, and location of facilities to minimize impacts to surface water and ground water;
  - b. Design and location of facilities so they are compatible with surrounding land uses;
  - c. Control of access;
  - d. Preventive measures to minimize harmful impacts to wildlife;
  - e. Minimizing the production of mine waste; and
  - f. Integrating mine operations planning with the reclamation plan;

27. A plan to ensure that all refuse from the mining operation, including garbage and rubbish, is disposed of in a permitted solid waste facility and that all special and hazardous wastes are handled in accordance with North Dakota Century Code ~~chapter 33-24~~[chapters 23.1-04 and 23.1-08](#); and
28. A plan for drill hole plugging and well repair, plugging, and conversion must be included in the permit application and constitutes a condition of the permit.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-18. Permit application - Reclamation plan.**

Applications must include a reclamation plan that contains the following:

1. Discussion and information necessary to demonstrate that ground water restoration will be achieved, including:
  - a. A list of the proposed wellfields;
  - b. A map showing the estimated sequence for restoring the wellfields;
  - c. A potentiometric map of the ground water surface in the shallowest aquifer, production zone, and adjacent aquifers;
  - d. The geochemistry of the shallowest aquifer and the production zone and of up-gradient and down-gradient aquifers, to include oxidation-reduction conditions and common ions;
  - e. The direction and velocity of ground water movement through the producing zone;
  - f. The proposed methods to restore ground water quality, based on the geochemistry of the production zone and the chemistry of the mining solutions;
  - g. An estimated time schedule for restoring each wellfield; and
  - h. Proposed ground water quality restoration values;
2. A plan for well repair, abandonment, plugging, and conversion;
3. A plan for disposing drill cuttings;
4. An estimated time schedule for achieving reclamation, including ground water restoration and surface reclamation to be completed in not more than five years unless such period is extended by the department upon a finding that additional time is necessary to complete the reclamation plan;
5. Procedures for re-establishing any surface water quality and surface drainage that may be impacted by the mining operation;
6. Procedures for permanently disposing of any radioactive, toxic, or acid-forming materials;
7. Procedures for removing and disposing of structures used in conjunction with the mining operation;
8. Procedures for mitigating or controlling the effects of subsidence;
9. The removal and proper disposal of sludges from impoundments;

10. The removal and proper disposal of geomembranes from impoundments; and
11. On department forms, a cost-estimate for each activity needed for full reclamation, as computed in accordance with established engineering and accounting principles, including:
  - a. The cost of removing and disposing of structures;
  - b. The cost of regrading, depositing topsoil, and reseeding affected lands;
  - c. The cost of facilities, materials, and chemicals used for ground water restoration;
  - d. The cost of ground water restoration in the production zone;
  - e. The cost of water treatment;
  - f. The cost of capping, plugging, and sealing all wells;
  - g. The cost for collecting and analyzing samples from surface and ground water monitoring sites;
  - h. The cost for disposing of solid or hazardous waste, such as pond sludges or, when applicable, uranium byproduct material handling and disposal systems, including costs for onsite disposal systems; and
  - i. The cost for personnel working on reclamation-related activities.

A cost analysis for each activity to be conducted in implementing reclamation of the components of the proposed operation must be included. The method for calculating estimated reclamation costs must be described in detail and is subject to department approval.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

**43-02-02.2-26. Well construction requirements - General.**

1. Construction requirements listed in this section apply to all wells installed for activities related to mining.
2. The department may grant a deviation from the requirements through a technical revision, if the operator proves that alternative requirements are reliable, ensure mechanical integrity, and will protect ground water.
3. Injection and production wells must be generally constructed as follows:
  - a. Annular seals must be installed to protect the casing against corrosion, ensure the casing's structural integrity, stabilize the upper formations, protect against contamination or pollution of the well from the surface, and prevent migration of ground water from one aquifer or water-bearing strata to another in accordance with the following requirements:
    - (1) The drill hole must have a sufficient annular opening to allow for one and one-half inches [38.1 millimeters] of grout around the casing and couplings as per section ~~33-18-01-06~~33.1-18-01-06. The department may approve an alternative casing design if it provides an equivalent degree of ground water protection;
    - (2) Before placing the annular seal, the well bore must be under static conditions and all loose drill cuttings, rock chips, or other obstructions must be removed from the annular space by circulating the borehole with water or drilling mud slurry;

- (3) Grout must be placed to fill all voids as required in [subsection 10 of section ~~33-18-01-06~~33.1-18-01-06](#) using a bottom-up trimmie grouting method. Grout must be injected into the subsurface in a sequence beginning at the bottom of the void and progressing upward in two-foot [.61-meter] increments;
- (4) Sealing material must consist of neat cement grout or bentonite grout mixtures meeting the following requirements:
  - (a) Cement grout must be composed of high sulfate-resistant Portland cement and no more than six gallons [22.71 liters] of clean water for each ninety-four-pound [42.64-kilogram] sack of cement to yield a slurry weight of approximately thirteen pounds per gallon. Cement grout must conform to the requirements of subsection 10 of section ~~33-18-01-06~~33.1-18-01-06;
  - (b) Bentonite grout must conform to subsection 10 of section ~~33-18-01-06~~33.1-18-01-06 requirements. High-solids bentonite clay grout, bentonite chips, or bentonite tablets must be commercially prepared specifically for the purpose of sealing water wells;
  - (c) The sealing material must be thoroughly mixed before applied so there are no balls, clods, or other features that could reduce the seal's effectiveness;
  - (d) Special quick-setting cement, cement accelerators, retarders, fluid-loss additives, dispersants, extenders, loss-of-circulation materials, and other additives, including hydrated lime to make the mix more fluid or bentonite to make the mix more fluid and reduce shrinkage, may be used, if approved by the department; and
  - (e) Used drilling mud or drill cuttings from the borehole may not be used as sealing material;
- b. Well casing must conform to the requirements in subsections 2 and 3 of section ~~33-18-01-06~~33.1-18-01-06. The casing must be of sufficient strength and diameter to prevent casing collapse during installation, convey liquid at a specified injection/recovery rate and pressure, and allow for sampling. Casing must be installed to avoid damage to casing sections and joints. All joints in the casing above the perforations or screens must be watertight. Casing must be equipped with centralizers placed at a maximum spacing of one per forty feet [12.19 meters] to ensure even thickness of annular seal and gravel pack; and
- c. Well development must be by methods that will not cause damage to the well or cause adverse subsurface conditions that may destroy barriers to the vertical movement of water between water-bearing strata.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-31. Supervision of well construction and testing.**

All phases of well construction and testing must be done under the supervision of a water well or monitoring well contractor pursuant to chapter ~~33-18-01~~33.1-18-01 and North Dakota Century Code chapter 43-35.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-32. Requirements for plugging drill holes and repair, conversion, and plugging wells.**

The requirements for plugging drill holes and repairing, converting, and plugging wells are as follows:

1. All drill holes must be plugged under subsection 19 of section ~~33-18-01-06~~[33.1-18-01-06](#) requirements, as applicable, in a manner that will not allow fluids to move either into or between water-bearing strata;
2. The operator shall notify the department forty-five days before plugging a well within a production area or converting a well to other than injection well uses;
3. All abandoned wells must be plugged or converted, in accordance with the permit's plugging or conversion plan, to ensure that ground water is protected and preserved for future use and to eliminate any potential physical hazard. A well is considered abandoned if it has not been used for two years, unless the operator submits to the department and receives approval for a technical revision demonstrating the operator's intention to use the well again and the actions and specifying procedures that will be taken to ensure that the well's mechanical integrity is maintained and the well will not endanger any unauthorized zone, underground source of drinking water, or water-bearing strata;
4. All wells completed in confined aquifers or encountering more than one aquifer must be plugged in accordance with subsection 19 of section ~~33-18-01-06~~[33.1-18-01-06](#);
5. All wells completed in unconfined aquifers or with only one aquifer encountered must be plugged in accordance with subsection 19 of section ~~33-18-01-06~~[33.1-18-01-06](#);
6. To ensure that the locations of abandoned wells are identified:
  - a. The boundaries of each wellfield and the location of all monitoring wells around the wellfield must be described in an affidavit and the affidavit must be filed with the appropriate county recorder; and
  - b. The top of the plugging mixture in each abandoned well must clearly show on a steelplate placed atop the sealing mixture the permit number and the well identification number. All steelplates must be installed at a minimum depth of two feet [.61 meter] below the land surface; and
7. Plugging and conversion activities must be reported in accordance with subdivision d of subsection 3 of section 43-02-02.2-55.

**History:** Effective January 1, 2009; [amended effective October 1, 2020.](#)

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-35. Design and construction of surface facilities.**

1. The operator shall submit plans and specifications to the department before constructing the following surface facilities:
  - a. Process or recovery plants and satellite facilities;
  - b. Ponds and impoundments;
  - c. Pipelines;
  - d. Well houses or transfer stations;

- e. Fuel storage areas;
  - f. Byproduct disposal areas; and
  - g. Any other facility that may contain substances that could impact human health or degrade the environment if spilled, discharged, or released.
2. Facilities must be designed and operated to comply with the United States nuclear regulatory commission licensing requirements and regulations of the ~~state department of health~~ department of environmental quality.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-03

**Law Implemented:** NDCC 38-12-03

**43-02-02.2-37. Pipeline design and construction requirements.**

1. Pipeline systems must be constructed with materials that have the strength, thickness, and chemical properties that prevent failure due to pressure gradients, physical contact with the waste or fluids to which the pipes are exposed, climatic conditions, stress of installation, seismic, and stress of daily operation.
2. Design and construction requirements for wellfield pipelines and pipelines between the wellfield and processing and satellite facilities must include an early detection and shutdown capability in the event of pressure drop or loss of flow. This may include automatic motor-operated valves with pressure transmitters and manually operated valves or devices.
3. Alternative pipeline designs may be used if they provide an equivalent degree of protection to surface and ground water. Pipelines, for facilities that produce radioactive elements, must be designed and constructed in accordance with United States nuclear regulatory commission requirements.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

**43-02-02.2-38. ~~Recovery~~ Radioactive element recovery plant and satellite facility design and construction requirements.**

Mine Radioactive element mine recovery plants and satellite facilities must be designed and constructed in accordance with United States nuclear regulatory commission requirements.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

**43-02-02.2-39. ~~Uranium~~ Radioactive element byproduct material handling and disposal systems.**

Radioactive solids must be disposed of in accordance with ~~title 33-10~~ article 33.1-10, United States nuclear regulatory commission source and byproduct material license requirements, and North Dakota Century Code chapters ~~23-20.1, 23-20.2, and 23-20.5~~ 23.1-02 and 38-23.

**History:** Effective January 1, 2009; amended effective October 1, 2020.

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-40. Disposal of liquid waste.**

All liquid waste streams must be:

1. Collected and retained in lined evaporation ponds or impoundments constructed in accordance with chapter ~~33-20-08.1~~[33.1-20-08.1](#);
2. Disposed of in a permitted class I or V underground injection control disposal well under a ~~state department of health~~[department of environmental quality](#) underground injection control program permit in accordance with chapter ~~33-25-01~~[33.1-25-01](#);
3. Land applied under a solid waste permit in accordance with chapter ~~33-20-09~~[33.1-20-09](#); or
4. Treated if necessary and discharged under a North Dakota pollution discharge elimination system surface water discharge permit in accordance with chapter ~~33-16-01~~[33.1-16-01](#).

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-41. Disposal of nonradioactive solid waste.**

All nonradioactive solid waste must be disposed of offsite at a permitted solid waste facility or may be disposed of onsite if disposal occurs in a solid waste facility permitted according to the North Dakota solid waste rules in article ~~33-20~~[33.1-20](#). In addition, the demolition and disposal of any structure must comply with the asbestos requirements in section ~~33-15-13-02~~[33.1-15-13-02](#).

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-56. Well construction records.**

For all wells constructed for a mining operation, the person constructing the well shall prepare and submit well construction records as required by [subsection 12 of section 33-18-01-06.12\[33.1-18-01-06\]\(#\). The well construction records shall be submitted to the department and to the department of water well contractors within sixty days after well completion.](#)

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-57. Well plugging records.**

For any well plugged and abandoned as part of a mining operation, the person performing plugging and abandonment work shall prepare and submit well plugging records as required by [subsection 19 of section 33-18-01-06.19\[33.1-18-01-06\]\(#\). The plugging records shall be submitted to the department and the state department of health within sixty days after plugging or at the time of the next quarterly report, whichever is sooner.](#)

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-66. Reclamation of surface facilities.**

1. Unless otherwise approved by the department, the reclamation of surface facilities shall include the removal of all buildings, roads, and structures, and the surface restored to its

original contour. Tailings impoundments and ponds must be reclaimed and filled in. All grading, backfilling, and topographic reconstruction must control erosion and sedimentation, protect areas outside the affected land from slides or other damage, and minimize the need for long-term maintenance.

2. Pond and impoundment reclamation must meet the following requirements:
  - a. Pond sludges must be chemically characterized to determine whether further treatment is necessary before disposal. Sludges must be removed for disposal at an offsite permitted solid waste facility or buried and covered onsite in a solid waste facility permitted in accordance with the applicable solid waste rules in article ~~33-20~~[33.1-20](#);
  - b. Geomembranes must be removed from impoundments, unless it is demonstrated to the department's satisfaction that they will serve a useful function consistent with the approved postmining land use. The geomembrane material must be disposed of in a permitted landfill or may be disposed of onsite only if the operator first secures a solid waste permit in compliance with the North Dakota solid waste rules in article ~~33-20~~[33.1-20](#); and
  - c. Radioactive waste shall be disposed of in accordance with a United States nuclear regulatory commission source material license.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-67. Radiation survey of surface facilities at mine closure.**

At mine closure, the operator shall comply with all United States nuclear regulatory commission radiation standards in preparing a radiation sampling and survey plan [for mines that produced radioactive elements](#). A copy of that plan must be filed with the department.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

#### **43-02-02.2-68. Radiation standards for closure of surface facilities.**

The operator [of a radioactive element mine](#) shall comply with all United States nuclear regulatory commission radiation standards. Closed surface facilities must be considered suitable for release for unrestricted use if those standards are met. Copies of all radiological analysis performed both within and outside of the mine permit boundary must be filed with the department.

**History:** Effective January 1, 2009; [amended effective October 1, 2020](#).

**General Authority:** NDCC 38-12-02

**Law Implemented:** NDCC 38-12-02

## CHAPTER 43-02-07

### 43-02-07-02. Scope of chapter.

This chapter is of statewide application and has been adopted by the commission to conserve the natural resources of this state, to prevent waste, to protect the correlative rights of all owners, to prevent the contamination of underground sources of drinking water, and to avoid creation of secondary hazards of geologic nature. These rules do not apply to deep-well geothermal resources regulated under chapter 43-02-07.1. The commission may grant exceptions to this chapter, after due notice and hearing, when such exceptions will result in the prevention of waste and operation in a manner to protect correlative rights.

**History:** Effective March 1, 1984; amended effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

### 43-02-07-06. Permit required.

A permit is required prior to the commencement of operations for the drilling, boring, excavating, or construction of a new geothermal energy extraction facility, or substantial modification of aan existing geothermal energy extraction facility loop field. A permit is not required for facilities that use a treated municipal water supply as its sole source of water. A permit may be required by the state department of health or the water utility, or both, for facilities hooked into a municipal water supply. The state geologist may grant a permit ~~for up to ten years~~ upon receipt of a permit application on a form provided by the commission, the furnishing of a bond (if required) as provided in section 43-02-07-08, and the payment of a fee of one hundred dollars for each commercial facility permit or twenty dollars for each residential facility permit. The state geologist may waive the fee requirement if the applicant is an instrumentality of the state. The application for a permit must be accompanied by an accurate plat showing the location of the proposed facility with reference to the nearest lines of a governmental section.

The state geologist may deny all or part of an application for permit if the construction of a geothermal energy extraction facility would violate correlative rights or would cause, or tend to cause, waste, damage to the environment, or contaminate underground sources of drinking water. The applicant may appeal the decision of the state geologist to the commission. The state geologist may add stipulations to the permit.

**History:** Effective March 1, 1984; amended effective October 1, 1990; December 1, 1992; January 1, 2008; October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03, 38-19-04

### 43-02-07-08. Bond.

Before any person receives a permit to drill, bore, excavate, or construct a geothermal energy extraction facility, the person shall submit to the commission and obtain its approval of a surety bond or cash bond. An alternate form of security may be approved by the commission after notice and hearing, as provided by law. At the discretion of the state geologist, an installation or facility bond may be required for the substantial modification of a geothermal energy extraction facility in existence prior to December 1, 1992. The state geologist has the discretion to waive the requirement for a facility bond if the applicant is an instrumentality of the state. Each such bond must be executed by a responsible surety company authorized to transact business in this state.

The amount and type of the bond is as follows:

—~~1.~~ **Shallow-well and horizontal-loop facilities.**

- a.1. The state geologist has the discretion to require a facility bond in the amount of fifteen thousand dollars for any ~~shallow well or horizontal loop~~ geothermal energy extraction facility that, for any reason, constitutes a special threat to important ground water resources or the environment, or otherwise poses a significant public health hazard.
- b.2. An installation bond in the amount of ten thousand dollars is required of installers of all ~~shallow well and horizontal loop facilities~~ geothermal energy extraction. This is a blanket bond and must cover all permits for ~~shallow well and horizontal loop~~ geothermal energy extraction facilities issued in one year commencing on the date the first permit covered by the bond is issued. Alternately, at the discretion of the state geologist, an installation bond in the amount of one hundred dollars for each well ~~(loop)~~ or horizontal loop installed per year may be submitted.
- c.3. The geothermal system installer must comply with North Dakota Century Code chapter 38-19 and all rules and orders of the commission as a condition of the installer's bond. Any violation of either North Dakota Century Code chapter 38-19 or the rules or orders of the commission makes the installer liable under the bond and the bond shall be subject to immediate forfeiture. The installer remains liable under the installation bond until construction of the geothermal energy extraction facility has been completed and the work has been approved by the state geologist. At the discretion of the state geologist, the installer's liability under the bond may be terminated at an earlier date when it can be demonstrated that only minor interior work remains to be completed and when completion of this work is subject to inordinate delays beyond the control of the geothermal system installer.

~~2. **Deep well facilities.** A facility bond is required for all deep well facilities. The amount of the facility bond must be a five thousand dollar bond for a deep well facility with one supply well. The bond must increase in five thousand dollar increments for each additional supply well and each injection well.~~

The owner of a geothermal energy extraction facility is responsible for obtaining the facility bond in ~~subdivision a of subsection 1 and subsection 2.~~

The owner of the geothermal energy extraction facility who is required to obtain a facility bond under ~~either subdivision a of subsection 1 or subsection 2~~ must comply with North Dakota Century Code chapter 38-19 and all rules and orders of the commission as a condition of the owner's bond. Any violation of either North Dakota Century Code chapter 38-19 or the rules or orders of the commission makes the owner liable under the facility bond, and the bond shall be subject to immediate forfeiture. The owner of the geothermal energy extraction facility remains liable under the bond until either of the following occurs: (1) the wells or loop systems have been satisfactorily plugged as provided in this chapter, the sites disturbed by any method of production of geothermal energy have been reclaimed in a manner approved by the state geologist, and all logs, plugging records, and other pertinent data required by statute or rules and orders of the commission are filed and approved; or (2) the liability on the bond has been transferred to another bond and such transfer approved by the commission.

The commission shall advise the surety and the principal when liability on a surety bond is terminated.

The state geologist is authorized to act for the commission as to all matters within this section.

**History:** Effective March 1, 1984; amended effective October 1, 1990; December 1, 1992; April 1, 1994; May 1, 1994; May 1, 2004; October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07-14. Disposal of unusable products.**

The surface disposal or underground injection of unusable products or waste produced from a geothermal energy extraction facility must satisfy additional state laws and regulations. The state department of health must be notified of the disposal method and may require a permit under North Dakota Century Code chapter 61-28 or North Dakota Administrative Code article ~~33-25~~33.1-25.

**History:** Effective March 1, 1984; amended effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

## **CHAPTER 43-02-07.1**

### **DEEP GEOTHERMAL ENERGY PRODUCTION**

#### Section

<u>43-02-07.1-01</u>	<u>Definitions</u>
<u>43-02-07.1-02</u>	<u>Scope of Chapter</u>
<u>43-02-07.1-03</u>	<u>Enforcement of Laws, Rules, and Regulations Dealing With Conservation, Exploration, and Development of Deep-well Geothermal Resources</u>
<u>43-02-07.1-04</u>	<u>Waste Prohibited</u>
<u>43-02-07.1-05</u>	<u>United States Government Leases</u>
<u>43-02-07.1-06</u>	<u>Forms Upon Request</u>
<u>43-02-07.1-07</u>	<u>Authority to Cooperate With Other Agencies</u>
<u>43-02-07.1-08</u>	<u>Organization Reports</u>
<u>43-02-07.1-09</u>	<u>Reservoir Surveys</u>
<u>43-02-07.1-10</u>	<u>Access to Sites and Records</u>
<u>43-02-07.1-11</u>	<u>Exploration Well Bond</u>
<u>43-02-07.1-12</u>	<u>Facility Bond</u>
<u>43-02-07.1-13</u>	<u>Exploration Permit</u>
<u>43-02-07.1-14</u>	<u>Facility Permit</u>
<u>43-02-07.1-15</u>	<u>Notice and Hearing</u>
<u>43-02-07.1-16</u>	<u>Approval or Denial of Permit Application</u>
<u>43-02-07.1-17</u>	<u>Operators of Class V Injection Wells</u>
<u>43-02-07.1-18</u>	<u>Geologic Data</u>
<u>43-02-07.1-19</u>	<u>Report of Production and Injection</u>
<u>43-02-07.1-20</u>	<u>Measurement of Rate of Flow of Water and Steam and of Pressure and Temperature of Fluids</u>
<u>43-02-07.1-21</u>	<u>Additional Information May Be Required</u>
<u>43-02-07.1-22</u>	<u>Books and Records to Be Kept to Substantiate Reports</u>
<u>43-02-07.1-23</u>	<u>Disposal of Waste Material</u>
<u>43-02-07.1-24</u>	<u>Facility Annual Operating Fee</u>
<u>43-02-07.1-25</u>	<u>Reclamation of Exploration Wells</u>
<u>43-02-07.1-26</u>	<u>Reclamation of Facilities</u>
<u>43-02-07.1-27</u>	<u>Hearings - Complaint Proceedings - Emergency Proceedings - Other Proceedings</u>
<u>43-02-07.1-28</u>	<u>Investigatory Hearings</u>
<u>43-02-07.1-29</u>	<u>Official Record</u>
<u>43-02-07.1-30</u>	<u>Petitions for Review of Recommended Order and Oral Arguments Prohibited</u>
<u>43-02-07.1-31</u>	<u>Notice of Order by Mail</u>
<u>43-02-07.1-32</u>	<u>Service and Filing</u>
<u>43-02-07.1-33</u>	<u>Designation of Examiners</u>
<u>43-02-07.1-34</u>	<u>Powers and Duties of Examiner</u>
<u>43-02-07.1-35</u>	<u>Report of Examiner</u>
<u>43-02-07.1-36</u>	<u>Commission Order From Examiner Hearing</u>
<u>43-02-07.1-37</u>	<u>Prehearing Motion Practice</u>

#### **43-02-07.1-01. Definitions.**

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapters 38-08 and 38-19 except:

1. "Certified or registered mail" means any form of service by the United States postal service, federal express, Pitney Bowes, and any other commercial, nationwide delivery service that provides the mailer with a document showing the date of delivery or refusal to accept delivery.

2. "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
3. "Deep geothermal well" means any well drilled into rocks older than the Greenhorn Formation which encounters hot water or hot brines to develop or produce energy from deep-well geothermal resources.
4. "Facility" includes all surface structures (buildings, slabs or pads, pipelines, etc.) for the production of energy from deep-well geothermal resources as well as all subsurface structures, including deep geothermal and injection wells.
5. "Injection well" means a well into which fluids resulting from the development or production of energy from deep-well geothermal resources are being injected.
6. "Occupied dwelling" or "permanently occupied dwelling" means a residence that is lived in by a person at least six months throughout a calendar year.
8. "Pool" means an underground reservoir containing a common accumulation of geothermal energy; each zone of a structure that is completely separated from any other zone in the same structure is a pool, as that term is used in this chapter.
9. "Underground source of drinking water" means an aquifer or its portion that supplies drinking water for human consumption or in which the ground water contains fewer than ten thousand milligrams per liter total dissolved solids.
10. "Well" means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-02. Scope of chapter.**

This chapter contains general rules of statewide application which have been adopted by the industrial commission to conserve the natural resources of North Dakota, to prevent waste, and to provide for operation in a manner as to protect correlative rights of all owners of deep-well geothermal resources. These rules do not apply to geothermal resource wells regulated under chapter 43-02-07 which are used for the purpose of heating and cooling in ground- or water-source heat pump systems. The commission may grant exceptions to this chapter, after due notice and hearing, when such exceptions will result in the prevention of waste and operate in a manner to protect correlative rights.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-03. Enforcement of laws, rules, and regulations dealing with conservation, exploration, and development of deep-well geothermal resources.**

The commission, its agents, representatives, and employees are charged with the duty and obligation of enforcing all rules and statutes of North Dakota relating to geothermal resources. However, it is the responsibility of all owners, operators, and contractors to obtain information pertaining to the regulation of geothermal resources before operations have begun.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-04. Waste prohibited.**

All operators, contractors, drillers, carriers, service companies, and all other persons shall at all times conduct their operations in the drilling, equipping, operating, producing, plugging, and site reclamation of a geothermal energy extraction facility in a manner that will prevent waste and the movement of fluid containing any contaminant into underground sources of drinking water or which may adversely affect human health.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-05. United States government leases.**

The commission recognizes that all persons drilling and producing on United States government land shall comply with the United States government regulations. Such persons also shall comply with all applicable state rules and regulations. Copies of the sundry notices, reports on wells, and well data required by this chapter of the wells on United States government land must be furnished to the commission at no expense to the commission. Federal forms may be used when filing such notices and reports except for reporting the plugging and abandonment of a well. In such instance, the plugging record must be filed on a form approved by the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-06. Forms upon request.**

Forms for written notices, requests, and reports required by the commission must be furnished upon request. These forms must be of such nature as prescribed by the commission to cover proposed work and to report the results of completed work.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-07. Authority to cooperate with other agencies.**

The commission may from time to time enter arrangements with state and federal agencies, industry, and individuals with respect to special projects, services, and studies relating to geothermal energy.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-08. Organization reports.**

Every person acting as principal or agent for another or independently engaged in the drilling of deep geothermal wells, or in the exploration, production, reclaiming, treating, and disposal of geothermal resources in North Dakota immediately shall file with the state geologist the name under which such business is being conducted or operated; and name and post office address of such person, the business or businesses in which the person is engaged; the plan of organization, and in case of a corporation, the law under which it is chartered; and the names and post office addresses of any person acting as trustee, together with the names and post office addresses of any officials thereof on an organization report on a form approved by the commission. In each case in which such business is conducted under an assumed name, such organization report shall show the names and post office

addresses of all owners in addition to the other information required. A new organization report must be filed when and if there is a change in any of the information contained in the original report.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-09. Reservoir surveys.**

By special order of the commission, periodic surveys may be made of the reservoirs in this state containing geothermal resources. These surveys must be thorough and complete and must be made using methods approved by the director. The condition of the reservoirs containing geothermal resources and the practices and methods employed by the operators must be investigated.

All operators of deep geothermal and injection wells shall permit and assist the agents of the commission in making any and all special tests that may be required by the commission on any or all wells.

All geophysical operations must comply with North Dakota Century Code chapter 38-08.1.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-10. Access to sites and records.**

The commission, director, and their representatives shall have access to all records wherever located. All owners, operators, drilling contractors, drillers, service companies, or other persons engaged in drilling, completing, producing, operation, or servicing wells or constructing, servicing, and maintaining facilities shall permit the commission, director, and their representatives to come upon any property, well, or drilling rig operated or controlled by them, complying with state safety rules, and to inspect the records and operation, and to have access at all times to any and all records. If requested, copies of such records must be filed with the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-11. Exploration well bond.**

Before any person receives a permit to drill a well while exploring for geothermal resources, the person shall submit to the commission and obtain its approval of a surety bond or cash bond. An alternative form of security may be approved by the commission after notice and hearing, as provided by law. The operator of such well must be the principal on the bond covering the well. Each surety bond must be executed by a responsible surety company authorized to transact business in North Dakota. The bond must be based upon the projected total depth of the well and the surface restoration costs. Bonds must be conditioned upon full compliance with North Dakota Century Code chapter 38-19, and all administrative rules and orders of the commission. The well bonds eventually can be transferred to the facility bond if both are under the same operator. If the well operator and the facility operator are not one and the same, the well bonds continue until the well has been satisfactorily plugged, which must include practical reclamation of the well site and appurtenances; and all logs, plugging records, and other pertinent data required by statute or rules and orders of the commission are filed and approved.

**Bond termination.** The commission, in writing, shall advise the principal and any sureties on any bond as to whether the plugging and reclamation is approved. If approved, liability under such bond may be terminated formally upon receipt of a written request by the principal. The request must be signed by an officer of the principal or a person authorized to sign for the principal.

**Director's authority.** The director is vested with the power to act for the commission as to all matters within this section, except requests for alternative forms of security, which only may be approved by the commission. The commission may refuse to accept a bond if the operator or surety company has failed in the past to comply with statutes, rules, or orders relating to the operation of wells; if a civil or administrative action brought by the commission is pending against the operator or surety company; or for other good cause.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-12. Facility bond.**

Before any person receives a permit to construct a facility for the development or production of deep-well geothermal resources, the person shall submit to the commission and obtain its approval of a surety bond or cash bond. An alternative form of security may be approved by the commission after notice and hearing, as provided by law. The operator of such facility must be the principal on the bond covering the facility. The amount of the bond must be commensurate with the size and scope of the facility and the costs of abandoning the operation and reclamation. The information provided in section 43-02-07.1-14, along with any additional information available to the department, must be used to determine the amount of the bond. Each surety bond must be executed by a responsible surety company authorized to transact business in North Dakota. Bonds must be conditioned upon full compliance with North Dakota Century Code chapter 38-19, and all administrative rules and orders of the commission, and continue until the surface facility and all wells have been satisfactorily plugged and reclaimed and all logs, plugging records, and other pertinent data required by statute or rules and orders of the commission are filed and approved.

**Bond termination.** The commission, in writing, shall advise the principal and any sureties on any bond as to whether the plugging and reclamation is approved. If approved, liability under such bond may be terminated formally upon receipt of a written request by the principal. The request must be signed by an officer of the principal or a person authorized to sign for the principal.

**Director's authority.** The director is vested with the power to act for the commission as to all matters within this section, except requests for alternative forms of security, which only may be approved by the commission. The commission may refuse to accept a bond if the operator or surety company has failed in the past to comply with statutes, rules, or orders relating to the operation of wells; if a civil or administrative action brought by the commission is pending against the operator or surety company; or for other good cause.

The size and the scope of the operation must be evaluated annually and the department may increase or decrease the bond amount to reflect the results of the evaluation.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-13. Exploration permit.**

Before any person begins any well-site preparation for the drilling of any well other than surveying and staking for the purpose of exploring for deep-well geothermal resources, the person shall file an application for permit to drill on a form approved by the commission with the director, together with a permit fee of one hundred dollars. No drilling activity may commence until such application is approved and a permit to explore is issued by the director. The application must be accompanied by the bond pursuant to section 43-02-07.1-11 or the applicant previously must have filed such bond with the commission, otherwise the application is incomplete. An incomplete application received by the commission has no standing and may not be deemed filed until it is complete.

A permit is required for each test well. The application for permit to explore must be accompanied by an accurate plat certified by a registered surveyor showing the location of the proposed well with reference to true north and the nearest lines of a governmental section, the latitude and longitude of the proposed well location to the nearest tenth of a second, and the ground elevation. Information to be included in such application shall be the proposed depth to which the well will be drilled, estimated depth to the top of important stratigraphic markers, estimated depth to the top of objective horizons, the proposed mud program, the proposed casing program, including size and weight, the depth at which each casing string is to be set, the proposed pad layout, including cut and fill diagrams, and the proposed amount of cement to be used, including the estimated top of the cement, the proposed procedure, and the estimated completed total depth. The drilling, testing, and plugging of exploratory wells must comply with all applicable rules in chapter 43-02-03.

The exploration permit is in effect for one year.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-04

**Law Implemented:** NDCC 38-19-04

#### **43-02-07.1-14. Facility permit.**

Before any person begins any site preparation for the construction of a deep-well geothermal facility, the person shall file an application for a facility permit on a form approved by the commission with the director, together with a permit fee. The amount of the permit fee to be determined by the state geologist based upon the cost for the commission to review, investigate, and process the application. The department could take up to one hundred eighty days to review the permit application. No drilling activity may commence until such application is approved and a facility permit is issued by the director. The application must be accompanied by the bond pursuant to section 43-02-07.1-12 or the applicant previously must have filed such bond with the commission, otherwise the application is incomplete. An incomplete application received by the commission has no standing and may not be deemed filed until it is complete.

Before any person begins any well-site preparation for the drilling of any well other than surveying and staking, the person shall file an application for a permit to drill on a form approved by the commission with the director, together with a permit fee of one hundred dollars. Verbal approval may be given for site preparation by the director in extenuating circumstances. No drilling activity may commence until such application is approved and a permit to drill is issued by the director. The application must be accompanied by the bond or the applicant previously must have filed such bond with the commission, otherwise the application is incomplete. An incomplete application received by the commission has no standing and may not be deemed filed until it is completed.

A permit is required for each facility. The facility permit application must include:

1. A description of the facility to be permitted. The facility area must be outlined on the application and the permit must be valid in the area so outlined. The application for a facility permit must be accompanied by an accurate plat certified by a registered surveyor showing the location of the proposed facility and wells with reference to true north and the nearest lines of a governmental section, the latitude and longitude of the proposed well locations to the nearest tenth of a second, the ground elevation, and the proposed road access to the nearest existing public road.
2. A description of the proposed geothermal production and injection (disposal) formations that includes the following:
  - a. Regional and site-specific geology pertaining to the geothermal operation.

- b. A discussion of the geothermal regime and geothermal gradient of the production formation.
  - c. A discussion of the bounding formations of the disposal formation that includes continuity and thickness, lithology, integrity, and containment features.
  - d. Reservoir hydrogeology of the proposed production and disposal formations.
3. A description of the chemical and physical properties of the geothermal production and disposal formation waters that includes:
    - a. Water quality (density, chemical constituents, total dissolved solids, and other relevant data).
    - b. A discussion of the compatibility of the disposal fluids with the disposal formation.
  4. The proposed depth to which the deep geothermal and injection wells will be drilled; estimated depth to the top of important stratigraphic markers; estimated depth to the top of objective horizons; the proposed mud program; the proposed casing program, including size and weight; the depth at which each casing string is to be set; the proposed pad layout, including cut and fill diagrams; and the proposed amount of cement to be used, including the estimated top of the cement, the proposed procedure, and the estimated completed total depth. The drilling, testing, disposal, and plugging of deep geothermal and injection wells will comply with all applicable rules in chapter 43-02-03.
  5. A detailed description of the mechanical construction and operating procedures of the facility.
  6. A justification of the need for the facility to be permitted, including economic impact.
  7. A detailed discussion and description of a monitoring system to be used to ascertain the integrity of the facility and to ensure compliance with this chapter.
  8. A detailed discussion and description of a reclamation program for the restoration of the surface as nearly as possible to its original condition and productivity upon expiration of the permit or termination of any activities regulated by this chapter.
  9. Architectural plans for all buildings and infrastructure within the facility boundaries.
  10. Any other information required by the commission.

The commission shall review the facility permit at least once every five years to determine whether it should be amended, modified, or revoked.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-04

**Law Implemented:** NDCC 38-19-04

#### **43-02-07.1-15. Notice and hearing.**

The commission may require notice and hearing before a permit application is approved or denied.

Except in the case of an emergency, the commission shall give thirty days' notice to the general public of the time and place of the hearing on the application. Immediately upon receiving notice of the hearing date, the permit applicant shall give notice by certified mail to surface and subsurface owners within the permit application area and to the county recorder in the county or counties in which the proposed permit area is located.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-04, 38-19-05

**Law Implemented:** NDCC 38-19-04, 38-19-05

#### **43-02-07.1-16. Approval or denial of permit application.**

The commission may approve the permit application as submitted, approve with conditions that ensure the protection of human health and the environment, or deny the application.

The commission may deny a permit application if the exploration, drilling, or operation poses a threat to human health or the environment, failure to meet the requirements set forth by the Century Code or administrative code, or for any other reason allowable by law.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-04

**Law Implemented:** NDCC 38-19-04

#### **43-02-07.1-17. Operators of class V injection wells.**

Prior to the construction of any injection well to be utilized for the disposal of fluids resulting from deep geothermal energy production, the department of environmental quality shall permit an operator to operate the underground injection well pursuant to article 33.1-25.

All underground injection wells also are subject to chapter 43-02-03 where applicable.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-04

**Law Implemented:** NDCC 38-19-04

#### **43-02-07.1-18. Geologic data.**

The following basic data collected by the operator must be delivered, free of charge, to the state geologist within thirty days of collection:

1. Washed and packaged sample cuts.
2. Cores, except those portions used for necessary testing or analysis, in which case the results of the testing, the analysis, and the description of missing portions shall be submitted to the state geologist.
3. Copies of all logs, including sample logs, radioactivity logs, resistivity logs, and other types of electrical or mechanical logs.
4. Elevation and location information on the data collection points.
5. Other pertinent information required by the state geologist.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### **43-02-07.1-19. Report of production and injection.**

The operator of each deep geothermal well completed in any pool, on or before the first day of the second month succeeding the month in which production occurs, shall file a report with the state geologist showing the amount and temperature of production made by each such well upon form approved by the commission. The report must be signed by both the person responsible for the report and the person witnessing the signature. The printed name and title of both the person signing the report and the person witnessing the signature must be included.

The operator of each and every injection well, on or before the first day of the second month succeeding the month in which injection occurs, shall file a report with the state geologist showing the amount and composition of fluid injected upon a form approved by the commission. The report must be signed by both the person responsible for the report and the person witnessing the signature. The printed name and title of both the person signing the report and the person witnessing the signature must be included.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

**43-02-07.1-20. Measurement of rate of flow of water and steam and of pressure and temperature of fluids.**

The rate of the flow of water or steam, or both, and the pressure and temperature of the fluids from each deep geothermal well must be accurately measured. Metering must be on a continuous basis and each well must be gauged at the frequency prescribed by the state geologist.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

**43-02-07.1-21. Additional information may be required.**

This chapter may not be taken or construed to limit or restrict the authority of the commission to require the furnishing of such additional reports, data, or other information relative to production or products as may appear to be necessary or desirable, either generally or specifically, for the prevention of waste, protection of correlative rights, and the conservation of natural resources.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

**43-02-07.1-22. Books and records to be kept to substantiate reports.**

All operators within North Dakota shall make and keep appropriate books and records for a period not less than six years covering their operations in North Dakota from which they may be able to make and substantiate the reports required by this chapter.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

**43-02-07.1-23. Disposal of waste material.**

All waste material associated with exploration or production of geothermal energy must be properly disposed of in an authorized facility in accordance with all applicable local, state, and federal laws and regulations.

All waste material recovered from spills, leaks, and other such events immediately must be disposed of in an authorized facility, although the remediation of such material may be allowed onsite if approved by the state geologist.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-03

**Law Implemented:** NDCC 38-19-03

#### 43-02-07.1-24. Facility annual operating fee.

The annual operating fee must be based upon the costs to monitor and inspect the facility.

History: Effective October 1, 2020.

General Authority: NDCC 38-19-03

Law Implemented: NDCC 38-19-03

#### 43-02-07.1-25. Reclamation of exploration wells.

The plugging and reclamation of exploration wells to comply with all applicable rules in chapter 43-02-03, including plugging and site reclamation. All lands disturbed during exploration for geothermal resources are to be reclaimed to a condition consistent with prior land use and productive capacity.

History: Effective October 1, 2020.

General Authority: NDCC 38-19-03

Law Implemented: NDCC 38-19-03

#### 43-02-07.1-26. Reclamation of facilities.

The plugging and reclamation of all wells to comply with all applicable rules in chapter 43-02-03, including plugging and site reclamation. All buildings and infrastructure are to be removed. The site, access road, and other associated facilities constructed are to be reclaimed to a condition consistent with prior land use and productive capacity.

History: Effective October 1, 2020.

General Authority: NDCC 38-19-03

Law Implemented: NDCC 38-19-03

#### 43-02-07.1-27. Hearings - Complaint proceedings - Emergency proceedings - Other proceedings.

1. Except as more specifically provided in North Dakota Century Code section 38-08-11, the rules of procedure established in subsection 1 of North Dakota Century Code section 28-32-21 apply to proceedings involving a complaint and a specific-named respondent.
2. For proceedings that do not involve a complaint and a specific-named respondent the commission shall give at least fifteen days' notice (except in emergency) of the time and place of hearing thereon by one publication of such notice in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the land affected or some part thereof is situated, unless in some particular proceeding a longer period of time or a different method of publication is required by law, in which event such period of time and method of publication shall prevail. The notice must be issued in the name of the commission and must conform to the other requirements provided by law.
3. In case an emergency is found to exist by the commission which in its judgment requires the making of a rule or order without first having a hearing, the emergency rule or order has the same validity as if a hearing with respect to the same had been held after notice. The emergency rule or order permitted by this section remains in force no longer than forty days from its effective date, and in any event, expires when the rule or order made after due notice and hearing with respect to the subject matter of such emergency rule or order becomes effective.

Any person moving for a continuance of a hearing and who is granted a continuance, shall submit a twenty-five dollar fee to the commission, or if the cost of republication exceeds fifty dollars the commission may bill the applicant to pay the cost of republication of notice of the hearing.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

**43-02-07.1-28. Investigatory hearings.**

The commission may hold investigatory hearings upon the institution of a proceeding by application or by motion of the commission. Notice of the hearing must be served upon all parties personally or by certified mail at least five days before the hearing.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

**43-02-07.1-29. Official record.**

The evidence in each case heard by the commission, unless specifically excluded by the hearing officer, includes the certified directional surveys, and all geothermal resource production records, and all injection records on file with the commission.

Any interested party may submit written comments on, or objections to, the application prior to the hearing date. Such submissions must be received no later than five p.m. on the last business day prior to the hearing date and may be part of the record in the case if allowed by the hearing examiner. Settlement negotiations between parties to a contested case are only admissible as governed by North Dakota Century Code section 28-32-24, although the hearing officer may strike such testimony from the record for good cause.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

**43-02-07.1-30. Petitions for review of recommended order and oral arguments prohibited.**

Neither petitions for review of a recommended order nor oral arguments following issuance of a recommended order and pending issuance of a final order are allowed.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

**43-02-07.1-31. Notice of order by mail.**

The commission may give notice of an order by mailing the order, and findings and conclusions upon which it is based, to all parties by regular mail provided it files an affidavit of service by mail indicating upon whom the order was served.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

**43-02-07.1-32. Service and filing.**

All pleadings, notices, written motions, requests, petitions, briefs, and correspondence to the commission or commission employee from a party (or vice versa) relating to a proceeding after its commencement, must be filed with the director and entered in the commission's official record of the procedure provided the record is open at the time of receipt. All parties must receive copies upon request of any or all of the evidence in the record of the proceedings. The commission may charge for

the actual cost of providing copies of evidence in the record. Unless otherwise provided by law, filing is complete when the material is entered in the record of the proceeding.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-08  
**Law Implemented:** NDCC 38-19-08

#### **43-02-07.1-33. Designation of examiners.**

The commission by motion may designate and appoint qualified individuals to serve as examiners. The commission may refer any matter or proceeding to any legally designated and appointed examiner or examiners.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-05  
**Law Implemented:** NDCC 38-19-05

#### **43-02-07.1-34. Powers and duties of examiner.**

The commission by motion may limit the powers and duties of any examiner in any particular case to such issues or to the performance of such acts as the commission deems expedient; however, subject only to such limitation as may be ordered by the commission, the examiner or examiners to whom any matter or proceeding is referred under this chapter have full authority to hold hearings on such matter or proceeding in accordance with and pursuant to this chapter. The examiner has the power to regulate all proceedings before the examiner and to perform all acts and take all measures necessary or proper for the efficient and orderly conduct of such hearing, including ruling on prehearing motions, the swearing of witnesses, receiving of testimony and exhibits offered in evidence, subject to such objections as may be imposed, and shall cause a complete record of the proceedings to be made and retained.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-05  
**Law Implemented:** NDCC 38-19-05

#### **43-02-07.1-35. Report of examiner.**

Upon conclusion of any hearing before an examiner, the examiner promptly shall consider the proceedings in such hearing, and based upon the record of such hearing, the examiner shall prepare a report and recommendations for the disposition of the matter or proceeding by the commission. Such report and recommendations either must be accompanied by a proposed order or must be in the form of a proposed order and must be submitted to the commission.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-05  
**Law Implemented:** NDCC 38-19-05

#### **43-02-07.1-36. Commission order from examiner hearing.**

After receipt of the report and recommendations of the examiner, the commission shall enter its order disposing of the matter or proceeding.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-19-05  
**Law Implemented:** NDCC 38-19-05

**43-02-07.1-37. Prehearing motion practice.**

In a matter pending before the commission, all prehearing motions must be served by the moving party upon all parties affected by the motion. Service must be upon a party unless a party is represented by an attorney, in which case service must be upon the attorney. Service must be made by delivering a copy of the motion and all supporting papers in conformance with one of the means of service provided for in Rule 5(b) of the North Dakota Rules of Civil Procedure. Proof of service must be made as provided in Rule 4 of the North Dakota Rules of Civil Procedure or by the certificate of an attorney showing that service has been made. Proof of service must accompany the filing of a motion. Any motion filed without proof of service is not properly before the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-19-08

**Law Implemented:** NDCC 38-19-08

## **CHAPTER 43-02-13 HIGH-LEVEL RADIOACTIVE WASTE**

### Section

<u>43-02-13-01</u>	<u>Definitions</u>
<u>43-02-13-02</u>	<u>Scope of Chapter</u>
<u>43-02-13-03</u>	<u>Enforcement of Laws, Rules, and Regulations Dealing With Exploration, Development, and Storage or Disposal of High-Level Radioactive Wastes</u>
<u>43-02-13-04</u>	<u>Waste Prohibited</u>
<u>43-02-13-05</u>	<u>Forms Upon Request</u>
<u>43-02-13-06</u>	<u>Authority to Cooperate With Other Agencies</u>
<u>43-02-13-07</u>	<u>Organization Reports</u>
<u>43-02-13-08</u>	<u>Geotechnical and Geophysical Surveys</u>
<u>43-02-13-09</u>	<u>Access to Property and Records</u>
<u>43-02-13-10</u>	<u>Test Well Bond</u>
<u>43-02-13-11</u>	<u>Facility Bond</u>
<u>43-02-13-12</u>	<u>Exploration Permit</u>
<u>43-02-13-13</u>	<u>Facility Permit</u>
<u>43-02-13-14</u>	<u>County Zoning Authority in the Permitting Process</u>
<u>43-02-13-15</u>	<u>Notice and Hearing</u>
<u>43-02-13-16</u>	<u>Permit Review Timelines</u>
<u>43-02-13-17</u>	<u>Notice of Disapproval</u>
<u>43-02-13-18</u>	<u>Federal Agencies and Federal Regulations</u>
<u>43-02-13-19</u>	<u>Site Construction</u>
<u>43-02-13-20</u>	<u>Geologic Data</u>
<u>43-02-13-21</u>	<u>Reports</u>
<u>43-02-13-22</u>	<u>Facility Annual Operating Fee</u>
<u>43-02-13-23</u>	<u>Reclamation of Exploration Test Wells</u>
<u>43-02-13-24</u>	<u>Reclamation of Facilities</u>
<u>43-02-13-25</u>	<u>Hearings - Complaint Proceedings - Emergency Proceedings - Other Proceedings</u>
<u>43-02-13-26</u>	<u>Investigatory Hearings</u>
<u>43-02-13-27</u>	<u>Official Record</u>
<u>43-02-13-28</u>	<u>Petitions for Review of Recommended Order and Oral Arguments Prohibited</u>
<u>43-02-13-29</u>	<u>Notice of Order by Mail</u>
<u>43-02-13-30</u>	<u>Service and Filing</u>
<u>43-02-13-31</u>	<u>Designation of Examiners</u>
<u>43-02-13-32</u>	<u>Powers and Duties of Examiner</u>
<u>43-02-13-33</u>	<u>Report of Examiner</u>
<u>43-02-13-34</u>	<u>Commission Order From Examiner Hearing</u>
<u>43-02-13-35</u>	<u>Prehearing Motion Practice</u>

### **43-02-13-01. Definitions.**

The terms used throughout this chapter have the same meaning as in North Dakota Century Code chapters 38-23 and 38-08 except:

1. "Active institutional controls" are the means used to control access to an open or closed high-level radioactive waste disposal site by anything other than passive institutional controls. Active institutional controls include fencing, guards, security cameras, etc.
2. "Certified or registered mail" means any form of service by the United States postal service, federal express, Pitney Bowes, and any other commercial, nationwide delivery service that provides the mailer with a document showing the date of delivery or refusal to accept delivery.

3. "High-level radioactive waste facility" as defined in North Dakota Century Code section 38-23-02 also includes all surface structures (buildings, slabs or pads, tunnels, pipelines, etc.) for either a storage or a disposal facility as well as all subsurface structures, disposal wells, and caverns.
4. "Occupied dwelling" or "permanently occupied dwelling" means a residence that is lived in by a person at least six months throughout a calendar year.
5. "Passive institutional controls" are permanent markers or structures intended to reduce the likelihood of humans unintentionally intruding into a high-level radioactive waste disposal site for thousands of years after it is closed.
6. "Well" means any hole drilled for the purpose of information gathering, storage, or disposal of high-level radioactive waste.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-02. Scope of chapter.**

This chapter contains general rules of statewide application which have been adopted by the industrial commission to regulate the exploration, testing, placement, storage, and disposal of high-level radioactive waste to provide for operation in a manner as to protect the citizens of North Dakota. The commission may grant exceptions to this chapter, after due notice and hearing, when such exceptions will result in effectuating the purpose and intent of North Dakota Century Code chapter 38-23.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-03. Enforcement of laws, rules, and regulations dealing with exploration, development, and storage or disposal of high-level radioactive wastes.**

The commission, its agents, representatives, and employees shall enforce all rules and statutes of North Dakota relating to high-level radioactive waste. However, it is the responsibility of all owners, operators, and contractors of high-level radioactive waste facilities to obtain information pertaining to the regulation of high-level radioactive waste disposal before operations have begun.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-04. Waste prohibited.**

All operators, contractors, drillers, carriers, service companies, and all other persons at all times shall conduct their operations in the drilling, plugging, storage, disposal, and site reclamation of high-level radioactive waste in a manner that will prevent waste and prevent the release of radioactive materials into the environment.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-05. Forms upon request.**

Forms for written notices, requests, and reports required by the commission must be furnished upon request. These forms must be of such nature as prescribed by the commission to cover proposed work and to report the results of completed work.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-06. Authority to cooperate with other agencies.**

The commission from time to time may enter arrangements with state and federal government agencies, industry committees, and individuals with respect to special projects, services, and studies relating to high-level radioactive waste disposal.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-07. Organization reports.**

Every person acting as principal or agent for another or independently engaged in the exploration, drilling, testing, placement, storage, and disposal of high-level radioactive waste or retains ownership of equipment used for high-level radioactive waste storage or disposal or retains ownership of high-level radioactive waste facilities in North Dakota immediately shall file with the state geologist the name under which such business is being conducted and operated; the name and post office address of such person; the business or businesses in which the person is engaged; the plan of organization, and in case of a corporation, the law under which it is chartered; and the names and post office addresses of any person acting as trustee, together with the names and post office addresses of any officials on an organization report. If such business is conducted under an assumed name, such organization report must show the names and post office addresses of all owners in addition to the other information required. A new organization report must be filed when there is a change in any of the information contained in the report.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-08. Geotechnical and geophysical surveys.**

By special order of the commission, periodic surveys may be made of both the rock containing high-level radioactive waste and the rocks above and below it. These surveys must be thorough and complete and must be made using methods approved by the director. The condition of the rocks containing high-level radioactive waste and the practices and methods employed by the operators must be investigated. All operators shall permit and assist the agents of the commission in making any and all special tests that may be required by the commission on any or all exploration wells, disposal wells, disposal caverns, or storage sites. All geophysical operations shall comply with North Dakota Century Code chapter 38-08.1.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### 43-02-13-09. Access to property and records.

The commission, director, and their representatives shall have access to all exploration test well, storage and disposal well, and high-level radioactive waste facility records wherever located. All owners, operators, drilling contractors, drillers, service companies, or other persons engaged in drilling, completing, or servicing wells or constructing, servicing, and maintaining facilities shall permit the commission, director, and their representatives to come upon any property, well, or drilling rig operated or controlled by them, complying with state safety rules and to inspect the records and operation of such wells, and to have access at all times to any and all records of wells. If requested, copies of such records must be filed with the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### 43-02-13-10. Test well bond.

Before any person receives a permit to drill a test well or perform a test that causes surface disturbance while exploring for a high-level radioactive waste disposal site, the person shall submit to the commission and obtain its approval of a surety bond or cash bond. An alternate form of security may be approved by the commission after notice and hearing, as provided by law. The operator of a test well or other types of exploration or testing that causes surface disturbance shall be the principal on the bond covering such activity. Each such surety bond must be executed by a responsible surety company authorized to transact business in North Dakota. The bond must be based upon the estimated costs to plug the test well at the projected total depth and the surface restoration costs. Bonds must be conditioned upon full compliance with North Dakota Century Code chapter 38-23, and all administrative rules and orders of the commission, and continues until the test well has been satisfactorily plugged which must include practical reclamation of the well site and appurtenances, and all logs, plugging records, and other pertinent data required by statute or rules and orders of the commission are filed and approved.

**Bond termination.** The commission, in writing, shall advise the principal and any sureties on any bond as to whether the plugging and reclamation is approved. If approved, liability under such bond may be terminated formally upon receipt of a written request by the principal. The request must be signed by an officer of the principal or a person authorized to sign for the principal.

**Director's authority.** The director is vested with the power to act for the commission as to all matters within this section, except requests for alternative forms of security, which only may be approved by the commission. The commission may refuse to accept a bond if the operator or surety company has failed in the past to comply with statutes, rules, or orders relating to the operation of wells or high-level radioactive waste facilities; if a civil or administrative action brought by the commission is pending against the operator or surety company; or for other good cause.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### 43-02-13-11. Facility bond.

Before any person receives a permit to construct a high-level radioactive waste facility, the person shall submit to the commission and obtain its approval of a surety bond or cash bond. An alternate form of security may be approved by the commission after notice and hearing, as provided by law. The operator of a high-level radioactive waste facility shall be the principal on the bond covering such activity. Each such surety bond must be executed by a responsible surety company authorized to transact business in North Dakota. The amount of the bond must be based upon the size and scope of the facility and all costs associated with its reclamation. Bonds must be conditioned upon full

compliance with North Dakota Century Code chapter 38-23, and all administrative rules and orders of the commission, and continues until the high-level radioactive waste facility, including surface facilities and all disposal wells or subsurface caverns have been satisfactorily plugged and reclaimed pursuant to chapter 43-02-03 and all logs, plugging records, and other pertinent data required by statute or rules and orders of the commission are filed and approved.

**Bond termination.** The commission, in writing, shall advise the principal and any sureties on any bond as to whether the plugging and reclamation is approved. If approved, liability under such bond may be terminated formally upon receipt of a written request by the principal. The request must be signed by an officer of the principal or a person authorized to sign for the principal.

**Director's authority.** The director is vested with the power to act for the commission as to all matters within this section, except requests for alternative forms of security, which only may be approved by the commission. The commission may refuse to accept a bond if the operator or surety company has failed in the past to comply with statutes, rules, or orders relating to the operation of high-level radioactive waste facilities; if a civil or administrative action brought by the commission is pending against the operator or surety company; or for other good cause.

The size and the scope of the operation must be evaluated annually and the department may increase or decrease the bond amount to reflect the results of the evaluation.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-12. Exploration permit.**

A permit is required prior to commencement of operations for the drilling, boring, excavating, testing, and either land-based or airborne geophysical surveying for the purpose of exploring for a high-level radioactive waste facility. It is unlawful to proceed with these activities without first obtaining an exploration permit from the commission.

The application for a permit to drill must be filed with the director, together with a permit fee to be determined by the state geologist based upon the cost for the commission to review, investigate, and process the application. The permit application must be accompanied by a notice of opportunity for a position paper from the commissioners of the county where the drilling will take place. No activity may commence until such application is approved and a permit to explore is issued by the commission. The application must be accompanied by the bond pursuant to section 43-02-13-11 or the applicant previously must have filed such bond with the commission, otherwise the application is incomplete. An incomplete application received by the commission has no standing and will not be deemed filed until it is complete.

A permit is required for each test well or each method of exploration. The area to be explored must be outlined on the application and the permit shall be valid in the area so outlined. The application for permit to drill must be accompanied by an accurate plat certified by a registered surveyor showing the location of the proposed well with reference to true north and the nearest lines of a governmental section. The plat also must include latitude and longitude of the proposed test well location to the nearest tenth of a second. Information to be included in such application must be the proposed depth to which the test well will be drilled; estimated depth to the top of important stratigraphic markers; estimated depth to the top of objective horizons; the proposed mud program; the proposed casing program, including size and weight; the depth at which each casing string is to be set; the proposed pad layout, including cut and fill diagrams; and the proposed amount of cement to be used, including the estimated top of the cement, the proposed procedure, and the estimated completed total depth. The drilling, testing, and plugging of exploratory test wells must comply with all applicable rules in section 43-02-03.

The exploration permit is in effect for one year.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-04

**Law Implemented:** NDCC 38-23-04

### **43-02-13-13. Facility permit.**

A facility permit application is required prior to commencement of operations to create or construct a high-level radioactive waste facility. The application for a high-level radioactive waste facility permit must be filed with the director, together with a permit fee. The amount of the permit fee is determined by the state geologist based upon the cost for the commission to review, investigate, and process the application. The permit application must be accompanied by a notice of opportunity for a position paper from the commissioners of the county where the facility will be located. No activity may commence until such application is approved and a permit to explore is issued by the director. The application must be accompanied by the bond pursuant to section 43-02-13-12 or the applicant previously must have filed such bond with the commission, otherwise the application is incomplete. An incomplete application received by the commission has no standing and may not be deemed filed until it is complete.

Prior to the issuance of a permit, the operator shall deposit one hundred million dollars or one million dollars per permitted acre, whichever is the greater amount, into the high-level radioactive waste fund. The deposit amount is to be adjusted to reflect any increase in the consumer price index published by the United States department of labor from the year 2020 to the consumer price index published by the department of labor at the time of the construction of the project. The half-lives of some of the radioactive waste will be dangerous much longer than any sign, monument, or avoidance structures would remain unless they are maintained in perpetuity. This money is to be used to ensure the passive institutional controls are maintained for thousands of years.

The high-level radioactive waste facility permit application must include:

1. A description of the high-level radioactive waste facility to be permitted. The area of the facility must be outlined on the application and the permit shall be valid in the area so outlined. The facility application must be accompanied by an accurate plat certified by a registered surveyor showing the location of the proposed facility and well with reference to true north and the nearest lines of a governmental section. The plat also must include latitude and longitude of the proposed storage or disposal location to the nearest tenth of a second.
2. High-level radioactive waste facility information will include the proposed depth to which the storage or disposal hole will be drilled; estimated depth to the top of important stratigraphic markers; estimated depth to the top of objective horizons; the proposed mud program; the proposed casing program, including size and weight; the depth at which each casing string is to be set; the proposed pad layout, including cut and fill diagrams; and the proposed amount of cement to be used, including the estimated top of the cement, the proposed procedure, and the estimated completed total depth. The drilling, testing, disposal, and plugging of high-level radioactive waste facility disposal wells must comply with all applicable rules in chapter 43-02-03.
3. A detailed description of the high-level radioactive material to be stored or disposed.
4. A detailed description of the mechanical construction and operating procedures of the high-level radioactive waste facility.
5. A justification for the need for the high-level radioactive waste facility to be permitted, including economic impact.
6. A detailed discussion and description of the subsurface geology and hydrology of the area to be affected by the construction and operation of the high-level radioactive waste facility.

7. A detailed discussion and description of the monitoring system to be used to ascertain the integrity of the high-level radioactive waste facility and to ensure compliance with this chapter.
8. A detailed description and discussion of a reclamation program for the restoration of the surface as nearly as possible to its original condition and productivity upon expiration of the permit or termination of any activities regulated by North Dakota Century Code chapter 38-23 and this chapter.
9. A detailed discussion and description of the active institutional controls that would be used while the facility is in operation.
10. A detailed discussion and description of the active institutional controls that would be used for a specified period of time after the facility has closed.
11. A detailed discussion and description of the passive institutional controls that would be constructed after the facility has closed, including estimated costs and the projected durability of the controls over thousands of years.
12. Architectural plans for all buildings and infrastructure within the facility boundaries.
13. Any other information required by the commission.

The length and terms of the permit must be decided by the commission but may not exceed five years. An application for a permit renewal must be made at least one hundred twenty days before the expiration of the valid permit and is subject to all of the procedures and requirements of this chapter.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-04

**Law Implemented:** NDCC 38-23-04

#### **43-02-13-14. County zoning authority in the permitting process.**

Prior to a person submitting either an exploration permit or a facility permit, the person shall confirm the size, scope, and location of the project conforms to the county zoning regulations.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-09

**Law Implemented:** NDCC 38-23-09

#### **43-02-13-15. Notice and hearing.**

A permit may be issued only after notice and hearing and the notice must follow Rule 4 of the North Dakota Rules of Civil Procedure. The permit applicant must follow the notification and publication requirements in North Dakota Century Code section 38-23-04.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-04

**Law Implemented:** NDCC 38-23-04

#### **43-02-13-16. Permit review timelines.**

The commission may take up to six months to review and approve or deny an exploration permit. During that time, the commission shall review the exploration permit, bring the exploration permit application before the advisory council, and hold a hearing on the exploration permit application.

The commission may take up to twelve months to review and approve or deny a high-level radioactive waste facility permit. During that time, the commission shall review the high-level

radioactive waste facility permit, bring the high-level radioactive waste facility permit application before the advisory council, and hold a hearing on the high-level radioactive waste facility permit application.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-04

**Law Implemented:** NDCC 38-23-04

#### **43-02-13-17. Notice of disapproval.**

The notice of disapproval to be issued to Congress within the time period mandated by the federal Nuclear Waste Policy Act. The notice of disapproval to be accompanied by a statement of reasons explaining why the commission disapproved of the recommended repository site.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-18. Federal agencies and federal regulations.**

Any high-level radioactive waste facility shall comply with all applicable federal regulations including those of the nuclear regulatory commission, Title 10, Code of Federal Regulations, and the environmental protection agency, 40 Code of Federal Regulations, Part 191.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-19. Site construction.**

In the construction of a well site, access road, and all associated facilities, the topsoil must be removed, stockpiled, and stabilized or otherwise reserved for use when the area is reclaimed. "Topsoil" means the suitable plant growth material on the surface; however, in no event may this be deemed to be more than the top twelve inches [30.48 centimeters] of soil or deeper than the depth of cultivation, whichever is greater. Soil stabilization materials, liners, fabrics, and other materials to be used onsite, on access roads or associated facilities, must be reported on a sundry notice to the director within thirty days after application. The reclamation plan for such materials also must be included. When necessary to prevent pollution of the land surface and freshwaters, the director may require the site to be sloped and diked. Sites may not be located in, or hazardously near, bodies of water, nor may the sites block natural drainages. Sites and associated facilities must be designed to divert surface drainage from entering the site. Sites or appropriate parts thereof must be fenced if required by the director. Sites must be stabilized to prevent erosion.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-04

**Law Implemented:** NDCC 38-23-04

#### **43-02-13-20. Geologic data.**

The following basic data collected by the operator must be delivered, free of charge, to the state geologist within thirty days of collection:

1. Washed and packaged sample cuts.
2. Cores, except those portions used for necessary testing or analysis, in which case the results of testing, the analysis, and the description of missing portions must be submitted to the state geologist.

3. Copies of all logs, including sample logs, radioactivity logs, resistivity logs, and other types of electrical or mechanical logs.
4. Elevation and location information on the data collection points.
5. Other pertinent information required by the state geologist.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

#### **43-02-13-21. Reports.**

Monthly reports on well activities, including drilling, completion, waste insertion, and plugging must be submitted to the state geologist. The amount of high-level radioactive waste in temporary storage, long-term storage, or has been disposed also ~~is to~~ must be reported on a monthly basis, due on the fifth day of the following month. Forms for written notices, requests, and reports required by the commission must be furnished upon request. These forms must be of such nature as prescribed by the commission to cover proposed work and to report the results of completed work.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

#### **43-02-13-22. Facility annual operating fee.**

The amount of the annual operating fee, pursuant to North Dakota Century Code section 38-23-03, is due on January fifteenth. The one million dollar minimum fee threshold to be adjusted to reflect any increase in the consumer price index published by the United States department of labor from the year 2020 to the consumer price index published by the United States department of labor at the time the fee is imposed.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

#### **43-02-13-23. Reclamation of exploration test wells.**

The plugging and reclamation of exploration test wells must comply with all applicable rules in chapter 43-02-03, including plugging and site reclamation. The commission may require the well bore to be filled with concrete or another approved plugging material from the base of the hole to the ground surface.

All lands disturbed during exploration must be reclaimed to a condition consistent with prior land use and productive capacity.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

#### **43-02-13-24. Reclamation of facilities.**

The plugging and reclamation of high-level radioactive waste facilities must comply with all applicable rules in chapter 43-02-03. Well bore must be filled with concrete or another plugging material approved by the commission from the top of the waste to the ground surface.

All buildings and infrastructure not used for either site monitoring or security must be removed. All disturbed lands must be reclaimed to a condition consistent with prior land use and productive capacity.

The exceptions to this is the area that contains signs or structures that are to be placed over the site to warn or dissuade future generations from occupying the surface, drilling into the subsurface, or disturbing the disposal wells, shafts, or chambers given the long-term nature of the high-level radioactive waste.

Upon final closure of the waste disposal site, both active and passive institutional controls must be implemented in and around the site. The means and the length of time that active institutional controls are maintained must be determined by the commission after consulting with the advisory council. The signs and structures comprising the passive institutional controls must be determined by the commission after consulting with the advisory council. Documents containing the location and depth of the waste, well construction, plugging and reclamation information, years of operation, half-lives of the radioactive waste, and other pertinent data must be permanently stored in the local, state, and national archives.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-25. Hearings - Complaint proceedings - Emergency proceedings - Other proceedings.**

1. Except as more specifically provided in North Dakota Century Code section 38-08-11, the rules of procedure established in subsection 1 of North Dakota Century Code section 28-32-21 apply to proceedings involving a complaint and a specific-named respondent.
2. For proceedings that do not involve a complaint and a specific-named respondent the commission shall give at least fifteen days' notice, except in emergency, of the time and place of hearing thereon by one publication of such notice in a newspaper of general circulation in Bismarck, North Dakota, and in a newspaper of general circulation in the county where the land affected or some part thereof is situated, unless in some particular proceeding a longer period of time or a different method of publication is required by law, in which event such period of time and method of publication prevails. The notice must issue in the name of the commission and must conform to the other requirements provided by law.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-26. Investigatory hearings.**

The commission may hold investigatory hearings upon the institution of a proceeding or by motion of the commission. Notice of the hearing must be served upon all parties personally or by certified mail at least five days before the hearing.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-27. Official record.**

The evidence in each case heard by the commission, unless specifically excluded by the hearing officer, includes the certified directional surveys, and all oil, water, and gas production records, and all injection records on file with the commission.

Any interested party may submit written comments on or objections to the application prior to the hearing date. Such submissions must be received no later than five p.m. on the last business day prior to the hearing date and may be part of the record in the case if allowed by the hearing examiner.

Settlement negotiations between parties to a contested case are admissible only as governed by North Dakota Century Code section 28-32-24, although the hearing officer may strike such testimony from the record for good cause.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

**43-02-13-28. Petitions for review of recommended order and oral arguments prohibited.**

Neither petitions for review of a recommended order nor oral arguments following issuance of a recommended order and pending issuance of a final order are allowed.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

**43-02-13-29. Notice of order by mail.**

The commission may give notice of an order by mailing the order, and findings and conclusions upon which it is based, to all parties by regular mail provided it files an affidavit of service by mail indicating upon whom the order was served.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

**43-02-13-30. Service and filing.**

All pleadings, notices, written motions, requests, petitions, briefs, and correspondence to the commission or commission employee from a party, or vice versa, relating to a proceeding after its commencement, must be filed with the director and entered in the commission's official record of the procedure provided the record is open at the time of receipt. All parties are entitled to receive copies upon request of any or all of the evidence in the record of the proceedings. The commission may charge for the actual cost of providing copies of evidence in the record. Unless otherwise provided by law, filing is complete when the material is entered in the record of the proceeding.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

**43-02-13-31. Designation of examiners.**

The commission by motion may designate and appoint qualified individuals to serve as examiners. The commission may refer any matter or proceeding to any legally designated and appointed examiner or examiners.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 38-23-03  
**Law Implemented:** NDCC 38-23-03

**43-02-13-32. Powers and duties of examiner.**

The commission by motion may limit the powers and duties of any examiner in any particular case to such issues or to the performance of such acts as the commission deems expedient; however, subject only to such limitation as may be ordered by the commission, the examiner or examiners to whom any matter or proceeding is referred under this chapter have full authority to hold hearings on

such matter or proceeding in accordance with and pursuant to this chapter. The examiner may regulate all proceedings before the examiner and to perform all acts and take all measures necessary or proper for the efficient and orderly conduct of such hearing, including ruling on prehearing motions, the swearing of witnesses, receiving of testimony and exhibits offered in evidence, subject to such objections as may be imposed, and shall cause a complete record of the proceeding to be made and retained.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-33. Report of examiner.**

Upon the conclusion of any hearing before an examiner, the examiner promptly shall consider the proceedings in such hearing, and based upon the record of such hearing, the examiner shall prepare a report and recommendations for the disposition of the matter or proceeding by the commission. Such report and recommendations either must be accompanied by a proposed order or must be in the form of a proposed order and must be submitted to the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-34. Commission order from examiner hearing.**

After receipt of the report and recommendations of the examiner, the commission shall enter its order disposing of the matter or proceeding.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

#### **43-02-13-35. Prehearing motion practice.**

In a matter pending before the commission, all prehearing motions must be served by the moving party upon all parties affected by the motion. Service must be upon a party unless a party is represented by an attorney, in which case service must be upon the attorney. Service must be made by delivering a copy of the motion and all supporting papers in conformance with one of the means of service provided for in Rule 5(b) of the North Dakota Rules of Civil Procedure. Proof of service must be made as provided in Rule 4 of the North Dakota Rules of Civil Procedure or by the certificate of an attorney showing that service has been made. Proof of service must accompany the filing of a motion. Any motion filed without proof of service is not properly before the commission.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 38-23-03

**Law Implemented:** NDCC 38-23-03

**TITLE 63**  
**BOARD OF PODIATRIC MEDICINE**



## OCTOBER 2020

### ARTICLE 63-02 LICENSURE

Chapter	
63-02-01	Application
63-02-02	Examination
63-02-03	License
63-02-04	Temporary <u>and Provisional</u> License and Temporary Permit
63-02-05	License by Reciprocity
63-02-06	Honorary License
63-02-07	Reinstatement of License
63-02-08	Fees

#### CHAPTER 63-02-01

##### **63-02-01-01. Application requirements.**

Every person applying for an annual license to practice podiatric medicine shall submit the following materials ~~not~~no later than thirty days preceding the date of the personal appearance or the oral-practical examination~~-or personal appearance~~:

1. A completed application form provided by the board.
2. A certified copy of a diploma from an approved or recognized school of podiatric medicine, or its equivalent as determined by the board, granted to the applicant by such school.
3. A certified transcript from a recognized or approved school of podiatric medicine which contains the date of graduation, degree granted, and the original seal of the school.
4. Three reference letters regarding the character of the applicant; no more than two from teachers or doctors of podiatric medicine, and none from relatives.
5. An unmounted photograph of approximately three by four inches [7.62 by 10.16 centimeters] of the applicant, taken within one hundred twenty days of the date of the application, and signed across the front by the applicant.
6. An application fee and annual licensing fee.
7. For applicants graduating from and after July 1, 1991, evidence of satisfactory completion of a program of clinical residency. A preceptorship program qualifies as a clinical residency only until January 1, 1995.

8. Evidence of satisfactory completion of all parts of the national board of podiatric medical examiners licensing examination as provided hereinAmerican podiatric medical licensing examination.
9. The applicant shall provide all information necessary for the board to perform individual state background checks in each state in which the applicant has resided since the applicant's eighteenth birthday.
10. The name and address of the applicant's professional liability insurance.
11. A statement as to the disposition of any medical malpractice settlement or award relating to medical treatment by the applicant.
12. A primary source licensure verification of all state medical, podiatric, or professional license held by the applicant.

**History:** Amended effective October 1, 1982; December 1, 1991; April 1, 2013; October 1, 2020.

**General Authority:** NDCC ~~28-32-02~~, 43-05-08

**Law Implemented:** NDCC 43-05-01(2), 43-05-10, 43-05-11, 43-05-12, 43-05-15

## CHAPTER 63-02-02 EXAMINATION

Section	
63-02-02-01	Examination Contents
63-02-02-02	<del>Written</del> -Examination
63-02-02-03	Oral-Practical Examination
63-02-02-04	Personal Appearance
63-02-02-05	Application Nullification

### **63-02-02-02. ~~Written examination~~Examination.**

The board utilizes the examination given by the national board of podiatric medical examiners ~~licensing examination as its written examination,~~for its written and oral-practical examinations and requires a passing score in all sections ~~in~~of part ~~one and~~I, part ~~two~~II, and part III as recorded by the national board of podiatric medical examiners ~~as a passing score~~. An applicant is responsible for arranging one's own ~~examination~~examinations with the national board of podiatric medical examiners, and with providing ~~a verified copy of the score~~primary source verification of the scores to the board ~~which must contain an original seal of the national board~~.

**History:** Effective October 1, 1982; amended effective December 1, 1991; October 1, 2020.

**General Authority:** NDCC ~~28-32-02~~, 43-05-08

**Law Implemented:** NDCC 43-05-12

### **63-02-02-04. Personal appearance.**

~~In addition to the oral-practical examination, all~~All applicants for license ~~or permit~~ must be scheduled for and attend a personal appearance before one or more members of the board when the other requirements for licensure have been met. The board may require the applicant, at the personal appearance, to respond satisfactorily to questions regarding ethics of practice, the applicant's familiarity with North Dakota Century Code chapter 43-05 and this title, and questions derived from ~~the oral-practical~~ examination. The board may combine the oral-practical examination and the personal appearance.

**History:** Effective December 1, 1991; amended effective October 1, 2020.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 43-05-12

## CHAPTER 63-02-03

### 63-02-03-01. License issuance.

Every applicant who ~~passes the board examination and~~ satisfies the requirements for licensure or whose reciprocity has been accepted by the board shall be issued an official annual license to practice podiatric medicine in North Dakota.

**History:** Effective October 1, 1982; amended effective December 1, 1991; October 1, 2020.

**General Authority:** NDCC ~~28-32-02~~, 43-05-08

**Law Implemented:** NDCC 43-05-09

**CHAPTER 63-02-04**  
**TEMPORARY AND PROVISIONAL LICENSE AND TEMPORARY PERMIT**

Section

63-02-04-01	Temporary License
63-02-04-02	Temporary Permit
<u>63-02-04-03</u>	<u>Provisional License</u>

**63-02-04-01. Temporary license.**

~~A podiatrist holding a valid license to practice podiatric medicine issued from another licensing jurisdiction of the United States may apply to~~Upon application for licensure, the board ~~for~~may issue a temporary license to practice ~~podiatry~~podiatric medicine in North Dakota. The applicant shall submit all materials required for an annual license and license by reciprocity and pay the required application fee and temporary licensing fee. The application and documentary evidence submitted by the applicant shall be reviewed by one or more members of the board, and upon their finding that the applicant is qualified, the board may issue a temporary license to practice podiatric medicine in North Dakota to the applicant until the applicant's personal appearance at the next regular ~~examination date~~board meeting. If the applicant is unable to ~~take the examination~~appear at the next regular board meeting for reason of illness or personal hardship, the applicant must reapply for ~~a temporary license~~licensure and must again pay the application fee.~~The applicant shall make a personal appearance before the board or a member thereof as arranged by the board.~~

**History:** Effective October 1, 1982; amended effective December 1, 1991; October 1, 2020.

**General Authority:** NDCC ~~28-32-02~~, 43-05-08

**Law Implemented:** NDCC 43-05-08

**63-02-04-03. Provisional license.**

1. An applicant who has submitted an application for full licensure and:

- a. Has indicated the applicant is a spouse of an individual serving in the national guard or armed forces currently stationed in North Dakota;
- b. Has provided copies of a military identification and current orders, or other supporting documents that meet the approval of the board;
- c. Has demonstrated competency in the field of podiatric medicine; and
- d. Has practiced podiatric medicine for at least two of the previous four years;

Must be issued a provisional license to practice podiatric medicine within thirty days from receipt of the fully completed and executed application provided the board determines the issuance of a provisional license will not substantially increase the risk of harm to the public.

2. A provisional license expires:

- a. On the date the application for full licensure has been either granted or denied by the board; or
- b. Two years from the date of issuance.

3. A provisional license may be revoked if the board determines:

- a. The applicant has failed to comply with the terms of the provisional license; or
- b. The revocation of the provisional licensure is necessary to protect the health and safety of the public.

4. Any license granted under North Dakota Century Code section 43-51-11.1 is subject to all rules and regulations under North Dakota Century Code chapter 43-05 and article 63-02.

5. A licensure fee may not be required for a provisional license.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 43-51-11.1

## CHAPTER 63-02-05

### 63-02-05-01. License by reciprocity.

1. All ~~applications~~applicants for license by reciprocal agreement ~~must be made on the official form supplied~~shall submit a completed application form provided by the board and ~~must be filed with the secretary-treasurer of the board.~~ The application must be accompanied by the required application fee and annual licensing fee as well as other documents required for a standard application for licensure. An applicant must also submit a photocopy of the license upon which reciprocity is based and shall comply with all application requirements set forth in this chapter. In addition to the required primary source licensure verification, the applicant also shall cause to be submitted a statement from ~~that~~a licensure board verifying that the applicant has a valid license, is in good standing with that board, and has engaged in the practice of ~~podiatry~~podiatric medicine in that state for the two immediately preceding years. ~~If the applicant is licensed in one or more other states or Canadian provinces, the applicant must cause a form supplied by the board to be submitted from the licensure board of each other state or Canadian province in which the applicant is licensed during the five years immediately preceding application.~~ Reciprocity can be granted only with those states or Canadian provinces honoring reciprocity with North Dakota.
2. Such licenses by reciprocity may be granted without examination as is otherwise required in this title. The applicant must not have had the applicant's license to practice podiatric medicine suspended or revoked or engaged in conduct warranting or which would have warranted disciplinary action against a licensee if the conduct was committed in North Dakota, the licensing state or Canadian province, or elsewhere.
3. Such applicant for a license by reciprocity must not have been subjected to disciplinary action in any licensing state or Canadian province.
4. ~~The applicant must also submit, with the application, for the five-year period immediately preceding the date of filing of the application, the name and address of the applicant's professional liability insurance carrier in each other state or Canadian province where licensed and the number, date, and disposition of any podiatric medical malpractice settlement or award made to a plaintiff relating to the quality of podiatric medical treatment by the applicant.~~
- ~~5.~~ If such an applicant does not satisfy all the requirements set forth herein, the board shall not license such an applicant unless the board determines that the public will be protected through issuance of a license with such conditions or limitations, for such a period as determined by the board, that will guard the public health, safety, and welfare.
- ~~6.5.~~ All applicants for license by reciprocity must be scheduled for and attend a personal appearance before one or more members of the board when the other requirements for licensure by reciprocity have been met. The board may require the applicant for license by reciprocity, at the personal appearance, to respond satisfactorily to questions regarding ethics of practice, the applicant's familiarity with North Dakota Century Code chapter 43-05 and this title, and questions derived from the oral-practical examination.

**History:** Effective October 1, 1982; amended effective December 1, 1991; October 1, 2020.

**General Authority:** NDCC ~~28-32-02~~, 43-05-08

**Law Implemented:** NDCC 43-05-14

**ARTICLE 63-06**  
**PRESCRIPTIVE PRACTICES**

Chapter  
63-06-01 Prescription Drug Monitoring Program Rule

**CHAPTER 63-06-01**  
**PRESCRIPTION DRUG MONITORING PROGRAM RULE**

Section  
63-06-01-01 Prescription Drug Monitoring Program Rule

**63-06-01-01. Prescription drug monitoring program rule.**

1. Every podiatrist with a drug enforcement agency registration number shall register with the prescription drug monitoring program.
2.
  - a. When a podiatrist determines reported drugs will be prescribed to a patient for a period to exceed twelve weeks, the podiatrist shall request a prescription drug monitoring program report for that patient and, at a minimum, at least semiannually thereafter.
  - b. This requirement does not apply to reported drugs prescribed to patients in a controlled setting in which the drugs are locked and administered to the patient, for example, admitted hospital or hospice patients, long-term care patients or group home residents.
3. In addition to those reports requested under subsection 2, podiatrists shall request a prescription drug monitoring program report when it is documented in the prescribing podiatrist's medical record for that patient that the patient exhibits signs associated with diversion or abuse, including:
  - a. Selling prescription drugs;
  - b. Forging or altering a prescription;
  - c. Stealing or borrowing reported drugs;
  - d. Taking more than the prescribed dosage of any reported drug;
  - e. Having a drug screen that indicates the presence of additional or illicit drugs;
  - f. Being arrested, convicted, or diverted by the criminal justice system for a drug-related offense;
  - g. Receiving reported drugs from providers not reported to the treating podiatrist;
  - h. Having a law enforcement or health professional express concern about the patient's use of drugs.
  - i. Violating any prescribing agreement with the podiatrist;
  - j. Frequently requests early refills of a reported drug for any reason;
  - k. Appears impaired or excessively sedated to the podiatrist in any patient encounter; and
  - l. Has a history of drug abuse dependency.

4. A podiatrist shall document the receipt and assessment of prescription drug monitoring program reports made under this rule.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 43-05-08

**Law Implemented:** NDCC 19-03.5-09



**TITLE 67.1**  
**EDUCATION STANDARDS AND PRACTICES BOARD**



## OCTOBER 2020

### CHAPTER 67.1-01-01

#### 67.1-01-01-01. Organization of the education standards and practices board.

1. **History.** The ~~autonomous~~ education standards and practices board ~~was established by legislation in 1993. The board came into existence effective January 1, 1995, and assumed its duties on July 1, 1995. The board has its origins in the teacher professional practices commission which served in an advisory capacity to the superintendent of public instruction for teacher certification, teacher preparation program approval, and professional development~~consists of ten members appointed by the governor.
2. **Board organization.** ~~The education standards and practices board consists of ten members appointed by the governor. The board membership includes four classroom teachers from public schools, one classroom teacher from a private school, two school board members, two school administrators, and one dean of a college of education. The superintendent of public instruction or designee serves as an ex officio, nonvoting member. The administrator's professional practices board is a subset of the education standards and practices board which includes the two school administrator members, two school board members, and two teacher members selected by the full board. The term of office of the board members is three years, commencing on July first of the year of their appointment. Members may serve only two consecutive terms.~~
  - a. **Officers.** The officers are a chairperson, vice chairperson, and secretary, who will be the board executive director. The officers will be elected for one-year terms at the reorganization meeting, which will be the first meeting called following July first of each year.
    - (1) The duties of the chairperson include:
      - (a) ~~Recognize members, state motions, and confine debate to the motion under discussion~~Preside at all meetings of the board;
      - (b) Call for special meetings upon the request of a majority of the board in writing;
      - (c) Assist the director in preparing an agenda to be sent with the announcement of the next meeting;
      - (d) Designate board members to attend ~~special meetings~~conferences at board expense;
      - (e) Appoint standing committees and subcommittees;

- (f) Be responsible for communicating all statements on the actions of the board in the execution of its duties; and
  - (g) Perform other duties as deemed necessary by the board.
- (2) The duties of the vice chairperson include:

- (a) Preside at meetings when the chairperson is absent or when called to the chair by the chairperson;
- (b) Perform the duties of the chairperson until a new chairperson is elected in case of a vacancy in the office of the chairperson; and
- (c) ~~Be acquainted with the duties and responsibilities of the chairperson; and~~
- ~~(d)~~ Perform other duties as deemed necessary by the board.

(3) The duties of the executive director include:

- (a) Record attendance of the board members;
- (b) Keep an accurate record of all proceedings and distribute them to the members;
- (c) Assist the chairperson in the preparation and distribution of the agenda;
- (d) ~~Notify all board members ten days in advance of any meeting;-~~
- ~~(e)~~ Send out all mailings and notices required by the board;
- ~~(f)~~(e) Prepare a financial statement for each regular meeting and coordinate vouchers;
- ~~(g)~~(f) Release statements to the media, subject to board approval; and
- ~~(h)~~(g) In the absence of the chairperson and the vice chairperson, call the meeting to order and preside while a temporary chairperson is elected.

b. Board members. Board members will have regular and functional attendance at all regular meetings. The chairperson will recommend to the governor that board members missing three consecutive meetings be replaced. Board members will send any materials for inclusion in mailings to the chairperson and director. Members will prepare input for each regular meeting. They will file a written report with the director after attending any subcommittee meetings.

### 3. Meetings.

a. The education standards and practices board shall hold a minimum of four meetings annually. The year, for purposes of the board, begins July first and ends the last day of June during the ensuing calendar year.

b. The meetings shall be scheduled by the membership at large, or at the call of the chairperson, or may be held upon the request in writing by a majority of the board members. ~~The meetings may be held only after ten days' prior notice. A majority of the members constitutes a quorum that will have the authority to act upon any items of business properly placed before the board. Members should notify the secretary if unable to attend.~~

c. Meetings will be conducted according to Robert's rules of order.

- ~~4. **Board compensation.** Each member of the board is entitled to receive compensation in the amount of sixty-two dollars and fifty cents per day and to reimbursement for expenses as provided by law for other state officers while attending meetings or performing duties directed by the board. A member of the board may not lose the member's regular salary and may not be required to refuse the compensation to which the member is entitled under this section for serving on the board.~~

- ~~5. **Contact information.** Licensure application packets and additional information about the rules of licensure of the education standards and practices board may be obtained by writing or calling:~~

Education Standards and Practices Board  
2718 Gateway Avenue, Suite ~~303~~204  
Bismarck, ND 58503  
Telephone: 701-328-9641  
Fax: 701-328-9647

<https://www.nd.gov/espb/>

~~Requests for initial application packets should be made in writing and accompanied by the thirty dollar initial application packet fee.~~

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 28-32-02

**Law Implemented:** NDCC 15.1-13-02, 15.1-13-03, 15.1-13-04, 15.1-13-05, 15.1-13-06, 15.1-13-07, 15.1-13-29, 28-32-02

#### **67.1-01-01-02. Duties of the education standards and practices board.**

- Standards for professional ethics, performance, and practices.** The board continuously reviews the North Dakota educator's code of ethics and rules, standards, and procedures pertaining to licensure, teacher education program approval, and professional development of educators. ~~As part of the education standards and practices board, the~~The board will solicit input from the teaching profession and representatives of school administrators, school board members, teacher educator professors, and other interested citizens. ~~The board will be responsible for the interpretation of the North Dakota educator's code of ethics with requests for interpretation being placed in writing.~~
- Consideration of written complaints relative to code violations.** Requests for an inquiry against any North Dakota licensed educator from any interested citizen will be heard by the board. ~~The inquiry must be requested in writing. Any educator named in an inquiry will be notified and will be informed of the procedures that will be taken~~ pursuant to procedure in North Dakota Century Code section 15.1-13-24 and herein.
- Board-initiated complaints.** The education standards and practices board may initiate proceedings against any North Dakota licensed educator for cause as stated in North Dakota Century Code sections 15.1-13-25 and 15.1-13-26 or for violations of the educator's code of ethics.
- Complaint process for violation of North Dakota Century Code section 15.1-13-25.** A complaint by a citizen against a teacher or administrator is made by submitting a completed request for inquiry form to the office of the education standards and practices board.
  - A patron, a professional, or a district representative may obtain the request for inquiry forms and procedural guidelines from the office of the education standards and practices board.

- b. ~~The formal complaint process will begin when the requesting party returns the completed request for inquiry form to the secretary of the education standards and practices board.~~ The form must be fully completed and signed by the complainant. Supporting documentation must be included at the time the request for inquiry is submitted.
- c. ~~The education standards and practices board secretary, upon~~ Upon receipt of the request for inquiry form, the board secretary shall transmit a copy with the supporting documentation to the affected educator by certified mail.
- d. The affected educator may submit ~~a clear and concise~~ an answer to the complaint within twenty working days from the day the certified mail is delivered. The answer must be sent to the ~~secretary of the education standards and practices~~ board and may include supporting documentation. If the affected educator fails to file an answer, the allegations in the complaint will be deemed admitted and the board shall proceed to a hearing pursuant to North Dakota Century Code sections 15.1-13-24 and 15.1-13-25.
- e. Upon receipt of the response ~~from the affected educator~~, or passage of the deadline for a response, the ~~education standards and practices~~ board secretary will place the request for inquiry on the agenda of the next meeting of the education standards and practices board or administrator's professional practices board for preliminary discussion.
- f. ~~At the education standards and practices board meeting, the education standards and practices~~ The board or administrator's professional practices board will review the written documents presented. No testimony will be heard at this time. Based upon the paper review, the board will determine the following:
- (1) To dismiss the case.
  - (2) To seek additional information.
  - (3) To ~~issue a warning or reprimand, or both~~ offer a settlement.
  - (4) To initiate formal disciplinary action.
- g. If ~~the application for licensure is denied, or if~~ the board determines to initiate formal disciplinary action that may result in suspension, revocation, or other appropriate disciplinary action, the applicant may request, ~~in writing,~~ a hearing. ~~The hearing will be conducted according to the Administrative Agencies Practices Act, North Dakota Century Code chapter 28-32. Parties may be represented and provide testimony at the administrative hearing.~~ in writing.
- h. ~~Denial and revocation of an educator's professional license for convictions of crimes against children or sexual offenses:~~
- (1) ~~Notwithstanding any other law, the education standards and practices board shall deny an application for a teaching license and the education standards and practices board or administrator's professional practices board shall revoke immediately the teaching license of an individual who has been found guilty of a crime against a child or a sexual offense.~~
  - (2) ~~An individual who is denied an educator's professional license or who has had a license revoked under this section may file a request with the education standards and practices board office for a due process hearing in accordance with this section and the Administrative Agencies Practices Act, North Dakota Century Code chapter 28-32.~~

~~(3) The education standards and practices board may impose a fee against a licenseholder to reimburse the education standards and practices board for all or part of the costs of the administrative actions that result in disciplinary action against the licenseholder under this subdivision.~~ Hearings shall be conducted pursuant to North Dakota Century Code chapter 28-32.

i. An educator who has had an educator's license revoked is not eligible to apply for relicensure for at least one year following the date the revocation order was signed by a board official, unless otherwise specified in the order.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-24, 15.1-13-25, 15.1-13-26, 15.1-13-29

#### **67.1-01-01-03. Fine for practicing without a license.**

The education standards and practices board may impose a fine against any individual without a valid license who is ~~under contract in any position requiring a valid professional educator's license~~ engaged in the profession of teaching.

1. The fine imposed will be fifty dollars per day the individual practices without a valid license, up to a total fine of two hundred fifty dollars.
2. The effective date of the fine will be the first day after the educator's license has expired or the first day practicing before obtaining a valid license.
3. The educator will have five days after notification from the board to submit to the education standards and practices board all required information for license renewal before additional disciplinary action will be taken.
4. The license will be issued upon receiving the completed application and all documentation will be submitted to the board for its review.

5. Educator license information for a suspended or revoked license will be entered into the national association of state directors of teacher education and certification clearinghouse.

**History:** Effective March 1, 2000; amended effective August 1, 2002; July 1, 2004; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-17

**Law Implemented:** NDCC 15.1-13-17

#### **67.1-01-01-04. Late renewal fee.**

If a licensee does not file a completed renewal application, including the required supporting documentation and the renewal fee before the expiration of the license, the licensee shall pay a late renewal fee of one hundred dollars. A renewal application shall not be granted until the late renewal fee is paid. The board may waive the late renewal fee if the licensee provides proof of medical or other hardship rendering the licensee unable to meet the renewal deadline. A renewal fee is not in lieu of a disciplinary action for teaching without a license.

**History:** Effective October 1, 2014; amended effective October 1, 2020.

**General Authority:** NDCC 15.1-13-09

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11

## CHAPTER 67.1-02-01

### 67.1-02-01-01. Student teachers.

A student teacher is one who teaches in a regular classroom situation as part of the requirements in professional preparation.

1. All college students in education must have classroom-related preprofessional experience prior to student teaching. ~~This experience must be provided as early as possible. Formal admittance to the teacher education program includes meeting appropriate state program approval requirements.~~ A criminal background investigation including the bureau of criminal investigation and federal bureau of investigation must be completed prior to any student teaching experience.
2. The student teacher should be assigned by a college or university to a cooperating school on a full-time block. A full-time block is construed as a full day for ten consecutive weeks with exceptions documented through program approval. The student teacher must be placed in a classroom where the cooperating teacher is regularly assigned. Additional student teaching experiences shall be determined by the training institution.
3. In the event of an emergency, the student teacher may ~~once during the student teaching semester~~ be placed as a substitute in the student teacher's regularly assigned classroom for a period of time not to exceed two consecutive days, one time.
4. Student teachers may be placed only in accredited schools.
5. Teaching experience cannot be used for a waiver of student teaching, except as specified in subdivision d of subsection 1 of section 67.1-02-02-02.
6. Student teachers may receive a stipend from the school where they have student taught.
7. A student teacher will be eligible for a forty-day provisional license upon completion of all requirements for the student teacher's bachelor's degree minus the awarding of the degree and the official transcript as documented by the institution of higher education registrar. Once the degree has been awarded and the official transcript has been received, the student teacher ~~will receive the initial two-year license~~ must complete the initial application process.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; April 1, 2006; July 1, 2008; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

### 67.1-02-01-02. Cooperating teachers.

A cooperating teacher is the teacher in the ~~local situation~~ cooperating school who works with, helps, and advises the student teacher.

1. Every cooperating teacher must have acquired a minimum of two semester hours or three quarter hours in supervision of a student teaching course or an inservice requirement that meets the necessary essentials in preparing cooperating teachers to supervise student teachers. Those cooperating teachers who have served prior to July 1, 1976, may have this requirement waived at the discretion of the host college and cooperating school.
2. The cooperating teacher must have at least three years of teaching experience. The cooperating teacher must have at least one year of teaching experience in the school system in which the student teacher is being supervised.

3. Before being accepted and approved as a cooperating teacher, the teacher must be recommended by the administration of the school in which student teaching is performed.
4. A cooperating teacher who cannot recommend a student teacher for teaching or licensure shall have a conference with the college supervisor and the student teacher prior to the student teaching evaluation and recommendation.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

#### **67.1-02-01-03. College supervisors.**

A college supervisor is the college faculty member who is in charge of guiding, helping, and directing the student teacher.

1. The college supervisor must have early childhood, elementary, middle level, or secondary teaching experience at the level of supervision.
2. A college supervisor, after meeting with the administration of the school in which student teaching is to be done, shall meet with the cooperating teacher and provide a copy of the state student teaching guidelines.
3. The college supervisor shall make a copy of the student teacher's file available to the cooperating teacher prior to the arrival of the student teacher. ~~Such file may contain a brief biography and general information, but may not contain any specific information that would be in violation of a student's right to privacy.~~
4. A college supervisor shall make at least two visitations during the student's teaching experience, after which the college supervisor shall hold a joint conference with the cooperating teacher and the student teacher, or provide each a written critique of the visitation.

~~5. The teacher education program staff may provide consultation and assistance for the first year teacher in North Dakota.~~

**History:** Effective July 1, 1995; amended effective October 1, 1998; July 1, 2008; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

#### **67.1-02-01-04. Program approval of teacher education for licensure.**

The ~~education standards and practices~~ board shall set procedures for and implement a system of program approval for teacher education programs for state licensure of educators. The program approval process shall include the federal requirement of identifying and reporting for title II of the Higher Education Act.

1. The ~~education standards and practices~~ board may enter into approval agreements with national accrediting agencies.
2. The procedures for program approval must be reviewed and revised at least every five years with input from state-approved institutions. Public hearings must be provided in accordance with North Dakota Century Code chapter 28-32.
3. New procedures become mandatory effective two years after their publication by the office of the legislative council in accordance with North Dakota Century Code section 28-32-19.

During the two-year transition period following publication, institutions may elect to be reviewed either under the previously published procedures or the newly published procedures.

4. The ~~education standards and practices~~ board shall gather information through the program approval process to determine whether institutions and individual preparation programs meet the North Dakota standards for the preparation of educators for state licensure. The board shall issue decisions of approval, provisional approval, continuing approval, approval with conditions to be met, approval with probation, or denial or revocation of approval.
5. ~~Full text of the North Dakota procedures for program approval may be reviewed in North Dakota Administrative Code title 67.1 or at the office of the education standards and practices board.~~ The standards will be the criteria used to evaluate undergraduate and graduate education programs leading to North Dakota educational licensure.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09

**Law Implemented:** NDCC 15.1-13-08

#### **67.1-02-01-05. Program approval standards.**

~~The education standards and practices board shall adopt a set of North Dakota teacher education program approval standards:~~

- ~~1. The standards will be the criteria used to evaluate undergraduate and graduate education programs leading to North Dakota educational licensure.~~
- ~~2. The standards must be reviewed and revised at least every five years with input from the state-approved institutions and prekindergarten through grade twelve educators and with consideration of recommendations from professional organizations. Public hearings must be provided in accordance with North Dakota Century Code chapter 28-32.~~
- ~~3. New standards become mandatory two years after their publication by the office of the legislative council in accordance with North Dakota Century Code section 28-32-19. During the two-year transition period following publication, institutions may elect to be reviewed either under the previously published standards or the newly published standards.~~
- ~~4. Full text of the North Dakota standards for program approval may be reviewed in North Dakota Administrative Code title 67.1 or at the office of the education standards and practices board.~~
5. Graduates successfully completing all the requirements of programs approved by the ~~education standards and practices~~ board must have completed the criminal background investigation including the bureau of criminal investigation and the federal bureau of investigation and be recommended by their degree granting institution for North Dakota licensure on that basis. Graduates of programs other than those approved by the ~~North Dakota education standards and practices~~ board are subject to meeting the same standards criteria through the review of official transcripts.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; July 1, 2008; July 1, 2010; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

## CHAPTER 67.1-02-02 EDUCATOR'S PROFESSIONAL LICENSE

### Section

67.1-02-02-01	Life Certificates
67.1-02-02-02	Initial Licenses
67.1-02-02-03	Distance Learning Instructor - Definition - Qualifications - Licensure [Repealed]
67.1-02-02-04	Two-Year and Five-Year Renewals
67.1-02-02-05	Professional Development for License Renewal
67.1-02-02-06	Denial and Appeal
67.1-02-02-07	Human Relations and Cultural Diversity
67.1-02-02-08	State Model for Inservice Education and Professional Development [Repealed]
67.1-02-02-09	Re-entry
67.1-02-02-10	Substitute Teachers
<u>67.1-02-02-11</u>	<u>Members of the Military and Military Spouses - Licensure Applications</u>
<u>67.1-02-02-12</u>	<u>Teaching Permits - Application of Laws and Rules - Discipline</u>

### **67.1-02-02-01. Life certificates.**

1. First grade and second grade professional life certificates issued prior to July 1, 1976, are valid for life. However, it is recommended that teachers show professional gain by college attendance, workshops, conferences, travel, and other professional activities.
2. A life license will be issued to those teachers who have been licensed to teach in North Dakota for a period of thirty years. The application for the life license must be accompanied by all requirements and fees as pursuant to the five-year renewal fee in section 67.1-02-02-04. The application for the thirty-year life license may be submitted six months prior to the expiration of the current license or as soon as the teacher qualifies for the ~~thirty-year~~ life license. Documentation of the thirty years of certification or licensure must be submitted with the application.

**History:** Effective July 1, 1995; amended effective August 1, 2002; April 1, 2006; July 1, 2008; July 1, 2010; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-12.1

### **67.1-02-02-02. Initial licenses.**

1. Initial teacher licensure for in-state graduates or graduates of out-of-state programs requires a minimum of a four-year bachelor's degree from a ~~state agency approved~~board approved teacher education program. The approved program must include ~~a general studies component, a North Dakota recognized program area major, and a professional pedagogy core as defined in this section and the~~ North Dakota standards for teacher education program approval:
  - a. ~~The general~~General studies component includes liberal arts preparation in the areas of the humanities, fine arts, mathematics, natural sciences, behavioral sciences, and symbolic systems as prerequisite to entrance into the professional education program.
  - b. North Dakota recognized program area majors are printed on the application form and include content-specific majors at the secondary level, content-specific kindergarten through grade twelve majors as listed below, majors in middle level education, or majors in elementary education. Majors that are transcribed by state-approved teacher education programs using terminology not appearing on the application form must be compared to the North Dakota standards for teacher education program approval to determine whether they meet the same criteria as the listed recognized majors. Majors

must include a minimum of thirty-two semester hours of coursework specific to the major beyond the introductory level. ~~All official transcripts from all institutions of higher education must be submitted to the education standards and practices board.~~

- (1) The secondary content-specific major must include a minimum of four semester hours in special methods of teaching at the secondary level and special methods of teaching in the specific content area. Effective July 1, 2008, all initial secondary licensure applicants grades five through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the content test as set by the education standards and practices board. Effective July 1, 2010, all initial secondary licensure applicants grades five through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the pedagogical test as set by the education standards and practices board. For purposes of this section, English, reading and language arts, mathematics, science, foreign languages, music, visual arts, history, civics and government, geography, and economics are considered core academic areas. All other areas are considered non-core academic areas.
- (2) The middle level major must include study of middle level foundations, adolescent development, reading in the content areas at the middle level, and twenty-four semester hours of content coursework in one of the content areas of English and language arts, social studies, science, or mathematics meeting the teacher education program approval standards, and special methods of teaching at the middle level. Study of these areas must total a minimum of thirty-two semester hours, which includes at least two semester hours of special methods of teaching at the middle level and middle level classroom field experience. Effective July 1, 2008, all initial middle level licensure applicants grades five through eight in the core and non-core academic areas will need to meet or exceed the cut scores for the content test as set by the education standards and practices board. Effective July 1, 2012, all initial middle level licensure applicants grades five through eight in the core and non-core academic areas will need to meet or exceed the cut scores for the pedagogical test as set by the education standards and practices board.
- (3) The elementary major must include special methods of teaching elementary content areas with a minimum of twelve semester hours specific to teaching elementary school mathematics, science, social studies, reading, and language arts. Effective July 1, 2006, all initial elementary licensure applicants for grades one through eight restricted licenses will need to meet or exceed the cut scores as set by the education standards and practices board for the elementary test and the pedagogical test. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the elementary test and pedagogical test during the school year. Classroom teaching experience will be accepted from all other states toward the requirements of this paragraph.
- (4) Prekindergarten through grade twelve preparation programs in special education, foreign language, art, music, physical education, business education, technology education, and computer education must include a minimum of four semester hours of special methods of teaching inclusive of kindergarten through grade twelve, special methods of teaching in the specific content area, and student teaching in elementary and secondary schools, grades prekindergarten through grade twelve. Effective July 1, 2006, all applicants in foreign language, art, and music will need to meet or exceed the cut scores for the content tests and the pedagogical tests grades seven through twelve as set by the education standards and practices board. Effective July 1, 2012, all initial prekindergarten through grade twelve licensure applicants grades seven through twelve in the core and non-core academic areas will need to meet or exceed the cut scores for the content test and

the pedagogical test grades seven through twelve as set by the ~~education standards and practices~~ board.

- (5) The early childhood major must include study of child development, birth through age eight, and include special methods of teaching at the early childhood level. Effective July 1, 2012, all initial early childhood licensure applicants birth through grade three will need to meet or exceed the cut scores for the ~~praxis~~ state-identified principles of teaching and learning test and the ~~praxis~~ state-identified early childhood education content specific cut score as set by the ~~education standards and practices~~ board.
  - (6) Effective July 1, 2008, all applicants in special education majors or endorsements must meet or exceed the state-approved test cut scores as set by the ~~education standards and practices~~ board.
- c. The professional education component includes a minimum of twenty-two semester hours of pedagogical study of teaching and learning in addition to the program-specific major. This coursework must be from the areas of educational foundations, educational psychology, child development, teaching and learning theory, educational diagnosis and assessment, inclusive education, educational technology, classroom and behavioral management, and human relations specific to teaching. The professional education component must also include classroom professional experience prior to student teaching and a minimum of ten weeks of full-time successful participation in student teaching at appropriate grade levels. The professional education component, including student teaching, must be completed under the supervision of a teacher training institution approved by the education standards and practices board in North Dakota or the appropriate state, provincial, or similar jurisdictional authority for out-of-state institutions.
- d. Student teaching exception - Internship. An applicant who graduated from a state-approved teacher education program, in-state or out-of-state, prior to January 1, 1988, which did not include a minimum of ten weeks of full-time student teaching may qualify under one of the two options under this subdivision. These options are available only if the applicant has met all other requirements for licensure of the ~~education standards and practices~~ board and North Dakota Century Code sections 15.1-18-02 and 15.1-18-03, except the requirement of ten weeks of student teaching.
- (1) The applicant must document a minimum of eight full weeks of student teaching at the appropriate level in the major field of study under the supervision of a state-approved teacher education program and document five years of successful teaching within the last ten years; or
  - (2) An applicant who can document a minimum of eight weeks of successful student teaching but cannot document a minimum of five years of successful teaching experience must either complete the additional student teaching hours or may choose to complete an internship under the supervision of a state-approved college of teacher education to fulfill the additional hours.
    - (a) The internship contact hours in the classroom must consist of classroom time blocks not less than one-half day and when added to the applicant's existing student teaching hours total a minimum of ten weeks of full-time equivalent student teaching and supervised internship experience.
    - (b) The internship must occur in a regular kindergarten through grade twelve classroom setting and allow the intern to experience the full range of curriculum and classroom operations.

- (c) The internship must be approved by the ~~education standards and practices~~ board and transcribed through a state-approved teacher education institution.
- e. Teaching minors. A teaching minor may only be earned or added to a teaching major. An individual may not be licensed or change grade levels of licensure with only a teaching minor.

A teaching minor is defined as a minimum of sixteen semester or twenty-four quarter credit hours in a single designated academic area and the methods of teaching the content area. These sixteen semester or twenty-four quarter credit hours must be in courses for which the institution gives credit toward graduation in the major and be included in the teacher education program approval process.

## 2. Grade point average.

- a. An applicant must have a minimum overall grade point average (GPA) of 2.50. The ~~education standards and practices~~ board will use the college-figured grade point average if all previous college coursework is on the transcript. ~~If the student has transferred from another institution, and the grade point average calculated by the institution granting the degree is only for those credits at that institution, the education standards and practices board will refigure the grade point average using all previous college coursework.~~
- b. An applicant must have a minimum ~~grade point average (GPA)~~GPA of 2.50 for all coursework required for the applicant's degree. Coursework not needed for a degree in teacher education need not be included in GPA calculations. Coursework used in any way for licensure or endorsements must be included in GPA calculations. ~~If the student has coursework from more than one institution, the education standards and practices board will review the grade point average using the program of studies approved by the approved North Dakota teacher education institution.~~

## 3. ~~Verification of eligibility for home state licensure may be requested.~~

- ~~4.~~ Acceptable translations for preparations received in foreign institutions will be requested at the applicant's expense.

## ~~5.4.~~ Application form.

- a. An application fee of ~~thirty~~thirty-five dollars must accompany ~~a request for~~ an initial application form.
- b. The ~~original~~ completed application form, including the original signature of the applicant and recommendation by the state-approved teacher education program will be considered for licensure by the education standards and practices board.
- c. A fee of ~~seventy~~seventy-five dollars must accompany the application for initial licensure for in-state and out-of-state graduates. An additional fee of one hundred seventy-five dollars for transcript review from out-of-state graduates must also accompany the licensure application.
- d. The application will be kept on file at the education standards and practices board office for six months. Upon expiration of the six-month period, applicable fees will be refunded to the applicant if the license has not been issued.

- ~~6.5.~~ All initial licenses are valid for at least two consecutive years and will expire on the applicant's birthday.

7-6. Fingerprinting. In addition to completing the licensure application process outlined in this section, an applicant applying for licensure in North Dakota for the first time after August 1, 1997, must submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14.

- a. An applicant graduating from a North Dakota teacher preparation program may obtain the fingerprinting materials from college officials. Previous graduates and out-of-state graduates must contact the education standards and practices board directly for the fingerprinting materials. Fingerprint screening reports from other agencies are not available to the ~~education standards and practices~~ board. Applicants must complete the process with cards and release forms designating the ~~education standards and practices~~ board as the agency to receive the report.
- b. The applicant must have the fingerprinting done by an authorized law enforcement agency such as a sheriff's office, police department, campus police, or private fingerprinting company. Both cards are to be completed with a ten-finger check. The criminal record inquiry authorization form must also be completed, including an original signature. The fingerprint cards and authorization form must be returned directly to the education standards and practices board office.
- c. Unofficial, incomplete, altered, or damaged cards and forms will not be accepted.
- d. The applicant is responsible for all local, state, and federal law enforcement agency fees related to the fingerprint background check.
- e. The applicant is advised to allow a minimum of eight weeks for the fingerprint screening process. An applicant must hold a valid North Dakota license to be employed or permitted to teach in North Dakota. Individuals who have completed all requirements for the professional educator's license except final completion of the fingerprint background check may obtain a provisional license under section 67.1-02-04-04.
- f. Fingerprint screening reports must be recent and may only be used for licensure for eighteen months from the date the report is received by the ~~education standards and practices~~ board.

8-7. Re-education for initial licensure. Applicants who hold nonteaching degrees in content areas taught in public schools may receive initial licensure by completing the professional education requirements at a state-approved program authorized through program approval to recommend applicants for licensure in the approved program area. This re-education may be completed at the undergraduate or graduate level. The institution with the approved program must document that the applicant's specialty area degree is equivalent to its approved program's specialty area requirements in subdivisions b and c of subsection 1, and recommend the applicant for licensure. Applicants applying under this section must file a completed application form as other initial applicants, comply with the fingerprint background check in subsection 9, complete all tests, and pay all applicable fees.

9-8. Preprofessional skills test. ~~On July 1, 2002, all initial applicants for licensure will be required to submit their test scores in reading, writing, and mathematics. Beginning July 1, 2003, all~~All applicants for initial licensure will need to submit either their test scores in reading, writing, and mathematics which meet or exceed the state cut score or composite score or their ACT aspire scores that meet or exceed a composite score of twenty-two, mathematics score of twenty-one, and English language arts score of twenty-one. Documentation of the scores must be submitted with the application form.

10-9. The board may issue an initial license to an individual with a documented disability, as determined by the board, which allows the individual to teach in areas where documented

shortages of regularly licensed teachers exist, as determined by the board, if due to the documented disability, the individual is unable to meet all the requirements of the Praxis I, Praxis II PLT, or Praxis II content-specific test in the content area to be assigned but who is otherwise qualified to teach as determined by the board.

~~44.10.~~ The board may issue a second alternative access license to an individual who is on an initial alternative access license and has attempted the content-specific test three times during the initial alternative access license period. If the applicant has attempted the Praxis II content-specific test an additional two times during the second alternative access license and provides documentation, during the third year following the applicant's receipt of the initial alternative access license the applicant will be issued an initial license when the following requirements are met and approved by the board:

- a. A letter from the superintendent requesting an initial license for the applicant;
- b. A letter from the applicant acknowledging financial responsibility for observation by a content expert;
- c. Documentation of a positive observation;
- d. Evidence of passing the pedagogy test; and
- e. If required, a criminal history background check as required by North Dakota Century Code section 15.1-13-14.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2012; July 1, 2012; October 1, 2014; January 1, 2015; April 1, 2018; January 1, 2020; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12, 15.1-13-14

#### **67.1-02-02-04. Two-year and five-year renewals.**

##### **1. Two-year renewal license.**

- a. A two-year renewal license will be issued to applicants with less than eighteen months of successful contracted teaching in North Dakota who have completed all of the requirements on the application form and pay the required fee of ~~fifty~~fifty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years after the applicant's birth date.
- b. A two-year re-entry license will be issued to an applicant re-entering the profession after an absence of five years who has completed all of the requirements on the application form. Prior to applying for the re-entry license, the applicant must submit to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14. An applicant re-entering the profession must complete eight semester hours of re-education credit during the applicant's first two years of contracted employment as stated in this section and in section 67.1-02-02-09. The fee for the re-entry license is ~~seventy~~seventy-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birth date.
- c. A two-year re-entry license will be issued to an applicant from out of state who has had an absence from the profession of more than five years, or to an applicant who cannot submit six semester hours of credit taken during each of the past two five-year periods if

employed in education out of state. Such an applicant must meet the requirements of North Dakota initial licensure as stated in section 67.1-02-02-02 and must also complete the requirements for re-entry education as stated in this section and in section 67.1-02-02-09. The fee for the re-entry license is ~~seventy~~seventy-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birth date.

- d. A two-year renewal license will be issued for substitute teaching to those applicants who have completed all of the requirements on the application form. A substitute teacher must maintain a valid teaching license using the two-year renewal cycle, but is not required to submit re-education hours unless the person signs a contract. The fee for this two-year renewal is ~~fifty~~fifty-five dollars. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of two years on the applicant's birth date.
- e. In extraordinary circumstances, the board may waive or extend the time for completion of the re-education credits.
- f. For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the elementary test and pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this subdivision. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.

## 2. **Five-year renewal license.**

- a. The ~~initial~~first five-year renewal will be issued to those applicants who have successfully been contracted for eighteen months within the past five years in the state on a valid North Dakota license and who have completed all of the requirements on the application form. Applications for renewal may only be submitted six months prior to the expiration of the current license and will expire after a minimum of five years on the applicant's birth date.
  - (1) All five-year license applications must be accompanied by a fee of one hundred twenty-five dollars.
  - (2) Succeeding five-year renewals require evidence of thirty teaching days of contracted service and completion of a minimum of four semester hours of re-education credit to avoid reverting to entry status. As licenses are renewed, after July 1, 2011, six semester hours of re-education credit will be required for the new five-year period. All re-education credit must be documented by college or state-approved alternative program transcripts.
  - (3) For the school year 2005-06 and beyond, all elementary teachers new to the profession, but previously licensed, will need to complete the elementary test and pedagogical test during the school year meeting North Dakota cut scores. Contracted classroom teaching experience will be accepted from all other states toward the requirements of this paragraph. A new to the profession teacher is defined as one who has never been contracted as a kindergarten through grade 12 teacher.
- b. A renewal applicant who has completed the six semester hours of credit but has not been contracted for at least thirty days under the five-year license will revert to the two-year renewal cycle.

- c. Probationary license. An applicant who has failed to complete the six semester hours of re-education credit, whether the application has been contracted or not, will either not be renewed, or may agree to be placed on a two-year probationary license. Eight semester hours of re-education semester credit must be supplied as a condition of the two-year probationary license. A second probationary license will not be issued.
- d. In extraordinary circumstances, the board may waive or extend the time for completion of the re-education credits.
- e. Once the requirements have been met for the probationary license, a two-year renewal license will be issued.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998; April 14, 1999; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2012; July 1, 2012; October 1, 2014; April 1, 2018; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

#### **67.1-02-02-05. Professional development for license renewal.**

All professional development relicensure credit must meet the professional development requirements approved by the education standards and practices board.

1. **Licensure renewal course credits.** The following minimum requirements must be approved by the education standards and practices board or through the institutional program review process.
  - a. Instructor of record. The instructor of record must hold an advanced degree (master's or above) and provide a vita/resume that includes name; current title; current address; telephone, facsimile, and electronic mail, as appropriate; highest degree earned and field of study; related professional or work experience; topics to be addressed; and any other relevant information.
  - b. Instructor's role. The instructor of record's role is to ensure submission of the proposal form to include all identified components as described in the proposal form subdivision below; a copy of the assessment tool and an identified process for keeping attendance using the criteria identified in the evaluation plan criteria subdivision below; and issue final grades.
  - c. Multispeaker event. The instructor of record is responsible for upholding quality for a multispeaker event by ensuring that at least seventy-five percent of the total instructional time must be provided by individuals with a master's degree or higher. The instructor of record is responsible for completing a matrix of presenters for these events.
  - d. About presenters. The presenters are expected to provide quality graduate education experiences for participants. Presenters are encouraged to possess a master's degree or higher. A multispeaker event must have seventy-five percent of instructional time provided by individuals with a master's degree or higher. However, a bachelor's degree may be accepted based on level of experience, accomplishments, and subject matter expertise. Each presenter is required to complete a short biography or resume to provide the presenter's educational credentials and experience or training in relation to the presenter's presentation topic.
  - e. Proposal form. The proposal form must include conference or course description; objectives and learner outcomes; conference or course topical outline; semester hours to be offered; all requirements and expectations (e.g., participation, attendance, assignments) for earning the credit; textbooks or other resources to be used; and

evaluation plan of learner outcomes. In addition, for multispeaker events an electronic copy of the program is required; a document that includes session descriptions; and completion of the matrix of presenters specifying their educational credentials, topics to be addressed, and the length in hours and minutes of each presenter's presentations.

- f. Credit requirements. The following requirements must be communicated to the participants prior to the start of the event.
  - (1) Participants must hold a minimum of a bachelor's degree to be eligible to receive graduate credit.
  - (2) Participants must attend a minimum of fifteen hours of graduate level activity per credit hour.
  - (3) Participants must complete all credit requirements of the event.
  - (4) Participants must complete a product or an application of learning.
- g. Evaluation plan criteria. One copy of the evaluation plan for determining the participant's grade must be submitted with this proposal. The evaluation plan may be formatted a number of ways but must, at a minimum, include participant verification of attendance, documenting the required fifteen clock-hours per credit (e.g., session sign-in sheet, session summary) and an assignment designed to elicit from the participants their ability to apply concepts and knowledge learned at the conference in their own teaching and work situations (e.g., lesson plan, summary paper, group project/paper). An assessment rubric is required for letter grading but not for satisfactory or unsatisfactory grading.

- 2. **Five-year licensure renewal.** As licenses are renewed, after July 1, 2011, six semester hours of re-education credit will be required for the new five-year period, as documented by college [or state-approved alternative program](#) transcripts, earned within the dates of the license, and contracted teaching of a minimum of thirty days. Applicants not meeting these requirements will be processed as indicated under that section.
  - a. Professional development coursework submitted for renewal may be either undergraduate or graduate credit and must be either in professional education or applicable to the applicant's licensed major, minor, or endorsement areas as indicated above.
  - b. Applicants who are working toward an added degree or endorsement may use coursework applicable to that expanded area of study for renewal. In extraordinary circumstances, the board may waive or extend the time for completion of the re-education credits.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2010; July 1, 2012; October 1, 2014; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10

#### **67.1-02-02-06. Denial and appeal.**

The education standards and practices board may deny an application for the issuance of a license made by an applicant:

- 1. Who failed to comply with licensure statutes or the [educator's code of ethics rules](#);
- 2. Who failed to meet the minimum educational requirements set forth in the rules of licensure of the education standards and practices board;

3. Who has been convicted of a crime under the laws of ~~the~~<sup>a</sup> state or the United States, or who has knowingly provided false information to the ~~education standards and practices~~ board;
4. Who is currently under license suspension or discipline in any jurisdiction; or
5. Who has had certification or licensure revoked.

If a license application is denied by the ~~education standards and practices~~ board staff, an applicant may request, in writing, a review of the denial by the ~~education standards and practices~~ board through written documentation. In the event of denial by the ~~education standards and practices~~ board, the applicant may request a public hearing of the matter under North Dakota Century Code chapter 28-32.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

#### **67.1-02-02-07. Human relations and cultural diversity.**

~~North Dakota education standards and practices board licensure requires coursework~~Coursework in Native American studies, cultural diversity, strategies for creating learning environments that contribute to positive human relationships, and strategies for teaching and assessing diverse learners (e.g., universal design for learning, response to intervention, early intervention, positive behavior interventions and supports) is required.

- ~~1. North Dakota graduates applying for licensure meet these requirements through completion of education standards and practices board approved programs. Teacher preparation programs may meet these requirements through general education, specific content major, professional education requirements, or a combination thereof.~~
- ~~2. Out of state applicants must provide evidence documenting successful completion of the requirement to the education standards and practices board within the interim reciprocal licensure requirements in chapter 67.1-02-04.~~
- ~~3. Substitute teachers may defer completion of the requirement until a contracted position is accepted.~~
4. Individuals who graduate prior to September 1, 1980, are exempt from multicultural requirements under North Dakota Century Code section 15.1-13-10.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; August 1, 2002; July 1, 2004; July 1, 2010; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

#### **67.1-02-02-09. Re-entry.**

1. Prior to applying for the re-entry license, the applicant must submit to a fingerprint screening for a statewide and nationwide criminal history record check in accordance with North Dakota Century Code sections 15.1-13-14 and 20-60-24.
2. An applicant who has been out of teaching for a period of more than five years must earn a total of eight semester hours or twelve quarter hours of college or university credit, as documented by college or state-approved alternative program transcripts, in the area in which the teacher wishes to renew licensure during the first two years of re-entry contracted service.
3. Substitute teachers are exempt from the eight semester hour requirement until the individual accepts a contracted position.

4. The fee for the two-year re-entry license is seventy dollars.

5. Re-entry applicants should also refer to information in subsection 1 of section 67.1-02-02-04, regarding two-year and five-year renewals.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-11

#### **67.1-02-02-11. Members of the military and military spouses - Licensure applications.**

1. A member of the military or a military spouse, upon application of licensure, shall:

a. Provide evidence of military status;

b. Complete a background check as required by North Dakota Century Code section 15.1-13-15;

c. Be exempt from all application and licensure fees, except fees for the background check; and

d. Be subject to guidelines governing the license type.

2. Military personnel on active duty or deployed whose license expires while on active duty or deployed may not incur a late fee.

3. Military personnel whose license is expired for up to six months will qualify for another state educator license.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-17, 15.1-13-17.1, 43-51-11.1

**Law Implemented:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-17, 15.1-13-17.1, 43-51-11.1

#### **67.1-02-02-12. Teaching permits - Application of laws and rules - Discipline.**

Individuals receiving a teaching permit from the board pursuant to North Dakota Century Code section 15.1-18-10 shall comply with the following sections of the Century Code and administrative rules:

1. North Dakota Century Code sections 15.1-13-25 and 15.1-13-26;

2. Section 67.1-01-01-03;

3. Section 67.1-01-01-04;

4. Section 67.1-02-02-06;

5. Chapter 67.1-02-05;

6. Chapter 67.1-03-01; and

7. Chapter 67.1-04-04.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 15.1-18-10

**Law Implemented:** NDCC 15.1-18-10

## CHAPTER 67.1-02-03 RE-EDUCATION

### Section

67.1-02-03-01	Elementary Endorsement
67.1-02-03-02	Kindergarten Endorsement
67.1-02-03-03	Secondary Endorsement
67.1-02-03-04	Middle School Pedagogical Endorsement for Grades Five Through Eight
67.1-02-03-05	Bilingual Education or English Language Learner Endorsement
67.1-02-03-06	Minor Equivalency Endorsement
67.1-02-03-07	Major Equivalency Endorsements
67.1-02-03-08	Career and Technical Educator Endorsements
67.1-02-03-09	Early Childhood Education Endorsement (50037)
67.1-02-03-10	Rural Flexibility Endorsement [Repealed]
67.1-02-03-11	Teaching Alternative Flexibility Endorsement
67.1-02-03-12	Special Education Endorsements
67.1-02-03-13	<u>Out-of-Field Endorsements</u>

### 67.1-02-03-01. Elementary endorsement.

Re-education of a licensed teacher for elementary schoolteaching may be accomplished by **completing:**

1. Completing a state-approved elementary teacher education program of thirty-two semester hours, including a regular classroom student teaching experience of six quarter hours or a minimum of five consecutive weeks between kindergarten through grade eight; ~~or the~~
2. The clinical practice option described in section 67.1-02-04-07. The coursework must include special methods of teaching elementary content areas with a minimum of twelve semester hours specific to teaching elementary school reading, language arts, mathematics, science, and social studies along with additional appropriate elementary education coursework.

~~Prior to July 1, 2006, reeducation for the elementary endorsement must be completed prior to assignment to teach at the elementary level. Effective July 1, 2006, all~~**All** elementary endorsement applicants grades one through eight will need to meet or exceed the cut scores for the elementary test and the principles of learning and teaching test as set by the education standards and practices board.

A verified successful college-supervised internship with credit may be substituted for student teaching under this section. The internship option within the elementary endorsement is available only:

- To an individual who has graduated from a state-approved teacher education program that has as part of its approved preparation a year of college-supervised internship at the elementary level; or
- To an individual licensed by the North Dakota education standards and practices board to teach kindergarten through grade twelve in accordance with North Dakota Century Code sections 15.1-18-03 and 15.1-18-02 who has already successfully completed a minimum of five weeks of full-time student teaching at the elementary level in the individual's specialty area. The total internship contact hours in the classroom must be equivalent to a minimum of five weeks of full-time student teaching and consist of classroom time blocks not less than one-half of one day.
- The internship must occur in a regular kindergarten through grade eight classroom setting and allow the intern to experience the full range of curriculum and classroom operations. Individuals performing elementary endorsement internships work under the supervision of licensed teachers and must not be assigned in lieu of regularly employed teachers. ~~Individuals~~

~~completing the internship option who are doing so to meet the requirements for elementary principalship must not intern with classroom teachers they would be supervising or evaluating in their role as principal. The internship must be approved by the education standards and practices board and transcribed through a state-approved teacher education institution.~~

State-approved test endorsement - elementary. Re-education of a licensed teacher for elementary schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license ~~for two years~~ and the successful completion of the pedagogical test grades one through six, and elementary content test meeting or exceeding the minimum scores determined by the ~~education standards and practices~~ board in the content area to be taught. Re-education for the elementary endorsement must be completed prior to assignment to teach in the elementary content area.

~~—The applicant must apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.~~

4. Specialty area endorsement in art, foreign language, or music for elementary teachers grades one through eight. Elementary teachers with a major or major equivalency defined in section 67.1-02-03-01 in elementary education will be considered qualified to teach art, foreign language, or music grades one through eight. Elementary teachers with a major, minor, or minor equivalency endorsement in art, foreign language, or music will be considered qualified in art, foreign language, or music grades one through eight.

5. The applicant shall apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and pay the review fee of seventy-five dollars.

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2012; October 1, 2014; April 1, 2018; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-02

#### **67.1-02-03-03. Secondary endorsement.**

Re-education for secondary schoolteaching may be accomplished in one of the following ways:

1. By completing the minimum requirements for a degree in secondary education, including student teaching in grades five through twelve or the clinical practice option as described in section 67.1-02-04-07, and a North Dakota-recognized content area major.
2. An individual who already has a North Dakota-recognized ~~content area~~ major meeting the state-approved teacher education standards may complete the secondary ~~endorsement by presenting a minimum of twenty-two semester hours of secondary education professional courses for the endorsement in addition to the major or minor field. The applicant must have a minimum of one year successful teaching experience in grades five through twelve or have five weeks supervised student teaching as part of the above program or the clinical practice option as described in section 67.1-02-04-07~~minor equivalency.
3. An individual who has a bachelor's degree in elementary education with a transcribed recognized content minor may complete the coursework necessary for the major in the core academic areas, secondary methods coursework, and a minimum of five weeks of student teaching in grades five through twelve or the interim licensure clinical practice option under section 67.1-02-04-07.
4. An individual who has a bachelor's degree in elementary education with a transcribed recognized ~~core~~ content minor ~~may complete the praxis II test and a minimum of five weeks of student teaching in grades five through twelve or the interim licensure clinical practice under section 67.1-02-04-07~~is licensed to teach in the minor area in grades five through twelve.

5. State-approved test endorsement - secondary. Re-education of a licensed teacher for secondary schoolteaching may ~~also~~ be accomplished by holding a North Dakota regular educator's professional license and the successful completion of the ~~pedagogical test grades seven through twelve, and~~ secondary or specialty content test meeting or exceeding the minimum scores determined by the ~~education standards and practices~~ board in the content area to be taught. Re-education for the secondary endorsement must be completed prior to assignment to teach in the secondary content area. An official transcript and test scores documenting the major must be attached to the endorsement form.

The applicant must apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of ~~seventy-five~~eighty dollars.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; October 1, 2014; April 1, 2018; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-18-03

#### **67.1-02-03-04. Middle school pedagogical endorsement for grades five through eight.**

The middle school pedagogical endorsement (50517) is optional for teachers licensed for grades five through twelve to qualify for work with grades five ~~and six~~through eight in the subject fields of their licensure ~~and voluntary for work with students in grades seven and eight~~. Elementary teachers licensed to teach grades one through eight must complete the middle school pedagogical endorsement (50017) to teach in grades seven and eight. A review of past coursework will be conducted and a program of study needed for completion will be established. The middle school pedagogical endorsement requires a minimum of ten semester hours, including all of the following:

1. Development of young adolescents.
2. Philosophy and curriculum (foundations) of middle school education.
3. Teaching reading and other study or learning skills in the content areas.
4. Methods or strategies of teaching in the middle grades, two semester hours minimum.
5. Re-education for the middle level endorsement must include a twenty clock-hour field experience in grades five through eight in a school setting where middle level philosophy has been implemented, or successful teaching in grades five through eight in a school setting where middle level philosophy has been implemented.

Re-education for the middle school endorsement must be completed within two years of application of the endorsement.

State-approved test endorsement - middle level. Re-education of a licensed teacher for middle level schoolteaching may also be accomplished by holding a North Dakota regular educator's professional license and successful completion of the pedagogical test grades five through eight and middle level content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught. Re-education for the middle endorsement must be completed prior to assignment to teach in the middle content area.

The applicant must apply online at [www.nd.gov/espb](http://www.nd.gov/espb) using the online application ND Teach, submit official transcripts, and the review fee of seventy-five dollars.

**History:** Effective July 1, 1995; amended effective June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2012; October 1, 2014; April 1, 2018; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**67.1-02-03-05. Bilingual education or English language learner endorsement.**

English language learner endorsement (24000). Re-education for "English language learner" endorsement for any licensed teacher may be accomplished by presenting at least sixteen semester hours or twenty-four quarter hours of college coursework in all of the areas following in subsections 1 through 5.

Bilingual education endorsement (24500). Re-education for a bilingual education endorsement for any licensed teacher may be accomplished by completing all the requirements for the English language learner endorsement in subsections 1 through 5 and meeting the additional requirements related to bilingual education in subsections 6 and 7.

1. Foundations. Four semester hours or six quarter hours of college coursework, including the following:
  - a. Multicultural education, ~~which involves a knowledge of ethnic groups in North Dakota and the United States, and different instructional methods to use with different ethnic and language groups.~~
  - b. Foundations of second language instruction, ~~including history, models of instruction, research, and significant laws and court decisions affecting language minority students.~~
2. Linguistics. Six semester or nine quarter hours of college coursework, including the following areas:
  - a. Linguistics, ~~which involves the nature of language, organizational principles of language (phonology, morphology, syntax, and semantics), principles of language change, and development of language families.~~
  - b. Psycholinguistics, ~~which involves first and second language, oral and written acquisition processes, and learning theories.~~
  - c. Sociolinguistics, ~~which involves basic sociocultural variables in language use and language learning, types of bilingual and multilingual educational situations, and social determinants of dialect and style.~~
3. Methods. Two semester or three quarter hours of college coursework, including methods of teaching English as a second language to students, ~~which involves an exploration of historical and current instructional approaches in teaching English as a second language, from the grammar translation method to the natural method.~~
4. Assessment. Two semester hours or three quarter hours of college coursework from assessment and testing of culturally diverse students, ~~which involves a study of culturally appropriate assessment tools and methods of identifying and assessing limited English proficient students.~~
5. Field experience. Two semester or three quarter hours of college coursework in field teaching experience with limited English proficient students in a bilingual or English as a second language setting.
6. Methods of teaching bilingual education, ~~which involves an understanding of instructional programs in bilingual education, such as immersion, transitional, early entry, and late entry.~~
7. A minimum of sixteen semester hours or twenty-four quarter hours in a language other than English or documented proficiency in a language other than English.

Re-education for the bilingual education or English language learner endorsement must be completed within two years of assignment to teach bilingual education or English as a second language. The applicant shall file a plan with the ~~education standards and practices board~~ upon becoming employed as a bilingual or English language learner teacher, outlining how the endorsement will be completed within the two-year period. The bilingual or English language learner endorsement enables the applicant to teach bilingual or English as a second language grades prekindergarten through twelve. Applicants teaching other content material must hold licensure appropriate to the teaching of that content at the assigned grade levels in compliance with North Dakota Century Code sections 15.1-18-03 and 15.1-18-02 and this article.

The applicant must ~~request complete~~ the endorsement form ~~from the education standards and practices board or from [www.state.nd.us/espb/form](http://www.state.nd.us/espb/form), complete it,~~ and return to the board office with the official transcripts and the review fee of seventy-five dollars.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; July 1, 2008; July 1, 2012; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

### **67.1-02-03-06. Minor equivalency endorsement.**

1. Nothing in this section may be interpreted to affect the validity of minor equivalencies issued by the department of public instruction prior to September 1, 1998.
2. The applicant wishing to apply under the minor equivalency endorsement option must be licensed ~~by the education standards and practices board~~ to teach under North Dakota Century Code section 15.1-18-02 or 15.1-18-03. The minor equivalency endorsement will be issued for the same grade levels as the individual's primary licensure, the same as for minors transcribed by colleges of teacher education. Those whose primary licensure is secondary may use the endorsement to teach the new content area in grades five through twelve. Those whose primary licensure is elementary grades one through eight or middle school (grades five through eight) may use the endorsement for additional content expertise at those levels but may not use it to teach at the high school level without a complete secondary endorsement.
3. The applicant must apply for the minor equivalency online using the NDTeach system, and submit transcripts and the review fee of seventy-five dollars.
4. ~~Once the transcripts have been reviewed, if all requirements have been met, the minor equivalency endorsement will be added to the teaching license. A new teaching license will be issued.~~
5. ~~If the requirements have not been met, the education standards and practices board will contact the applicant and notify them of the needed coursework. No additional fee will be charged when the requirements have been met and the minor equivalency endorsement is added to the teaching license.~~
6. ~~Three levels of content area endorsements are available to be added to the existing North Dakota professional educator's license. A listing of all the minor equivalency endorsement content areas available and specific areas of study required within each equivalency can be obtained by contacting the office of the education standards and practices board.~~
  - a. The ME16 requires a minimum of sixteen semester hours of content-specific coursework, including the areas of study approved and required by the education standards and practices board. The ME16 will be reviewed when the applicant applies for renewal licensure. The coursework for the ME24 must be completed within five years of the

application date for the ME16. If the ME24 coursework is not completed within five years, the ME16 will be removed from the license.

- b. The ME24 requires a minimum of twenty-four semester hours of content-specific coursework, including the areas of study approved and required by the education standards and practices board. The ME24 also must include the special methods of teaching in the content area. The ME24 is considered equivalent to a full teaching minor.

~~7.5.~~ All coursework for the minor equivalency endorsement must be beyond the introductory level general studies courses as defined in section 67.1-02-02-02 and be transcribed by ~~an approved~~ a state-approved college of teacher education program.

~~8.~~ ~~All coursework must be transcribed by an approved college of teacher education program.~~

~~9.6.~~ The minor equivalency endorsement must be completed prior to contracted teaching in the content area.

~~10.7.~~ The following coursework and requirements must be completed for the specific minor equivalency:

- a. Agriculture (01005) - A total of sixteen semester hours, including three semester hours each in agriculture economics, agriculture management, animal science, plant science, and elective; six semester hours in agriculture leadership, community development, or philosophy of career and technical education; and special methods of teaching agriculture education.
- b. Art (02005) - A total of sixteen semester hours, including art history, design, drawing, painting, ceramics, and special methods of teaching art.
- c. Biology (13010) - A total of sixteen semester hours, including biology I and II, botany, zoology, genetics, general chemistry I and II, and special methods of teaching biology or science.
- d. Business (03020) - A total of sixteen semester hours, including three semester hours in keyboarding, six semester hours in accounting, three semester hours in computer technology, general business, business communication, and special methods of teaching business.
- e. Chemistry (13020) - A total of sixteen semester hours, including general chemistry I and II with labs, organic chemistry I and II with labs, analytic chemistry, and special methods of teaching chemistry or science.
- f. Composite science (13047) - A total of twenty-four semester hours with eight semester hours with labs in biology, chemistry, physics, and earth science, and special methods of teaching science.
- g. Computer science (23000) - A total of sixteen semester hours, including six semester hours a year-long sequence of structured language, two semester hours in advanced assembler language, eight semester hours in computer-related coursework, microcomputing, data structures and algorithms, operating systems, and special methods of teaching computer science.
- h. CTE health careers (07000) - Criteria to meet this endorsement is available through the department of career and technical education.
- i. CTE trade, industry, and technical (17000) - Criteria to meet this endorsement is available through the department of career and technical education.

- j. CTE diversified occupations (25000) - Coordinating techniques. Criteria to meet this endorsement is available through the department of career and technical education.
- k. CTE resource educator (26000) - Philosophy and practices of career and technical education, vocational assessment, career development, competency-based career and technical education, cooperative education, special needs teaching methods, introduction to exceptional children, mental retardation, learning disabilities, or emotional disturbance, working with at-risk students, behavior problems, classroom strategies, and other courses or workshops as approved by the career and technical education supervisor.
- l. CTE information technology (27000) - Criteria to meet this endorsement is available through the department of career and technical education.
- m. CTE basic skills educator (28000) - Philosophy and practices of career and technical education, vocational assessment, career development, competency-based career and technical education, cooperative education, special needs teaching methods, introduction to exceptional children, mental retardation, learning disabilities, or emotional disturbance, working with at-risk students, behavior problems, remedial mathematics, remedial reading, and other courses or workshops as approved by the career and technical education supervisor.
- n. CTE teacher student mentor (29000) - Criteria to meet this endorsement is available through the department of career and technical education.
- o. CTE career clusters (37000) - Criteria to meet this endorsement is available through the department of career and technical education.
- p. Drama or theater (05015) - Sixteen semester hours of drama or theater coursework.
- q. Driver education (21005) - ~~Effective August 1, 2008, requirement: valid~~Valid operator's license not suspended or revoked. Provide by January first of each year a complete abstract of the applicant's driving record for the past thirty-six months from a state driver's licensing office evidencing a satisfactory driving record free from any conviction that would constitute the basis for suspension or revocation on the instructor's operator's license, and not more than three moving traffic violations. Ten semester hours consisting of at least one course each in classroom driver and traffic education, in-car instruction, beginning driver problems, and organization and administration of safety education. Fourteen semester hours with no more than three semester hours in any one area: first aid; substance abuse education; equipment training, which may include simulator use and educational technology; classroom management; developmental psychology covering adolescent psychology; stress management; curriculum, planning, and assessment; teaching diverse learners; and educational psychology. Field experience required for elementary or middle school teachers provided by a driver's education mentor with a minimum of three years' experience in driver's education must include three clock-hours of in-car observation and three clock-hours of in-car instruction. This field experience must be documented with a letter from the school principal and driver education mentor. The renewal of the driver's education endorsement requires two semester hours every five years of driver and traffic safety coursework. It is the responsibility of the instructor to notify the education standards and practices board of any driving offense, suspension, revocation, or cancellation of the driving license. Applicants holding a lifetime teaching license with ten years of driver's education instruction in North Dakota shall complete two semester hours of re-education every six years.

- r. Earth science (13035) - A total of sixteen semester hours, including general chemistry I and II with labs, physical geology, historical geology, astronomy, meteorology, and special methods of teaching science.
- s. Economics (15010) - A total of sixteen semester hours, including principles of macroeconomics I and II, money and banking, computer applications in economics, and methods of teaching economics or social science.
- t. English (05020) - A total of sixteen semester hours, including three semester hours of grammar and usage, six semester hours of composition, three semester hours of speech, three semester hours of developmental reading, literary analysis and criticism, nine semester hours of American and English literature, media, and special methods of teaching English.
- u. Family and consumer science (09040) - A total of sixteen semester hours, including child development and family science, consumer education and resource management, food and nutrition, health and wellness, apparel and textiles, housing issues and interior design, and the special methods of teaching family and consumer science.
- v. Foreign languages (French 06010, German 06015, Greek 06020, Latin 06025, Spanish 06035, Chinese 06260) - Sixteen semester hours specific to the foreign language, including composition and conversational structure of the language, culture, customs, and civilization relative to the language, introduction to literature in the language, and the special methods of teaching foreign language.
- w. Geography (15015) - A total of sixteen semester hours, including physical geography, cultural geography, world geography, North American geography, and the special methods of teaching geography or social science.
- x. Government and political science (15007) - A total of sixteen semester hours, including American government, political thought, international or global politics, and the special methods of teaching social science.
- y. Health (18015) - Twenty-four semester hours in first aid, ~~cardiopulmonary resuscitation,~~ and safety, nutrition, exercise physiology or fitness, personal and community health, current issues in health education, and the special methods and curriculum in school health education.
- z. History (15020) - A total of sixteen semester hours, including United States history I and II, western civilization I and II or world history I and II, and the special methods of teaching.
- aa. Library science (50065) - Twenty-four semester hours in introduction to the role of the librarian in the school library, reference, selection of materials and collection development, classification and cataloging of library materials, library administration, conducting research following state and national library standards, current issues in school librarianship, a study of children's literature, young adult literature, and reading methods.
- bb. Marketing (04006) - A total of sixteen semester hours, including marketing, ~~sales~~ economics, promotion and advertising, management, student organizations, methods of teaching marketing or business education, philosophy of career and technical education, ~~coordinating techniques,~~ and nine credits in any of the following: accounting, advertising, business, business technology, economics, finance, promotion, and selling.

- cc. Mathematics (11010) - A total of sixteen semester hours, including calculus, abstract algebra, geometry (axiomatic), calculus I and II, linear algebra, abstract algebra, probability and statistics, and methods of teaching mathematics.
- dd. Music composite (12010) - Twenty-four semester hours in music theory (six semester hours), music history or literature, ear training or sight singing, conducting, keyboard proficiency, and methods of elementary and secondary music teaching.
- ee. Instrumental music (12005) - A total of sixteen semester hours, including music theory, ear training or sight singing, conducting, and eight semester hours of coursework in instrumental music, keyboard proficiency, and methods of elementary and secondary music teaching.
- ff. Choral or vocal music (12015) - A total of sixteen semester hours, including music theory, ear training or sight singing, conducting, and eight semester hours of coursework in vocal music, keyboard proficiency, and methods of elementary and secondary music teaching.
- gg. Physics (13050) - A total of sixteen semester hours, including general physics I and II, modern physics, electronics, mechanics, and methods of teaching science.
- hh. Physical education (08025) - A total of sixteen semester hours, including organization and administration of physical education and health, first aid and cardiopulmonary resuscitation, prevention and care of athletic injuries, health issues, physiology of exercise, foundations or curriculum of physical education, human physiology or anatomy, physical education for exceptional children, band, and methods of teaching sports activities, games, and dance.
- ii. Physical science (13045) - A total of sixteen semester hours, including eight semester hours each in general chemistry I and II with labs, general physics I and II, and methods of teaching science.
- jj. Psychology (15030) - A total of sixteen semester hours, including introduction to psychology, development psychology, abnormal psychology, personality theory, social psychology, and methods of teaching psychology or social science.
- kk. Social studies composite (15035) - Twenty-four semester hours in United States history, world civilization, world history, American government, world geography, physical geography, introduction to sociology, economics, psychology, and methods of teaching social science.
- ll. Sociology (15040) - A total of sixteen semester hours, including introduction to sociology, introduction to anthropology, social psychology, and methods of teaching social science.
- mm. Speech (05045) - Sixteen semester hours of speech or communication coursework.
- nn. Technology education (10007) - Coursework must include sixteen semester hours from the following list: principles or foundations of technology, technology and society, impacts of technology, history of technology, engineering design, design process, troubleshooting, invention and innovation, research and development, technology systems, modeling, i.e., three-dimensional modeling and prototyping, technology resources, and intelligent machines or robotics or automated systems. Coursework must include six semester hours from the following list: medical technology, agriculture and related biotechnologies, energy and power technologies, information and communication technologies, transportation technology, manufacturing technology, and construction technology. A minimum of three semester hours in study of methods of teaching technology education that must include curriculum and methods in standards-based instruction.

- oo. Native language endorsement (15046) - Coursework must include thirty semester hours in classroom management; theories of second language acquisition; methods of second language acquisition; introduction to the specific native language linguistic analysis I and II; native American studies I; the specific native language I, II, III, and IV; and native language history and culture.
- pp. STEM education (10300) - Coursework must include twelve semester hours in STEM (transdisciplinary coursework in science, technology, engineering, and mathematics) philosophy, STEM curriculum, STEM methods, STEM strategies, and a two-day field experience in a STEM business or industry or school-based setting.
- ~~qq. High school of business I (04007) - Coursework must include two semester hours of transcribed coursework specific to high school of business I training.~~
- ~~rr. High school of business II (04008) - Coursework must include two semester hours of transcribed coursework specific to high school of business II training.~~
- ~~ss.~~ Theology (50040) - Requirements needed for the theology endorsement include a letter from the nonpublic school administration and the documentation on official transcripts of the baccalaureate degree.

**History:** Effective March 1, 2000; amended effective August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; July 1, 2012; October 1, 2014; April 1, 2018; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-18-03

#### **67.1-02-03-07. Major equivalency endorsements.**

~~1. **High, objective, uniform state standard of evaluation.** College transcribed majors, the major equivalency licensure options described in this section, and alternative licenses issued in compliance with chapter 67.1-02-04 will be aligned with the North Dakota standards for program approval in section 67.1-02-01-05 as the state of North Dakota criterion-based measure of assurance that all teachers are highly qualified.~~

~~2. **Core academic areas.** For purposes of this section, English, reading and language arts, mathematics, science, foreign languages, music, visual arts, history, civics and government, geography, and economics are considered core academic areas. All other areas are considered noncore academic areas.~~

~~3.~~**2. Major equivalency endorsement.** A major equivalency endorsement is a licensure option in which an individual already licensed to teach in North Dakota may add qualifications to the license by demonstrating the individual has competency equivalent to the North Dakota program approval standards and other licensure requirements in section 67.1-02-02-02 for the new area.

a. The minimum number of semester hours or equivalent competency documentation for a major equivalency is thirty-two semester hours, with the exception of composite majors, which require forty-two semester hours. Competency equivalent to a major in early childhood education, elementary education, middle level education, or secondary education academic majors must include evidence of appropriate:

- (1) Content area preparation;
- (2) Teaching methods and strategies; and
- (3) Applied experience at the appropriate grade levels, i.e., field experience, clinical practice, or student teaching.

Endorsements issued by the ~~education standards and practices~~ board may be used toward demonstration of competency.

- b. North Dakota-licensed individuals who wish to add a major equivalency to an existing professional educators' license may demonstrate the new content area competency through the following options approved by the education standards and practices board:
- (1) Undergraduate or graduate, or both, coursework equivalent to a major and aligned with the North Dakota program approval standards;
  - (2) An advanced degree in the major area which by itself, or in combination with other coursework, meets or exceeds the requirements for preparation in the major at the undergraduate level;
  - (3) A minor or minor equivalency in the area to be taught with successful completion of a content test meeting or exceeding the minimum scores determined by the education standards and practices board;
  - (4) Existing North Dakota licensure in the area with successful teaching experience and successful completion of content-based competency assessments approved by the education standards and practices board;
  - (5) National board for professional teaching standards certification in the major area; or
  - (6) State-approved test endorsement. Hold a valid regular North Dakota educator's professional license and pass one of the following options:
    - (a) The pedagogical test birth through grade three and the early childhood test;
    - (b) The pedagogical test grades one through six and the elementary content test;
    - (c) The middle level content test; or
    - (d) The content specific test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught.

**4.3. Major equivalency endorsement - requirements.** To be considered for a major equivalency, individuals teaching in the areas of early childhood education, elementary education, middle level education, and secondary education academic areas must be licensed in accordance with the laws and administrative rules of the education standards and practices board and must meet the provisions in North Dakota Century Code chapter 15.1-18, which include holding a major or major equivalency in the core content areas in which they are teaching.

- a. Major equivalency endorsement for elementary teachers grades one through eight. ~~Beginning July 1, 2006, all~~**All** elementary teachers new to the profession and all early childhood education teachers whose licensure will include grades one through three must pass a content-based test and teaching skills test in elementary education or early childhood education, approved by the ~~education standards and practices~~ board. Elementary teachers already licensed in North Dakota prior to July 1, 2006, are considered qualified on the basis of holding a major or endorsement in elementary education or a major in early childhood education which qualifies to teach grades one through three.
- b. Major equivalency endorsement for middle level teachers grades five through eight. Individuals teaching in a middle school must meet the ~~education standards and practices~~ board grade level requirements in section 67.1-02-03-04. For a middle school content

area endorsement teachers must, beginning July 1, 2006, hold a minimum equivalent of twenty-four semester hours of content area preparation and methods in the subject area specializations in which they are teaching or may demonstrate major equivalency in subject areas through options allowed in subdivision b of subsection 3.

The twenty-four semester hours of content area preparation and methods of this subdivision for the subject area specialization must include the following specific semester hour preparation as listed in the following subject areas:

- (1) Middle school English and language arts (50117).
  - (a) Three semester hours in speech or debate;
  - (b) Six semester hours in reading;
  - (c) Three semester hours in grammar;
  - (d) Three semester hours in writing and composition;
  - (e) Six semester hours in literature; and
  - (f) Three semester hours in methods of teaching language and communication.
- (2) Middle school mathematics (50317). Required content must be beyond the college algebra level.
  - (a) Coursework in college algebra or precalculus;
  - (b) Three semester hours in calculus;
  - (c) Geometry;
  - (d) Probability and statistics;
  - (e) Computer and instruction technology;
  - (f) Mathematics electives; and
  - (g) Methods of teaching mathematics.
- (3) Middle school science (50417).
  - (a) Six semester hours in life science or biology;
  - (b) Six semester hours in earth science or geology;
  - (c) Four semester hours in physics;
  - (d) Three semester hours in chemistry; and
  - (e) Three semester hours in methods of teaching science.
- (4) Middle school social studies (50217).
  - (a) Nine semester hours in North Dakota geography, North American geography, world regional geography;
  - (b) Twelve semester hours in world history, North Dakota studies or history, United States history to 1877; and

- (c) Three semester hours in teaching social science methods.
- c. Major equivalency endorsement for secondary teachers grades five through twelve. To be considered qualified, secondary teachers must hold a major or major equivalency in the content areas in which they are teaching, and a major, major equivalency, minor, or minor equivalency in noncore areas in which they are teaching.
  - d. Major equivalency endorsement for teachers in science grades five through twelve. Secondary teachers with majors in biology, chemistry, earth science, or physics (minimum of thirty-two semester hours) or physical science and other composite science degrees (minimum of forty-two semester hours) will be licensed to teach in each specific science discipline in which the individual has the minimum preparation for that specific science discipline aligned with the North Dakota standards for the areas (eight semester hours).
  - e. Major equivalency endorsement for teachers in social studies grades five through twelve. Secondary teachers with majors in history (thirty-two semester hours), geography (thirty-two semester hours), civics and government (thirty-two semester hours), economics (thirty-two semester hours), or composite social studies (forty-two semester hours) will be licensed to teach in each specific social studies discipline in which the individual has a minimum number of semester hours aligned with the North Dakota standards for the area: history (eight semester hours), geography (eight semester hours), civics and government (eight semester hours), economics (eight semester hours), psychology (four semester hours), and sociology (four semester hours).
  - f. Major equivalency endorsement for English and language arts teachers grades five through twelve. Secondary teachers with majors in English and language arts (thirty-two semester hours) will be licensed to teach in additional areas of speech, journalism, or drama and theater arts if the individual has a minimum preparation of six semester hours aligned with the North Dakota standards for that specialization. Individuals who hold majors, major equivalencies, minors, or minor equivalencies in speech, journalism, or drama and theater arts will also be licensed to teach those specializations.
  - g. Major equivalency endorsement for music teachers grades prekindergarten through twelve. Teachers with majors in the field of music (minimum of thirty-two semester hours) will be licensed to teach at grade levels consistent with their preparation as stated in the rules for initial licensure in section 67.1-02-02-02.

**5.4. Special education licensure.** To be considered qualified in special education, the teacher will need to hold an early childhood, elementary, middle level, or secondary license ~~at the specific level the teacher is teaching~~, hold a bachelor's degree, demonstrate knowledge in the subject the teacher is teaching, and hold the special education endorsement, major, minor, or master's degree pursuant to the special education category the teacher is serving. Special education teachers not holding regular licensure at the level they are teaching will only be able to provide consultative services to students in grades prekindergarten through grade twelve.

Re-education of a licensed teacher for special education schoolteaching may also be accomplished by holding a North Dakota professional educator's regular license and completion of a special education disability content test meeting or exceeding the minimum scores determined by the ~~education standards and practices~~ board in the disability area to be taught.

**History:** Effective July 1, 2004; amended effective April 1, 2006; July 1, 2008; July 1, 2012; October 1, 2014; April 1, 2018; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

### **67.1-02-03-08. Career and technical educator endorsements.**

The applicant wishing to apply for the career and technical educator endorsements must be licensed by the ~~education standards and practices~~ board to teach under North Dakota Century Code section 15.1-18-02 or 15.1-18-03. Prior to applying for the career and technical educator endorsement, the applicant must be approved by the career and technical educator state supervisor of special needs and trade, technical, and health, or the state supervisor of information technology, or the state supervisor of diversified occupations through the review of work experience or college transcripts, development of a program of study, and completion of the career and technical educator endorsement form. The form, transcripts, and review fee of seventy-five dollars should be forwarded to the ~~education standards and practices~~ board office. Applicants may apply for the career and technical educator endorsements in career and technical resource educator endorsement, career and technical basic skills educator endorsement, career and technical teacher-student mentor endorsement, diversified occupations endorsements, trade, technical, and health endorsement, or the information technology endorsement.

**History:** Effective July 1, 2004; amended effective July 1, 2012; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

### **67.1-02-03-09. Early childhood education endorsement (50037).**

The birth to grade three early childhood education endorsement may be completed by an applicant with a nonteaching degree in a related field or holding a valid North Dakota educator's professional license. The applicant must complete all requirements for initial licensure in section 67.1-02-02-02, submit a program of study from a state-approved teacher education program including thirty-two semester hours in early childhood education, twenty-two semester hours of professional education, and field experience or student teaching of ten weeks in grades prekindergarten through grade three. If the applicant has completed a previous student teaching experience of ten weeks, the re-education early childhood student teaching experience may be five weeks.

The early childhood education coursework must include six semester hours in child development and learning; three semester hours in building family and community relations; three semester hours in observation and assessment; eighteen semester hours in methods of mathematics, science, social studies, reading, language arts, early language literacy, and play; three semester hours in administration and leadership; twenty-two semester hours in education foundations, educational psychology, teaching and learning theory, educational diagnosis and assessment, inclusive education, educational technology, classroom and behavioral management, and multicultural or native American studies specific to teaching; and field experience must include three supervised field experiences and two student teaching experiences for a minimum of ten weeks (five weeks student teaching for applicants with an existing teaching license). One student teaching experience must be in an accredited prekindergarten or kindergarten setting and the other in grade one, two, or three, and include the opportunity to work with children with special needs.

Effective July 1, 2006, all early childhood endorsement applicants will need to meet or exceed the cut scores as determined by the ~~education standards and practices~~ board for the early childhood education test and the pedagogical assessment.

Re-education of a licensed teacher for early childhood schoolteaching may also be accomplished by holding a North Dakota professional educator's regular license and completion of the pedagogical test birth through grade three, and early childhood content test meeting or exceeding the minimum scores determined by the education standards and practices board in the content area to be taught.

The applicant must apply online at [www.nd.gov/esp](http://www.nd.gov/esp) using the online application ND Teach, submit transcripts, and the review fee of seventy-five dollars.

**History:** Effective April 1, 2006; amended effective July 1, 2008; July 1, 2012; October 1, 2014; April 1, 2018; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

#### **67.1-02-03-11. Teaching alternative flexibility endorsement.**

1. The applicant wishing to apply for the teaching alternative flexibility endorsement must:
  - a. Be licensed to teach by the ~~education standards and practices~~ board or approved to teach by the ~~education standards and practices~~ board;
  - b. Hold a minimum of a minor, minor equivalency, or have held a valid license from the other state for a minimum of two years in the course area or field being taught;
  - c. Provide a letter from the school district requesting this endorsement for the applicant and documenting a diligent effort has been made to employ a regularly licensed teacher to fill the position;
  - d. Submit a program of study to be completed within three years to become qualified; and
  - e. Complete the teaching alternative flexibility endorsement plan form and submit.

If the applicant under this subsection is a special education teacher, the plan of study will need to be completed in two years and the teaching alternative flexibility endorsement will only be renewed once.

2. The applicant will:
  - a. Demonstrate successful completion of one-third of the total coursework of the program of study prior to renewal.
  - b. Pass the state-approved test within one year.

**History:** Effective April 1, 2006; amended effective July 1, 2008; July 1, 2012; April 1, 2018; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

#### **67.1-02-03-12. Special education endorsements.**

Re-education of a licensed teacher for special education schoolteaching may be accomplished by completing a special education disabilities content test meeting or exceeding the minimum scores determined by the ~~education standards and practices~~ board in the disability area to be taught.

1. **Early childhood special education endorsement (19037).** The applicant wishing to apply for the early childhood special education endorsement must:
  - a. Hold a valid North Dakota educator's professional regular license in special education, early childhood education, or elementary education.
  - b. Complete a minimum of twenty-two semester hours primarily at the graduate level in the following core coursework: children with exceptional learning needs, assessment of students with disabilities or special needs or assessment of young children, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Early childhood special education coursework, including characteristics and introduction of young children, methods and materials of young children with disabilities, assessment of young children, development of young children,

including the domains of social, emotional cognition, language and literacy, and physical and adaptive must also be completed. A two semester hour early childhood special education practicum or internship must be completed.

- c. The early childhood special education endorsement enables the applicant to teach early childhood special education birth through grade three.
  - d. A plan on file (formerly tutor in training) for the early childhood special education endorsement may be requested and must be completed within three years of assignment to teach early childhood special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the early childhood special education regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as an early childhood special education teacher, outlining how the endorsement will be completed within the three-year period.
2. **Emotional disturbance special education endorsement.** The applicant wishing to apply for the emotional disturbance special education endorsement must:
- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education;
  - b. Complete a minimum of twenty-four semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to emotional disturbance must also be completed, including characteristics and introduction of emotional disturbance, methods and materials of emotional disturbance, transition, inclusive settings, and assistive technology. A two semester hour practicum or internship in emotional disturbance must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
  - c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
  - d. A plan on file (formerly tutor in training) for the emotional disturbance special education endorsement may be requested by the administrator and must be completed within three years of assignment to teach emotional disturbance special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the emotional disturbance regardless of how many hours already transcribed in special education. Transcript review will be done yearly to document progress toward completion of the plan. A letter to request an extension of the plan on file must be received each year from the school administrator. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as an emotional disturbance special education teacher, outlining how the endorsement will be completed within the three-year period.
  - e. As an elementary licensed grades one through eight teacher with a special education endorsement in emotional disturbance, the teacher would be qualified to:

- (1) Teach in an elementary classroom;
  - (2) Teach or provide direct instruction to all elementary students with emotional disturbance;
  - (3) Teach or provide direct instruction to middle or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult prekindergarten through grade twelve students with emotional disturbance.
- f. As a middle level licensed grades five through eight teacher in English, science, mathematics, or social studies with a special education endorsement in emotional disturbance, the teacher would be qualified to:
- (1) Teach in a middle level classroom in the specific area of licensure;
  - (2) Teach or provide direct instruction to middle level students with emotional disturbance in the specific area of licensure;
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult prekindergarten through grade twelve students with emotional disturbance.
- g. As a secondary licensed grades five through twelve in the subjects of English and language arts, mathematics, science, or social studies with a special education endorsement in emotional disturbance, the teacher would be qualified to:
- (1) Teach in a secondary level classroom in the specific area of licensure;
  - (2) Teach or provide direct instruction to secondary level students with emotional disturbance in the specific area of licensure;
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with emotional disturbance who are alternately assessed; or
  - (4) Consult prekindergarten through grade twelve students with emotional disturbance.
3. **Intellectually disabled special education endorsement.** The applicant wishing to apply for the intellectually disabled special education endorsement must:
- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - b. Complete a minimum of twenty semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to intellectual disabilities must also be completed, including characteristics and introduction of intellectual disabilities, methods and materials of intellectual disabilities, transition, mental hygiene or psychology of adjustment or personality theory or abnormal psychology, and corrective reading. A two semester hour practicum or internship in intellectual disabilities must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
  - c. A plan on file (formerly tutor in training) for the intellectual disabilities special education endorsement may be requested by the administrator and must be completed within three years of assignment to teach intellectual disabilities special education. The plan on file

request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the intellectual disabilities regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as an intellectual disabilities special education teacher, outlining how the endorsement will be completed within the three-year period.

- d. Elementary licensed grades one through eight teacher with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in an elementary classroom.
    - (2) Teach or provide direct instruction to all elementary students with intellectual disabilities.
    - (3) Teach or provide direct instruction to middle or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult prekindergarten through grade twelve students with intellectual disabilities.
  - e. Middle level licensed grades five through eight in English, science, mathematics, or social studies with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in a middle level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to middle level students with intellectual disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction to middle school or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult prekindergarten through grade twelve students with intellectual disabilities.
  - f. Secondary licensed grades five through twelve or grades nine through twelve in one of the subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in intellectual disabilities, the teacher would be qualified to:
    - (1) Teach in a secondary level classroom in the specific area of licensure.
    - (2) Teach or provide direct instruction to secondary level students with intellectual disabilities in the specific area of licensure.
    - (3) Teach or provide direct instruction in the specific area of licensure to middle school or high school students with intellectual disabilities who are alternately assessed.
    - (4) Consult prekindergarten through grade twelve students with intellectual disabilities.
4. **Specific learning disabilities special education endorsement.** The applicant wishing to apply for the learning disabilities special education endorsement must:

- a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
- b. Complete a minimum of twenty-four semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to specific learning disabilities must also be completed, including characteristics and introduction of specific learning disabilities, methods and materials of specific learning disabilities, transition, inclusive settings, corrective reading methods, and assistive technology. A two semester hour practicum or internship in specific learning disabilities must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
- c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
- d. A plan on file (formerly tutor in training) for the specific learning disabilities special education endorsement may be requested by a letter from the administrator and must be completed within three years of assignment to teach specific learning disabilities special education. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the specific learning disabilities regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as a specific learning disabilities special education teacher, outlining how the endorsement will be completed within the three-year period.
- e. Elementary licensed grades one through eight teacher with a special education endorsement in specific learning disabilities, the teacher would be qualified to:
  - (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with specific learning disabilities.
  - (3) Teach or provide direct instruction to middle or high school students with specific learning disabilities who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with specific learning disabilities.
- f. Middle level licensed grades five through eight teacher in English, science, mathematics, or social studies with a special education endorsement in specific learning disabilities, the teacher would be qualified to:
  - (1) Teach in a middle level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to middle level students with specific learning disabilities in the specific area of licensure.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with specific learning disabilities who are alternately assessed.

- (4) Consult kindergarten through grade twelve students with specific learning disabilities.
- g. Secondary licensed grades five through twelve in subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in specific learning disabilities:
  - (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to secondary level students with specific learning disabilities in the specific area of licensure.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with specific learning disabilities who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with specific learning disabilities.
- 5. **Special education strategist endorsement.** The applicant wishing to apply for the special education strategist endorsement must:
  - a. Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - b. Complete a minimum of thirty semester hours primarily at the graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to special education strategist must also be completed, including characteristics and introduction of specific learning disabilities, intellectual disabilities, and emotional disturbance; methods and materials of intellectual disabilities, specific learning disabilities, and emotional disturbance; transition, inclusive settings, corrective reading methods, and assistive technology. Separate practicum or internship in each of specific learning disabilities, intellectual disabilities, and emotional disturbance must also be completed. Secondary prepared teachers must also complete methods in elementary reading and elementary mathematics.
  - c. Have completed coursework in reading methods and mathematics methods, if prepared as a secondary teacher.
  - d. A plan on file (formerly tutor in training) for the special education strategist endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the education strategist regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as a special education strategist teacher, outlining how the endorsement will be completed within the three-year period.
  - e. Elementary licensed grades one through eight teacher with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:

- (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction to middle or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
- f. Middle level licensed grades five through eight teacher with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:
- (1) Teach in an elementary or a middle level classroom.
  - (2) Teach or provide direct instruction to all elementary or middle level students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
- g. Secondary licensed grades five through twelve in subjects of English or language arts, mathematics, science, or social studies with a special education strategist endorsement in intellectual disabilities, specific learning disabilities, and emotional disturbance:
- (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to all elementary students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with intellectual disabilities, emotional disturbance, or specific learning disabilities who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with intellectual disabilities, emotional disturbance, or specific learning disabilities.
6. **Gifted and talented endorsement.**
- a. The applicant wishing to apply for the gifted and talented endorsement must:
- (1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - (2) Complete a minimum of seventeen semester hours at the graduate level in the following coursework: children with exceptional learning needs, assessment, consultation and collaboration, characteristics and introduction of education of gifted students, methods and materials of gifted education, and two semester hours in gifted education practicum or internship.

(3) A plan on file (formerly tutor in training) for the gifted and talented endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the gifted and talented endorsement regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as a special education gifted and talented teacher, outlining how the endorsement will be completed within the three-year period.

b. Elementary, middle, or secondary prepared teacher with an endorsement in gifted and talented education:

(1) Teach in the specific area of licensure.

(2) Consult in gifted and talented programs prekindergarten through grade twelve.

#### **7. Visually impaired special education endorsement.**

a. The applicant wishing to apply for the visually impaired special education endorsement must:

(1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.

(2) Complete a minimum of twenty-two semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to visual impairment disabilities must also be completed, including characteristics and introduction of visual impairment disabilities, methods and materials of visual impairment disabilities, assessment of students with visual impairment, orientation and mobility, communication and media with students with visual impairment, and Braille instruction. A two semester hour practicum or internship must also be completed.

(3) A plan on file (formerly tutor in training) for the visually impaired endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the visual impairment endorsement regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the ~~education standards and practices~~ board upon becoming employed as a special education teacher, outlining how the endorsement will be completed within the three-year period.

- b. Elementary licensed with a double major in elementary education and visually impaired or elementary licensed grades one through eight or grades one through six teacher with a special education endorsement in visually impaired:
  - (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with visual impairment.
  - (3) Teach or provide direct instruction to middle or high school students with visual impairment who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with visual impairment.
- c. Middle level licensed grades five through eight in English, science, mathematics, or social studies teacher with a special education endorsement in visually impaired:
  - (1) Teach in a middle level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to middle level students with visual impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with visual impairment who are alternately assessed.
  - (4) Consult kindergarten through grade twelve students with visual impairment.
- d. Secondary licensed grades five through twelve in core subjects of English or language arts, mathematics, science, or social studies with a special education endorsement in visually impaired:
  - (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to secondary level students with visual impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with visual impairment who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with visual impairment.

**8. Hearing-impaired (including deafness) special education endorsement.**

- a. The applicant wishing to apply for the hearing-impaired (including deafness) special education endorsement must:
  - (1) Hold a valid North Dakota educator's professional regular license in special education or early childhood, elementary, middle, or secondary education.
  - (2) Complete a minimum of twenty-eight semester hours at the undergraduate or graduate level in the following core coursework: exceptional children and youth, assessment of students with disabilities, behavior management of students with disabilities, legal aspects of special education, and consultation and collaboration. Coursework specific to deaf or hard of hearing must also be completed, including assessment of students with deaf and hard of hearing, transition, methods of teaching speech to deaf and hard of hearing children, methods of teaching language to deaf and hard of hearing children, methods of teaching reading and academic subject to deaf and hard of hearing children, characteristics of students with deaf and hard of hearing, audiology and oral rehabilitation, sign language. A

two semester hour practicum or internship with children from birth to twenty-one must be completed.

- (3) The hearing-impaired (including deafness) special education endorsement may be attached to a regular education license.
  - (4) A plan on file (formerly tutor in training) for the deaf or hard of hearing endorsement may be requested by the administrator and must be completed within three years of assignment to teach. The plan on file request must include a letter requesting the endorsement from the administrator, identification of the special education mentor, transcribed documentation of three semester hours of completed coursework in special education, and documentation of enrollment in an institution of higher education in two additional courses specific to the deaf and hard of hearing endorsement regardless of how many hours already transcribed in special education. A letter to request an extension of the plan on file must be received each year from the school administrator. Transcript review will be done yearly to document progress toward completion of the plan. The applicant shall file a plan with the education standards and practices board upon becoming employed as a special education deaf or hard of hearing teacher, outlining how the endorsement will be completed within the three-year period.
- b. Elementary licensed with a double major in elementary education and hearing-impaired or elementary licensed grades one through eight teacher with a special education endorsement in hearing-impaired:
- (1) Teach in an elementary classroom.
  - (2) Teach or provide direct instruction to all elementary students with hearing impairment.
  - (3) Teach or provide direct instruction to middle or high school students with hearing impairment who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with hearing impairment.
- c. Middle level licensed grades five through eight in English, science, mathematics, or social studies teacher with a special education endorsement in hearing-impaired:
- (1) Teach in a middle level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to middle level students with hearing impairment in the specific area of licensure.
  - (3) Teach or provide direct instruction to elementary, middle, or high school students with hearing impairment who are alternately assessed.
  - (4) Consult prekindergarten through grade twelve students with hearing impairment.
- d. Secondary licensed grades five through twelve in the subjects of English or language arts, mathematics, science, or social studies teacher with a special education endorsement in hearing-impaired:
- (1) Teach in a secondary level classroom in the specific area of licensure.
  - (2) Teach or provide direct instruction to secondary level students with hearing impairment in the specific area of licensure.

- (3) Teach or provide direct instruction in the specific area of licensure to middle or high school students with hearing impairment who are alternately assessed.
- (4) Consult prekindergarten through grade twelve students with hearing impairment.

**History:** Effective July 1, 2008; amended effective July 1, 2010; July 1, 2012; October 1, 2014; April 1, 2018; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

### 67.1-02-03-13. Out-of-field endorsements.

Out-of-field endorsements will allow a fully licensed North Dakota teacher to teach in an out-of-field area, excluding special education, driver's education, and prekindergarten, for a period of up to two years.

1. Consideration for out-of-field license endorsements will be determined each year when the board declares the shortage areas.
2. An out-of-field endorsement may be issued to those individuals with a regular teaching license.
3. Individuals may have up to two years for the out-of-field endorsement.
4. Individuals need an administrator request in writing each year.
5. The state mandated test must be completed to make the endorsement permanent.
6. The cost of the endorsement is eighty dollars.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

## CHAPTER 67.1-02-04 ALTERNATIVE ACCESS LICENSES

### Section

67.1-02-04-01	Alternative Access Licenses for Teacher Shortages
67.1-02-04-02	Interim Licenses for Substitute Teachers
67.1-02-04-03	Interim School Counselor <u>[Repealed]</u>
67.1-02-04-04	Forty-Day Provisional Licenses
67.1-02-04-05	Out-of-State Reciprocal Licensure [Repealed]
67.1-02-04-06	Trade, Industry, Technical, and Health Occupations Interim License
67.1-02-04-07	Clinical Practice Option
67.1-02-04-08	Out-of-State Highly Qualified License [Repealed]

### **67.1-02-04-01. Alternative access licenses for teacher shortages.**

Alternative access licenses will be issued under the following conditions:

1. Consideration for alternative access licenses will not be granted until after ~~August~~July first in any year.
2. Alternative access licenses may be issued only in areas where documented shortages of regularly licensed teachers exist as determined by the ~~education standards and practices~~ board. Shortage areas must be determined by the ~~education standards and practices~~ board based upon the ratio of regularly licensed teachers in the state who are qualified for the position to the number of schools with open positions requesting alternative access licensure. In cases where near shortages exist, the board must give additional consideration to whether the hiring school has made a diligent effort to attract and hire regularly licensed teachers.
3. The request for an alternative access license must be initiated by a school. The school board or administration must make the request in writing to the ~~education standards and practices~~ board for consideration of an alternative access license, indicating intent to offer a contract if licensure can be arranged. The request must document that a diligent effort has been made to employ a regularly licensed teacher to fill the position. Documentation of a diligent effort to employ qualified personnel should include information on how and how long the position was advertised, whether schools of education have been contacted in search of applicants, how many qualified applicants applied, how many applicants were interviewed, whether increases in salary or other incentives were offered in an attempt to attract qualified applicants, and whether these incentives are comparable to those offered by other schools of similar size and means.
4. The candidate must write a letter indicating willingness to accept the position if offered and complete all of the application requirements and fees prior to receiving the alternative access license.
5. Complete official college or state-approved alternative program transcripts ~~of all college work~~ must be sent to the ~~education standards and practices~~ board.
6. ~~The applicant must have proficiency and hold minimum qualifications of a content area bachelor's degree in the content area to be assigned or have held a valid license from the other state for a minimum of two years in the content area to be assigned and have completed the Praxis I, Praxis II PLT, and Praxis II content specific test in the content area to be assigned. The applicant may apply for the forty-day provisional license prior to submitting the Praxis test score results.~~
- ~~7.~~ Renewal of alternative access licenses will be reviewed each year and will depend upon the supply of and demand for teachers as evidenced by documented efforts to obtain a licensed

person for the position. The alternate access license will be issued only once to complete all testing requirements for regular licensure.

~~8.7.~~ Renewal of the alternative access license, if permitted, is contingent upon presentation of at least one-third completion of the requirements for regular licensure as stated in section 67.1-02-02-02 and the North Dakota standards for teacher education program.

~~9.8.~~ The fee for the alternative access license is one hundred ~~fifty~~fifty-five dollars for each year the license is issued.

~~40.9.~~ Alternative access licensure is to address documented shortage areas only. Alternative access licensure may not be issued to applicants who have failed to meet the deadlines or conditions of their regular licensure renewal.

~~44.10.~~ Initial applicants for alternative access licensure must also submit to the fingerprint background check as stated in subsection 9 of section 67.1-02-02-02.

~~42.11.~~ Upon completion of all of the requirements for regular licensure stated in section 67.1-02-02-02, an individual holding an alternative access license may apply for a regular two-year initial license and begin accruing the eighteen months of successful teaching time required to move into the five-year cycle according to sections 67.1-02-02-02 and 67.1-02-02-04.

**History:** Effective July 1, 1995; amended effective October 1, 1998; October 16, 1998-April 14, 1999; June 1, 1999; March 1, 2000; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; April 1, 2013; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

### **67.1-02-04-03. Interim school counselor.**

Repealed effective October 1, 2020.

~~— School counselor monitoring under the seven-year option provided in North Dakota Century Code section 15.1-13-23, which took effect August 1, 1997, will be conducted as follows:~~

~~— 1. An applicant wishing to apply under the seven-year option provided in North Dakota Century Code section 15.1-13-23 must first contact the guidance and counseling office at the department of public instruction to confirm that the counseling degree the applicant currently holds is eligible. The department of public instruction counseling office will forward a letter confirming its decision to the education standards and practices board.~~

~~— 2. Eligible counselors entering through the seven-year program must complete all of the application requirements, fee, and be fingerprinted at the beginning of the process and clear the background check under section 67.1-02-02-02 in the same manner as other initial licensure applicants.~~

~~— 3. An applicant must show documentation that the applicant has been formally admitted both:~~

~~— a. To a college or university with a state-approved teacher education program; and~~

~~— b. To the approved teacher education program at that institution.~~

~~— 4. Once formally admitted, an applicant must file with the education standards and practices board:~~

~~— a. The applicant's approved teacher education program plan; and~~

- ~~b. A timeline showing how the applicant will complete at least one-seventh of that program each year.~~
- ~~5. A counselor entering through the seven-year option must complete the requirements within seven years of the counselor's first entrance into the program. A counselor in this program must submit an annual progress report to the education standards and practices board with transcripts verifying that the counselor has completed the agreed-upon one-seventh of the program requirements.~~
- ~~6. An applicant entering under the seven-year program must receive a letter of approval granting the applicant permission for employment while working toward full licensure and must make a satisfactory annual progress report to the education standards and practices board.~~
- ~~7. An applicant cannot be employed or permitted to perform the duties of a licensed school counselor until the education standards and practices board formally approves the applicant's program and timeline and issues the letter.~~
- ~~8. Individuals performing the duties of a school counselor under an education standards and practices board letter of approval must be under the supervision of a licensed teacher since they do not yet hold a regular teaching license.~~

~~**History:** Effective March 1, 2000; amended effective August 1, 2002; July 1, 2010.~~

~~**General Authority:** NDCC 15.1-13-09, 15.1-13-10, 15.1-13-23~~

~~**Law Implemented:** NDCC 15.1-13-10, 15.1-13-14, 15.1-13-23~~

#### **67.1-02-04-04. Forty-day provisional licenses.**

Provisional licenses will be issued for a period of forty days under the following conditions:

- ~~1. Consideration for provisional licenses will not be granted until after August fifteenth in any year.~~
- ~~2. Provisional licenses can only be issued to those individuals who have met all of the other requirements for a license except:
 
  - a. For the final clearance of the bureau of criminal investigation and the federal bureau of investigation;
  - b. Pending the receipt of official transcripts or other original, signed, or certified documents;
  - c. The awarding of the degree and the official transcripts as documented by the institution of higher education registrar; or
  - d. Pending the receipt of the official test scores for the Praxis I or the Praxis II.~~
- ~~3-2. The school wishing to hire the individual has submitted to the ~~education standards and practices~~ board a letter of need and intent to hire.~~
- ~~4-3. The individual has submitted the completed application packet and a letter to the education standards and practices board indicating no criminal background and the intent to accept the position.~~
- ~~5-4. The provisional license is issued for forty days but may be renewed at the discretion of the education standards and practices board and continued request of the school.~~
- ~~6-5. There is a one-time fee for the provisional license of ~~twenty-five~~fifty-five dollars.~~

- 7-6. Once the criminal background investigation has been completed and all official transcripts or other original, signed, or certified documents received, the education standards and practices board may issue the license for which the individual is qualified with its respective fees and conditions.

**History:** Effective March 1, 2000; amended effective July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; July 1, 2012; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-13, 15.1-13-14

#### **67.1-02-04-07. Clinical practice option.**

Applicants who have entered the profession of teaching through alternative access licensure under section 67.1-02-04-01, elementary, middle, or secondary endorsement under chapter 67.1-02-03, or trade, industry, technical, and health occupations interim licensure under section 67.1-02-04-06 and are seeking to complete the requirements for regular licensure under section 67.1-02-02-02 may meet the student teaching requirement through a supervised clinical practice option meeting the following conditions:

1. The applicant requesting the clinical practice option must hold a valid regular license, alternative access license or trade, industry, technical, and health occupations interim license and be employed under contract by an approved school during the clinical practice. The clinical practice option is not intended to be used by applicants who are not under contract and would not need release time from those contracts to complete a regular student teaching experience.
2. The clinical practice option must be approved by the ~~education standards and practices~~ board before it begins as part of the applicant's program of study toward regular licensure and must be conducted under the supervision of a state-approved college of teacher education. Criteria and evaluations for successful completion of the clinical experience must parallel and meet or exceed those the college of teacher education applies to student teaching experiences and the clinical practice must be at the appropriate grade levels for the licensure sought.
3. The school employing the applicant and the applicant must submit letters to the ~~education standards and practices~~ board requesting the clinical practice option and verifying their support of the agreement.
4. The clinical practice option must require a minimum of ten weeks of close supervision (five weeks of close supervision if the applicant has already been prepared as a teacher), which includes an equitable combination of daily meetings with or observations of the applicant at the beginning of the experience, by an onsite teacher meeting the qualifications for cooperating teachers under section 67.1-02-01-02 and by the school building principal or other supervisor responsible for evaluations of teachers under North Dakota Century Code sections 15.1-15-01 and 15.1-15-04 and must include onsite visits by college supervisors which meet or exceed the requirements for student teacher supervision under section 67.1-02-01-03.
5. The clinical practice option includes mentoring of the applicant for at least one school year (one semester if the applicant has already been prepared as a teacher) by the onsite cooperating teacher and may also include mentoring by an offsite content area specialist. The mentoring occurs outside of the applicant's regular teaching assignment time and meets or exceeds the contact that would occur in a ten-week, full-time student teaching experience.
6. Upon completion of the clinical practice option, documentation of evaluations and transcripts verifying successful completion of the clinical practice will be provided through the college of teacher education to the ~~education standards and practices~~ board.

7. Applicants holding valid alternative access licensure under section 67.1-02-04-01 or trade, industry, technical, and health occupations interim licensure under section 67.1-02-04-06 who have successfully completed all of the other requirements for regular two-year initial licensure under section 67.1-02-02-02, except for ten weeks of supervised student teaching, may use the successful clinical practice meeting the conditions of this section to fulfill the student teaching requirement.

**History:** Effective August 1, 2002; amended effective July 1, 2004; April 1, 2006; July 1, 2008; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

## CHAPTER 67.1-02-05

### 67.1-02-05-02. Experience.

Teaching experience in approved early childhood, kindergarten, elementary, middle level, secondary, and postsecondary teacher education programs and employment with the ~~education standards and practices~~-board, department of public instruction, or state board for vocational and technical education will be granted as experience for license renewal.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; July 1, 2012; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

### 67.1-02-05-03. Reserve officers training corps instructors.

Reserve officers training corps instructors must submit verification to the ~~education standards and practices~~-board that they meet the military requirements for junior ROTC instructors, submit to the initial licensure background check, and pay all relevant fees. An individual meeting these requirements shall receive a license with a restriction to that area.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14

### 67.1-02-05-04. Endorsements, added degrees, and restrictions.

The North Dakota educator's professional license is issued as described in section 67.1-02-02-02. This license qualifies the holder for regular classroom teaching or for functioning in areas with the proper endorsements and restrictions as assigned. Degrees and endorsements in content areas of elementary, middle level, or secondary schools, educational pedagogy, or educational leadership must be obtained through regional or state-approved teacher education programs and meet North Dakota program approval standards for the content area.

1. **Endorsements.** An individual holding a valid North Dakota teaching license may request endorsements in early childhood, kindergarten, elementary, middle school, bilingual, secondary, or content area minor equivalency endorsements or any other endorsement issued by the ~~education standards and practices~~-board. Specific requirements appear in chapter 67.1-02-03, regarding re-education. A one-time, nonrefundable review fee of seventy-five dollars must accompany the request to add an endorsement.
2. **New degrees.** A newly acquired major, minor, or new degree may be added between renewal periods by submitting official transcripts, a complete application form, including part six, completed by the college or university, and paying the regular renewal fee for those renewing two-year licenses or five-year licenses. An additional two-year or five-year extension, respectively, is added to the license expiration date at the time of the addition of the new major, minor, or degree.
3. **Added qualifications on life certificates.** An individual who holds a life certificate under section 67.1-02-02-01 may add degrees or endorsements to the ~~education standards and practices~~-board licensure records by submitting official transcripts and paying the review fee pursuant to subsection 2. An official duplicate of the life certificate showing the added degree will be issued to the life certificate holder at the time of the addition. Official duplicate copies of lost life certificates or renewable licenses will be provided at a cost to the holder of twenty dollars.

4. **Restricted licenses.** Programs that include a specialized rather than a regular professional education core are issued initial two-year licenses that restrict the holder to teaching in that specialty area. Applicants must submit the completed application form, original transcripts, fees, and fingerprint cards to the education standards and practices board prior to licensure.

a. Restricted licenses are issued to applicants with specialist or master's degrees in:

(1) School psychology. The prekindergarten through grade twelve school psychology restricted license will be issued to those applicants who have:

(a) Obtained a specialist degree in school psychology from a national association of school psychology-accredited institution; ~~or~~

(b) Achieved the national certification of school psychologist certification. To qualify for the national certification of school psychologist license, the candidate must have successfully met the standards for training and field placement programs in school psychology, standards for the credentialing of school psychologist, standards for the provision of school psychological services, and principles of professional ethics; or

(c) Obtained a specialist degree in school psychology with the expectation of obtaining national certification within two years.

The board of psychologist examiners must be given, each year, a list of names of individuals with a school psychologist credential.

(2) School psychologist intern. A school psychologist who does not have the school psychologist requirements in subparagraph a, b, or c of paragraph 1 may qualify for an intern license. The school psychologist intern license will be issued for one year, or on an annual basis until the specialist degree has been completed, for applicants who have:

(a) Obtained a master's degree in school psychology (minimum 30 credits) from a national association of school psychology-accredited institution;

(b) A recommendation of the advisor of an accredited school psychology training instruction stating the applicant is eligible for enrollment in the internship program; and

(c) An outline of remaining coursework with specified dates for completion, including completion of a thesis or equivalent.

~~(2)~~(3) Speech-language pathology. The prekindergarten through grade twelve speech-language pathology restricted license will be issued to those applicants who have a master's degree in speech-language pathology or communication disorders, one hundred hours of school-based practicum, and have graduated from a program accredited by the council on academic accreditation of the American speech and hearing association. Applications for renewal of the bachelor level speech-language pathology license will be denied after July 1, 2010.

~~(3)~~(4) School counseling. The prekindergarten through grade twelve professional school counseling restricted license will be issued to those applicants who have professional education coursework in educational psychology; instructional planning, methods, and assessment; classroom management; and school-based field experience or practicum and completed one of the following master's programs from a state-approved counselor education program:

- (a) Master's degree in school counseling;
  - (b) Master's degree in counseling with emphasis in school counseling;
  - (c) Master's degree and graduate coursework equivalent to a master's degree in school counseling; or
  - (d) Master's degree in counseling and a program of study from an approved school counselor education program to complete the coursework requirements for the equivalent of a master's degree in school counseling, educational coursework in educational psychology, instructional planning, methods, and assessment, classroom management, and the school-based field experience or practicum within four years. Two 2-year licenses will be issued to those applicants while the requirements are being completed.
- b. Restricted licenses are issued to applicants with baccalaureate degrees in the following areas who do not also meet qualifications for regular early childhood, elementary, middle level, secondary, or kindergarten through grade twelve licenses as stated in section 67.1-02-02-02 that have completed the application form and submitted fees and transcripts, background investigation, and praxis II tests:
- (1) Intellectual disabilities education (19006). The intellectual disabilities prekindergarten through grade twelve restricted license will be issued to those people qualifying for a valid North Dakota teaching license in special education who hold a bachelor of science degree major in intellectual disabilities. The applicant will only provide consultative services.
  - (2) Hearing-impaired education (19920). The hearing-impaired prekindergarten through grade twelve restricted license will be issued to those applicants who have a bachelor of science degree major in education of the deaf with thirty-two hours of hearing-impaired qualifying coursework. The applicant will only provide consultative services.
  - (3) Visually impaired education (19945). The visually impaired prekindergarten through grade twelve restricted license will be issued to those applicants who have a bachelor of science degree with a major in visually impaired and twenty-one through twenty-three semester hours in qualifying visually impaired coursework. The applicant will only provide consultative services.
  - (4) Early childhood special education (19937). The early childhood special education restricted license birth through grade three will be issued to those applicants who have a baccalaureate degree in early childhood special education. The applicant will only provide consultative services.
  - (5) All other special education categories require regular early childhood, elementary, middle, or secondary qualifications.
  - (6) Career and technical education. The trade, industry, technical, and health occupations restricted license will be issued to applicants holding a baccalaureate level degree in career and technical education if that degree does not include the general education or regular professional education core as required for regular licensure under section 67.1-02-02-02, and is restricted to teaching in grades seven through grade twelve.
  - (7) Reserve officers training corps. The reserve officers training corps license will be issued pursuant to section 67.1-02-05-03.

- (8) Native American language instruction.
  - (a) The native American language restricted kindergarten through grade twelve license will be issued to those applicants holding a baccalaureate level degree in native American language if that degree does not include the general education or regular professional education core as required for regular licensure under section 67.1-02-02-02 and has completed a three semester hour course in classroom instruction at a tribal college or other institution of higher education.
  - (b) The native American language restricted kindergarten through grade twelve licensed will be issued to those applicants holding a baccalaureate level degree and a native American language endorsement, including three semester hours in classroom instruction.
- (9) Theological studies instruction (50040). The theological studies kindergarten through grade twelve license will be issued to those applicants holding a baccalaureate degree and is recommended for approval as an instructor of theological studies by the governing board or administration of a nonpublic school offering a theological studies course.
- c. Restricted licenses are issued to those nondegreed applicants in:
  - (1) Career and technical education. Restricted licenses are issued for trade, industry, technical, and health occupations in accordance with section 67.1-02-04-06 and are restricted to teaching in grades nine through twelve.
  - (2) North Dakota American Indian language as pursuant to North Dakota Century Code section 15.1-13-22 to those applicants who display competence in North Dakota American Indian languages and culture and are recommended for licensure to teach North Dakota native languages kindergarten through grade twelve by an indigenous language board created by a tribal government in this state and have completed a three semester hour course in classroom instruction at a tribal college or other institution of higher education.
- d. Teachers with restricted licenses may teach or substitute teach only in the restricted specified area.

**History:** Effective July 1, 1995; amended effective October 1, 1998; June 1, 1999; March 1, 2000; August 1, 2002; July 1, 2004; April 1, 2006; July 1, 2008; July 1, 2010; July 1, 2012; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12.1, 15.1-13-22, 15.1-18-02, 15.1-18-03; S.L. 2001, ch. 173, § 16

#### **67.1-02-05-05. Foreign transcripts and special needs.**

The content of the laws and rules for teacher licensure may be fulfilled by providing the required documentation through a third party, private foreign educational credential evaluation service that is a member of the national association of credential evaluation services, authorized by the candidate through a signed, official verification provided to the ~~education standards and practices~~ board in cases where foreign transcripts or adaptations for special needs are involved.

**History:** Effective July 1, 1995; amended effective October 1, 1998; March 1, 2000; July 1, 2008; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

### 67.1-02-05-06. Levels of licensure.

North Dakota professional educator's licenses are categorized into three levels, based upon educational preparation and employment experience, as follows:

1. Level I indicates that the licenseholder still has educational or employment requirements to meet before receiving the regular level II license, or that they are not currently maintaining contracted employment. The licenses in this category include the initial license, provisional license, interim emergency license, interim reciprocal license, re-entry license, and the two-year renewal ~~or substitute license with less than eighteen months of contracted teaching experience. Life certificates as described in section 67.1-02-02-01 will appear as level I licenses since they do not report their status through renewals.~~
2. Level II indicates that the licenseholder has met all of the educational and employment requirements in sections 67.1-02-02-02, 67.1-02-02-04, and 67.1-02-02-07 for a regular five-year North Dakota educator's professional license, and has less than a master's degree.
3. Level III indicates that the licenseholder either:
  - a. Meets all of the requirements for level II regular five-year licensure and has earned advanced degrees beyond the bachelor's level (master's, specialist, or doctoral); ~~or~~
  - b. Holds national board for professional teaching standards advanced licensure as stated in subsection 5 of section 67.1-02-05-04; or
  - c. A life license holder.

**History:** Effective August 1, 2002; amended effective October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10

## CHAPTER 67.1-02-06

### 67.1-02-06-01. Out-of-state reciprocal licensure.

North Dakota has conditional reciprocity with other states. To receive out-of-state reciprocal licensure, an applicant must hold at least a bachelor's degree in education, which includes student teaching from an accredited university from another state, province, or similar jurisdiction, or have completed a state-approved teacher education program and submit a completed application.

1. **Out-of-state reciprocal entrance requirements.** Those who apply to the ~~education standards and practices~~ board, meet the minimum reciprocity requirements, and submit a satisfactory plan for competing the remaining North Dakota requirements will be issued a two-year out-of-state reciprocal license which has a fee of seventy dollars. The minimum reciprocity qualifications are:
  - a. A four-year bachelor's degree that includes a major that meets the issuing jurisdiction's requirements in elementary education, middle level education, or a content area taught in public high school;
  - b. Completion of a professional education sequence from a state-approved teacher education program, including supervised student teaching;
  - c. Fingerprint background check as required of all initial applicants; and
  - d. Submission and education standards and practices board approval of a plan to complete all remaining requirements for full North Dakota licensure as stated in section 67.1-02-02-02. That plan will include the successful completion of the state-approved test content test in the transcribed major area of early childhood, elementary, middle level, or the core academic areas. The state-approved test must be completed within the first two-year license period.
2. **Remaining North Dakota requirements.** An applicant will be notified of remaining requirements for full North Dakota licensure by the ~~education standards and practices~~ board. All out-of-state applicants shall submit transcripts for review by the same criteria as North Dakota applicants. The applicant must provide official copies of transcripts from all the institutions of higher education the applicant has attended. The nonrefundable fee for the transcript review process is one hundred seventy-five dollars.
3. **Renewals.** The out-of-state reciprocal license is valid for two years and is renewable once, provided adequate progress toward completing the remaining requirements is documented and approved by the education standards and practices board. The interim reciprocal license will expire on the applicant's birthdate.

**History:** Effective July 1, 2012; amended effective April 1, 2018; [October 1, 2020](#).

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-10, 15.1-13-11, 15.1-13-14, 15.1-13-20, 15.1-13-21

### 67.1-02-06-03. Other state educator license (OSEL).

North Dakota other state educator licensure will be issued to those applicants who hold a regular teaching license or certificate in early childhood, elementary, middle, or secondary education from another state and ~~requires the submission of a~~ [submit the following](#):

1. [A](#) completed application pursuant to section 67.1-02-02-02 for the North Dakota professional educator's license, ~~the submission~~;

2. Submission to a fingerprint screening for criminal records in accordance with North Dakota Century Code section 15.1-13-14, ~~the completion;~~

3. Completion and documentation of a four-year bachelor's degree from a state-approved teacher education program in a North Dakota-recognized program area major, including the professional education sequence and a student teaching experience, submission of all fees for initial licensure pursuant to section 67.1-02-02-02, ~~and documentation;~~ and

4. Documentation of a valid regular professional educator's license from the issuing state.

An applicant who holds a valid out-of-state license who has completed an alternate certification program will be issued an out-of-state license upon completion of the Praxis I, Praxis II PLT, and Praxis II content specific test.

A license granted under this section is valid for two years if the applicant has not been licensed in another state for at least eighteen months. If the applicant received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of the license, pass all state licensure tests normally required of applicants from this state.

In all other cases, a license granted under this section is valid for five years and is renewable if the licenseholder meets the re-education requirements established for all five-year license renewals.

A license granted under this section must include all of the applicant's endorsements issued or recognized by the applicant's other state of licensure.

**History:** Effective July 1, 2012; amended effective October 1, 2014; October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-14, 15.1-13-25, 15.1-13-26

## CHAPTER 67.1-03-01

### 67.1-03-01-02. Principle I - Commitment to the student.

In fulfilling obligations to students, the North Dakota educator:

1. Shall not, without just cause, deny the student access to varying points of view;
2. Shall not intentionally suppress or distort subject matter relevant to a student's academic program;
3. Shall protect the student from conditions detrimental to learning or to physiological or psychological well-being;
4. Shall not engage in physical abuse of a student or sexual conduct with a student and shall report to the education standards and practices board knowledge of such an act by an educator;
5. Shall not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
6. Shall not use professional relationships with a student for personal advantage or gain by soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, emotional, or physical relationship with a student;
7. Shall disclose confidential information about individuals, in accordance with state and federal laws, only when a compelling professional purpose is served or when required by law; and
8. Shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

**History:** Effective July 1, 1995; amended effective August 1, 2002; October 1, 2020.

**General Authority:** NDCC 15.1-13-08, 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10

## CHAPTER 67.1-04-03

### 67.1-04-03-01. National board certification.

#### 1. Definitions.

- a. "Board" means the education standards and practices board.
- b. "Certification" means national board certification as provided by the national board.
- c. "National board" means the national board for professional teaching standards.

#### 2. Board duties. Based upon receiving state dollars, the board shall:

- a. Inform teachers of the national board certification program and the scholarships and services the national board provides to teachers seeking certification.
- b. Collect and review in the order received scholarship applications from individuals who are licensed to teach by the board or approved to teach by the board.
- c. Approve no more than seventeen state-funded applications per year.
- d. During each year of the biennium, reserve three of the available scholarships until October first for individuals teaching at low-performing schools. At that time, the three slots, if not filled, become available to other applicants.
- e. Require the recipient to serve during the school year as a full-time classroom teacher in a public or nonpublic school.
- f. Require the recipient to participate in mentoring developed and implemented in the employing school or district.
- g. Ensure that all scholarship recipients receive adequate information regarding level of commitment required to acquire certification.
- h. If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship.

#### 3. Recertification process.

- a. Collect and review in the order received scholarship applications for national board recertification from individuals who are licensed to teach by the board or approved to teach by the board;
- b. Approve no more than three scholarship applications per year under this subsection;
- c. Require each recipient for a scholarship under this subsection serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
- d. If available, require each recipient of a scholarship under this subsection to participate in mentoring programs developed and implemented in the employing school or school district.

#### 4. Stipends.

- a. The board shall pay to any individual who received national board certification before July 1, 2007, one thousand dollars for each year the individual has maintained and

continues to maintain national board certification, provided the individual continues to be employed by a school district in this state. An individual may not receive more than four thousand dollars under this subsection.

- b. At the conclusion of each school year after the individual received national board certification, the board shall pay to an individual an additional one thousand state dollars for the life of the national board certificate, if:
  - (1) The individual was employed during the school year as a full-time classroom teacher by a school district in this state.
  - (2) If available, require the participant for a scholarship under this section to participate in any efforts of the employing school district to develop and implement teacher mentoring programs.
- c. The payment provided for in this subsection is available beginning with the 2007-08 school year.
- d. As a prerequisite, the applicant must:
  - (1) Have acquired a baccalaureate degree from a state-approved or accredited teacher education program;
  - (2) Hold a valid North Dakota educator's professional license;
  - (3) Have successfully completed three years of teaching at one or more elementary, middle, or secondary schools in North Dakota; and
  - (4) Currently be North Dakota kindergarten through grade twelve public or nonpublic classroom instructors.
- e. The applicant may apply for the guide to national board certification, which includes the application process by contacting the education standards and practices board, and for one-half of the application fee by submitting the completed application to the education standards and practices board by December first. Based upon availability of state funds, applications will be accepted and funded on a first-come, first-served basis. One-half of the application fees will be matched with federal dollars.

5. **Successful completion.** Upon documented successful completion, the national board for professional teaching standards certification may be added between renewal periods for a fee as pursuant to the five-year renewal fee in section 67.1-02-02-04, and additional years equivalent to the number of years left of national certification is also added to the license expiration date at the time of the addition of national board for professional teaching standards certification.

6. **Renewal.** The board recognizes the national board certification as fulfilling the requirement for license renewal until expiration of the national board certificate.

**History:** Effective July 1, 2012; amended effective October 1, 2020.

**General Authority:** NDCC 15.1-13-09, 15.1-13-10

**Law Implemented:** NDCC 15.1-13-08, 15.1-13-10, 15.1-13-11, 15.1-13-12.1, 15.1-13-22, 15.1-18-02, 15.1-18-03



**TITLE 72**  
**SECRETARY OF STATE**



OCTOBER 2020

CHAPTER 72-02.2-01.1  
COMMISSIONER OF COMBATIVE SPORTS AND COMMISSION OF COMBATIVE SPORTS  
- BOXING

Section

- 72-02.2-01.1-01 Definitions
- 72-02.2-01.1-02 Commission of Combative Sports
- 72-02.2-01.1-03 General Provisions
- 72-02.2-01.1-04 Licensing
- 72-02.2-01.1-05 Terms and Conditions of License
- 72-02.0-21.1-06 Duties of Promoter
- 72-02.2-01.1-07 Duties of Referee
- 72-02.2-01.1-08 Duties of Judges
- 72-02.2-01.1-09 Duties of Cornerpersons
- 72-02.2-01.1-10 Duties of Timekeeper and Knockdown Counter
- 72-02.2-01.1-11 Duties of Physician
- 72-02.2-01.1-12 Boxing Ticket Provisions
- 72-02.2-01.1-13 Contracts and Financial Arrangements
- 72-02.2-01.1-14 Gross Revenue Fee [Repealed]
- 72-02.2-01.1-15 Sham or Collusive Matches
- 72-02.2-01.1-16 Weight and Weighing Ceremony
- 72-02.2-01.1-17 Conduct of Matches
- 72-02.2-01.1-18 Bandage and Glove Requirements
- 72-02.2-01.1-19 Medical and Other Safeguards
- 72-02.2-01.1-20 The Boxing Ring
- 72-02.2-01.1-21 Ringside Equipment
- 72-02.2-01.1-22 Scoring System
- 72-02.2-01.1-23 Boxing Knockdowns and Knockouts Requirements
- 72-02.2-01.1-24 Boxing Fouls
- 72-02.2-01.1-25 Stalling or Faking Prohibited
- 72-02.2-01.1-26 Fight Results
- 72-02.2-01.1-27 Appeal From Actions of the Commissioner or Commission

**72-02.2-01.1-01. Definitions.**

For purposes of this chapter, unless the context otherwise requires:

- ~~1. "Board member" means the North Dakota state commission of combative sports, or an agent of the board acting on its behalf.~~

- ~~2. "Boxing" means a contest or match in which the act of attack and defense is practiced with fists by two contestants.~~
- ~~3. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports.~~
- ~~4. "Contestant" or "boxer" means a participant in a match who receives remuneration directly or indirectly as consideration for the participant's performance.~~
- ~~5. "Exhibition" means boxing or sparring where a decision is not rendered.~~
- ~~6. "Gong" means the bell, horn, or buzzer that has a clear tone loud enough for the contestants and referee to hear.~~
- ~~7. "Match" means any bout, contest, or sparring, in which participants intend to and actually inflict punches, blows, or employ other techniques to temporarily incapacitate an opponent in a match, regardless of whether the object of the participants is to win or display their skills without striving to win.~~
- ~~8. "Matchmaker" means any person who brings together a professional boxer or arranges professional boxing matches.~~
- ~~9. "Promoter" means any person, club, corporation, or association, and in the case of a corporate promoter, includes any officer, director, employee, or stockholder thereof, who produces, arranges, or stages any professional boxing or kickboxing matches.~~
- ~~10. "Registry" means any entity certified by the association of boxing commissions for the purposes of maintaining records and identification of boxers.~~
- ~~11. "Sparring" means boxing for either practice or as an exhibition.~~
- ~~12. "Stalling or faking" means that a boxer is pulling punches or holding an opponent or deliberately maintaining a clinch.~~
1. "Boxing" means a contest or match in which two contestants attack each other and defend themselves with fists wearing protective gloves during a predetermined time in a boxing ring.
2. "Commission" or "commission member" means the North Dakota commission of combative sports or a person delegated by the commissioner.
3. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports.
4. "Contestant" or "boxer" means a participant in a match who receives remuneration directly or indirectly as consideration for the participant's performance in a boxing match.
5. "Exhibition" means a boxing or sparring match where a decision is not rendered.
6. "Match" means any bout, contest, or sparring, in which participants intend to and do inflict punches to temporarily incapacitate an opponent, regardless of whether the object of the participants is to win or display their skills without striving to win.
7. "Matchmaker" means any person who brings together professional boxers or arranges professional boxing matches.
8. "Promoter" means any person, club, corporation, or association, and any officer, director, employee, or stockholder thereof, that produces, arranges, or stages professional boxing or kickboxing matches.

9. "Registry" means any entity certified by the association of boxing commissions and combative sports for maintaining records and identification of boxers.

10. "Sparring" means boxing for either practice or as an exhibition.

**History:** Effective February 1, 1997; amended effective July 1, 1997; July 1, 2016; October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-02. Commission of combative sports.**

~~The North Dakota commission of combative sports consists of nine members who must be appointed to either one-year, two-year, or three-year terms. Any vacancy in the membership of the board, caused other than by expiration of terms, must be filled only for the balance of the term of the member in whose position the vacancy occurs.~~  
The North Dakota commission of combative sports consists of nine members appointed by the commissioner to staggered three-year terms each with three members appointed in each term. A vacancy in the membership caused other than by expiration of terms is filled for the balance of the term for the position in which the vacancy occurred.

**History:** Effective February 1, 1997; amended effective July 1, 2016; October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-03. General provisions.**

~~— These rules govern all boxing matches, exhibitions, or sparring, unless another set of rules is specifically approved in writing for a particular match, exhibition, or sparring as an exception to normal practice by the commissioner. Kickboxing matches will be governed by rules generally recognized and accepted in the kickboxing industry and submitted to the commissioner.~~

~~— The board and the commissioner have sole direction, management, control, and jurisdiction over all professional boxing or sparring matches to be conducted or held within the state of North Dakota and over all licenses to any and all persons who participate in boxing or sparring.~~

~~— The commissioner will not approve the following type of boxing matches:~~

~~— 1. Matches containing both amateur and professional contests on the same card.~~

~~— 2. Matches in which more than two contestants appear in the ring at the same time.~~

~~— 3. Matches in which members of the opposite sex are matched against each other.~~

~~— 4. Any barroom type brawls, "so you think you're tough" type contests, roughneck type matches, or matches of a similar character or nature if any contestant receives remuneration directly or indirectly whether or not a contestant has prior organized amateur or professional training.~~

~~— 5. Matches in which there are no gloves used by the contestants.~~

1. These rules govern boxing matches, exhibitions, or sparring, unless rules are otherwise approved by the commissioner for good cause shown for a specific match, exhibition, or sparring event. Kickboxing matches are governed by the generally accepted rules adopted for that sport and submitted to the commissioner for approval prior to the event.

2. The commissioner and the commission are the administrators of all professional boxing or sparring matches within the state.

3. The following matches may not be approved:

- a. Matches containing both professional and amateur contests in the same event;
- b. Matches in which more than two contestants appear in the ring at the same time;
- c. Matches in which the contestants are of the opposite sex; and
- d. Matches in which the contestants are not using gloves.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-04. Licensing.**

~~—An application for a license must be made in writing on a form supplied by the board and be verified under oath by the applicant. The applicable fee must be submitted with the application. A license is valid for one calendar year and expires on December thirty-first of each year.—~~

1. Licenses are issued for a calendar year beginning January first and ending December thirty-first. When applying for a license, the applicant shall sign the application affirming by oath the information provided is correct.

2. The licenses available and ~~license~~the fees for each license are as follows:

- ~~1.~~ a. Boxer or kickboxer - Twenty-five dollars.
- ~~2.~~ b. Cornerperson or second or trainer - Twenty-five dollars.
- ~~3.~~ c. Judge - Twenty-five dollars.
- ~~4.~~ d. Knockdown counter - Twenty-five dollars.
- ~~5.~~ e. Manager - Fifty dollars.
- ~~6.~~ f. Matchmaker - Fifty dollars.
- ~~7.~~ g. Physician - No fee.
- ~~8.~~ h. Promoter - Two hundred fifty dollars.
- ~~9.~~ i. Referee - Twenty-five dollars.
- ~~10.~~ j. Timekeeper - Twenty-five dollars.

**History:** Effective February 1, 1997; amended effective February 26, 1997; July 1, 2016; October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-05. Terms and conditions of license.**

~~—The following terms and conditions apply to licensed boxing participants:~~

~~1. Every license, excluding those for professional boxers, is subject to the following terms and conditions:-~~

- ~~a. The applicant must be at least eighteen years of age;~~

- ~~b. The applicant must have at least one year of experience in amateur or professional boxing;~~
  - ~~c. The applicant must submit verifications, from qualified persons, of the licensee's proficiency, if requested by the board;~~
  - ~~d. The applicant must agree that training requirements may be established;~~
  - ~~e. Applicants performing multiple duties must be licensed for each duty, but are not responsible for payment of more than one license fee. The license fee required of those holding more than one license is the highest of the applicable license fees;~~
  - ~~f. Financial responsibility, experience, character, and general fitness of an applicant, including in the case of corporations, its officers and stockholders, are such that the participation of such applicant will be consistent with the public interest, convenience, or necessity and the safety of boxing participants and with the best interests of boxing generally; and~~
  - ~~g. For the first infraction of any of the provisions of this subsection, the board may issue a verbal warning. Following a second infraction a written warning may be issued. Following a third infraction the license may be suspended up to a six-month period. However, the board may suspend a license for any serious violation that endangers the life or health of any person.~~
- ~~2. Every license issued to a professional boxer is subject to the following terms and conditions:~~
- ~~a. The applicant must be at least eighteen years of age;~~
  - ~~b. The applicant must provide the applicant's legal and professional name, street address, city, state, country, zip code, telephone number, social security number, date of birth, height, weight, color of eyes, and any distinguishing marks;~~
  - ~~c. The applicant must provide the names and addresses of the applicant's trainers and managers;~~
  - ~~d. The applicant must provide the applicant's professional fight record;~~
  - ~~e. The applicant must disclose whether the applicant is, or has been, under suspension during the preceding twelve months. If so, the state and the reason for the suspension must be disclosed;~~
  - ~~f. The applicant must provide a picture identification which must be an identification card issued by the commissioner under this section or an official identification card issued by the boxing commission of any other state; and~~
  - ~~g. The applicant must disclose the date of the most recent complete physical examination; any serious bodily injuries; any serious head injuries; any surgeries; and whether the applicant is taking any medications.~~
- ~~(1) If the board determines that a question exists as to the medical condition of a boxer, a complete physical may be required. A list of approved physicians who are qualified to perform the physical will be provided and the boxer must choose one to conduct the physical. Upon completion of the physical the physician chosen shall submit a report of the results directly to the commissioner. The boxer shall also receive a report. The report must affirmatively state the physician's opinion as to the advisability of the boxer participating in the boxing match.~~

- ~~(2) The physical performed must address the question raised about the boxer's health and include such testing as a prudent physician would perform to determine the health and fitness of an individual to engage in the sport of professional boxing. The results of all required examinations must be made a part of the boxer's permanent medical record as maintained by the board. The costs of all examinations required by this section shall not be paid by the board.~~
- ~~(3) No contestant, under any circumstances, may compete or appear in a match or noncompetitive boxing within thirty days of having suffered a knockout or a technical knockout. All such suspensions must be recorded on the boxer's record by a board official;~~
- ~~h. Upon the request of the board the applicant must provide satisfactory evidence of the applicant's ability to compete. The board may hold an informal hearing to determine whether the license should be granted or revoked at the request of the boxer or upon the board's own motion. The board may also hold an informal hearing to determine whether to review or revoke a suspension of a license issued by the state. The boxer shall be notified of the time and place of the informal hearing and the substance of the matter to be determined. The board shall permit the boxer the opportunity to present evidence on the boxer's behalf;~~
- ~~i. Boxers shall wear trunks that are belted at the waistline. The trunks may not have any buckles or other ornaments on them that would cause injury;~~
- ~~j. A boxer must use a mouthpiece designed for the contestant's mouth;~~
- ~~k. Female contestants shall wear a breast protector and groin protector and male contestants shall wear a protection cup;~~
- ~~l. All contestants shall have their hair secured in a manner that does not interfere with the vision or safety of either contestant;~~
- ~~m. Contestants shall use a minimum of cosmetics;~~
- ~~n. A female contestant must certify that she is not pregnant and that the contest will not take place during a menstrual period;~~
- ~~o. The board will honor and give faith and credit to reasonable actions of regulatory agencies in other jurisdictions. However, the board may allow a fighter suspended in another state to box in this state if permitted under the Professional Boxing Safety Act of 1996 [Pub. L. 104-272];~~
- ~~p. If, in the judgment of the board, the licensee has been guilty of an act detrimental to the best interests of boxing generally, or to the public interest, convenience or necessity, such act is grounds for the denial or suspension of a license;~~
- ~~q. For the first infraction under this subsection, the board may issue a verbal warning. Following a second infraction a written warning may be issued. Following a third infraction the license may be suspended up to a six-month period. However, the board may suspend a license for any serious violation that endangers the life or health of any person; and~~
- ~~r. A boxer may request an informal hearing before the board to review or revoke a suspension imposed for a recent knockout, injury, or other medical reason upon the boxer's furnishing of further proof of a sufficiently improved physical condition. A boxer may also request an informal hearing before the board to review or revoke a suspension imposed for failure of a drug test or for the use of a false alias, or for falsifying, or~~

~~attempting to falsify, an official identification card or document, upon the boxer's furnishing of proof that the suspension was not, or is no longer, merited by the facts.~~

~~3. Each boxer who is a resident of this state, and each boxer who is a resident of a foreign country who is applying for a boxing license in this state, must register with the commissioner for the purpose of receiving an identification card issued by the commissioner and must renew the identification card at least once every two years. The identification card must contain the following:~~

~~a. A recent passport type photograph of the boxer, supplied by the boxer at the boxer's expense;~~

~~b. The social security number of the boxer, or in the case of a foreign boxer registering under the provisions of this rule, any similar citizen identification number or professional boxing number from the boxer's country of residence. The boxer must provide proof of the social security or other identifying number satisfactory to the commissioner; and~~

~~c. A personal identification number assigned to the boxer by a registry.~~

1. Except for a contestant, every licensee shall:

a. Be at least eighteen years of age.

b. Have at least one year of verifiable experience and proficiency in either professional or amateur boxing.

c. Be licensed for each role the licensee has in the event, and if more than one, only may be required to pay the fee for the highest priced license issued to the licensee.

d. Understand the commissioner will honor the actions of other regulatory jurisdictions.

e. Understand the commissioner or commission may issue a verbal warning for the first infraction of the law or rules, a written warning for a second infraction, and a suspension up to six months for a third infraction. The commissioner or commission, without warning, may suspend a license for a violation that endangers the life or health of any person.

2. To become licensed, a contestant shall:

a. Be at least eighteen years of age.

b. Have a boxer's federal identification card issued by the association of boxing commissions and combative sports and if not, make application through the commissioner.

c. Provide the contestant's legal name and professional name, address, contact telephone number, social security number, birth date, height, weight, eye color, and any distinguishing marks.

d. Provide the names and addresses of the contestant's manager and trainer.

e. Disclose whether the contestant has been suspended during the preceding twelve months, by which jurisdiction, and for what reason.

f. Present documented evidence the contestant has been tested within six months of application by a laboratory in the United States that possesses a certificate under the Clinical Laboratory Improvement Act [42 U.S.C. 263a], to detect the presence of bloodborne pathogens, as identified by the commissioner, with negative results.

- g. Disclose the date of the contestant's most recent physical examination, any serious bodily injuries, any serious head injuries, any surgeries, and whether the contestant is using any prescriptions or medications. If the commissioner or commission member determines a question exists as to the medical condition of a boxer, a complete physical examination may be required, at the contestant's expense. Upon completion of the examination, the physician chosen shall submit a report directly to the commissioner and to the contestant. The physician's report must affirmatively state whether the contestant has the health and fitness to safely box. The physician's report must be filed with the commissioner in the boxer's permanent medical record.
- h. Understand the contestant may not compete in a contest or exhibition within seven days after the contestant's previous contest or within ninety days of a contest in which they were unable to defend themselves.
- i. Understand a suspension must be reported to the registry.
- j. Wear trunks, without buckles or ornaments, which are belted at the contestant's waistline.
- k. Use a mouthpiece that fits the contestant's mouth.
- l. If a female contestant, shall wear a breast protector and groin protector, and if a male contestant, shall wear a protection cup.
- m. Secure hair, so it does not impede the vision or safety of the contestant or the other contestant in a match.
- n. Use only minimum cosmetics.
- o. If a female contestant, certify the contestant is not pregnant.
- p. Understand the commissioner may honor the actions of other regulatory jurisdictions. However, the commissioner may allow a contestant suspended by another jurisdiction to box if permitted under the Professional Boxing Safety Act of 1996 [Pub. L. 104-272].
- q. Understand the commissioner may hold an informal hearing to determine whether a contestant should be licensed or whether an existing license should be suspended or revoked. The contestant or designated representative may attend.
- r. Understand that if, in the judgment of the commissioner or commission, a contestant is guilty of an act detrimental to the integrity of boxing, or to the public interest, the commissioner may deny the contestant's license or suspend or revoke an existing license.
- s. Understand the commissioner or commission may issue a verbal warning for the first infraction of the law or rules, a written warning for a second infraction, and a suspension up to six months for a third infraction. The commissioner or commission may, without warning, suspend a license for a violation that endangers the life or health of any person.
- t. Understand the contestant may request an informal hearing before the commissioner to review the suspension or revocation of a license for a recent knockout, injury, or other medical reason to provide proof of a sufficiently improved physical condition. The contestant also may request an informal hearing before the commissioner to review a suspension or revocation of a license for a positive drug test, providing a false alias, or having a false boxer's federal identification card or providing a false document or information to obtain a license.

**History:** Effective February 1, 1997; amended effective July 1, 1997; [October 1, 2020](#).

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-06. Duties of promoter.**

~~— A promoter is subject to the following requirements:~~

- ~~1. Any person, party, or organization acting as a promoter of a professional boxing match must obtain approval from the commissioner at least two weeks prior to the date of the match.~~
- ~~2. Prior to a match, the promoter must file with the board proof of adequate insurance for the protection of the contestants, officials, and the attending public. However, insurance to cover injuries incurred by a contestant as a result of a match is the responsibility of the individual contestant.~~
- ~~3. The promoter shall submit a completed notification of contest form to the commissioner at least five days before a match.~~
- ~~4. Changes in the announced or advertised programs for any main bout contest must be filed with and approved by the board at least forty-eight hours before the weighing-in time of the contest unless otherwise directed or authorized by the board. Notices of such change or substitution must also be included in any public announcement or advertisement relating to the card, and must be conspicuously posted at all box offices on the premises and announced from the ring before the opening bout, and if any of the patrons apply for refunds on tickets already purchased, the promoters shall make such refunds upon demand, provided such tickets are presented at the box office on the date of the program and before the commencement of the second bout or the main bout, whichever comes first.~~
- ~~5. The promoter shall submit ticket information along with a financial report to the commissioner, on a form prescribed by the commissioner, within ten days after the match, as provided in section 72-02.2-01.1-14.~~
- ~~6. The promoter is responsible for the selection and financial arrangements for payment for all officials, except the board members.~~
- ~~7. The promoter must file all contracts between the promoter and the contestants with the board and the board may review and approve such contracts to ensure that they conform to the provisions of these rules.~~
- ~~8. Failure to file any required report or form may result in a denial of the next match requested.~~

A promoter shall:

1. Make application to the commissioner or commission to produce, arrange, or stage a match a minimum of two months prior to the event.
2. Provide proof of adequate insurance covering contestants, officials, and the public present at the event.
3. Provide medical insurance and pay the deductibles for each contestant covering injuries sustained by a contestant during the competition with a minimum benefit of two thousand five hundred dollars and at least two thousand five hundred dollars for an accidental death.
4. Provide a completed notification of contest form to the commissioner a minimum of five days prior to the event.

5. Seek approval from the commissioner for a change in the announced or advertised programs for any main match a minimum of forty-eight hours prior to the scheduled weigh-in for the event. The change must be included in any public announcement or advertisement relating to the match and posted at ticket offices and announced from the ring prior to the opening match. If, because of the change, a patron requests a refund of the purchase price of their ticket, the promoter shall grant the refund if it is presented at the ticket office before the start of the second match or the main match, whichever comes first.
6. Select and hire all ring officials, including judges, knockdown counter, physician, referees, and timekeeper, with the approval and assignment of the commissioner, and shall pay the officials for their services.
7. Provide the commissioner with copies of all contracts between the promoter and contestants, which are subject to the commissioner's review to verify consistency with the requirements of state law and these rules.
8. Understand the failure to follow state law or these rules or failure to cooperate with the commissioner or a commission member may result in a future denial of a match.
9. Pay an administrative fee to reimburse the commissioner for the costs of regulating the event by making a monetary deposit with the commissioner, in an amount satisfactory to the commissioner, prior to the event and paying the balance within thirty days after the event. The deposit only is refundable when an event is canceled due to circumstances which are, in the opinion of the commissioner, extreme and beyond the control of the promoter.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-07. Duties of referee.**

~~— A referee is subject to the following requirements:~~

- ~~1. A referee may not be assigned to officiate more than thirty two scheduled rounds in any one scheduled promotion.~~
- ~~2. The referee must have a physical examination before acting in the referee's official capacity. This may be done at either the official weigh-in or before the match begins by the ringside physician. A physician's approval must be given to the commissioner before entering the ring.~~
- ~~3. The referee shall exercise immediate authority, direction, and control over the fight for which the referee has been designated, and it is the referee's responsibility to enforce all rules.~~
- ~~4. Before starting a contest the referee shall ascertain from each contestant the name of the contestant's chief cornerperson, and shall gather them together for final instructions; such chief cornerperson will be responsible for the conduct of assistant corners during the contest. At the beginning of each round the referee shall hand out score sheets to each of the three judges.~~
- ~~5. Pursuant to these rules, the referee may stop the fight and make a decision during any stage in the fight, if the referee determines that the bout has become partial, or if a contestant is in such condition that if such contestant continues fighting, the contestant is liable to suffer a serious injury.~~
- ~~6. If a contestant suffers a cut or a wound that is considered dangerous, the referee has the authority to stop the fight. In these cases, the referee shall consult the head ringside physician appointed to attend the fight, on the necessity of stopping the fight.~~

- ~~7. The referee is responsible for deciding whether an injury had been done by a legal or illegal blow, intentional or accidental.~~
- ~~8. When, for whatever reason, a contestant loses a mouthpiece, the referee will proceed to return the mouthpiece when there is a lull in the action. The referee will exercise full authority, to avoid a contestant ejecting the mouthpiece intentionally, and can discount a point as a result of this behavior or disqualify the contestant.~~
- ~~9. At the end of each round, the referee shall collect the score sheets from the three judges, and give the score sheets to the commissioner at ringside for computation.~~
- ~~10. If a referee becomes incapacitated and is unable to complete the entire bout, a timeout shall be called by the commissioner, and an alternate licensed referee shall immediately be assigned to referee.~~

A referee shall:

1. Not officiate more than thirty-two rounds during the event.
2. Have a physical examination prior to the event by the ringside physician either at the official weigh-in or prior to the beginning of the match and receive the physician's approval prior to officiating a match.
3. Exercise authority, according to the rules, over the match the referee is officiating.
4. Meet before a match with the contestant's cornerperson and assistant cornerperson, if applicable, and provide those individuals with instructions.
5. Provide before a match score sheets for each round to each of the three judges and, at the end of each round, shall collect the score sheets from each judge, and give the score sheets to the commissioner's official scorer.
6. Stop the match if it becomes partial or if a contestant is in such a condition that if the match continues the contestant is subject to serious injury.
7. Stop the match if a contestant has a cut or wound that might be a serious injury and consult with the ringside physician as to whether the match should continue.
8. Determine whether an injury is the result of a legal or illegal blow and whether it was intentional or accidental.
9. Return a contestant's mouthpiece during a lull in the match and, if the contestant is intentionally ejecting the mouthpiece, the referee may discount a point during that round from the contestant or disqualify the contestant.
10. Not drink alcoholic beverages a minimum of twelve hours prior to the event and until assigned duties are completed.
11. Be replaced by the commission with another referee if the referee becomes incapacitated or otherwise unable to complete the match.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

**72-02.2-01.1-08. Duties of judges.**

~~All judges are subject to the following requirements:~~

- ~~1. Each of the three judges must be seated on a stool midway between the ring posts of the ring, but not on the same side as another judge, and must have an unimpaired view of the ring.~~
- ~~2. The judges must use the "ten point must" score system. The winner of each round must be awarded ten points, and the loser of the round must be awarded nine points or less.~~
- ~~3. Judges shall indicate the winner of each round on the score card by marking and signing their cards in ink. Judges must be discreet at all times. There should be no discussion with anyone except with the board members or the commissioner.~~
- ~~4. A decision that is rendered at the termination of a match may not be changed without a hearing before the board, unless it is determined that the computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong contestant, in which case such clerical or mathematical error may be corrected by the judges.~~
- ~~5. If a judge becomes incapacitated, and is unable to complete the scoring of a match, a timeout shall be called by the commissioner and an alternate licensed judge must immediately be assigned to score the contest from the point at which the duties were assumed.~~

The three judges for the match shall:

1. Sit on a stool midway between the ring posts and not on the same side of the ring as another judge and have a direct view of the ring.
2. Use the "ten point must" system described in section 72-02.2-01.1-22.
3. Mark the score card in ink for each contestant, sign it, and hand it to the referee after each round without discussion with anyone except as needed with the commissioner or a commission member.
4. Correct a clerical or mathematical error on the score cards as may be identified at the conclusion of the match. Otherwise, the match results cannot be changed without a hearing before the commissioner.
5. Not drink alcoholic beverages a minimum of twelve hours prior to the event and until assigned duties are completed.
6. Be replaced by the commission with another judge if a judge becomes incapacitated or otherwise unable to complete the scoring of a match.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

**72-02.2-01.1-09. Duties of cornerpersons.**

- ~~All cornerpersons are subject to the following requirements:~~
- ~~1. A contestant may not have more than three cornerpersons, (unless sanctioned by another body) one of whom must be designated as the chief corner. During the rest period, one corner must be allowed inside the ring, two corners will be allowed on the apron.~~
  - ~~2. The corners are restricted to the corner and must not be touching the apron. The corner may not enter the ring until the timekeeper has indicated the end of the round and shall leave the ring at the timekeeper's gong, at which time the ring platform should be cleared of all obstructions.~~

- ~~3. A chief cornerperson may indicate to the referee that the contestant cannot continue and that the contest should be stopped. Verbal notification, hand signals, or mounting of the ring by the chief cornerperson may be used. The throwing of a towel into the ring does not indicate the defeat of the contestant.~~
- ~~4. A corner may not administer alcoholic beverages, narcotics, or stimulants to a contestant, pour or spray excessive water on the body of a contestant, or place ice in the trunks or cup of a contestant during the contest.~~
- 1. Each contestant may have a maximum of three cornerpersons, with one of the cornerpersons designated as the chief cornerperson.
- 2. One cornerperson is allowed inside the ring at the end of each round and the others, if any, shall stay on the apron. The cornerperson shall clear all items from the ring platform and leave the ring by the start of the next round.
- 3. During rounds, the cornerpersons shall stay within the outside corner area of the ring and may not touch the apron or ring.
- 4. A chief cornerperson verbally, with a hand signal, or by mounting the apron, may signal to the referee that the contestant cannot continue and to stop the match. The "throwing of a towel" into the ring is not an indicator of the contestant's defeat.
- 5. During a match, a cornerperson may not provide a contestant with alcoholic beverages, narcotics, or stimulants, pour or spray excessive water on the contestant's body, or place ice in the contestant's trunks or cup.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-10. Duties of timekeeper and knockdown counter.**

~~A timekeeper and knockdown counter are subject to the following requirements:~~

- ~~1. The timekeeper must possess a stopwatch. The timekeeper shall indicate the beginning and end of each round by the gong. Ten seconds before the end of each round the contestants shall be warned by the knockdown counter striking the apron.~~
- ~~2. If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the appropriate officials of the exact duration of the contest.~~
- 1. The timekeeper shall have a timing device. The timekeeper shall indicate the beginning and end of each round by a bell, horn, or buzzer having a clear audible tone to be heard by the referee and contestants. Ten seconds prior to the end of a round, the knockdown counter shall strike the apron three times alerting the referee and contestants.
- 2. If a match is stopped before the scheduled number of rounds, the timekeeper shall record the time the stoppage occurred.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-11. Duties of physician.**

~~A physician is subject to the following requirements:~~

- ~~1. The physician shall examine each contestant before the bout at the weigh-in. After the examination, if the contestant is determined to be in acceptable physical condition, the physician must certify this on the form provided by the board.~~
- ~~2. The examination shall include an examination of the following:
  - ~~a. Eyes;~~
  - ~~b. Ears;~~
  - ~~c. Mouth and jaw;~~
  - ~~d. Nose;~~
  - ~~e. Chest;~~
  - ~~f. Head;~~
  - ~~g. Hands;~~
  - ~~h. Abdomen;~~
  - ~~i. Blood pressure; and~~
  - ~~j. Resting heart rate.~~~~
- ~~3. One of the two physicians, if two physicians are required by the board to be present, will be selected by the board, prior to the match, to be the head physician in charge. If the board has a physician appointed as a member, such board member may not act in the capacity of both a ringside physician and board member during the match.~~
- ~~4. The physician or physicians must be seated near the steps into the ring, one in each corner if two are present. The physician or physicians will remain there for the duration of the contest, unless the physician or physicians are needed in the ring.~~
- ~~5. The physician, or either of the physicians if two are present, may enter the ring at any time during a match, and may terminate any match if, in the physician's opinion, any contestant has received severe punishment or is in danger of serious physical injury.
  - ~~a. In the event of any serious physical injury, such physician shall immediately render any emergency treatment necessary, recommend further treatment or hospitalization if required, and fully report the entire matter to the commissioner within twenty-four hours and, if necessary, subsequently thereafter;~~
  - ~~b. Such physician may also require that the injured boxer and boxer's manager remain in the ring, or on the premises, or report to a hospital after the contest for such period of time as such physician deems advisable; and~~
  - ~~c. A physician shall examine each contestant after the bout. If the contestant is determined to be in acceptable physical condition the physician shall certify this on the form provided by the board.~~~~
1. A physician shall examine each contestant at the weigh-in prior to the match and certify to the commissioner the contestant is in acceptable physical condition to box.
2. The examination must include an examination of the following: eyes, ears, mouth and jaw, nose, chest, head, hands, abdomen, blood pressure, and resting heart rate.

3. If more than one physician is present, the commissioner shall select one to be the head physician. If the physician also is a commission member, the physician may not serve concurrently as the ringside physician and commission member during the match.
4. The physician shall sit near the ring steps and remain there during the match unless required in the ring. After the match, the physician shall examine and certify each contestant's physical condition.
5. The physician may enter the ring during a match and terminate the match if the physician determines the contestant has or may have a serious physical injury. The physician immediately shall render emergency treatment as required and shall recommend further treatment, or hospitalization as required. The physician may require for a period the contestant or contestant's manager to remain in the ring or on the premise. For the commissioner's records, the physician shall file a report of the incident.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-12. Boxing ticket provisions.**

~~—The following requirements apply to boxing match tickets:~~

- ~~1. All tickets of admission to any such boxing match must bear clearly the purchase price, and no such ticket may be sold for more than such price as printed thereon.~~
- ~~2. The following persons may be admitted to a match without presenting a ticket of admission, but must show appropriate identification as either approved or issued by the commissioner. No other persons may be admitted without presenting an admission ticket.~~
  - ~~a. The commissioner and board members;~~
  - ~~b. Persons designated by the commissioner for official duty;~~
  - ~~c. Officials required to attend under provisions of state law or these rules;~~
  - ~~d. The principals, managers, and corners who are involved in the match;~~
  - ~~e. The emergency medical personnel on duty;~~
  - ~~f. The police officers, firefighters, and other public officials actually on duty; and~~
  - ~~g. Persons arranged by the promoter for other duties.~~

1. All tickets must display the purchase price and may not be sold for more than the purchase price.

2. Upon showing identification provided by the commissioner, only the following persons may be admitted without a ticket:

- a. The commissioner, commission members, and others designated for official duty by the commissioner.
- b. The event officials required by state law and these rules.
- c. The promoter and designated employees.
- d. The contestants and their managers, trainers, and cornerpersons.

e. The emergency medical personnel, law enforcement, firefighters, and on duty public officials.

f. Members of the media.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-13. Contracts and financial arrangements.**

~~—No promoter, either directly or indirectly, may have any financial interest in a contestant competing on premises owned or leased by the promoter, or in which such promoter is otherwise interested, except pursuant to the specific written authorization of the board.~~

~~—A copy of all contracts between the contestants and promoters must be given to the board prior to the weigh-in. The board may refuse to honor or approve a contract unless it is filed with the board prior to the weigh-in.~~

~~—All payments to the contestant will be paid by the promoter or promoter's designee. A contestant may not be paid for services before the contest, and should it be determined by the commissioner that such contestant did not fight an honest match of the contestant's skill, the contestant may not be paid for such services.~~

1. A promoter may not have a direct or indirect financial relationship with a contestant. A match may not be held in premises owned or leased by the promoter or premises in which the promoter has a direct or indirect financial relationship unless approved by the commissioner.

2. Before weigh-in, the promoter shall provide the commissioner with copies of the contract between the promoter and each contestant.

3. The promoter shall deposit with the commissioner prior to the match the funds to be paid by contract to the contestant after the match. If it is determined by the commissioner that a contestant made a dishonest effort not matching the contestant's skill level, the payment to the contestant may be withheld and returned to the promoter.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-14. Gross revenue fee.**

Repealed effective October 1, 2020.

~~—There is hereby imposed a fee upon each promoter, or other principal, operating in this state who conducts any professional boxing matches held within this state for each such event. The fee must be equal to the product of the gross revenues of each such boxing or sparring match multiplied by three percent but in no event may the fee be less than five hundred dollars. For purposes of this section, gross revenues means any and all revenues, from whatever source derived, received by any promoter, or other principal, on account of any particular match, including any revenues received from any advance ticket sales, gate receipts, promotional or advertising consideration, and from any cable television and pay-per-view telecasts of such match, exclusive of any federal tax thereon.~~

~~—Each promoter, or other principal, liable for such gross revenue fee shall provide an accounting to the commissioner on a form provided by the commissioner not later than ten days from the date of the particular match, prepared by the promoter or by a certified public accountant, on behalf of the promoter, using generally accepted accounting principles, which details the source and amount of each~~

~~component of gross revenues and contains a calculation showing the fee owed to the commissioner. Any source documents or records used by the promoter, or the certified public accountant, in preparing the accounting must be made immediately available to the commissioner, upon request, for verification.~~

~~—The gross revenue fee due thereon must be remitted to the commissioner by no later than ten days from the date of the match. Any promoter or other principals involved in the receipt of moneys, or staging of the exhibition or match, are jointly and severally liable for the gross revenue fee provided for by this section. Any promoter who fails to calculate or remit the fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commissioner or until a hearing requested by such promoter is conducted and concluded by or on behalf of the commissioner.~~

**History:** Effective February 1, 1997; amended effective July 1, 2016.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-15. Sham or collusive matches.**

~~—Any person, including any corporation and the officers thereof, any physician, referee, judge, timekeeper, boxer, manager, trainer, or cornerperson, who promotes, conducts, gives, or participates in any sham or collusive boxing or sparring match, shall be deprived of the person's license. A licensed promoting corporation or matchmaker may not knowingly engage in a course of conduct in which one contestant's skills or abilities is significantly in excess of the other boxer so that a mismatch results with the potential of physical harm to the boxer. If such action occurs, the board may exercise its powers to discipline.~~

~~—Without otherwise limiting the discretion of the board as provided in these rules, the board may suspend or revoke a license or refuse to renew or issue a license, if it finds that the applicant, or any person who is a partner, agent, employee, stockholder, or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with bookmakers, gamblers, or persons of similar pursuits, or if the applicant or applicant's associate engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with boxing, or has violated or attempted to violate any law with respect to boxing in any jurisdiction or any rules, regulation, or order of the board, or has violated any rule of boxing or which has been approved or adopted by the commissioner, or has been guilty of or engaged in similar, related, or like practices.~~

~~—When the board is notified in writing of tampering with any contest or contestants, it may send a letter notifying the applicable board or commission of any other state involved.~~

1. The commissioner shall suspend or revoke the license of any promoter, ring official, manager, trainer, or cornerperson who promotes, conducts, gives, or participates in any sham or collusive boxing or sparring match. A promoter or matchmaker may not arrange a match in which the skills and abilities of one contestant are significantly superior to the other contestant.

2. The commissioner may suspend, revoke, refuse to renew, or refuse to issue a license, to an applicant for a license if the applicant:

a. Has been, or is associated with anyone interfering with a match or contestant;

b. Has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has been convicted of a crime in any jurisdiction;

c. Consorts or associates with bookmakers, gamblers, or persons of similar pursuits, or if the applicant or applicant's associate engaged in similar pursuits;

d. Is financially irresponsible;

e. Has been guilty of or attempted any fraud or misrepresentation in connection with boxing;  
or

f. Has violated or attempted to violate any law with respect to boxing in any jurisdiction or  
any rules or regulation, or has violated any boxing rule approved or adopted by the  
commissioner, or has been guilty of or engaged in similar, related, or like practices.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-16. Weight and weighing ceremony.**

~~—The time of the weigh-in must be approved by the board. Unless otherwise arranged, the boxers must be weighed at least eight but not more than twenty-four hours before the match. The contestants must be weighed in the presence of the other contestants by a board member.~~

~~—A designated board member shall run the weigh-in. This board member shall take control and inform all participants of the procedure and keep the crowd out of the way.~~

~~—The scales to be used at the official weighing must be available to all boxers at least two hours before the official weigh-in. For a title fight, there must be two scales, one for the official weigh-in and one for the boxers' use. The scales must be arranged for and provided by the promoter. The official scale must be certified and calibrated for any title fights and must also be arranged for and paid by the promoter.~~

~~—Only those contestants who have been previously approved for the contest may be permitted to be weighed in during the official ceremony.~~

~~—A contestant who has contracted to participate in a given weight class may not be permitted to compete if the boxer's weight exceeds that class, unless the contract provides for the opposing contestant to agree to the weight differential.~~

~~—If any contestant fails to reach the weight limit determined in the applicable category, at the indicated date and time for the official weigh-in, and the opposing contestant does not agree, each one of them, or both, has two additional hours to make the prescribed weight.~~

~~—If the contestants fail in making the weight after the two-hour period, both managers must come to an agreement or the bout must be canceled. The boxer may then be allowed to fight an exhibition at the promoter's discretion.~~

1. At a time and place approved by the commissioner, the commission members shall administer a weigh-in event in which each contestant must be weighed before the opposing contestant at least eight but not more than twenty-four hours before the match.

2. The official scales must be available to all contestants a minimum of two hours before the scheduled start time of the weigh-in event. A title fight must have two scales, the official scale and a second for the contestants. The promoter shall provide the scales. For a title match, the official scale must be certified and calibrated by a qualified technician.

3. Only contestants approved for the event may be weighed during the weigh-in event.

4. A contestant who has contracted to participate in a specific weight class may not compete if the contestant's weight exceeds the standards for that weight class unless the contract allows

the weight differential to be agreed to by the opposing contestant and the opposing contestant agrees to it.

5. If a contestant does not meet the weight requirements during the weigh-in event for the weight class and the opposing contestant does not agree, the contestant or both contestants have two additional hours to make the prescribed weight.

6. If the contestants fail in making the weight after the two-hour period, both contestant managers shall come to an agreement, or the match is canceled. If allowed by the promoter and agreed to by the commissioner, the contestants may have an exhibition match.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-17. Conduct of matches.**

~~—Boxing matches may not be less than twenty-four total scheduled rounds. Each bout must consist of not less than four scheduled rounds and no more than twelve rounds in length for male contestants and ten rounds for female contestants; such rounds to be no more than three minutes each for male contestants and two minutes for female contestants with one minute rest between rounds. There must be a maximum of ten minutes between bouts, except for an intermission that may not exceed twenty minutes. A contestant may not participate in more than twelve rounds within seventy-two consecutive hours.~~

~~—The board may not allow a bout in which the contestants are not fairly matched. In determining if contestants are fairly matched, the following must be considered:~~

~~—1.—Win-loss records of the contestants.~~

~~—2.—Weights of the contestants.~~

~~—3.—Number of fights by the contestants.~~

~~—At each regulated match, there must be in attendance a licensed referee who shall direct and control the bout.~~

~~—At each regulated match, there must be in attendance three licensed judges who shall at the termination of each boxing match render their decisions.~~

1. Boxing events must have a minimum of twenty-four scheduled rounds. Each match must have a minimum of four rounds and a maximum of twelve rounds for male contestants and ten rounds for female contestants.

2. The maximum time for each round for a male contestant is three minutes and two minutes for a female contestant with a one minute rest period between each round. Each match must have a referee and three judges. A contestant may not box in more than twelve rounds within seventy-two consecutive hours.

3. The commissioner may not approve a match in which the contestants are not of equal ability.

4. There is a maximum period of ten minutes between matches, except for an intermission with a maximum period of twenty minutes.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

## 72-02.2-01.1-18. Bandage and glove requirements.

~~—A contestant's bandage for each hand must consist of soft gauze not more than twelve yards [10.97 meters] long and not more than two inches [50.8 millimeters] wide. The gauze must be held in place by not more than three feet [0.91 meters] of medical tape per hand. No tape may be applied over the knuckles of the hand.~~

~~—The bandages must be adjusted in the dressing room under the supervision of a board member. The use of water or any other substance other than medical tape on the bandages is prohibited.~~

~~—Unless otherwise directed by the board, each male contestant shall wear during such contest gloves weighing not less than eight ounces [226.8 grams] for any contestant who weighs one hundred eight pounds [48.99 kilograms] to one hundred fifty six pounds [70.76 kilograms], and ten ounce [283.5 grams] gloves for any boxer over one hundred fifty six pounds [70.76 kilograms]. A female boxer shall wear ten ounce [283.5 grams] gloves.~~

~~—1. The gloves will be approved at the weigh-in by the board. They will be examined to assure they are not broken, unclean, or have padding which is misplaced or lumpy. After the approval of the gloves, they must be retained by the board until the fight.~~

~~—2. In all boxing matches and exhibitions, the gloves of each boxer must be put on in the dressing room under the supervision of a board member.~~

~~—3. Thumbless boxing gloves (or gloves with the thumb section locked, fastened, tied, or immovable set to the balance of the glove) of a type approved by the board must be used in all boxing matches. However, this requirement may be waived at the discretion of the board for championship matches of at least twelve scheduled rounds.~~

~~—4. The laces must be tied on the outside of the back of the wrist of the gloves and must be secured and covered with athletic tape to the top of the glove.~~

1. A commission member shall be present during the wrapping of a contestant's hands.

2. A contestant's bandage for each hand must consist of soft gauze a maximum of twelve yards [10.97 meters] long and a maximum of two inches [50.8 millimeters] wide.

3. The gauze, which may not contain water or any other substance, must be held in place by a maximum of three feet [0.91 meters] of medical tape per hand. The tape may not be applied over the knuckles of the hand.

4. Unless otherwise directed by the commissioner, the gloves for a male contestant weighing less than one hundred forty-seven pounds [66.68 kilograms] must be eight ounces [226.8 grams] and the gloves for a male contestant weighing one hundred forty-seven pounds [66.68 kilograms] or more must be ten ounces [283.5 grams]. The gloves for a female boxer must be ten ounces [283.5 grams].

a. The commissioner shall approve thumbless boxing gloves, or gloves with the thumb section locked, fastened, tied, or immovable set to the balance of the glove, unless waived by the commission for a title match of twelve rounds.

b. A commission member shall inspect the gloves to assure the gloves are not broken or unclean, or do not have misplaced or lumpy padding. After approval, the gloves must be kept in the commission's possession until the match. A commission member shall be present when the gloves are placed on the contestant's hands.

- c. The laces on the gloves must be tied on the outside of the back of the wrist and secured and covered with athletic tape to the top of the glove, which tape is then signed by a commission member.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-19. Medical and other safeguards.**

~~—The matches may not begin until adequate safeguards to protect the health of the participants are made. Adequate safeguards must include:~~

- ~~—1. The presence of the highest level of emergency medical personnel available in the community, i.e., EMT, EMT-intermediate, or EMT-paramedic, as defined by the North Dakota state department of health, emergency health services section. The appropriate level of emergency medical personnel present shall be determined by the commissioner.~~
- ~~—2. The presence of at least one physician, licensed by the North Dakota state board of medical examiners and licensed as a ring physician by the board, at ringside at all times during the match. Ring physicians licensed by other state athletic boards may be allowed at ringside at the discretion of the commissioner.~~
- ~~—3. The presence of an ambulance, dedicated solely to the participants, at the site of the match. The ambulance may be released in an emergency, only temporarily and only with the approval of the designated ring physician. The match must be held in abeyance until the ambulance and the emergency medical personnel return to the match site.~~
- ~~—4. The use of rubber or plastic gloves acceptable to the commissioner during the match by all persons including managers, cornerpersons, timekeepers, ring physicians, and referees, coming into contact with a contestant during the course of a match, other than another contestant in the same match.~~
- ~~—5. The prohibition of smoking or alcoholic beverages at official tables ringside.~~
- ~~—6. The placement of camera and media people only in neutral corners. Such persons must have a pass to sit around the ring. These persons must be approved by the promoter and the commissioner before they receive passes.~~

~~The board may declare forfeited any prize, remuneration, or purse, or any part thereof, belonging to the contestants or one of them, or the share thereof of any manager if, in its judgment, such contestant or contestants are not honestly competing or the contestant or manager of a contestant, as the case may be, has committed an act on the premises in violation of any rule, order, or regulation of the commissioner. The amount so forfeited must be paid within forty-eight hours to the board, following notice to the offending contestant or manager and an opportunity for such person to respond to the forfeiture, in person or in writing, to the board.~~

Each match must include the following safeguards:

1. A minimum of one physician, licensed by the North Dakota board of medicine and licensed as a ring physician by the board, must be at ringside during the match. Ring physicians licensed by other state jurisdictions may be allowed at ringside with the commissioner's approval.
2. The presence of the highest level of emergency medical personnel available in the community, i.e., emergency medical technician, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined by the North Dakota state department of health, emergency health services section, with an ambulance dedicated for contestants. In

an emergency, the medical personnel and ambulance may be released by the ring physician. The match must be on hold until the personnel and ambulance return to the premises. The commissioner shall determine the appropriate level of personnel present.

3. Commissioner-approved rubber or plastic gloves must be worn during the match by all persons, including managers, cornerpersons, timekeepers, ring physicians, and referees, in contact with a contestant.

4. Alcoholic beverages and smoking must be prohibited at ringside.

5. The commissioner shall approve the placement of cameras by the media near the ring or on the platform. Media personnel may sit ringside only in neutral corners as approved by the commissioner.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

### **72-02.2-01.1-20. The boxing ring.**

~~— A boxing match may not be permitted in any ring unless such ring has been inspected and approved by the board. The board shall prescribe standard acceptable size and quality requirements for rings. The following requirements also apply:~~

~~— 1. A ring may not be less than sixteen feet [4.88 meters] nor more than twenty-two feet [6.71 meters] square inside the ropes. The apron on the ring must be at least two feet [0.61 meters]. The ring platform may not be elevated more than four feet [1.22 meters] and must have a smooth, firm surface covered with clean canvas duck or other resilient material stretched taut and laced tightly to the ring platform, and must be completely padded both inside and outside the ropes to a thickness of at least one inch [25.4 millimeters], but not more than four inches [101.6 millimeters], with insulate or a similar material approved by the board.~~

~~— 2. Each ring must have four ring posts that must extend above the ring platform. The ring posts may not extend above the platform more than five feet [1.52 meters], and must be at least eighteen inches [457.2 millimeters] from the ring ropes. All ring posts, post tops, and turnbuckles must be suitably padded. Corners must have protective padding extending from the top to the bottom rope.~~

~~— 3. There must be four ring ropes attached to the ring posts by adjustable turnbuckles. Each rope must be at least one inch [25.4 millimeters] in diameter. Ring ropes must be covered with soft material and must be securely fastened to the ring posts. The ropes must be readily adjustable and must be kept at a proper and safe degree of tautness. Ties must be fastened to the ropes at appropriate intervals to ensure the safety of the contestants.~~

~~— 4. The ring must be illuminated by overhead lights that are arranged so that shadows are eliminated and heat and glare are minimized.~~

~~— 5. Steps must lead to the ring platform at least two diagonally opposite corners of the ring platform.~~

~~— 6. Any extra steps required for use by any other person must be placed in a neutral corner.~~

A boxing match only may be held in a ring inspected and approved by the commission according to the following requirements:

1. The ring must be a minimum of sixteen feet [4.88 meters] and a maximum of twenty-two feet [6.71 meters] square inside the ropes. The ring apron must be a minimum of two feet

[0.61 meters]. The ring platform must be a maximum height of four feet [1.22 meters] and have a smooth, firm surface covered with clean canvas duck or other resilient material stretched taut and laced tightly to the ring platform. The ring must be completely padded both inside and outside the ropes to a minimum thickness of one inch [25.4 millimeters] and a maximum thickness of four inches [101.6 millimeters], with insulate or a similar material approved by the commission.

2. Each ring must have four ring posts extending above the ring platform. The maximum height above the platform for each post is five feet [1.52 meters], and the post must be a minimum of eighteen inches [457.2 millimeters] from the ring ropes. All ring posts, post tops, and turnbuckles must be padded, and ring corners must have protective padding extending from the top rope to the bottom rope.
3. There must be four ring ropes attached to the ring posts by adjustable turnbuckles. Each rope must be a minimum of one inch [25.4 millimeters] in diameter and covered with soft material and attached securely to the ring posts. The ropes must be readily adjustable and maintained at a proper and safe degree of tautness. Ties must be fastened to the ropes at appropriate intervals to ensure safety.
4. The ring must be illuminated by overhead lights arranged to eliminate shadows and minimize heat and glare.
5. Steps must lead to the ring platform from two diagonally opposite corners of the ring platform.
6. Extra steps approved by the commission must be placed in a neutral corner.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-21. Ringside equipment.**

- ~~1. The promoter or cornerperson shall supply the following items, which must be available for use as needed in the corner. The following items must be available and approved by a board member prior to the match:
  - ~~a. Sufficient number of buckets for contestants.~~
  - ~~b. Plastic water bottle and water.~~
  - ~~c. Sponges.~~
  - ~~d. Surgical tape.~~
  - ~~e. Chairs or stools for use by the corners.~~
  - ~~f. A stretcher to be kept under the ring.~~
  - ~~g. A portable resuscitator with oxygen to be kept under the ring.~~~~
- ~~2. The following items may also be placed in the corner:
  - ~~a. Vaseline, for discretionary use around the eyes.~~
  - ~~b. Adrenalin (in a manufacturer's premeasured vial in a 1/1000 solution).~~
  - ~~c. Anticoagulant (avitene, thrombin, thrombinplastin, or fibroplastic).~~~~

~~The use or administration of drugs, stimulants, or nonprescription preparations by or to a contestant other than those listed above is prohibited.~~

1. The promoter or cornerperson shall supply the following items approved by the commission for each contestant corner:

a. Enough buckets for contestants;

b. Plastic water bottle and water;

c. Sponges;

d. Surgical tape; and

e. Chairs or stools for contestant use between rounds and for cornerpersons in their corner.

2. The following items also may be placed in the corner:

a. Petroleum jelly, for discretionary use around the eyes;

b. Adrenalin in a manufacturer's premeasured vial in a 1/1000 solution; and

c. Coagulant (avitene, thrombin, thromboplastin, or fibroplastic).

3. A contestant may not use or be administered any other drugs, stimulants, or nonprescription items not listed in this section.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-22. Scoring system.**

~~—The scoring system must be the "ten point must system". The winner of each round is entitled to ten points as determined by clean hitting, effective aggressiveness, defense, and ring generalship. The opponent shall receive a proportionally smaller number than ten. If the round is even, each boxer receives ten points. No fraction of points may be given. Under no circumstances may the score be less than ten to seven.~~

—The judges shall use the "ten point must system" for scoring. The contestant winning the round is awarded ten points based on clean hitting, effective aggressiveness, defense, and ring generalship. The other contestant is awarded nine or fewer points. If the round is even, each contestant receives ten points. Fractions of points are not permitted. The scores start at ten with seven being the lowest. If the referee deducts points, the referee shall inform each judge who then shall make the deduction on a scorecard.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-23. Boxing knockdowns and knockouts requirements.**

~~—The following definitions and provisions are applicable with regard to knockdowns, knockouts, and low blows:~~

~~—1. Knockdown: A boxer is "down" when any part of the boxer's body, except the boxer's feet, touches the floor of the ring, or when the boxer hangs helplessly on the ring ropes or when the boxer is rising from a down position, as a result of a legal blow, according to the judgment of~~

~~the referee, who is the only person authorized to determine when a boxer has suffered a knockdown. A contestant who is knocked down shall take a mandatory count of eight seconds. If either a knockdown or mandatory eight count or a combination of either occurs three times in one round, the contest must be stopped and a technical knockout must be awarded to the opponent.~~

- ~~— 2. Eight count: A boxer who is down must be required to take a count of eight whether or not the boxer has regained the boxer's feet before the count of eight has been reached.~~
- ~~— 3. Counting: When a boxer is down, the knockdown counter shall at once commence calling off the seconds, indicating the count with an arm motion. The referee shall immediately order the other boxer to a neutral corner and shall thereafter pick up the count from the knockdown counter and indicate it with an arm motion. If a boxer is unable to continue at the count of eight, the referee shall declare the other boxer the winner.~~
- ~~— 4. Save the boxer: The bell can save the boxer only in the last round.~~
- ~~— 5. Low blow: The referee may give a boxer not more than a five-minute break if the referee believes a foul has been committed. Each boxer must be instructed to return to the boxer's respective corner by the referee until the round is ready to resume.~~

1. Knockdown: A boxer is "down" when any part of the boxer's body, except the boxer's feet, touches the floor of the ring, or when the boxer hangs helplessly on the ring ropes or when the boxer is rising from a down position, as a result of a legal blow. Whether a knockdown has occurred is at the sole judgment of the referee.

2. Eight count: A boxer who is down shall take a count of eight seconds regardless of whether the boxer has returned to their feet before the count of eight has ended.

3. Counting: When a boxer is down, the knockdown counter immediately shall begin counting, making the count known with an arm motion. The referee immediately shall order the other boxer to a neutral corner and then pick up the count from the knockdown counter making the count known with an arm motion. If the boxer is unable to return to their feet at the count of ten seconds, the referee shall declare the other boxer the winner of the match.

4. Low blow: The referee may give a boxer a maximum break of five minutes if the referee determines a foul was committed by the other boxer. Each boxer shall return to their respective corner until the round is ready to resume.

**History:** Effective February 1, 1997; amended effective July 1, 2016; [October 1, 2020](#).

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-24. Boxing fouls.**

~~— The following provisions apply to fouls committed in matches staged under this chapter:~~

- ~~— 1. Intentional fouls: If the fighter who is fouled cannot continue, the offender will lose the fight by disqualification. If the fight continues and subsequently the fight is stopped because the same injury has become worse, the injured boxer will be the winner.~~
- ~~— 2. Accidental fouls: If a fighter is accidentally injured and the fight cannot continue, or if the fight does continue and subsequently the injury becomes severe enough to stop the fight, then the fighter who is ahead on points will be the winner by technical decision, as long as one-half of the scheduled rounds have been completed.~~

1. Intentional fouls: If an intentionally fouled contestant cannot continue, the offending contestant is disqualified. If the match continues and is subsequently stopped because of an injury resulting from the intentional foul, the fouled contestant is declared the winner of the match.
2. Accidental fouls: If a contestant is accidentally fouled and the match cannot continue, or if the match continues and subsequently is stopped because of an injury resulting from the accidental foul, the contestant ahead on points becomes the winner of the match by technical decision if at least one-half of the rounds are completed.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-25. Stalling or faking prohibited.**

~~—A referee shall warn a contestant if the referee believes the contestant is stalling or faking. If, after proper warning, the referee determines the contestant is continuing to stall or pull punches, the referee shall stop the bout at the end of the round.~~

~~—If it is determined that either or both contestants are stalling or faking, or if the contestant refuses to fight, the contest shall be terminated and announced as a no contest and the one or ones in violation shall forfeit their pay as provided in this chapter.~~

~~—A contestant who falls down without being struck must be immediately examined by a physician. After conferring with the physician, the referee may disqualify the contestant and require the contestant to forfeit the contestant's pay as provided in this chapter.~~

1. A referee shall warn a contestant if the referee determines a contestant is stalling or faking. If, after the warning, the contestant continues to stall or pull punches, the referee shall stop the match at the round's end.
2. If the referee determines if one or both contestants are stalling or faking, or if a contestant refuses to fight, the contest is terminated as a no contest and one or both contestants forfeit their pay.
3. If a contestant falls without being struck, the contestant must be examined immediately by the ring physician. After conferring with the physician, the referee may disqualify the contestant, who then forfeits their pay.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

#### **72-02.2-01.1-26. Fight results.**

~~—The following fight results apply to boxing matches staged under this chapter.~~

~~—1.—Draw: Winner cannot be determined by score cards.~~

~~—2.—TKO: Fighter cannot continue.~~

~~—3.—KO: Fighter knocked out.~~

~~—4.—Disqualified: Fighter disqualified for breaking of rules.~~

~~—5.—Split decision: Judges split vote on outcome.~~

~~—6.—Unanimous decision: Judges all voted in favor of one fighter.~~

~~7. Majority draw: Two of the three judges score the bout even, while the third judge scores the bout for a particular boxer.~~

The following fight results apply to boxing matches:

1. Draw: A winner cannot be determined by score cards.

2. TKO: A contestant cannot continue.

3. KO: A contestant is knocked out.

4. Disqualified: A contestant is disqualified for violating rules.

5. Split decision: Two judges score in favor of one contestant and the third judge scores in favor of the other contestant.

6. Unanimous decision: All judges scored in favor of the same contestant.

7. Majority draw: Two judges score both contestants the same and the third judge scores in favor of one contestant.

**History:** Effective February 1, 1997; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

**72-02.2-01.1-27. Appeal from actions of the commissioner or commission.**

An applicant or licensee may appeal any action of the commissioner or commission under this chapter in denying, suspending, refusing to renew, or revoking a license. The appeal must be performed in accordance with the provisions of North Dakota Century Code chapter 28-32.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-07

**CHAPTER 72-02.2-02**  
**COMMISSIONER OF COMBATIVE SPORTS AND COMMISSION OF COMBATIVE SPORTS**  
**- MIXED FIGHTING STYLE**

Section

72-02.2-02-01	Definitions
72-02.2-02-02	Commission of Combative Sports
72-02.2-02-03	General Provisions
72-02.2-02-04	Licensing - Terms and Conditions
72-02.2-02-05	Duties of Promoter
72-02.2-02-06	Duties of Referee
72-02.2-02-07	Duties of Judges
72-02.2-02-08	Duties of Seconds
72-02.2-02-09	Duties of Timekeeper
72-02.2-02-10	Duties of Physician
72-02.2-02-11	Ticket Provisions
72-02.2-02-12	Contracts and Financial Arrangements
72-02.2-02-13	Gross Revenue Fee <u>[Repealed]</u>
72-02.2-02-14	Sham or Collusive Matches
72-02.2-02-15	Weight Classes - Weigh-In and Weight Differences
72-02.2-02-16	Conduct of Contests and Exhibitions
72-02.2-02-17	Proper Appearance and Attire
72-02.2-02-18	Bandage and Glove Requirements
72-02.2-02-19	Medical and Other Safeguards
72-02.2-02-20	Ring or Fenced Area
72-02.2-02-21	Ringside Equipment
72-02.2-02-22	Scoring System
72-02.2-02-23	Fouls, <u>Deduction of Points, and Stoppage of Match</u>
72-02.2-02-24	Stalling or Faking
72-02.2-02-25	Results of Contests
<u>72-02.2-02-26</u>	<u>Amateur Contests</u>
<u>72-02.2-02-27</u>	<u>Appeal From Actions of the Commissioner or Commission</u>

**72-02.2-02-01. Definitions.**

For purposes of this chapter, unless the context otherwise requires:

- ~~1. "Commission member" means the North Dakota commission of combative sports, or a member of the commission acting on its behalf.~~
- ~~2. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports or the commissioner's designee.~~
- ~~3. "Contest" means a contest of mixing fighting style.~~
- ~~4. "Exhibition" means an exhibition of mixed fighting style where a decision is not rendered.~~
- ~~5. "Fish hooking" means the action of hooking (grasping) and pulling the inside of a participant's eyes, nose, ear, or mouth.~~
- ~~6. "Gong" means the bell, horn, or buzzer that has a clear tone loud enough for the contestants and referee to hear.~~
- ~~7. "Grounded" means when a participant's torso or any three points of the participant's body contact the floor.~~

- ~~8. "Match" means any contest or exhibition, in which participants intend to and actually inflict punches, blows, or employ other techniques to temporarily incapacitate an opponent in a match, regardless of whether the object of the participants is to win or display their skills without striving to win.~~
- ~~9. "Matchmaker" means any person who brings together a professional mixed fighting style match or arranges professional mixed fighting style matches.~~
- ~~10. "Mixed fighting style competition" means an advertised or professionally promoted exhibition or contest for which any type of admission fee is charged and in which participants inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts.~~
- ~~11. "Participant" means a participant in a match who receives remuneration directly or indirectly as consideration for the participant's performance.~~
- ~~12. "Promoter" means any person, club, corporation, or association, and in the case of a corporate promoter, includes any officer, director, employee, or stockholder thereof, who produces, arranges, or stages any professional mixed fighting style contests or exhibitions.~~
- ~~13. "Second" means an individual working in the corner also known as a cornerperson.~~
- ~~14. "Stalling or faking" means that one or neither opponent is trying to better that person's position.~~
- ~~15. "Tap out" means the physical act of tapping the opponent, the mat, or one's self to signal one's submission. When unable to physically tap out, a submission can be vocal.~~
1. "Commission" or "commission member" means the North Dakota commission of combative sports or a person delegated by the commissioner.
2. "Commissioner" means the North Dakota secretary of state acting as the commissioner of combative sports.
3. "Contest" means a match between two contestants in a mixed fighting style competition.
4. "Contestant" means a participant in a match who receives remuneration directly or indirectly as consideration for the participant's performance in a mixed fighting style competition, except for a participant's performance as an amateur in section 72-02.2-02-26.
5. "Exhibition" means a mixed fighting style match in which a decision is not rendered.
6. "Match" means any contest or exhibition, in which participants intend to and do inflict punches or blows, or employ other techniques to temporarily incapacitate an opponent, regardless of whether the object of the participants is to win or display their skills without striving to win.
7. "Matchmaker" means any person who brings together professional mixed fighting style contestants or arranges professional mixed fighting style matches.
8. "Mixed fighting style competition" is a contest or match in which participants intend to inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts.
9. "Promoter" means any person, club, corporation, or association, and any officer, director, employee, or stockholder thereof, that produces, arranges, or stages professional mixed fighting style contests or exhibitions.

10. "Registry" means any entity certified by the association of boxing commissions and combative sports to maintain records and identification of mixed fighting style contestants.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-02. Commission of combative sports.**

~~The North Dakota commission of combative sports consists of nine members who must be appointed to either one-year, two-year, or three-year terms. Any vacancy in the membership of the board, caused other than by expiration of a term, must be filled only for the balance of the term of the member in whose position the vacancy occurs.~~  
The North Dakota commission of combative sports consists of nine members appointed by the commissioner to staggered three-year terms each with three members appointed in each term. A vacancy in the membership caused other than by expiration of terms is filled for the balance of the term for the position in which the vacancy occurred.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-03. General provisions.**

~~—These rules govern all mixed fighting style contests or exhibitions.~~

~~—The commissioner and its members have sole direction, management, control, and jurisdiction over all professional mixed fighting style contests or exhibitions to be conducted or held within the state of North Dakota and over all licenses to any and all persons who participate in mixed fighting style.~~

~~—The commissioner will not approve the following:~~

- ~~—1. Matches containing both amateur and professional contests on the same card.~~
- ~~—2. Matches in which more than two participants appear in the ring or fenced area at the same time.~~
- ~~—3. Matches in which members of the opposite sex are competing against each other.~~
- ~~—4. Any barroom type brawls, "so you think you're tough" type contests, roughneck type matches, or matches of similar character or nature if any participant receives remuneration directly or indirectly, whether or not a participant has prior organized amateur or professional training.~~
- ~~—5. Matches in which there are no gloves used by the participants.~~

The rules in this chapter govern all mixed fighting style contests or exhibitions.

1. The commissioner and the commission are the administrators of all professional mixed fighting style contests within the state and over amateur contests, upon request, with the approval of the commissioner.

2. Unless stated otherwise within these rules, the commissioner and commission shall follow the unified rules of mixed martial arts as adopted by the association of boxing commissions and combative sports in effect on October 1, 2020.

3. The commission may not approve the following:

- a. Matches in which more than two contestants appear in the ring at the same time;

b. Matches in which the contestants are of the opposite sex; and

c. Matches in which the contestants are not using gloves.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-04. Licensing - Terms and conditions.**

~~— An application for a license must be made in writing on a form supplied by the board and be verified under oath by the applicant.~~

~~— The applicable fee must be submitted with the application. Applicants performing multiple duties must be licensed for each duty, but are not responsible for payment of more than one license fee. The license fee required of those holding more than one license is the highest of the applicable license fees.~~

~~— 1. A license is valid from the date of issuance until December thirty-first of that year. The licenses available and fees are as follows:~~

~~— a. Judge – twenty-five dollars.~~

~~— b. Manager – fifty dollars.~~

~~— c. Matchmaker – fifty dollars.~~

~~— d. Participants – twenty-five dollars.~~

~~— e. Physician – no fee.~~

~~— f. Promoter – two hundred fifty dollars.~~

~~— g. Referee – twenty-five dollars.~~

~~— h. Second or trainer – twenty-five dollars.~~

~~— i. Timekeeper – twenty-five dollars.~~

~~— 2. Terms and conditions. The following terms and conditions apply to licensed participants:~~

~~— a. Every license, excluding those for mixed fighting style participants, is subject to the following:~~

~~— (1) The applicant must be at least eighteen years of age;~~

~~— (2) The applicant must submit verifications, from qualified persons, of the licensee's proficiency, if requested by the commissioner;~~

~~— (3) The applicant must agree that training requirements may be established by the commissioner;~~

~~— (4) Financial responsibility, experience, character, and general fitness of an applicant, including in the case of corporations, its officers and stockholders, are such that the participation of such applicant will be consistent with the public interest, convenience, or necessity and the safety of participants and with the best interests of mixed fighting styles generally; and~~

~~— (5) For the first infraction of any of the provisions of this subsection, the commissioner may issue a verbal warning. Following a second infraction, a written warning may be~~

issued. Following a third infraction, the license may be suspended up to a six-month period. However, the commissioner may suspend a license for any serious violation without warning.

~~b. Every license issued to a mixed fighting style participant is subject to the following:~~

- ~~(1) The applicant must be at least eighteen years of age;~~
- ~~(2) The applicant must provide the applicant's legal and professional name, street address, city, state, country, zip code, telephone number, social security number, date of birth, height, weight, color of eyes, and any distinguishing marks;~~
- ~~(3) The applicant must provide the names and addresses of the applicant's trainers and managers, if applicable;~~
- ~~(4) The applicant must provide the applicant's complete record;~~
- ~~(5) The applicant must disclose whether the applicant is, or has been, under suspension during the preceding twelve months. If so, the state and the reason for the suspension must be disclosed;~~
- ~~(6) The applicant must provide acceptable photo identification;~~
- ~~(7) The applicant must present documented evidence that the applicant has been administered a test by a laboratory in the United States that possesses a certificate under the Clinical Laboratory Improvement Act [42 U.S.C. 263a], to detect the presence of bloodborne pathogens as identified by the commissioner, within the last six months prior to the application and that the results are negative;~~
- ~~(8) The applicant must disclose the date of the most recent complete physical examination, any serious bodily injuries, any serious head injuries, any surgeries, and whether the applicant is taking any medications.~~
  - ~~(a) If the commissioner determines that a question exists as to the medical condition of a participant, a complete physical may be required. A list of approved physicians who are qualified to perform the physical will be provided and the participant must choose one to conduct the physical. Upon completion of the physical the physician chosen shall submit a report of the results directly to the commissioner. The participant shall also receive a report. The report must affirmatively state the physician's opinion as to the advisability of the participant fighting.~~
  - ~~(b) The physical performed must address the question raised about the participant's health and include such testing as a prudent physician would perform to determine the health and fitness of an individual to engage in the sport of mixed fighting style. The results of all required examinations must be made a part of the participant's permanent medical record as maintained by the commissioner. The costs of all examinations required by this section shall not be paid by the commissioner;~~
- ~~(9) Participants, under any circumstances, may not compete or appear in a contest or exhibition for up to ninety days after not being able to defend themselves;~~
- ~~(10) No participant may compete or appear in a contest or exhibition in less than seven days after the completion of that participant's last contest;~~

- ~~(11) Upon the request of the commissioner, the applicant must provide satisfactory evidence of the applicant's ability to compete. The commissioner may hold an informal hearing to determine whether the license should be granted or revoked at the request of the participant or upon the commissioner's own motion. The commissioner may also hold an informal hearing to determine whether to review or revoke a suspension of a license issued by the state. The participant shall be notified of the time and place of the informal hearing and the substance of the matter to be determined. The commissioner shall permit the participant the opportunity to present evidence on the participant's behalf;~~
- ~~(12) The commissioner will honor and give faith and credit to actions of regulatory agencies in other jurisdictions;~~
- ~~(13) If, in the judgment of the commissioner, the participant has been guilty of an act detrimental to the best interests of mixed fighting style generally, or to the public interest, convenience or necessity, such act is grounds for the denial or suspension of a license;~~
- ~~(14) For the first infraction under this subsection, the commissioner may issue a verbal warning. Following a second infraction a written warning may be issued. Following a third infraction the license may be suspended up to a six-month period. However, the commissioner may suspend a license for any serious violation without warning; and~~
- ~~(15) A participant may request in writing an informal hearing before the commissioner to review or revoke a suspension imposed for a recent knockout, injury, or other medical reason upon the participant furnishing further proof of a sufficiently improved physical condition. A participant may also request an informal hearing before the commissioner to review or revoke a suspension imposed for failure of a drug test or for the use of a false alias, or for falsifying, or attempting to falsify, an official identification card or document, upon the participant's furnishing proof that the suspension was not, or is no longer merited by the facts.~~

1. Licenses are issued for a calendar year beginning January first and ending December thirty-first. When applying for a license, the applicant shall sign the application form affirming by oath the information provided is correct.

2. The licenses available and the fees for each license are as follows:

a. Contestant - Twenty-five dollars.

b. Judge - Twenty-five dollars.

c. Manager - Fifty dollars.

d. Matchmaker - Fifty dollars.

e. Physician - No fee.

f. Promoter - Two hundred fifty dollars.

g. Referee - Twenty-five dollars.

h. Second or trainer - Twenty-five dollars.

i. Timekeeper - Twenty-five dollars.

3. Except for a contestant, every licensee shall:

- a. Be at least eighteen years of age.
- b. Have at least one year of verifiable experience and proficiency in either professional or amateur mixed fight style competition.
- c. Be licensed for each role the licensee has in the event, and if more than one, only may be required to pay the fee for the highest prices license issued to the licensee.
- d. Understand the commissioner will honor the actions of other regulatory jurisdictions.
- e. Understand the commissioner or commission may issue a verbal warning for the first infraction of the law or rules, a written warning for a second infraction, and a suspension up to six months for a third infraction. The commissioner or commission, without warning, may suspend a license for a violation that endangers the life or health of any person.

4. To become licensed, a contestant shall:

- a. Be at least eighteen years of age.
- b. Have a mixed martial arts national identification card issued by the association of boxing commissions and combative sports and if not, make application through the commissioner.
- c. Provide the contestant's legal name and professional name, photo identification, address, contact telephone number, social security number, birth date, height, weight, eye color, and any distinguishing marks.
- d. Provide the names and addresses of the contestant's manager and trainer.
- e. If a female contestant, certify the contestant is not pregnant.
- f. Disclose whether the contestant has been suspended during the preceding twelve months, by which jurisdiction, and for what reason.
- g. Present documented evidence the contestant has been tested within six months of application by a laboratory in the United States which possesses a certificate under the Clinical Laboratory Improvement Act [42 U.S.C. 263a], to detect the presence of bloodborne pathogens, as identified by the commissioner, with negative results.
- h. Disclose the date of the contestant's most recent physical examination, any serious bodily injuries, any serious head injuries, any surgeries, and whether the contestant is using any prescriptions or medications. If the commissioner or commission member determines a question exists as to the medical condition of a contestant, a complete physical examination may be required, at the contestant's expense. Upon completion of the examination, the physician chosen shall submit a report directly to the commissioner and to the contestant. The physician's report shall affirmatively state whether the contestant has the health and fitness to safely compete in a mixed fighting style competition. The physician's report must be filed with the commissioner in the contestant's permanent medical record.
- i. Understand the contestant may not compete in a contest or exhibition within seven days after their previous contest nor within ninety days of a contest in which the contestant was unable to defend himself or herself.
- j. Understand the commissioner may honor the actions of other regulatory jurisdictions.

- k. Understand the commissioner may hold an informal hearing to determine whether a contestant should be licensed or whether an existing license should be suspended or revoked. The contestant or designated representative may attend.
- l. Understand the commissioner may deny the contestant's license application or suspend or revoke an existing license if, in the judgment of the commissioner or commission, the contestant is guilty of an act detrimental to the integrity of mixed fighting style competition, or to the public interest.
- m. Understand the commissioner or commission may issue a verbal warning for the first infraction of the law or rules, a written warning for a second infraction, and a suspension up to six months for a third infraction. The commissioner or commission, without warning, may suspend a license for a violation that endangers the life or health of any person.
- n. Understand the contestant may request an informal hearing before the commissioner to review the suspension or revocation of a license for a recent knockout, injury, or other medical reason to provide proof of sufficiently improved physical condition. The contestant also may request an informal hearing before the commissioner to review a suspension or revocation of a license for a positive drug test, providing a false alias, or having false identification or providing a false document or information to obtain a license.

**History:** Effective October 1, 2006; amended effective July 1, 2016; October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-05. Duties of promoter.**

~~— A promoter is subject to the following requirements;~~

- ~~— 1. Any person, party, or organization acting as a promoter of a professional mixed fighting style competition must obtain approval from the commissioner at least two weeks prior to the date of the competition:~~
- ~~— 2. Prior to the event, the promoter must file with the commissioner proof of adequate insurance for the protection of the participants, officials, and the attending public.~~
- ~~— 3. The promoter must also provide health insurance for each participant to provide medical coverage for any injuries sustained in the competition. The minimum benefit is two thousand five hundred dollars with the accidental death of at least two thousand five hundred dollars. The promoter is responsible to pay any deductibles necessary.~~
- ~~— 4. The promoter shall submit a completed notification of contest form to the commissioner at least five days before an event.~~
- ~~— 5. Changes in the announced or advertised programs for any main event contest must be filed with and approved by the commissioner at least forty-eight hours before the weigh-in time of the contest unless otherwise directed or authorized by the commissioner. Notices of such change or substitution must also be included in any public announcement or advertisement relating to the card and must be conspicuously posted at all box offices on the premises and announced from the ring before the opening match and, if any of the patrons apply for refunds on tickets already purchased, the promoters shall make such refunds upon demand, provided such tickets are presented at the box office on the date of the program and before the commencement of the second match or the main event, whichever comes first.~~

- ~~6. The promoter shall submit ticket information along with a financial report to the commissioner, on a form prescribed by the commissioner, within ten days after the contest or exhibition, as provided in section 72-02.2-02-13.~~
- ~~7. The promoter is responsible for making financial arrangements with all event officials, except for the commissioner. The commissioner will approve and assign all officials.~~
- ~~8. The promoter must file all contracts between the promoter and the participants with the commissioner and the commissioner may review and approve such contracts to ensure that they conform to the provisions of these rules.~~
- ~~9. Failure to file any required report or form may result in a denial of the next requested contest or exhibition.~~

A promoter shall:

- 1. Make application to the commissioner or commission to produce, arrange, or stage a match a minimum of two months prior to the event.
- 2. Provide proof of adequate insurance covering contestants, officials, and the public present at the event.
- 3. Provide medical insurance and pay the deductibles for each contestant covering injuries sustained by a contestant during the competition with a minimum benefit of two thousand five hundred dollars and at least two thousand five hundred dollars for an accidental death.
- 4. Provide a completed notification of contest form to the commissioner a minimum of five days prior to the event.
- 5. Seek approval from the commissioner for a change in the announced or advertised programs for any main match a minimum of forty-eight hours prior to the scheduled weigh-in for the event. The change must be included in any public announcement or advertisement relating to the match and posted at ticket offices and announced from the ring prior to the opening match. If, because of the change, a patron requests a refund of the purchase price of their ticket, the promoter shall grant the refund if it is presented at the ticket office before the start of the second match or the main match, whichever comes first.
- 6. Select and hire all ring officials, including judges, knockdown counter, physician, referees, timekeeper, with the approval and assignment of the commissioner, and shall pay the officials for their services.
- 7. Provide the commissioner with copies of all contracts between the promoter and contestants, which are subject to the commissioner's review to verify consistency with the requirements of state law and these rules.
- 8. Understand the failure to follow state law or these rules or failure to cooperate with the commissioner or commission member may result in a future denial of a match.
- 9. Pay an administrative fee to reimburse the commissioner for the costs of regulating the event by making a monetary deposit with the commissioner, in an amount satisfactory to the commissioner, prior to the event and paying the balance within thirty days after the event. The deposit is refundable only when an event is canceled due to circumstances which are, in the opinion of the commissioner, extreme and beyond the control of the promoter.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-06. Duties of referee.

— A referee is subject to the following requirements:

- 1. ~~A referee may not officiate more than thirty-two scheduled rounds in any one scheduled promotion.~~
- 2. ~~The referee must have a physical examination before acting in the referee's official capacity. This may be done at either the official weigh-in or before the contest or exhibition begins by the ringside physician. A physician's approval must be given to the commissioner before the referee enters the ring.~~
- 3. ~~The referee shall exercise immediate authority, direction, and control over the fight for which the referee has been designated, and it is the referee's responsibility to enforce all rules.~~
- 4. ~~Before starting a contest the referee shall ascertain from each participant the name of the participant's chief second, and shall gather them together for final instructions. Such chief second will be responsible for the conduct of assistant corners during the contest.~~
- 5. ~~At the beginning of each match the scorecards will be handed out to each of the three judges.~~
- 6. ~~Pursuant to these rules, the referee may stop the fight and make a decision during any stage in the fight, if the referee determines that the matches have become partial, or if a participant is in such condition that if such participant continues fighting, the participant is liable to suffer a serious injury.~~
- 7. ~~If a participant suffers a cut or a wound that is considered dangerous, the referee has the authority to stop the fight. In these cases, the referee shall consult the head ringside physician appointed to attend the fight on the necessity of stopping the fight.~~
- 8. ~~The referee is responsible for deciding whether an injury had been done by a legal or illegal blow, intentional or accidental, and must notify the judges immediately.~~
- 9. ~~When, for whatever reason, a participant loses a mouthpiece, the referee will proceed to return the mouthpiece when there is a lull in the action. The referee will exercise full authority, to avoid a participant ejecting the mouthpiece intentionally, and can deduct a point as a result of this behavior or disqualify the participant.~~
- 10. ~~At the end of each round, the scorecards will be collected from the three judges, and given to the commissioner at ringside for computation.~~
- 11. ~~The use of alcoholic beverages is prohibited from twelve hours prior to the fight until after the assigned duties have been completed.~~
- 12. ~~If a referee becomes incapacitated and is unable to complete the entire match, a timeout shall be called by the commissioner, and an alternate licensed referee shall immediately be assigned to referee.~~
- 13. ~~The referee determines and informs the appropriate officials how the fight was stopped.~~

A referee shall:

1. Not officiate more than thirty-two rounds during the event.
2. Have a physical examination prior to the event by the ringside physician either at the official weigh-in or prior to the beginning of the match and receive the physician's approval prior to officiating a match.

3. Exercise authority, according to the rules, over the match the referee is officiating.
4. Meet before a match with the contestant's second and assistant second, if applicable, and provide those individuals with instructions.
5. Stop the match if it becomes partial, or if a contestant is in such a condition that if the match continues the contestant is subject to serious injury.
6. Stop the match if a contestant has a cut or wound that might be a serious injury and consult with the ringside physician as to whether the match should continue.
7. Determine whether an injury is the result of a legal or illegal blow and whether it was intentional or accidental.
8. Return a contestant's mouthpiece during a lull in the match and if the contestant is intentionally ejecting the mouthpiece, the referee may discount a point during that round from the contestant or disqualify the contestant.
9. Not drink alcoholic beverages a minimum of twelve hours prior to the event and until assigned duties are completed.
10. Be replaced by the commission with another referee if the referee becomes incapacitated or otherwise unable to complete the match.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-07. Duties of judges.**

~~— All judges are subject to the following requirements:~~

- ~~— 1. Each of the three judges must be seated midway between the ring posts of the ring, but not on the same side as another judge, and must have an unimpaired view of the ring.~~
- ~~— 2. The judges must use the "ten point must" score system. The winner of each round must be awarded ten points, and the loser of the round must be awarded nine points or less, except for a rare even round, which is scored (10-10).~~
- ~~— 3. Judges shall indicate the winner of each round on the scorecard by marking and signing their cards in ink. Judges must be discreet at all times. There should be no discussion with anyone except with the commission members or the commissioner.~~
- ~~— 4. A decision that is rendered at the termination of a match may not be changed without a hearing before the commissioner, unless it is determined that the computation of the scorecards shows a clerical or mathematical error giving the decision to the wrong participant, in which case such clerical or mathematical error may be corrected by the judges.~~
- ~~— 5. The use of alcoholic beverages is prohibited from twelve hours prior to the fight until after the assigned duties have been completed.~~
- ~~— 6. If a judge becomes incapacitated and is unable to complete the scoring of a match, a timeout shall be called by the commissioner and an alternate licensed judge must immediately be assigned to score the contest from the point at which the duties were assumed.~~

The three judges for the match shall:

1. Sit on a stool midway between the ring posts and not on the same side of the ring as another judge and have a direct view of the ring.
2. Use the "ten point must system" scoring described in section 72-02.2-02-22.
3. Mark the score card in ink for each contestant, sign it, and hand it to the referee after each round without discussion with anyone except as needed with the commissioner or a commission member.
4. Correct a clerical or mathematical error on the score cards as may be identified at the conclusion of the match. Otherwise, the match results cannot be changed without a hearing before the commissioner.
5. Not drink alcoholic beverages a minimum of twelve hours prior to the event and until assigned duties are completed.
6. Be replaced by the commission with another judge if a judge becomes incapacitated or otherwise unable to complete the scoring of a match.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-08. Duties of seconds.**

~~— All seconds are subject to the following requirements:~~

- ~~— 1. A participant may not have more than three seconds, one of whom must be designated as the chief second. During the rest period, one second must be allowed inside the ring and two seconds will be allowed on the apron.~~
- ~~— 2. The seconds are restricted to the corner and must not be touching the apron. The second may not enter the ring until the timekeeper has indicated the end of the round and shall leave the ring at the timekeeper's gong, at which time the ring platform should be cleared of all obstructions.~~
- ~~— 3. A chief second may indicate to the referee that the participant cannot continue and that the contest should be stopped. Verbal notification, hand signals, throwing in the towel, or mounting of the ring by the chief second may be used.~~
- ~~— 4. A corner may not administer alcoholic beverages, narcotics, or stimulants to a participant, pour or spray excessive water on the body of a participant, or place ice in the trunks or cup of a participant during the contest.~~
- ~~— 5. No second shall enter the ring with shoes.~~
- ~~— 6. Seconds shall stay off the ring floor or canvas while the bout is in progress, may not lean on the ring or cage, and may not engage in excessive banging or verbal outbursts.~~

1. Each contestant may have a maximum of three seconds, with one of the seconds designated as the chief second.
2. Two seconds, without shoes, are allowed inside the ring at the end of each round and the others, if any, shall stay on the platform. The seconds shall clear all items from the ring platform and leave the ring by the start of the next round.
3. During rounds, the seconds shall stay within the outside corner area of the ring and may not touch the ring.

4. A chief second verbally, with a hand signal or by mounting the apron, may signal to the referee that the contestant cannot continue and to stop the match. The "throwing of a towel" into the ring is not an indicator of the contestant's defeat.
5. During the match, a second may not provide a contestant with alcoholic beverages, narcotics, or stimulants, pour or spray excessive water on the contestant's body, or place ice in the contestant's trunks or cup.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-09. Duties of timekeeper.**

~~— A timekeeper is subject to the following requirements:~~

~~— 1. The timekeeper must possess a stopwatch. The timekeeper shall indicate the beginning and end of each round by the gong. Ten seconds before the end of each round the participants shall be warned by three loud strikes.~~

~~— 2. If a contest terminates before the scheduled limit of rounds, the timekeeper shall inform the appropriate officials of the exact duration of the contest.~~

1. The timekeeper shall have a timing device. The timekeeper shall indicate the beginning and end of each round by a bell, horn, or buzzer having a clear audible tone to be heard by the referee and contestants. Ten seconds prior to the end of a round, the timekeeper shall strike an object three times in a manner having a clear audible tone alerting the referee and contestants.

2. If a match is stopped before the scheduled number of rounds, the timekeeper shall record the time the stoppage occurred.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-10. Duties of physician.**

~~— A physician is subject to the following requirements:~~

~~— 1. The physician shall examine each participant at the weigh-in. If the participant is determined to be in acceptable physical condition, the physician must certify this on the form provided by the commissioner.~~

~~— 2. The examination shall include the following:~~

~~— a. Eyes;~~

~~— b. Ears;~~

~~— c. Mouth and jaw;~~

~~— d. Skin;~~

~~— e. Nose;~~

~~— f. Heart;~~

~~— g. Lungs;~~

- ~~h. Head;~~
  - ~~i. Hands;~~
  - ~~j. Abdomen;~~
  - ~~k. Blood pressure; and~~
  - ~~l. A female participant must submit to an early pregnancy testing.~~
  - ~~3. If more than one physician is assigned to work the contest the commissioner will appoint one as the head physician.~~
  - ~~4. The physician or physicians must be seated near the steps into the ring, one in each corner if two are present. The physician or physicians will remain there for the duration of the contest, unless the physician or physicians are needed in the ring.~~
  - ~~5. The physician, or either of the physicians if two are present, may enter the ring at any time during a match, and may terminate any match if, in the physician's opinion, any participant has received severe punishment or is in danger of serious physical injury.~~
    - ~~a. In the event of any serious physical injury, such physician shall immediately render any emergency treatment necessary, recommend further treatment or hospitalization if required, and fully report the entire matter to the commissioner within twenty-four hours and, if necessary, subsequently thereafter;~~
    - ~~b. Such physician may also require that the injured participant and participant's manager remain in the ring, or on the premises, or report to a hospital after the contest for such period of time as such physician deems advisable; and~~
    - ~~c. A physician shall examine each participant after the match. If the participant is determined to be in acceptable physical condition, the physician shall certify this on the form provided by the commissioner.~~
1. A physician shall examine each contestant at the weigh-in prior to the match and certify to the commissioner the contestant is in acceptable physical condition to box.
  2. The examination must include an examination of the following: eyes, ears, mouth and jaw, nose, chest, head, hands, abdomen, blood pressure, and resting heart rate.
  3. If more than one physician is present, the commissioner shall select one to be the head physician. If the physician also is a commission member, the physician may not serve concurrently as the ringside physician and commission member during the match.
  4. The physician shall sit near the ring steps and remain there during the match unless required in the ring. After the match, the physician shall examine and certify each contestant's physical condition.
  5. The physician may enter the ring during a match and terminate the match if the physician determines the contestant has or may have a serious physical injury. The physician immediately shall render emergency treatment as required and shall recommend further treatment, or hospitalization as required. The physician may require for a period the contestant or contestant's manager to remain in the ring or on the premise. For the commissioner's records, the physician shall file a report of the incident.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-11. Ticket provisions.

~~—The following requirements apply to mixed fighting style contest or exhibition tickets:~~

- ~~1. All tickets of admission to any such mixed fighting style contest or exhibition must bear clearly the purchase price, and no such ticket may be sold for more than such price as printed thereon.~~
- ~~2. The following persons may be admitted to a contest or exhibition without presenting a ticket of admission, but must show appropriate identification as either approved or issued by the commissioner. No other persons may be admitted without presenting an admission ticket.~~
  - ~~a. The commissioner and commission members;~~
  - ~~b. Persons designated by the commissioner for official duty;~~
  - ~~c. Officials attending under provisions of state law or these rules;~~
  - ~~d. The principals, managers, and corners who are involved in the contest or exhibition;~~
  - ~~e. The emergency medical personnel on duty;~~
  - ~~f. The police officers, firefighters, and other public officials actually on duty; and~~
  - ~~g. Persons arranged by the promoter for other duties.~~

1. All tickets must display the purchase price and may not be sold for more than the purchase price.

2. Upon showing identification provided by the commissioner, only the following persons may be admitted without a ticket:

- a. The commissioner, commission members, and others designated for official duty by the commissioner.
- b. The event officials required by state law and these rules.
- c. The promoter and designated employees.
- d. The contestants and their managers, trainers, and cornerpersons.
- e. The emergency medical personnel, law enforcement, firefighters, and on duty public officials.
- f. Members of the media.

**History:** Effective October 1, 2006; amended effective January 1, 2007; October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-12. Contracts and financial arrangements.

~~—No promoter, either directly or indirectly, may have any financial interest in a participant competing on premises owned or leased by the promoter, or in which such promoter is otherwise interested, except pursuant to the specific written authorization of the commissioner.~~

~~—A copy of all contracts between the participants and promoters must be given to the commissioner prior to the weigh-in. The commissioner may refuse to honor or approve a contract unless it is filed with the commissioner prior to the weigh-in.~~

~~—All payments to the participant will be paid by the promoter or promoter's designee. A participant may not be paid for services before the contest, and should it be determined by the commissioner that such participant did not fight an honest match of the participant's skill, the participant may not be paid for such services.~~

1. A promoter may not have a direct or indirect financial relationship with a contestant. A match may not be held in premises owned or leased by the promoter or premises in which the promoter has a direct or indirect financial relationship unless approved by the commissioner.
2. Before weigh-in, the promoter shall provide the commissioner with copies of the contract between the promoter and each contestant.
3. The promoter shall deposit with the commissioner prior to the match the funds to be paid by contract to the contestant after the match. If it is determined by the commissioner that a contestant made a dishonest effort not matching the contestant's skill level, the payment to the contestant may be withheld and returned to the promoter.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-13. Gross revenue fee.**

Repealed effective October 1, 2020.

~~—There is hereby imposed a fee upon each promoter, or other principal, operating in this state who conducts any professional mixed fighting style contest or exhibition held within this state for each such event. The fee must be equal to the product of the gross revenues of each such mixed fighting style event multiplied by three percent, but in no event may the fee be less than five hundred dollars. For purposes of this section, gross revenues means any and all revenues, from whatever source derived, received by any promoter, or other principal, on account of any particular contest or exhibition, including any revenues received from any advance ticket sales, gate receipts, promotional or advertising consideration, and from any cable television and pay-per-view telecasts of such contest or exhibition, exclusive of any federal tax thereon. All cable television and pay-per-view telecasts are subject to a fee of the gross revenue received from such cable television and pay-per-view telecasts multiplied by one percent or such other amount as may be allowed by law exclusive of any federal tax thereon.~~

~~—Each promoter, or other principal, liable for such gross revenue fee shall provide an accounting to the commissioner on a form provided by the commissioner not later than ten days from the date of the contest or exhibition, prepared by the promoter or by a certified public accountant, on behalf of the promoter, using generally accepted accounting principles, which details the source and amount of each component of gross revenues and contains a calculation showing the fee owed to the commissioner. Any source documents or records used by the promoter, or the certified public accountant, in preparing the accounting must be made immediately available to the commissioner, upon request, for verification. The gross revenue fee due thereon must be remitted to the commissioner by no later than ten days from the date of the contest or exhibition. Any promoter or other principals involved in the receipt of moneys, or staging of the contest or exhibition, are jointly and severally liable for the gross revenue fee provided for by this section.~~

~~—Any promoter who fails to calculate or remit the fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commissioner or until a hearing requested by such promoter is conducted and concluded by or on behalf of the commissioner.~~

**History:** Effective October 1, 2006; amended effective July 1, 2016.

**General Authority:** NDCC 53-01-07

~~Law Implemented: NDCC 53-01-01.1, 53-01-02~~

**72-02.2-02-14. Sham or collusive matches.**

~~—Any person, including any corporation and the officers thereof, any physician, referee, judge, timekeeper, participant, manager, trainer, or second, who promotes, conducts, gives, or participates in any sham or collusive mixed fighting style match, shall be deprived of the person's license. A licensed promoter or matchmaker may not knowingly engage in a course of conduct in which one participant's skills or abilities is significantly in excess of the other participant so that a mismatch results with the potential of physical harm to the participant. If such action occurs, the commissioner may exercise the commissioner's powers to discipline.~~

~~—Without otherwise limiting the discretion of the commissioner as provided in these rules, the commissioner may suspend or revoke a license or refuse to renew or issue a license, if the commissioner finds that the applicant, or any person who is a partner, agent, employee, stockholder, or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with bookmakers, gamblers, or persons of similar pursuits, or if the applicant or applicant's associate engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation, or has violated or attempted to violate any law in any jurisdiction or any rules, regulation, or order of the commissioner, or has violated any rule of mixed fighting style which has been approved or adopted by the commissioner, or has been guilty of or engaged in similar, related, or like practices.~~

~~—When the commissioner is notified in writing of tampering with any contest or participants, it may send a letter notifying the applicable board or commissioner of any other state involved.~~

1. The commissioner shall suspend or revoke the license of any promoter, ring official, manager, trainer, or cornerperson who promotes, conducts, gives, or participates in any sham or collusive mixed fighting style competition or exhibition. A promoter or matchmaker may not arrange a match in which the skills and abilities of one contestant are significantly superior to the other contestant.
2. The commissioner may suspend, revoke, refuse to renew, or refuse to issue a license, to an applicant for a license if the applicant:
  - a. Has been, or is associated with anyone interfering with a match or contestant;
  - b. Has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has been convicted of a crime in any jurisdiction;
  - c. Consorts or associates with bookmakers, gamblers, or persons of similar pursuits, or if the applicant or applicant's associate engaged in similar pursuits;
  - d. Is financially irresponsible;
  - e. Has been guilty of or attempted any fraud or misrepresentation in connection with mixed fighting style; or
  - f. Has violated or attempted to violate any law with respect to a mixed fighting style competition in any jurisdiction or any rules or regulation, or has violated any mixed fighting style competition rule approved or adopted by the commissioner, or has been guilty of or engaged in similar, related, or like practices.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-15. Weight classes - Weigh-in and weight differences.

~~1. The classes for participants competing in mixed fighting style contest or exhibition are shown in the following schedule:~~

<del>a. Flyweight</del>	<del>up to 125 pounds</del>
<del>b. Bantamweight</del>	<del>over 125 to 135 pounds</del>
<del>c. Featherweight</del>	<del>over 135 to 145 pounds</del>
<del>d. Lightweight</del>	<del>over 145 to 155 pounds</del>
<del>e. Welterweight</del>	<del>over 155 to 170 pounds</del>
<del>f. Middleweight</del>	<del>over 170 to 185 pounds</del>
<del>g. Light heavyweight</del>	<del>over 185 to 205 pounds</del>
<del>h. Heavyweight</del>	<del>over 205 to 265 pounds</del>
<del>i. Super heavyweight</del>	<del>all over 265 pounds</del>

~~2. The time of the weigh in must be approved by the commissioner. Unless otherwise arranged, the participant must be weighed at least eight but not more than twenty-four hours before the contest. The participants must be weighed in the presence of the public, the opponent, a representative of the commissioner, and an official representing the promoter, on scales approved by the commissioner.~~

~~A designated commission member shall run the weigh in. This commission member shall take control and inform all participants of the procedure and keep the crowd out of the way.~~

~~The scales to be used at the official weighing must be available to all participants at least two hours before the official weigh in. For a title fight, there must be two scales, one for the official weigh in and one for the participants' use. The scales must be arranged for and provided by the promoter. The official scale must be certified and calibrated for any title fights and must also be arranged for and paid for by the promoter.~~

~~Only those participants who have been approved for the contest may be weighed in during the official ceremony.~~

~~A participant who has contracted in a given weight class may not be permitted to compete if the participant's weight exceeds that class, unless the contract provides for the opposing participant to agree to the weight differential. Under no circumstances shall that weight differential exceed ten percent above the originally scheduled weight class.~~

~~If any participant fails to reach the weight limit determined in the applicable category, at the indicated date and time for the official weigh in, and even if the opposing participant does not agree with the weight differential, each one of them, or both, shall have two additional hours to make the prescribed weight, provided that weight loss in excess of two pounds is not permitted for a participant who weighs less than one hundred forty five pounds and weight loss in excess of three pounds is not permitted for a participant who weighs over one hundred forty five pounds.~~

~~If the participants fail in making the weight after the two-hour period, both managers and the commissioner must come to an agreement or the match must be canceled.~~

1. At a time and place approved by the commissioner, the commission members shall administer a weigh-in event in which each contestant must be weighed before the opposing contestant at least eight but not more than twenty-four hours before the match.

2. The weight classes are as identified in the unified rules of mixed martial arts as adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020.
3. The official scales must be available to all contestants a minimum of two hours before the scheduled start time of the weigh-in event. A title fight must have two scales, the official scale and a second for the contestants. The promoter shall provide the scales. For a title match, the official scale must be certified and calibrated by a qualified technician.
4. Only contestants approved for the mixed fighting style competition event may be weighed during the weigh-in event.
5. A contestant who has contracted to participate in a specific weight class may not compete if the contestant's weight exceeds the standards for that weight class unless the contract allows the weight differential to be agreed to by the opposing contestant and the opposing contestant agrees to it.
6. If a contestant does not meet the weight requirements during the weigh-in event for the weight class and the opposing contestant does not agree, the contestant or both contestants have two additional hours to make the prescribed weight provided that a weight loss in excess of two pounds [907.18 grams] is not permitted for a contestant weighing less than one hundred forty-five pounds [65.77 kilograms] and a weight loss of three pounds [1360.77 grams] is not permitted for a contestant weighing more than one hundred forty-five pounds [67.77 kilograms].
7. If the contestants fail in making the weight after the two-hour period, both contestant managers shall come to an agreement, or the match is canceled. If allowed by the promoter and agreed to by the commissioner, the contestants may have an exhibition match.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-16. Conduct of contests and exhibitions.**

~~— Mixed fighting style competition may not be less than twenty rounds of mixed fighting style competition on any one program of mixed fighting style that consists of contests or exhibitions of mixed fighting style competition.~~

- ~~1. Mixed fighting style competition that is not a championship contest must not exceed three rounds in duration.~~
- ~~2. A championship contest of mixed fighting style competition must be five rounds in duration.~~
- ~~3. A round of mixed fighting style in a contest or exhibition of mixed fighting style competition must be five minutes in duration. A period of rest following a round of mixed fighting style in a contest or exhibition of mixed fighting style competition must be one minute in duration.~~
- ~~4. The commissioner may not allow a match in which the participants are not fairly matched. In determining if participants are fairly matched, the following must be considered:
  - ~~a. Win-loss records of the participants.~~
  - ~~b. Weights of the participants.~~
  - ~~c. Number of fights by the participants.~~~~
- ~~5. At each regulated contest or exhibition, there must be in attendance a licensed referee who shall direct and control the match.~~

~~6. At each regulated contest or exhibition, there must be in attendance three licensed judges who shall at the termination of each mixed fighting style match render their decisions.~~

1. Mixed fighting style competitive events must have a minimum of twenty scheduled rounds. Each match must have a minimum of three rounds and a maximum of five rounds for a championship match.

2. The maximum time for each round is five minutes with a one minute rest period between each round. Each match must have a referee and three judges.

3. The commissioner may not approve a match in which the contestants are not of equal ability.

4. There is a maximum period of ten minutes between matches, except for an intermission with a maximum period of twenty minutes.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

### **72-02.2-02-17. Proper appearance and attire.**

~~1. Each participant must be clean and present a tidy appearance.~~

~~2. Each participant must have the person's fingernails and toenails cut and trimmed.~~

~~3. The excessive use of grease or any other foreign substance may not be used on the face, hair, or body of a participant. The referee or commission member shall cause any excessive grease or foreign substance to be removed. The commissioner shall determine whether head or facial hair presents any hazard to the safety of the participant or the opponent or will interfere with the supervision and conduct of the contest or exhibition. The participant may not compete in the contest or exhibition unless the circumstances are corrected to the commissioner's satisfaction.~~

~~4. A participant may not wear any jewelry or piercing accessories while participating in the contest or exhibition.~~

~~5. A male participant may wear mixed martial arts shorts, kickboxing shorts, or lightweight elastic polyurethane fabric bike-style shorts, any combination of the foregoing, or other clothing approved by the commissioner. A female participant may wear mixed martial arts shorts, kickboxing shorts, or lightweight elastic polyurethane fabric bike-style shorts, as well as a tight-fitting top, or any combination of the foregoing, or other clothing approved by the commissioner.~~

~~6. A participant must use a mouthpiece that has been individually fitted.~~

~~7. All participants shall have their hair secured in a manner that does not interfere with the vision or safety of either participant, including no products or ornaments.~~

~~8. Participants shall not use cosmetics, perfumes, colognes, or other fragrances.~~

~~9. Male participants shall wear groin protection.~~

Proper appearance and attire are subject to the unified rules of mixed martial arts as adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-18. Bandage and glove requirements.

- ~~1. The gloves will be furnished by promoter and approved at the weigh-in by the commissioner. They will be examined to assure they are whole, clean, and in sanitary condition. The padding must not be misplaced or lumpy. No breaking, roughing, or twisting of gloves is permitted.~~
- ~~2. The gloves for every contest or exhibition that is designated as a main event must be new, furnished by the promoter, and made to fit the hands of the participant.~~
- ~~3. In all mixed fighting style contests or exhibitions, the gloves of each participant must be put on in the dressing room under the supervision of a commission member and examined in the ring by the referee. If a glove is found to be unfit, it must be replaced with a glove that meets the requirements of this section.~~
- ~~4. For each contest or exhibition of mixed fighting style, the participant must wear gloves that weigh not less than four ounces and not more than eight ounces.~~
- ~~5. The bandages may not exceed one winding of surgeon's adhesive tape, not over one and one-half inches wide, placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice, but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist.~~
- ~~6. Each participant shall use a soft surgical bandage not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each hand. Up to one 15-yard roll of bandage may be used to complete the wrappings of each hand. Strips of tape may be used between the fingers to hold down the bandage. Bandages must be adjusted in the dressing room in the presence of a commission member and both participants.~~

1. The gloves must be furnished by the promoter, examined, and approved at the weigh-in by the commissioner to assure the gloves are whole (not broken, rough, or twisted), in sanitary condition, have padding that is not misplaced or lumpy, and fit the hands of the contestant.

2. The gloves furnished by the promoter must be new for every contest or exhibition that is designated as a main event.

3. The gloves must weigh a minimum of four ounces [113.4 grams] and a maximum of eight ounces [226.8 grams].

4. The gloves of each contestant must be placed on the contestant hands in the presence of a commission member according to the wrapping requirements of the unified rules of mixed martial arts, as adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## 72-02.2-02-19. Medical and other safeguards.

~~The matches may not begin until adequate safeguards to protect the health of the participants are made.~~

~~Adequate safeguards must include:~~

- ~~1. The presence of the highest level of emergency medical personnel available in the community, i.e., EMT, EMT-intermediate, or EMT-paramedic, as defined by the North Dakota state~~

department of health, emergency health services section. The appropriate level of emergency medical personnel present shall be determined by the commissioner.

- ~~2. The presence of at least one physician licensed by the North Dakota state board of medical examiners and licensed as a ring physician by the commissioner, at ringside at all times during the match. Ring physicians licensed by other states may be allowed at ringside at the discretion of the commissioner.~~
- ~~3. The presence of an ambulance, dedicated solely to the participants, at the site of the contest or exhibition. The ambulance may be released in an emergency, only temporarily and only with the approval of the designated ring physician. The match must be held in abeyance until the ambulance and the emergency medical personnel return to the site.~~
- ~~4. The use of rubber or plastic gloves acceptable to the commissioner during the match by all persons including managers, seconds, timekeepers, ring physicians, and referees, coming into contact with a participant during the course of a match, other than another participant in the same match.~~
- ~~5. At official ringside tables smoking or alcoholic beverages are prohibited.~~
- ~~6. The placement of camera and media people only in neutral corners. Such persons must have a pass to sit around the ring. These persons must be approved by the promoter and the commissioner before they receive passes.~~
  - ~~a. A stretcher to be kept under the ring.~~
  - ~~b. A portable resuscitator with oxygen to be kept under the ring.~~

~~The commissioner may declare forfeited any prize, remuneration, or purse, or any part thereof, belonging to the participants or one of them, or the share thereof of any manager if, in the commissioner's judgment, such participant or participants are not honestly competing or the participant or manager of a participant, as the case may be, has committed an act on the premises in violation of any rule, order, or regulation of the commissioner. The amount so forfeited must be paid within forty-eight hours to the commissioner, following notice to the offending participant or manager and an opportunity for such person to respond to the forfeiture, in person or in writing, to the commissioner.~~

Each match must include the following safeguards:

1. A minimum of one physician, licensed by the North Dakota board of medicine and licensed as a ring physician by the board, must be at ringside during the match. Ring physicians licensed by other state jurisdictions may be allowed at ringside with the commissioner's approval.
2. The presence of the highest level of emergency medical personnel available in the community, i.e., emergency medical technician, emergency medical technician-intermediate, or emergency medical technician-paramedic, as defined by the North Dakota state department of health, emergency health services section, with an ambulance dedicated for contestants. In an emergency, the medical personnel and ambulance may be released by the ring physician. The match must be on hold until the personnel and ambulance return to the premises. The commissioner shall determine the appropriate level of personnel present.
3. Commissioner-approved rubber or plastic gloves must be worn during the match by all persons, including managers, cornerpersons, timekeepers, ring physicians, and referees, in contact with a contestant.
4. Alcoholic beverages and smoking must be prohibited at ringside.

5. The commissioner shall approve the placement of cameras by the media near the ring or on the platform. Media personnel may sit ringside only in neutral corners as approved by the commissioner.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-20. Ring or fenced area.**

~~— A mixed fighting style match may not be permitted in any ring unless such ring has been inspected and approved by the commissioner. The commissioner shall prescribe standard acceptable size and quality requirements for rings.~~

~~— The following requirements also apply:~~

~~— 1. Mixed fighting style contests and exhibitions may be held in a ring or in a fenced area.~~

~~— a. A ring may not be less than sixteen feet [4.88 meters] or more than thirty-two feet [9.753 meters] square inside the ropes.~~

~~— b. The ring floor must extend at least eighteen inches beyond the ropes. The ring floor must be padded with Ensolite or similar closed-cell foam, with at least a one-inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used.~~

~~— c. The ring platform must not be more than four feet above the floor of the building and must have suitable steps for the use of the mixed fighting participants.~~

~~— d. Ring posts must be made of metal, not more than three inches in diameter, extending from the floor of the building to a minimum height of fifty-eight inches above the ring floor, and must be properly padded in a manner approved by the commissioner. Ring posts must be at least eighteen inches away from the ring ropes.~~

~~— e. There must be a minimum of five ring ropes, with ties at appropriate intervals, with a minimum of two ties per side, not less than one inch in diameter and wrapped in soft material. The lowest ring rope must be twelve inches above the ring floor.~~

~~— f. There must not be any obstruction or object, including, without limitation, a triangular border, on any part of the ring floor.~~

~~— 2. A fenced area used in a contest or exhibition of mixed fighting style must meet the following requirements:~~

~~— a. The fenced area must be circular or have at least four equal sides and must be no smaller than sixteen feet wide and no larger than thirty-two feet wide.~~

~~— b. The floor of the fenced area must be padded with Ensolite or similar closed-cell foam, with at least a one-inch layer of foam padding, with a top covering of canvas duck or similar material tightly stretched and laced to the platform of the fenced area. Material that tends to gather in lumps or ridges must not be used.~~

~~— c. The platform of the fenced area must not be more than four feet above the floor of the building and must have suitable steps for the use of the participants.~~

- ~~d. Fenceposts must be made of metal, not more than six inches in diameter, extending from the floor of the building to between five and seven feet above the floor of the fenced area, and must be properly padded in a manner approved by the commissioner.~~
- ~~e. The fencing used to enclose the fenced area must be made of a material that will prevent a participant from falling out of the fenced area or breaking through the fenced area onto the floor of the building or onto the spectators, including, without limitation, chain link fence coated with vinyl.~~
- ~~f. Any metal portion of the fenced area must be covered and padded in a manner approved by the commissioner and must not be abrasive to the participant.~~
- ~~g. There must not be any obstruction on any part of the fence surrounding the area in which the participants are to be competing.~~

A mixed fighting style match only may be held in a ring or fenced area inspected and approved by the commission according to the following requirements:

1. For a ring:

- a. The ring must be a minimum of sixteen feet [4.88 meters] and a maximum of thirty-two feet [9.753 meters] square inside the ropes. The ring floor must extend a minimum of eighteen inches [457.2 millimeters] beyond the ropes. The ring platform must be a maximum height of four feet [1.22 meters] and have a smooth, firm surface covered with clean canvas duck or other resilient material stretched taut and laced tightly to the ring platform. The ring must be completely padded both inside and outside the ropes to a minimum thickness of one inch [25.4 millimeters] and a maximum thickness of four inches [101.6 millimeters], with insulate or a similar material approved by the commission.
- b. Each ring must have four ring posts a maximum of three inches [76.20 millimeters] in diameter extending above the ring platform. The maximum height above the platform for each post is fifty-eight inches [1473.2 millimeters], and the post must be a minimum of eighteen inches [457.2 millimeters] from the ring ropes. All ring posts, post tops, and turnbuckles must be padded, and ring corners must have protective padding extending from the top rope to the bottom rope.
- c. There must be a minimum of five ring ropes attached to the ring posts by adjustable turnbuckles. Each rope must be a minimum of one inch [25.4 millimeters] in diameter and covered with soft material and attached securely to the ring posts. The ropes must be readily adjustable and maintained at a proper and safe degree of tautness. Ties must be fastened to the ropes at appropriate intervals to ensure safety.
- d. The ring must be illuminated by overhead lights arranged to eliminate shadows and minimize heat and glare.
- e. Steps must lead to the ring platform from two diagonally opposite corners of the ring platform.
- f. Extra steps approved by the commission must be placed in a neutral corner.

2. For a fenced area:

- a. The fenced area must be circular or have at least four equal sides and must be no smaller than sixteen feet [4.87 meters] wide and no larger than thirty-two feet [9.75 meters] wide.

- b. The floor must be a maximum height of four feet [1.22 meters] and have a smooth, firm surface covered with clean canvas duck or other resilient material stretched taut and laced tightly to the ring platform. The floor must be completely padded to a minimum thickness of one inch [25.4 millimeters] and a maximum thickness of four inches [101.6 millimeters], with insulate or a similar material approved by the commission.
- c. Steps must lead to the floor area.
- d. Metal posts a maximum of six inches [152.40 millimeters] in diameter extend from the event floor to between five feet [1.52 meters] and seven feet [2.13 meters] in height above the fighting area and are padded in a manner as approved by the commissioner.
- e. The material surrounding the floor must prevent a contestant from falling out or breaking through the fenced area, including, without limitation, chain link fence coated with vinyl.
- f. Any metal portion of the fenced area must be covered, padded, nonabrasive, as approved by the commissioner and without any outside obstruction surrounding it.
- g. The fenced area must be illuminated by overhead lights arranged to eliminate shadows and minimize heat and glare.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-21. Ringside equipment.**

~~1. The promoter shall supply the following items and which must be available for use as needed in the corner. The following items must be available and approved by a commissioner prior to the match:~~

~~a. Two buckets for participants.~~

~~b. Chairs or stools for use by the corners.~~

~~2. The use or administration of drugs, stimulants, or nonprescription preparations by or given to a contestant, other than those listed below, is prohibited.~~

~~a. Petroleum jelly for discretionary use around the eyes.~~

~~b. Adrenalin in a manufacturer's premeasured vial in a 1/1000 solution.~~

~~c. Coagulant limited to avitene, thrombin, thrombinplastin, or fibroplastic.~~

1. The promoter or second shall supply the following items approved by the commission for each contestant corner:

a. Enough buckets for contestants;

b. Plastic water bottle and water;

c. Sponges;

d. Surgical tape; and

e. Chairs or stools for contestant use between rounds and for cornerpersons in their corner.

2. The following items also may be placed in the corner:

a. Petroleum jelly, for discretionary use around the eyes;

b. Adrenalin in a manufacturer's premeasured vial in a 1/1000 solution; and

c. Coagulant (avitene, thrombin, thromboplastin, or fibroplastic).

3. A contestant may not use or be administered any other drugs, stimulants, or nonprescription items not listed in this section.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

### **72-02.2-02-22. Scoring system.**

~~1. Each judge of a contest or exhibition of mixed fighting style competitions that is being judged shall score the contest or exhibition and determine the winner through the use of the following system:~~

~~a. The better participant of a round receives ten points and the opponent proportionately less.~~

~~b. If the round is even, each participant receives ten points.~~

~~c. No fraction of points may be given.~~

~~d. If a point is being deducted, the referee must inform each judge at the time of foul and a point must be deducted on the judge's scorecard.~~

~~e. Points for each round must be awarded immediately after the end of the period of mixed fighting style in the round.~~

~~f. Judges will score the round based upon the following criteria:~~

~~(1) Effective striking.~~

~~(2) Effective grappling.~~

~~(3) Ring control.~~

~~(4) Effective aggressiveness and defense.~~

~~2. After each round, the scorecards will be collected from the judges and delivered to the commissioner.~~

~~3. At the conclusion of the match, the commissioner will tabulate the scores and give them to the announcer who will then inform the audience of the decision.~~

The judges shall use the "ten point must system" scoring system based on the guidelines as adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020. The contestant winning the round is awarded ten points and the other contestant is awarded nine or fewer points. If the round is even, each contestant receives ten points. Fractions of points are not permitted. If the referee deducts points, the referee shall inform each judge, who then shall make the deduction on a scorecard.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

## **72-02.2-02-23. Fouls, deduction of points, and stoppage of match.**

1. The following acts constitute a foul:
  - a. Butting with the head.
  - b. Eye gouging of any kind.
  - c. Biting.
  - d. Hair pulling.
  - e. Fish hooking.
  - f. Groin attacks of any kind.
  - g. Putting a finger into any orifice or into any cut or laceration on an opponent.
  - h. Small joint manipulation.
  - i. Striking to the spine or the back of the head. The back of the head is defined as the area behind each ear from the top of the head to the base of the neck. The spine is defined as the area from two inches to the left of the backbone to two inches to the right of the backbone.
  - j. Striking downward using the point of the elbow.
  - k. Throat strikes of any kind, including, without limitation, grabbing the trachea.
  - l. Clawing, pinching, or twisting the flesh.
  - m. Grabbing the clavicle.
  - n. Kicking the head of a grounded opponent.
  - o. Kneeing the head of a grounded opponent.
  - p. Stomping a grounded opponent.
  - q. Kicking to the kidney with the heel.
  - r. Spiking an opponent to the canvas on the opponent's head or neck.
  - s. Throwing an opponent out of the ring or fenced area.
  - t. Holding the shorts or gloves of an opponent.
  - u. Spitting at or on an opponent.
  - v. Engaging in any unsportsmanlike conduct that causes an injury to an opponent.
  - w. Holding the ropes or the fence.
  - x. Using abusive language in the ring or fenced area.
  - y. Attacking an opponent on or during the break.
  - z. Attacking an opponent who is under the care of the referee.

- ~~aa. Attacking an opponent after the bell has sounded the end of the period of mixed fighting style competition.~~
- ~~bb. Flagrantly disregarding the instructions of the referee.~~
- ~~cc. Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece or faking an injury.~~
- ~~dd. Interference by the corner.~~

~~2. Deduction of points.~~

- ~~a. If a participant fouls the opponent during a contest or exhibition of mixed fighting style competitions, the referee may penalize the participant by deducting points from the participant's score, whether or not the foul was intentional. The referee may determine the number of points to be deducted in each instance and shall base the determination on the severity of the foul and its effect upon the opponent.~~
- ~~b. When the referee determines that it is necessary to deduct a point or points because of a foul, the referee shall warn the offender of the penalty to be assessed.~~
- ~~c. The referee shall, as soon as is practical after the foul, notify the judges and both participants of the number of points, if any, to be deducted from the score of the offender.~~
- ~~d. Any point or points to be deducted for any foul must be deducted in the round in which the foul occurred and may not be deducted from the score of any subsequent round.~~

~~3. Accidental.~~

- ~~a. If a contest or exhibition of mixed fighting style competitions is stopped because of an accidental foul, the referee shall determine whether the participant who has been fouled can continue. If the participant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve a concussive impact to the head of the participant who has been fouled, the referee may order the contest or exhibition continued after a recuperative interval of not more than five minutes. Immediately after separating the participant, the referee shall inform the commissioner's representative of the determination that the foul was accidental.~~
- ~~b. If the referee determines that a contest or exhibition of mixed fighting style competitions may not continue because of an injury suffered as the result of an accidental foul, the contest or exhibition must be declared a no contest if the foul occurs during:
  - ~~(1) The first two rounds of a contest or exhibition that is scheduled for three rounds or less; or~~
  - ~~(2) The first three rounds of a contest or exhibition that is scheduled for more than three rounds.~~~~
- ~~c. If an accidental foul renders a participant unable to continue the contest or exhibition after:
  - ~~(1) The completed second round of a contest or exhibition that is scheduled for three rounds or less; or~~
  - ~~(2) The completed third round of a contest or exhibition that is scheduled for more than three rounds, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.~~~~

- ~~d. If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest or exhibition stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.~~

This section follows the guidelines as adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-24. Stalling or faking.**

~~—A referee shall warn a participant if the referee believes the participant is stalling or faking. If, after proper warning, the referee determines the participant is continuing to stall or pull punches, the referee shall stop the match at the end of the round. If it is determined that either or both participants are stalling or faking, or if the participant refuses to fight, the contest shall be terminated and announced as a no contest and the one or ones in violation shall forfeit their pay as provided in this chapter.~~

~~—A participant who falls down without being struck or otherwise actively participating in the contest must be immediately examined by a physician. After conferring with the physician, the referee may disqualify the participant and require the participant to forfeit the participant's pay as provided in this chapter.~~

1. A referee shall warn a contestant if the referee determines a contestant is stalling or faking. If, after the warning, the contestant continues to stall or pull punches, the referee shall stop the match at the round's end.
2. If the referee determines if one or both contestants are stalling or faking, or if a contestant refuses to fight, the contest is terminated as a no contest and one or both contestants forfeit their pay.
3. If a contestant falls without being struck, the contestant must be examined immediately by the ring physician. After conferring with the physician, the referee may disqualify the contestant, who then forfeits their pay.

**History:** Effective October 1, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

#### **72-02.2-02-25. Results of contests.**

~~—A contest of mixed fighting style competitions may end under the following results:~~

~~1. Submission by:~~

- ~~a. Physical tap out. When a contestant physically indicates that the contestant no longer wishes to continue.~~
- ~~b. Verbal tap out. When a contestant verbally announces to the referee that the contestant does not wish to continue.~~

~~2. Technical knockout by the referee stopping the contest. A technical knockout occurs when:~~

- ~~a. The referee stops the bout because the contestant can no longer defend himself or herself;~~

- ~~b. The ringside physician advises the referee to stop the bout; or~~
- ~~c. An injury as a result of a legal maneuver is severe enough to terminate the bout.~~
- ~~3. Decision via the scorecards, including:~~
  - ~~a. Unanimous decision. All three judges score the bout for the same contestant.~~
  - ~~b. Split decision. Two of the three judges score the bout for one contestant and one judge scores it for the opponent.~~
  - ~~c. Majority decision. When two judges score the bout for the same contestant and one judge scores the bout a draw.~~
  - ~~d. Draw, including:
    - ~~(1) Unanimous draw. When all three judges score the bout a draw.~~
    - ~~(2) Majority draw. When two judges score the bout a draw.~~
    - ~~(3) Split draw. When all three judges score the bout differently and the score total results in a draw.~~~~
- ~~4. Technical decision. When the bout is stopped prematurely due to an injury and a contestant is leading on the scorecards.~~
- ~~5. Technical draw. When an injury is sustained during competition as a result of an unintentional foul which causes the injured contestant to be unable to continue and the sufficient number of rounds has been completed with the results of the scorecards being a draw.~~
- ~~6. Disqualification. When an injury is sustained during competition as a result of an intentional foul severe enough to terminate the contest.~~
- ~~7. Forfeit. When a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.~~
- ~~8. No contest. When a contest is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.~~
- ~~9. Corner stops the contest. When the contestant's chief second indicated either physically or verbally that the contestant does not wish to continue.~~

The results of the contest will follow the guidelines adopted by the association of boxing commissions and combative sports and in effect on October 1, 2020.

**History:** Effective October 21, 2006; amended effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

### 72-02.2-02-26. Amateur contests.

The regulation of an amateur event must follow all these rules with the following modifications:

1. The contestant has never received remuneration directly or indirectly as consideration for the participant's performance in a mixed fighting style competition, boxing, kickboxing, or any other combative sport.
2. The match may not exceed a maximum of five rounds with a maximum of three minutes in each round with a one minute rest period between rounds.

3. Contestants may not make elbow strikes or use knees to contact with the head of the opponent.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

**72-02.2-02-27. Appeal from actions of the commissioner or commission.**

An applicant or licensee may appeal any action of the commissioner or commission under this chapter in denying, suspending, refusing to renew, or revoking a license. The appeal must be performed in accordance with the provisions of North Dakota Century Code chapter 28-32.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 53-01-07

**Law Implemented:** NDCC 53-01-01.1, 53-01-02

**TITLE 75**  
**DEPARTMENT OF HUMAN SERVICES**



## OCTOBER 2020

### CHAPTER 75-02-10

#### 75-02-10-01. Definitions.

The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-24.5. In addition, for purposes of this chapter, unless the context requires otherwise:

1. "Activities of daily living" means bathing, dressing, toileting, transferring, eating, bed mobility, medication management, and personal hygiene.
2. "Basic care facility" means a residence, not licensed under North Dakota Century Code chapter 23-16 by the department, that provides room and board to five or more individuals who are not related by blood or marriage to the owner or manager of the residence and who, because of impaired capacity for independent living, require health, social, or personal care services, but do not require regular twenty-four-hour medical or nursing services and:
  - a. Makes response staff available at all times to meet the twenty-four-hour per day scheduled and unscheduled needs of the individual; or
  - b. Is kept, used, maintained, advertised, or held out to the public as an Alzheimer's, dementia, or special memory care facility.
3. "Countable income" means gross income reduced by:
  - a. The cost of guardianship or conservatorship fees actually charged, but no more than five percent of monthly gross income;
  - b. The cost of the Medicare premium, but only if the individual is ineligible for Medicare cost-sharing benefits described in subdivision a of subsection 19 of section 75-02-02.1-01 as a qualified Medicare beneficiary or a special low-income Medicare beneficiary;
  - c. Court-ordered child support payments actually paid on behalf of a minor child who is not a member of the individual's Medicaid unit; and
  - d. For individuals receiving benefits provided under subsection 1 or 2 of section 75-02-10-02:
    - (1) In the month the individual enters the facility, the medically needy income level for a family of the size of the family in which the individual was a member at the beginning of the month; and

- (2) Sixty-five dollars plus one-half of the remaining monthly gross earned income.
4. "Gross income" includes any income at the disposal of an applicant, recipient, or responsible relative; any income with respect to which an applicant, recipient, or responsible relative has a legal interest in a liquidated sum and the legal ability to make the sum available for support or maintenance; or any income an applicant, recipient, or responsible relative has the lawful power to make available or to cause to be made available. It includes any income that would be applied in determining eligibility for benefits under chapter 75-02-02.1; any income, except occasional small gifts, that would be disregarded in determining eligibility for benefits under chapter 75-02-02.1, and recovery rebates authorized by section 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act of 2020 [Pub. L. 116-136]; annuities, pensions, retirement, and disability benefits to which an applicant or recipient, or spouse of an applicant or recipient, may be entitled, including veterans' compensation and pensions of any type, old-age survivors, and disability insurance benefits; railroad retirement benefits; and unemployment compensation.
  5. "Institution" means a facility licensed under North Dakota Century Code chapter 23-09.3.
  6. "Instrumental activities of daily living" means activities to support independent living, including housekeeping, shopping, laundry, transportation, and meal preparation.
  7. "Necessary benefits" means those benefits:
    - a. Provided under this chapter;
    - b. Identified by the department, or a human service zone under the direction and supervision of the department, as appropriate to meet the needs of an applicant or recipient; and
    - c. Which, when provided in coordination and conjunction with benefits available from any other source, represent the means least costly to the department of meeting the needs of the applicant or recipient.

**History:** Effective May 1, 1995; amended effective January 1, 1997; June 1, 2002; April 1, 2012; May 19, 2020.

**General Authority:** NDCC 50-06-16, 50-24.5-02(8)

**Law Implemented:** NDCC 50-24.5

**ARTICLE 75-03  
COMMUNITY SERVICES**

Chapter	
75-03-01	Supplemental Parental Child Care and Family Day Care [Superseded]
75-03-01.1	Supplemental Parental Care and Family Day Care [Superseded]
75-03-02	Day Care Centers [Superseded]
75-03-02.1	Day Care Centers [Superseded]
75-03-03	Foster Care Group Homes [Superseded]
75-03-04	Residential Child Care Facilities [Superseded]
75-03-05	Family Boarding Homes for Students With Disabilities [Repealed]
75-03-06	Family Subsidy Program [Redesignated]
75-03-07	In-Home Child Care Early Childhood Services
75-03-07.1	Self-Declaration Providers Early Childhood Services
75-03-08	Family Child Care Homes Early Childhood Services
75-03-09	Group Child Care Early Childhood Services
75-03-10	Child Care Center Early Childhood Services
75-03-11	Preschool Educational Facilities Early Childhood Services
75-03-11.1	School Age Child Care Center Early Childhood Services
75-03-12	Foster Parent Grievance Procedure
75-03-13	Information Corroborating Paternity
75-03-14	Family Foster Care Homes
75-03-15	Ratesetting for Providers of Services to Foster Children - Qualified Residential Treatment Programs
75-03-16	Licensing of Group Homes and Residential Child Care Facilities [Repealed]
75-03-17	Psychiatric Residential Treatment Facilities for Children
75-03-17.1	Authorized Agent in Providing Child Welfare Services
75-03-18	Procedures for Appeal of Child Abuse and Neglect Assessments
75-03-18.1	Child Abuse and Neglect Assessment Grievance Procedure for Conduct of the Assessment
75-03-19	Assessment of Child Abuse and Neglect Reports
75-03-19.1	Child Fatality Review Panel
75-03-19.2	<a href="#">Approved Locations for Abandoned Infants</a>
75-03-20	Ratesetting for Residential Treatment Centers for Children
75-03-21	Licensing of Foster Homes for Adults
75-03-22	Transitional Living [Repealed]
75-03-23	Provision of Home and Community-Based Services Under the Service Payments for Elderly and Disabled Program and the Medicaid Waiver for the Aged and Disabled Program
75-03-24	Expanded Service Payments For Elderly and Disabled
75-03-25	Ombudsman Program
75-03-26	Aging Services Community Programs Under the Older Americans Act [Repealed]
75-03-27	[Reserved]
75-03-28	[Reserved]
75-03-29	[Reserved]
75-03-30	[Reserved]
75-03-31	[Reserved]
75-03-32	Mill Levy [Repealed]
75-03-33	Intergovernmental Transfer Program
75-03-34	Licensing of Assisted Living Facilities
75-03-35	Provision of Medical Food and Low-Protein Modified Food Products to Individuals With Phenylketonuria and Maple Syrup Urine Disease
75-03-36	Licensing of Child-Placing Agencies
75-03-37	Transition-Aged Youth at Risk

75-03-38	Autism Spectrum Disorder Voucher Program
75-03-39	Autism Services Waiver
75-03-40	Licensing of Qualified Residential Treatment Program Providers
75-03-41	Supervised Independent Living
75-03-42	Authorized Electronic Monitoring
75-03-43	Certified Peer Support Specialists

**CHAPTER 75-03-19.2**  
**APPROVED LOCATIONS FOR ABANDONED INFANTS**

Section

<u>75-03-19.2-01</u>	<u>Definitions</u>
<u>75-03-19.2-02</u>	<u>Department's Authorized Agent to Receive Reports and Conduct Assessments</u>
<u>75-03-19.2-03</u>	<u>Approved Locations</u>
<u>75-03-19.2-04</u>	<u>Infants Abandoned at a Hospital at Birth</u>

**75-03-19.2-01. Definitions.**

Those definitions set forth in North Dakota Century Code section 50-25.1-02 are applicable to this chapter. Additionally, in this chapter, unless the context or subject matter requires otherwise:

1. "Criminal justice agencies" means the state highway patrol, a county sheriff's department, bureau of criminal investigation, a city police department, a university or college police department.
2. "Emergency medical services operations" has the same meaning as defined in North Dakota Century Code section 23-27-02.
3. "Human service zones" has the same meaning as defined in North Dakota Century Code section 50-01.1-01.
4. "Local public health units" has the same meaning as defined in North Dakota Century Code section 23-35-01.
5. "Long-term care nursing facilities" has the same meaning as a "facility" or "nursing facility" as defined in section 33-07-05-03.
6. "Regional human service centers" has the same meaning as defined in North Dakota Century Code section 50-06-05.3.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 50-06-16  
**Law Implemented:** NDCC 50-25.1-15

**75-03-19.2-02. Department's authorized agent to receive reports and conduct assessments.**

The department's authorized agent shall act as designee of the department for the purpose of receiving reports of infants abandoned under the provisions of chapter 75-03-19 and North Dakota Century Code section 50-25.1-15. Upon receipt of a report of an infant abandoned under North Dakota Century Code section 50-25.1-15, the department's authorized agent shall conduct an assessment. Upon a determination that the infant is unharmed, the assessment must be terminated and no determination that services are required for the protection and treatment of an abused or neglected child shall be made.

**History:** Effective October 1, 2020.  
**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-25.1-15

**75-03-19.2-03. Approved locations.**

Approved locations for relinquishing an infant with an on-duty staff member under this chapter is limited to the following physical locations, as well as the offsite location of on-duty staff members of the following:

1. Local public health units;
2. Human service zones;
3. Regional human service centers;
4. Long-term care nursing facilities;
5. Children's advocacy centers;
6. Emergency medical services operations; and
7. Criminal justice agencies.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-25.1-15

**75-03-19.2-04. Infants abandoned at a hospital at birth.**

When an infant is born and abandoned at birth while remaining at the same hospital, the infant will be considered an abandoned infant under this chapter when the parent of a child in that parent's custody fails to arrange for the child's discharge within ten days after the child no longer requires hospital care without regard to a parent's or agent's verbal statement of intention to abandon the infant.

**History:** Effective October 1, 2020.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-25.1-15

## CHAPTER 75-03-23

### 75-03-23-02. Eligibility criteria.

1. An applicant must be entered in the SPED program pool before service payments may be authorized. The department shall allow entry into the SPED program pool to occur:
  - a. When the department's designee submits a form in the manner prescribed by the department; or
  - b. When the applicant meets the special circumstances provided in subsection 4, 5, or 6 of section 75-03-23-03.
2. An applicant's resources may not exceed fifty thousand dollars for the applicant to be eligible for services under the SPED program. For purposes of this section, resources are cash or similar assets, except recovery rebates authorized by section 2201 of the federal Coronavirus Aid, Relief, and Economic Security Act of 2020 [Pub. L. 116-136], that can be readily converted to cash and include residences owned by the applicant other than the applicant's primary residence.
3. An applicant eighteen years of age or older is eligible for the SPED program pool if:
  - a. The applicant has a functional impairment as specified by the department in policies and procedures to indicate applicant eligibility;
  - b. The applicant's functional impairment has lasted, or can be expected to last, three months or longer;
  - c. The applicant's functional impairment is not the result of a mental illness or a condition of mental retardation, or a closely related condition;
  - d. The applicant is living in North Dakota in a housing arrangement commonly considered a private residence and not in an institution;
  - e. The applicant is not eligible for services under the Medicaid waiver program or the Medicaid state plan option of personal care services unless the applicant's estimated monthly benefits under this chapter, excluding the cost of case management, are between the current medically needy income level for a household of one plus the disregard established in North Dakota Century Code section 50-24.1-02.3, and the lowest level of the fee schedule for services under North Dakota Century Code chapter 50-06.2, or unless the individual is receiving a service that is not available under Medicaid or the Medicaid waiver;
  - f. The applicant would receive one or more of the covered services under department policies and procedures for the specific service;
  - g. The applicant agrees to the plan of care developed for the provision of home and community-based services;
  - h. The applicant is not responsible for one hundred percent of the cost of the covered service provided, under the SPED program sliding fee scales based on family size and income; and
  - i. The applicant has not made a disqualifying transfer of assets.
4. An applicant under eighteen years of age is eligible for the SPED program pool if the applicant is determined to need nursing facility level of care as provided for in section 75-02-02-09 and

the applicant's care need is not the result of a mental illness or the condition of mental retardation, or a closely related condition.

5. An applicant under eighteen years of age:
  - a. Must meet the eligibility requirements of subsections 3 and 4.
  - b. Is not eligible to receive personal care services under this chapter.
  - c. Is not eligible for service payments unless:
    - (1) Care provided to the applicant by the applicant's parent or the applicant's spouse is provided under family home care.
    - (2) The applicant is unable to regularly attend school or is severely limited in the amount of time the applicant is able to attend school.
6. An applicant must be capable of directing self-care or must have a legally responsible party to act on the applicant's behalf.
7. An applicant is not eligible for service payments if the care provided is court-ordered.

**History:** Effective June 1, 1995; amended effective January 1, 2009; October 1, 2014; April 1, 2016; January 1, 2018; [May 19, 2020](#).

**General Authority:** NDCC 50-06.2-03(6)

**Law Implemented:** NDCC 50-06.2-01(3), 50-06.2-03(5), 50-06.2-04(3)



**TITLE 101**  
**REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD**



## OCTOBER 2020

### CHAPTER 101-02-02

#### 101-02-02-03. Apprentice appraiser.

1. **Permit.** An apprentice appraiser permit must be issued to an individual who successfully meets all of the requirements for such a permit. An apprentice is the equivalent to a trainee under the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria", appraiser qualifications board, appraisal foundation.

Education, experience, and examination requirements for apprentice are all set by the appraisal foundation, appraiser qualifications board. The board adopts these as its requirements for apprentices. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.

2. **Scope of practice.** The apprentice appraiser shall assist a certified appraiser in appraisal work, provided the certified appraiser accepts full responsibility for the appraisal performed. The scope of practice for the apprentice appraiser is the appraisal of those properties that the supervising appraiser is permitted and qualified to appraise. The apprentice appraiser shall be subject to the uniform standards of professional appraisal practice.
3. **Examination.** An applicant for an apprentice permit shall pass an open-book examination covering North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.
4. **Education.** An applicant for the apprentice appraiser permit shall meet all of the education requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.

In addition to the requirements set by the appraiser qualifications board of the appraisal foundation, an applicant for the apprentice appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.

5. **Apprentice appraiser responsibilities.** Prior to issuance of an apprentice appraiser permit the applicant for the apprentice level is required to register the name, office, and address of each supervising appraiser with the board on a form prescribed by the board. Registration of a supervising appraiser is effective the day the registration forms from both the supervising appraiser and apprentice appraiser are received and approved. These forms can be obtained by contacting the board office.

The apprentice and supervising appraiser shall notify the board in writing within ten days of terminating supervision.

6. **Supervisor responsibilities.** A supervising appraiser must meet the requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.

A certified appraiser who wishes to supervise an apprentice must register with the board on a form prescribed by the board. Registration of a supervising appraiser is effective the day the registration forms from both the supervising appraiser and from the apprentice appraiser are received and approved. These forms can be obtained by contacting the board office.

- a. The apprentice and supervising appraiser shall notify the board in writing within ten days of terminating supervision.
- b. The supervising appraiser must either have or must complete an open-book examination covering North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.

**History:** Effective October 1, 1992; amended effective October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019; October 1, 2020.

**General Authority:** NDCC 43-23.3-03

**Law Implemented:** NDCC 43-23.3-03, 43-23.3-06, 43-23.3-08, 43-23.3-09, 43-23.3-17, 43-23.3-18

## CHAPTER 101-03-01

### 101-03-01-02. Standards of appraisal practice requirements.

The board adopts as its standards of appraisal practice requirements the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice and all other standards and ethical requirements adopted by the appraisal foundation, effective January 1, ~~2018~~2020.

**History:** Effective January 1, 1995; amended effective July 1, 2019; October 1, 2020.

**General Authority:** NDCC 43-23.3-03

**Law Implemented:** NDCC 43-23.3-18

## CHAPTER 101-03-03

### 101-03-03-01. Change of name or address.

All apprentice, licensed, and certified permittees shall notify the board in writing of each change of business address, residence address, or trade name within twenty days of said change ~~and pay the change-of-address fee~~. The address must be sufficiently descriptive to enable the board to correspond with and locate the apprentice, licensed, or certified permittee.

**History:** Effective October 1, 1992; amended effective February 1, 2003; January 1, 2008; October 1, 2020.

**General Authority:** NDCC 43-23.3-03

**Law Implemented:** NDCC 43-23.3-13