

Exclusion of any ordinance or ordinances shall not be deemed to be an amendment or repeal thereof, unless the intent to amend or repeal is clearly expressed.

Sec. 2. Upon the enactment, adoption and publication of the legislative code as authorized by this act, the city clerk shall cause to be published in the official newspaper of the City of Duluth notice, once a week for two consecutive weeks, that such code will during regular business hours be available for examination by the public, and the governing body of such city may, by resolution adopted by a majority thereof, determine the price to be paid for each volume purchased for private use.

Sec. 3. Upon the adoption, enactment and publication of the legislative code as authorized by this act, all courts shall take judicial notice of such code.

Sec. 4. This act shall become effective only after its approval by a majority of the governing body of the City of Duluth.

Approved March 25, 1959.

CHAPTER 139—S. F. No. 1324

[Coded]

An act relating to preference on public contracts; amending Laws of Minnesota 1959, Chapter 47, Section 1, by adding a new subdivision.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws of Minnesota 1959, Chapter 47, Section 1 is amended by adding a new subdivision as follows:

Subd. 3. [16.365] **Public contracts.** The provisions of Subdivisions 1 and 2 shall not apply to any contract for any project upon which federal funds are available for expenditure.

Approved April 1, 1959.

CHAPTER 140—S. F. No. 35

[Coded in Part]

An act relating to registered nurses; amending Minnesota Statutes 1957, Sections 148.171, 148.271, 148.281, and

providing for the enjoining of unauthorized practice of professional nursing.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 148.171, is amended to read:

148.171 **Definitions.** As used in sections 148.171 to 148.285:

(1) The term "Board" shall mean Minnesota Board of Nursing.

(2) The term "Registered Nurse" abbreviated R.N., shall mean a natural person licensed by the Minnesota Board of Nursing to practice professional nursing.

(3) *The practice of professional nursing means the performance for compensation or personal profit of a professional service in the care of those mentally or physically ill or in the prevention of illness or in the supervision of others engaged in caring for the ill or preventing illness which requires special education, knowledge and skill such as that ordinarily expected of an individual who has completed a course of instruction as described in Section 148.211, Subdivision 1.*

Sec. 2. Minnesota Statutes 1957, Section 148.271, is amended to read:

148.271 **Allowable unlicensed practices.** The provisions of sections 148.171 to 148.285 shall not prohibit:

(1) *The furnishing of nursing assistance in an emergency.*

(2) *The practice of nursing by any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof while in the discharge of his or her official duties.*

(3) *The practice of nursing by a graduate of a school of professional nursing accredited by the board between the date of graduation and the date of notification to such graduate of the board action upon his or her application for licensure hereunder, provided that such graduate has taken the first examination for licensure hereunder following graduation given by the board and has been issued a permit by the board to engage in the practice of professional nursing while awaiting notification of the results of such examination. The board is authorized to issue permits to such graduates which shall permit the practice of professional nursing from the date of*

graduation until the date that the board shall notify such graduates of the results of their applications for registration conditioned upon such graduates making prompt application for registration and taking the first examination given by the board which they are eligible to take following graduation. Such permits shall not be renewable.

(4) The practice of any professional or occupation licensed by the state by any person duly licensed to practice such profession or occupation, or the performance by such a person of any acts properly coming within the scope of such a profession, occupation or license.

(5) The practice of professional nursing prior to July 1, 1960, by any person who is not a registered nurse and who does not in any way assume or represent to be a registered nurse.

(6) The practice of nursing, other than professional nursing as defined herein, by any person who does not assume or represent to be a registered or professional nurse.

(7) The performance of any act in the nursing care of the sick by a nurse's aide under the direction of a registered nurse.

(8) The practice of nursing by a person licensed as a professional nurse in another jurisdiction and qualified for licensure in the State of Minnesota pursuant to a temporary permit issued by the Board of Nursing which permit shall be issued by the Board pursuant to such rules and regulations as it may promulgate, for the period between the submission of a proper application for licensure by such person and the date of action upon such application by the Board.

(9) The practice of nursing in a private home by any person who does not assume or represent to be a registered or professional nurse.

(10) The practice of nursing under the supervision of a licensed Doctor of Medicine.

Sec. 3. [148.272] Nursing personnel; board of health regulations. Nothing in this act shall affect the requirements of nursing personnel in nursing homes or hospitals as set forth by regulations of the State Board of Health.

Sec. 4. Minnesota Statutes 1957, Section 148.281, is amended to read:

148.281 Violations. Subdivision 1. It shall be unlawful for any person, corporation, or association, to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license or record, or aid or abet therein;

(2) Practice *professional* nursing under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(3) Practice *professional* nursing unless duly *registered* or licensed to do so under the provisions of sections 148.171 to 148.285;

(4) Use in connection with his or her name any designation tending to imply that he or she is a registered nurse or a *professional nurse* unless duly *registered* or licensed so to practice *professional nursing* under the provisions of sections 148.171 to 148.285;

(5) Practice nursing during the time his or her license issued under the provisions of sections 148.171 to 148.285 shall be suspended or revoked;

(6) Conduct a school of nursing for the training of persons to become registered nurses or *professional nurses* unless the school or course has been accredited by the board.

Subd. 2. Any person, corporation, or association violating any provisions of subdivision 1 shall be guilty of a misdemeanor, and shall be punished according to law.

Sec. 5. [148.282] **Professional nursing; license.** *Prior to July 1, 1960, the board shall issue a license to practice professional nursing to any person who:*

(1) *Is of good moral character.*

(2) *Is in good physical and mental health.*

(3) *Has practiced as a professional nurse in this state for the equivalent of two years prior to July 1, 1960.*

(4) *Has completed a professional nursing education program which was accredited by a board of nursing in the United States or Canada at the time of completion, and which would have entitled such person to take an examination for licensure as a registered nurse under any act previously in force in this state.*

If any person meets the first three requirements above, but is unable to prove his or her educational qualifications, the board may issue such license upon being satisfied, by the giv-

ing of an examination or otherwise, that such person is qualified.

Sec. 6. [148.283] **Unauthorized practice of professional nursing.** *The practice of professional nursing by any person who has not been licensed to practice professional nursing under the provisions of sections 148.171 to 148.285, or whose license has been suspended or revoked, or has expired, is hereby declared to be inimical to the public health and welfare and to constitute a public nuisance. Upon complaint being made thereof by the board of nursing, or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. Such injunction proceeding shall be in addition to, and not in lieu of, all other penalties and remedies provided by law.*

Approved April 2, 1959.

CHAPTER 141—S. F. No. 92

[Not Coded]

An act relating to tax levy for road and bridge purposes in the County of Swift.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Swift County, road and bridge tax levy.** The board of county commissioners of the county of Swift may levy a tax not to exceed 25 mills on the dollar of the taxable valuation of the county for road and bridge purposes.

Sec. 2. This act shall become effective only after its approval by a majority of the governing body of the county of Swift.

Approved April 2, 1959.

CHAPTER 142—S. F. No. 196

[Not Coded]

An act relating to the county treasurer of Faribault County; providing for a salary therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Faribault County, treasurer's salary.** The