

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, January 27, 1997

The House convened at 9:00 a.m., with Speaker Timm presiding.

The prayer was offered by Pastor Duane Sorum, Wilmington Lutheran Church, Arnegard.

The roll was called and all members were present except Representative Lloyd.

A quorum was declared by the Speaker.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2125, SB 2142, SB 2155, SB 2156, SB 2157.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1065, HB 1066.

HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1052 and HB 1239.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1114 and HB 1124.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Rules Committee (Rep. Dorso, Chairman)** recommends that House Rule 205(3) of the Fifty-fifth Legislative Assembly be amended as follows:

SECTION 1. AMENDMENT. Subsection 3 of House Rule 205 is amended as follows:

3. The Sergeant-at-Arms shall clear the floor of the House chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests who have passes, former members of the Legislative Assembly who have passes, and properly identified representatives of the media, during the time ~~period~~ periods commencing thirty minutes before the House convenes on any legislative day and ending when the House recesses for that calendar day and from 12:00 noon until 1:00 p.m. on any legislative day. During ~~this period~~ these periods, a legislator may have only one guest per day on the floor. The Sergeant-at-Arms shall clear a designated area of the balcony of all persons, except legislative guests who have passes, during the daily session.

REP. DORSO MOVED that the report be adopted, which motion prevailed.

MOTION

REP. KRETSCHMAR MOVED that HB 1429 be returned to the House floor from the **Judiciary Committee**, which motion prevailed.

ANNOUNCEMENT

SPEAKER TIMM ANNOUNCED that HB 1429 was rereferred to the **Education Committee**.

MOTION

REP. PRICE MOVED that HB 1039, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Price's motion, HB 1039 was rereferred.

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to HB 1161, HB 1232, HB 1242, HB 1246, HB 1254, and HB 1320 be adopted, which motion prevailed.

HB 1161, HB 1232, HB 1242, HB 1246, HB 1254, and HB 1320, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1093, HB 1140, HB 1155, and HB 1218, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to create and enact sections 14-12.2-33.1, 14-12.2-33.2, 14-12.2-33.3, 14-12.2-33.4, 14-12.2-33.5, 14-12.2-46.1, and 14-12.2-46.2 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact subsections 6, 7, 16, 19, and 20 of section 14-12.2-01, sections 14-12.2-07, 14-12.2-08, 14-12.2-10, 14-12.2-16, subsections 1 and 5 of section 14-12.2-17, section 14-12.2-18, subsection 2 of section 14-12.2-19, sections 14-12.2-33, 14-12.2-39, subsection 3 of section 14-12.2-40, sections 14-12.2-45, 14-12.2-46, and 14-12.2-47 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Lloyd; Monson

Engrossed HB 1093 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to amend and reenact subdivision o of subsection 1 of section 43-05-16, subsection 4 of section 43-05-16.1, and subsection 1 of section 43-05-16.5 of the North Dakota Century Code, relating to licensing and disciplining of podiatrists; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Kempenich; Lloyd; Monson

Engrossed HB 1239 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. DORSO MOVED that HB 1137, HB 1139, HB 1140, and HB 1141 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact subdivisions h and i of subsection 1 of section 6-09-15, subsection 2 of section 6-09-15, sections 6-09.5-01, 6-09.5-04, 6-09.5-08, 6-09.5-10, subsection 1 of section 15-62.1-02, sections 54-17-22, 54-17-25, and 54-17-33 of the North Dakota Century Code, relating to updates in federal legislation referenced in statutes authorizing industrial commission agency programs administered by the Bank of North Dakota, student loans of North Dakota and the student loan trust, and the industrial commission when acting as the state planning agency for the development of Riverdale and when acting as the agricultural mortgage marketing facility for the secondary market program.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Mickelson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Kempenich; Lloyd; Monson

HB 1155 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to amend and reenact section 15-47-38.2 of the North Dakota Century Code, relating to the employment and dismissal of school district superintendents.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 39 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Froseth; Grande; Grosz; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Kelsh, S.; Klein; Koppelman; Mickelson; Price; Renner; Rennerfeldt; Sandvig; Skarphol; Soukup; Sveen; Thorpe; Tollefson; Wald; Weisz; Wilkie; Speaker Timm

NAYS: Aarsvold; Axtman; Berg; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Devlin; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilzer; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martin; Martinson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Rose; Sabby; Schmidt; Stenehjelm; Svedjan; Thompson; Thoreson; Torgerson; Wardner; Warner; Wentz

ABSENT AND NOT VOTING: Lloyd; Monson

HB 1221 was declared lost.

SECOND READING OF HOUSE BILL

HB 1287: A BILL for an Act to create and enact a new section to title 26.1 of the North Dakota Century Code, relating to the definition of limited benefit policy and the circumstances under which statutes affect those types of policies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Lloyd; Martin

HB 1287 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that HB 1325 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. R. KELSCH REQUESTED the unanimous consent of the House to withdraw HB 1325. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to amend and reenact section 57-05-04 of the North Dakota Century Code, relating to the certificate of mileage and valuation for purposes of taxation of a railroad.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Lloyd; Martin

HB 1298 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Lloyd; Martin

HB 1005 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1007 and HB 1018, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to amend and reenact section 39-06-35, subsections 3.1, 4, 5, 6, and 7 of section 39-06.1-10, and section 39-06.1-11 of the North Dakota Century Code, relating to alcohol addiction evaluation for driving while under the influence.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Lloyd; Martin

HB 1043 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Tuesday, January 28, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1054: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Sixth order on the calendar.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1095: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1095 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 1 and 4 of section 39-10-46 and sections 39-21-18 and 39-21-27 of the North Dakota Century Code, relating to schoolbus strobe lights.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 4 of section 39-10-46 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The driver of a vehicle meeting or overtaking from either direction any schoolbus stopped on the highway shall stop the vehicle before reaching the schoolbus when there is in operation on the schoolbus the flashing red lights; ~~or the stop sign on the control arm; or the safety strobe lights~~ specified in section 39-21-18, and the driver may not proceed until ~~such the~~ schoolbus resumes motion ~~or he, the driver is signaled by the schoolbus driver to proceed, or the flashing red lights; and the stop sign on the control arm; and the safety strobe lights~~ are no longer actuated.
4. Every schoolbus ~~may be equipped with safety strobe lights and must be equipped with a stop sign on a control arm and red visual signals meeting the requirements of section 39-21-18, which may only be actuated by the driver of the schoolbus whenever the vehicle is stopped on the highway to receive or discharge schoolchildren. A schoolbus driver may not actuate the stop sign or the special visual signals:~~
 - a. ~~On city streets on which the receiving or discharging of schoolchildren is prohibited by ordinance;~~
 - b. ~~At intersections or other places where traffic is controlled by traffic control signals or police officers; or~~
 - c. ~~In designated schoolbus loading areas where the bus is entirely off the roadway.~~

SECTION 2. AMENDMENT. Section 39-21-18 of the North Dakota Century Code is amended and reenacted as follows:

39-21-18. Audible and visual signals on vehicle.

1. Every authorized emergency vehicle must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle, or bell capable of causing a minimum sound intensity level of eighty-five decibels, ~~such.~~ The siren or signal must be mounted outside of the vehicle or in front of the radiator.
2. ~~Every schoolbus, except small vehicles such as automobiles, station wagons, suburbans, and van type vehicles having a seating capacity of up to and including sixteen pupils, and every~~ Any authorized emergency vehicle may be equipped with safety strobe lights and must, in addition to any other equipment and distinctive markings required by this chapter, be equipped with:
 - a. ~~Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4 meters] in normal sunlight; and~~

- ~~b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus; be equipped with a flashing red light; and when activated, extend out from the bus at approximately a ninety degree angle.~~
- 3. A police vehicle when used as an authorized emergency vehicle may, ~~but need not~~, be equipped with alternately flashing red lights specified herein and a vehicle designated for the use of the adjutant general or the assistant adjutant general may, ~~but need not~~, be equipped with a siren, exhaust whistle, or bell specified herein.
- 4. ~~The use of the signal equipment described herein imposes upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in sections 39-10-26 and 39-10-46. Every schoolbus, except vehicles with a seating capacity of less than sixteen students, must be equipped with:~~
 - a. Signal lamps mounted as high and as widely spaced laterally as practicable, which must be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights must have sufficient intensity to be visible at five hundred feet [152.4] in normal sunlight;
 - b. A stop sign on a control arm that can be activated by the busdriver. The stop sign on the control arm must be located on the left side of the bus, be equipped with a flashing red light, and when activated, extend out from the bus at approximately a ninety degree angle; and
 - c. Safety strobe lights if the schoolbus was manufactured after July 31,1998. Older schoolbuses may have safety strobe lights installed.

SECTION 3. AMENDMENT. Section 39-21-27 of the North Dakota Century Code is amended and reenacted as follows:

39-21-27. Special lighting and warning equipment on schoolbuses.

- 1. The superintendent of public instruction, in cooperation with the registrar, is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices, including the stop sign on a control arm specified in section 39-21-18, to be carried by schoolbuses and other vehicles transporting children to school for compensation, consistent with the provisions of this chapter, but supplemental thereto. ~~Such~~ The standards and specifications must correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.
- 2. It is unlawful to operate any flashing warning signal light or the stop sign on the control arm specified in section 39-21-18 on ~~any~~ a schoolbus except when ~~any said~~ the schoolbus is stopped on a highway for the purpose of permitting schoolchildren to board or alight from ~~said~~ the schoolbus.
- 3. Schoolbuses equipped with safety strobe lights pursuant to subsection 4 of section 39-21-18 must have the safety strobe light in operation whenever the schoolbus is being operated upon a highway for purposes of transporting children either to or from school or for a school sanctioned activity. It is unlawful to operate a safety strobe light on a schoolbus when the schoolbus is used for any other purpose."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1143: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1143 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "section"

Page 1, line 7, remove the second "and" and after "credit" insert ", and acceptance of rollovers from other qualified plans"

Page 6, line 1, replace "Subsection 2 of section" with "Section"

Page 6, after line 2, insert:

"15-39.1-24. Purchase of additional credit. Prior to retirement a teacher may purchase additional credit for use toward retirement in the following instances and manner:

1. Any teacher may purchase service credit for years of teaching service at an out-of-state school or educational institution supported by public taxation out of North Dakota. However, a teacher must complete five years of creditable service in this state before the teacher is eligible to purchase the first five years of service credit for out-of-state teaching under this subsection. The teacher may purchase any part of the remaining years of service credit for out-of-state teaching with each year of service credit conditional upon the teacher completing one additional year of creditable service in this state following the out-of-state teaching. The years of out-of-state teaching service do not qualify for credit in this state if the years claimed also qualify for retirement benefits from an out-of-state retirement system."

Page 6, after line 15, insert:

- "3. A teacher who attends a college, university, or other recognized school for two consecutive semesters or three consecutive quarters, other than summer sessions, for the purpose of improving the teacher's qualifications in the teaching profession is entitled to have such periods while in attendance at that college, university, or school credited, not to exceed three years of teaching service, under this chapter. To be eligible for purchasing credit under this subsection, the teacher must have taught at least one full school year in North Dakota immediately preceding entrance into the college, university, or school, or, immediately following such training, the teacher must have taught not less than one full school year in a public school or state institution of this state.
4. A teacher may purchase service credit for the time during each legislative session spent serving as a member of the legislative assembly while holding eligible employment under this chapter. Service credit for a legislative session must be purchased within one year after the adjournment of that legislative session. As an alternative to a teacher purchasing service credit under this subsection, a teacher and the governmental body employing the teacher may enter into an agreement by which payment for service credit for time spent during each legislative session by the teacher serving as a member of the legislative assembly is made pursuant to section 15-39.1-09. The agreement must provide that contributions made pursuant to section 15-39.1-09 are calculated based on the teacher's annual salary without reduction for a leave of absence taken by the teacher during the legislative session.
5. A teacher may purchase credit for service as an administrator or teacher in the field of education if employed by an agency of the United States government teaching school age children. The maximum service that may be purchased under this subsection is ten years.
6. An active teacher who is elected president of a professional educational organization recognized by the board and who serves in a full-time capacity in lieu of teaching may purchase service credit for the time spent serving as president. The service credit must be purchased within one year after the teacher leaves the position. As an alternative to purchasing service credit under this subsection, a teacher and the governmental body employing the teacher may enter into an agreement under which payment for service credit for the time spent as president of the professional educational organization is made pursuant to section 15-39.1-09. The agreement must provide that contributions made pursuant to section 15-39.1-09 are calculated based on the teacher's annual salary as president.

7. The fund may accept rollovers from other qualified plans under rules adopted by the board for the purchase of additional service credit, but only to the extent the transfer is a rollover contribution that meets the requirements of section 408 of the Internal Revenue Code.
8. Except as provided in subsections 2, 4, and 6, the amount of additional service eligible to be purchased under this section must be credited to the teacher when the teacher has made the required payment. In all cases, the purchase cost must be on an actuarial equivalent basis."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1173: Transportation Committee (Rep. Skarphol, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1173 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to a sign logo franchise program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-13 of the North Dakota Century Code is created and enacted as follows:

Sign franchise program.

1. Notwithstanding section 24-01-12, the director shall establish a sign franchise program for the purpose of providing on the right of way of the state highway system specific information on gas, food, camping, and lodging, for the benefit of the motoring public.
2. By public negotiation or bid, the director shall grant one or more franchises to qualified persons to erect and maintain, on the right of way of the state highway system, signs informing the motoring public of gas, food, lodging, and camping facilities. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, and camping facilities for the general public, and lease advertising space on the signs to operators of these facilities.
3. All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the director and the franchisee.
4. All contracts made by the director with a franchisee must provide:
 - a. A requirement that the franchisee obtain liability insurance in an amount the director determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and
 - b. Reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

A franchisee agreement must conform with federal standards adopted under 23 U.S.C. 131(f) and with the manual of uniform traffic-control devices adopted under section 39-13-06. The director may require additional terms and conditions, including provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

5. The director may not take any action under this section which will result in the loss to the state of any federal highway construction funds."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1200: Natural Resources Committee (Rep. Olson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING). HB 1200 was placed on the Sixth order on the calendar.

Page 1, line 8, after "a" insert "white-tailed doe" and remove "to hunt deer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1081: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1175: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1175 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177: Transportation Committee (Rep. Skarphol, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1177 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1211: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1217: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1217 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1219: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1219 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1228: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1228 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1230: Political Subdivisions Committee (Rep. Poolman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1234: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1234 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1248: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Eleventh order on the calendar

REPORT OF STANDING COMMITTEE

HB 1275: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1406: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (17 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). HB 1406 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Glassheim, Kretschmar introduced:

HCR 3016: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a permanent trust fund. Was read the first time and referred to the **Judiciary Committee**.

FIRST READING OF SENATE BILLS

SB 2125: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to additional benefits for recipients of workers' compensation disability benefits; to amend and reenact section 65-05-09.3 of the North Dakota Century Code, relating to discontinuance of workers' compensation benefits upon retirement; to provide for retroactive application; and to declare an emergency. Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2142: A BILL for an Act to amend and reenact sections 41-09-05, 41-09-25, and 41-09-26 of the North Dakota Century Code, relating to definition of certificate of deposit, perfection of security interests by filing, and perfection of security interests in certificates of deposit by possession. Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2155: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code, relating to the filing of well production reports by electronic media and waiver of the requirement to file producer's reports. Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2156: A BILL for an Act to amend and reenact section 57-51-09 of the North Dakota Century Code, relating to the time allowed for assessment of gross production and oil extraction tax and the audit of returns. Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2157: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to pledges to secure public deposits. Was read the first time and referred to the **Industry, Business and Labor Committee**.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1114, HB 1124.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1114, HB 1124.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1011, HB 1020, HB 1051, HB 1092, HB 1145, HB 1169, HB 1171.

The House stood adjourned pursuant to Representative Freier's motion.

ROY GILBREATH, Chief Clerk