

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2178

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Deanna Helms  
Operator's Signature

10/17/03  
Date

2003 SENATE FINANCE AND TAXATION

SB 2178

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10/17/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2178

Senate Finance and Taxation Committee

Conference Committee

Hearing Date January 20, 2003

Tape Number	Side A	Side B	Meter #
1	X		1,255

Committee Clerk Signature *[Handwritten Signature]*

Minutes: Hearing opened on SB2178. All committee members present.

Senator Herb Urlacher (mtr #1270) - Primary sponsor of this bill. Looking into the future, possibility of closing the Killdeer Airport. As researching, discovered would need to pay back the funds in the airport fund on an individual basis, and their preference is to pay any remaining money into the general fund which would go back to the taxpayers. Since then other entities have questions as well. Worked with the Attorney General to clean up the bill to encompass a broader area. Attorney General's Office will explain the hog house amendment on this bill.

Senator Wardner - Any questions for Senator Urlacher?

LeaAnn Schneider, Asst. Attorney General, Attorney General's Office (mtr #1428) - We are neutral on the bill. Here to offer technical assistance on the bill. Our office reviews bills. In previous Attorney General opinions there are questions about whether an airport could be dissolved and if so, how. This is the opportunity to address that. This bill amends a section of the chapter on airport authorities, and it is a section that addresses airport authorities authority to

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Operator's signature

01/17/03  
Date

Page 2  
Senate Finance and Taxation Committee  
Bill/Resolution Number SB2178  
Hearing Date January 20, 2003

dispose of property in its operations. The added language is intended to determine a way to distribute funds upon dissolution. Makes more sense to amend two other sections in the chapter instead of the one in the bill. That is why I drafted this hog house amendment. See attached amendment. Added language on how to dissolve and what could be done with the property. Page 3 last sentence, neglected to add, such funds to be deposited into participating parties General Fund.

Senator Tollefson (mtr #1745) - In reading the language, in Sec 1, the 'may' is used. Is that an option? Or is that not an option? "May be transferred or may be sold" Are there other options.

Ms. Schneider (mtr #1820) - Statute would not allow doing anything else with the property.

Senator Syverson (mtr #1888) - Looking at adding fund to the general fund of a municipality.

What if municipality wanted to use the land for another purpose such as a park. Can the general fund dollars be transferred to a park fund?

Ms. Schneider (mtr #1980) - I am quite sure the municipality can transfer funds to other sub districts of the municipality.

Senator Urlacher - Regarding county authorities, are all airport authorities always county authorities?

Ms. Schneider - Am certain that the authority can be any combination of authorities.

Senator Urlacher - What if the political subdivision that created the airport authority no longer exists.

Ms. Schneider (mtr #2255) - Really not sure.

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Senate Finance and Taxation Committee  
Bill/Resolution Number SB2178  
Hearing Date January 20, 2003

Gary Ness, Director of Aeronautics Commission (mtr #2370) - Requesting the opportunity to share this amendment with other commissioners. There have been dissolutions, but no money has been involved. (mtr #2435) More explanation of dissolving airport authority pecking order. Senator Syverson (mtr #2475) - These airports, are we losing the quality of our communications infrastructure?

Mr. Ness (mtr #2535) - The airports we have lost have been very small. The infrastructure is sound. Local governments have a handle on that.

Senator Urlacher - Closed hearing on SB2178. Opened to committee for general discussion on SB2178.

Senator Tollefson - Amendment seems vague. "May" is used twice, leaves a vagueness. A better definition will make a better law.

Senator Wardner (mtr #2860) - What about using "shall" instead of "may"?

Senator Tollefson (mtr #2870) - "Shall" is better.

Ms. Schneider (mtr #3430) - "Shall be transferred to municipality or sold". Should be OK, sound good. Other thought "should be either transferred to municipality or sold".

Senator Urlacher - Closed general discussion on SB2178. No need to vote until the draft is correct.

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10/17/03  
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2178

Senate Finance and Taxation Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
2	X		165-410

Committee Clerk Signature *Mary Kay Walker*

Minutes:

Senator Urlacher opened the hearing on SB2178. Has a 'hog house' amendment.

Senator Wardner - Language in amendment has been corrected. Senator Wardner will get the amendment redrafted.

Senator Urlacher - Hold on bill until we have correct drafting of amendment. Closed hearing.

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*Deanne Hall*  
Operator's Signature

01/17/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2178

Senate Finance and Taxation Committee

Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
2		X	320 775 -320
Committee Clerk Signature <i>[Handwritten Signature]</i>			

Minutes:

Senator Urlacher opened discussion on SB2178. All committee members are present. This bill relates to dissolving an airport authority. Includes a Hog House amendment. Amendment covers language that needed clarification. We need to address amendment.

Senator Wardner (mtr #390) - Clarified language in amendment.

Senator Urlacher - Aeronautics Commission is in full support of the amendment.

Senator Wardner moves to adopt amendment .0101. 2nd by Senator Nichols. Voice vote to adopt amendment was unanimous.

Senator Nichols moves a Do Pass as Amended. 2nd by Senator Seymour. Roll call vote 6 yea, 0 nay, 0 absent. Carrier Senator Syverson.

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*[Handwritten Signature]*  
Operator's Signature

10/17/03  
Date

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/13/2003

Bill/Resolution No.: SB 2178

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill will have no effect on State funding.

The issue is local in nature. Increase on decrease of funds at the local level is not identifiable by this Agency.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

N/A

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Gary R. Ness	Agency:	Aeronautics Commission
Phone Number:	328-9650	Date Prepared:	01/13/2003

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*Gary R. Ness*  
 Operator's Signature

01/17/03  
 Date



JW3  
2-1-3  
1 of 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2178

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 2-06-02 and 2-06-03 of the North Dakota Century Code, relating to the dissolution of airport authorities.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 2-06-02 of the North Dakota Century Code is amended and reenacted as follows:

**2-06-02. Creation of municipal airport authority - Dissolution.**

1. Any municipality ~~may~~, by resolution of its governing body, may create a public body corporate and politic to be known as a municipal airport authority, which is authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body ~~may~~ by resolution may determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality ~~shall~~, pursuant to the resolution, shall appoint five persons as commissioners of the authority. The commissioners who are first appointed are designated to serve for terms of one, two, three, four, and five years, respectively, but thereafter, each commissioner ~~shall~~ must be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term must be filled for the unexpired term by the governing body.
2. After payment of all debts, a municipal airport authority may be dissolved by resolution of the governing body of the municipality. Before dissolution, the property of the airport authority either must be transferred to the municipality or sold.

**SECTION 2. AMENDMENT.** Section 2-06-03 of the North Dakota Century Code is amended and reenacted as follows:

**2-06-03. Creation of regional airport authority - Dissolution.**

1. Two or more municipalities, whether in this state or in an adjoining state, provided that at least one municipality is in North Dakota, ~~may~~ by joint resolution, may create a public body, corporate and politic, to be known as a regional airport authority which is authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing bodies of the municipalities participating in the creation of a regional airport authority ~~shall~~, pursuant to such joint resolution, shall appoint ~~not less than~~ at least five persons as commissioners of the regional airport authority. The number to be appointed and their representation must be provided for in the joint resolution. The term of office of each regional airport authority commissioner must be in accordance with subsection 5. Each such regional airport authority, once created, shall organize, elect officers for terms of office to be fixed by agreement, and adopt and amend from time to time rules for its own procedure not inconsistent with section 2-06-06.

2 of 2

2. A regional airport authority may be increased from time to time to serve one or more additional municipalities if each additional municipality and each of the municipalities then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto; provided, that if a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority must consent to the inclusion of the municipality in the regional authority, and if the municipal authority has any bonds outstanding, one hundred per centum of the holders of the bonds must consent, in writing, to the inclusion of the municipality in the regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligations, and property, real and personal, of the municipal authority shall must be in the name of and vest in the regional authority.
3. A regional airport authority may be decreased if each of the municipalities then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities; provided that, if the regional authority has any bonds outstanding no decrease may be effected unless one hundred per centum of the holders of the bonds consent thereto in writing.
4. A municipality may not adopt any resolution authorized by this section without a public hearing thereon. Notice thereof must be given at least ten days prior thereto in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality.
5. All commissioners of a regional airport authority must be appointed for terms of five years each, except that a vacancy occurring otherwise than by expiration of term shall must be filled for the unexpired term in the same manner as the original appointments.
6. After payment of all debts, a regional airport authority may be dissolved by a joint resolution of the governing bodies of the participating municipalities. Before dissolution, the property of the regional airport authority must be sold, transferred, or distributed as agreed by the participating municipalities. Any remaining funds of the regional airport authority must be distributed to the general funds of the participating municipalities in proportion to their support of the regional airport authority."

Renumber accordingly

Deanne Hall  
Operator's Signature

10/17/03  
Date

Date: 2/3/03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2178

Senate Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken adopt amendment 0101

Motion Made By Sen. Lundberg Seconded By Sen. Nichols

Senators	Yes	No	Senators	Yes	No
Senator Urlacher - Chairman	✓		Senator Nichols	✓	
Senator Wardner - Vice Chairman	✓		Senator Seymour	✓	
Senator Syverson	✓				
Senator Tollefson	✓				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment 3000

If the vote is on an amendment, briefly indicate intent:

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Deanne Holm 10/17/03  
Operator's Signature Date

Date: 2.3.03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2178

Senate Finance and Taxation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as amended with 0101

Motion Made By Sen. Nichols Seconded By Sen. Seymour

Senators	Yes	No	Senators	Yes	No
Senator Urlacher - Chairman	✓		Senator Nichols	✓	
Senator Wardner - Vice Chairman	✓		Senator Seymour	✓	
Senator Syverson	✓				
Senator Tollefson	✓				

Total (Yes) 6 No 6

Absent \_\_\_\_\_

Floor Assignment Senator Syverson

If the vote is on an amendment, briefly indicate intent:

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Deanne Helms Operator's Signature Date 10/17/03

REPORT OF STANDING COMMITTEE

SB 2178: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 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 sections 2-06-02 and 2-06-03 of the North Dakota Century Code, relating to the dissolution of airport authorities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-06-02 of the North Dakota Century Code is amended and reenacted as follows:

2-06-02. Creation of municipal airport authority - Dissolution.

1. Any municipality ~~may~~, by resolution of its governing body, may create a public body corporate and politic to be known as a municipal airport authority, which is authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body ~~may~~ by resolution may determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality ~~shall~~, pursuant to the resolution, shall appoint five persons as commissioners of the authority. The commissioners who are first appointed are designated to serve for terms of one, two, three, four, and five years, respectively, but thereafter, each commissioner ~~shall~~ must be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term must be filled for the unexpired term by the governing body.
2. After payment of all debts, a municipal airport authority may be dissolved by resolution of the governing body of the municipality. Before dissolution, the property of the airport authority either must be transferred to the municipality or sold.

SECTION 2. AMENDMENT. Section 2-06-03 of the North Dakota Century Code is amended and reenacted as follows:

2-06-03. Creation of regional airport authority - Dissolution.

1. Two or more municipalities, whether in this state or in an adjoining state, provided that at least one municipality is in North Dakota, ~~may~~ by joint resolution, may create a public body, corporate and politic, to be known as a regional airport authority which is authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing bodies of the municipalities participating in the creation of a regional airport authority ~~shall~~, pursuant to such joint resolution, shall appoint ~~not less than~~ at least five persons as commissioners of the regional airport authority. The number to be appointed and their representation must be provided for in the joint resolution. The term of office of each regional airport authority commissioner must be in accordance with subsection 5. Each such regional airport authority, once created, shall organize, elect officers for terms of office to be fixed by

agreement, and adopt and amend from time to time rules for its own procedure not inconsistent with section 2-06-06.

2. A regional airport authority may be increased from time to time to serve one or more additional municipalities if each additional municipality and each of the municipalities then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto; provided, that if a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority must consent to the inclusion of the municipality in the regional authority, and if the municipal authority has any bonds outstanding, one hundred per centum of the holders of the bonds must consent, in writing, to the inclusion of the municipality in the regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligations, and property, real and personal, of the municipal authority ~~shall~~ must be in the name of and vest in the regional authority.
3. A regional airport authority may be decreased if each of the municipalities then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities; provided that, if the regional authority has any bonds outstanding no decrease may be effected unless one hundred per centum of the holders of the bonds consent thereto in writing.
4. A municipality may not adopt any resolution authorized by this section without a public hearing thereon. Notice thereof must be given at least ten days prior thereto in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality.
5. All commissioners of a regional airport authority must be appointed for terms of five years each, except that a vacancy occurring otherwise than by expiration of term ~~shall~~ must be filled for the unexpired term in the same manner as the original appointments.
6. After payment of all debts, a regional airport authority may be dissolved by a joint resolution of the governing bodies of the participating municipalities. Before dissolution, the property of the regional airport authority must be sold, transferred, or distributed as agreed by the participating municipalities. Any remaining funds of the regional airport authority must be distributed to the general funds of the participating municipalities in proportion to their support of the regional airport authority."

Renumber accordingly

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2178

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Deanna Delaney  
Operator's Signature

10/17/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2178

House Political Subdivisions Committee

Conference Committee

Hearing Date: March 6, 2003

Tape Number	Side A	Side B	Meter #
1	X		6.7-13.6
Committee Clerk Signature <i>Mickie Schmidt</i>			3-12-03

Minutes:

TAPE 1; SIDE A:

**(6.5) CHAIRMAN GLEN FROSETH:** We will open the hearing on SB 2178.

**(7.0) SEN. HERB ERLACHER:** What's brought this Bill about is a possibility of closing an airport at Killdeer. They discovered that they may have to pay back on the basis of the mill levy to each individual tax payor. That would complicate matters. Their idea was to be able to put those monies that are in there, leftovers, into their general fund, thereby reverting those monies back to the tax payors. The Attorney General's office could see where there was a lot of Agricultural language in the statutes. So they asked to incorporate the clarification of those statutes. So that extended the purpose of the Bill. There is someone here from the Attorney General's office who will go through and explain those changes.

**(8.7) MARY KAY KELSH; ASSIST. ATTORNEY GENERAL:** I'm not the master mind behind the amendment. Leann Snyder worked with Sen. Erlacher and came up with the

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*Deanna Hall*  
Operator's Signature

10/17/03  
Date



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House Political Subdivisions Committee

Bill/Resolution Number SB 2178

Hearing Date: March 6, 2003

amendment. Unfortunately she is on funeral leave this week, I will try to answer what I can. She looked at a section in chapter 2, section 6, did not address whether or not an airport authority could even evolve. It did not clearly give them that authority. So she spoke with the Sen. and hog housed the Bill, adding language allowing for the dissolution of airport authorities. Also leaving in language addressing what happens to the money after it evolves. So that is why on the original Bill, it is in one section and now it is under chapter 20602 creation of municipal airport authority. And then section 2 is creation of regional airport authority and we've added dissolution to that. So now there is clear authority and if they need to dissolve, they can. The amendment made has no effect on Sen. Urlacher's intent. It still will address that the funds when municipal airports dissolve, the money will go back to the general fund of the county. In the case of a regional airport when more than one region contributed upon dissolution, this allows us to distribute the remaining funds in proportion to what the region put into it in the first place.

**(10.9) REP. MARY EKSTROM:** What is the purpose of the disposition of the airport, are they about land?? (Couldn't hear her)

**(11.2) SEN. HERB ERLACHER:** I'm not sure if they even want to close it. They look at the possibilities. But in that process of knowing what they're doing before they attempt to do it. They want some clarification. Whether they're going to sell the land, I don't know but I am sure they will react according to the law. There's other airports around in small towns when they built, years ago, there's no planes there for municipal purpose anymore.

**(12.1) REP. WILLIAM KRETSCHMAR:** The municipal sections and the regional ones, are those the only airport we have?

**(12.2) SEN. HERB ERLACHER:** Yes.

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*Deanna Hall*  
Operator's Signature

01/17/03  
Date

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House Political Subdivisions Committee  
Bill/Resolution Number SB 2178  
Hearing Date: March 6, 2003

**(12.4) CHAIRMAN GLEN FROSETH:** Any questions by the committee? Testimony

support? Opposition? Seeing none, we'll close the hearing on SB 2178. What are the committee's wishes?

**(12.8) REP. DALE SEVERSON:** I MOVE A DO PASS.

**(12.8) REP. BRUCE ECKRE:** I SECOND IT.

**(12.9) CHAIRMAN GLEN FROSETH:** Any committee discussion? Seeing none, I will have the clerk take the Roll Call Vote: 13-y; 0-n; 1-absent; Carrier: Rep. Severson. (13.6)

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*Deanne Hall*  
Operator's Signature

10/17/03  
Date

Date: 3-6-03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2178

House POLITICAL SUBDIVISION Committee \_\_\_\_\_

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Severson Seconded By Rep. Eckre

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Rep. Mike Grosz	✓				
Rep. Gil Herbel	✓				
Rep. Ron Iverson	✓				
Rep. William Kretschmar	✓				
Rep. Andrew Maragos	✓				
Rep. Dale Severson	✓				
Rep. Alon Wieland	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. Carol Niemeier	✓				
Rep. Sally Sandvig	✓				
Rep. Vonnie Pletsch	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Severson

If the vote is on an amendment, briefly indicate intent:

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Operator's Signature Dianne Hall Date 3/17/03

**REPORT OF STANDING COMMITTEE (410)**  
March 6, 2003 1:25 p.m.

Module No: HR-40-4110  
Carrier: Severson  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2178, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2178 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-40-4110

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*Deanna G. Hall*  
Operator's Signature

10/17/03  
Date