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Ja Costa Richardson
Operator's Signature

10/6/03
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1451

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La Costa Rickford
Operator's Signature

10/6/03
Date

STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1451

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 2-07-03

Tape Number	Side A	Side B	Meter #
1		x	15.8-end
2	x		0-11.0
Committee Clerk Signature <i>Joseph Burke</i>			

Minutes: Chairman Klein: called the meeting to order. All committee members were present.

Representative Grande: testified in favor of HB 1451 and also was a sponsor. The Capitol entrance has been closed since 9-11-01. There are barriers in place in the tunnel entrance.

The Capitol is a big part of tourism in the state, we would like to see an entrance put in place that would welcome the community and visitors to the state.

Because it is on state property we would have to put it out on bids. It is in code already and we were looking for this one kind of exemption to it, so we could get the public's input.

Don Barsness, Citizen at large, Architect: testified in favor of HB 1451. In the year 2000 the commission hired a firm to update the capitol grounds master plan. The original plan was done in the 1960's and was far outdated. Part of the recommendations is the vehicular drive thru. The tunnel becoming closed came about before 9-11-01. Part of the response to the Oklahoma situation that came about. Anyway that was to be closed and be only a pedestrian access, and also the circular drive be moved closer to the front steps. The commission has been discussing

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1451

Hearing Date 2-07-03

this for some time and want to move forward in doing something about that particular part.

There are considerable number of recommendations in the report itself. Competitions have specific formats and also the state refers to retaining professional services based on qualifications and criteria, and how to go about that. Once the submittals and interviews are done on the committee, they rank the top 3 contacted for the actual commission. At that point they are to negotiate with the number one rank or go forward with the project, if we want to do a competition there is a complication there obviously. So what the bill is attempting to address is that how the final selection is being made, what we are suggesting is that the final 3 that are ranked in the submittal by the jury that they would be allowed to compete in the competition.

Representative Klein: the committee is the planning commission?

Don Barsness: yes, or whoever we would designate. They would then allow these 3 firms a solution for the project. During the competition or the design stages, public hearings would be held for those in the design process to hear the wishes of the people of the state. Once the submittals are turned in and the jury has decided which ones they like best, they would rank those as one, two and three. The second and third would receive a small cash prize for their work but the first would be given the project to go forward. There are some amendments to the bill being passed out by Representative Grande. I think that covers everything that I want to address.

Representative Klein: are you the architect that put together the long range plan for the capitol grounds?

Don Barsness: no.

Representative Haas: are you saying that the commission would be bound by that public vote on which of the 3 finalists that they like?

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1451

Hearing Date 2-07-03

Don Barsness: the intent, is for the state and the commission is to participate in hearings to hear what the desires and wishes of the state or people have.

Then those firms would use those designs they commission, then it would be up to the commission to determine which one of the three solutions did the best job of satisfying them.

Representative Klemm: so we give the second place \$10,000, and the third place \$5,000 and it says in the fiscal note that they budget capitol ground planning commission. Then the one who wins we say that will be determined based on available funds, what if we don't have available funds then and actually build this. It's one thing to design something and I guess its something else to go out and get all the necessities to do this, so is it possible that we might have the winner actually getting a contract for a design that can't be fulfilled because there are no available funds and we can't build it anyway, it might be better to win second place.

Representative Potter: is there any time frame that we are looking at here it doesn't say in the bill.

Don Barsness: we have estimated sometime in the next 12 months that we would go through the process of developing the program. At least a year.

Jack Dalrymple, Lt. Governor of North Dakota: appeared in favor of HB 1451. I am the chairman of the Capitol Grounds Planning Committee, and I just want to make a couple of comments about this bill. One is that I think it is just an authorization that we would like to have, we don't have any big plan to spend a bunch of money, we have some money of our own, that we can use for what ever we like, perhaps we will do something very modest with the south entrance. But before we can proceed and even come up with some concepts, we want to be sure we could have this competition that we are talking about. And so we are just seeking the

Page 4

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1451

Hearing Date 2-07-03

authority, we may have been able to do this anyhow but we want to make sure there are no legal problems with it. I guess one thing we have decided at the commission that we need to do something with the south entrance you can no longer drive thru it. As an entrance to the capitol it doesn't work very well. We need to make it clear where the entrance to the building is and make it clear that the people are invited to come in that direction.

One of the things that we require to whoever will do this is that must do a extensive process of public relations that would include ideas on designs before they build.

John Boyd, Director of Facility Management: appeared in favor of HB 1451 and submitted written testimony prepared by Joe Leopald, State Planner who could not be here today.

Just to make my comments as brief as possible, one of my duties as facility management is to actually implement the approved project by the Capitol Grounds Planning Commission. I think as stated here already that this would be the best and most efficient way to get it through that.

Closed the hearing on HB 1451.

Representative Sitte: made a motion to **AMEND** HB 1415 as presented by Representative Grande.

Representative Meier: **SECOND** the motion to amend.

Representative Kasper: made a motion to **AMEND the AMENDMENTS.**

Representative Haas: **SECOND** the motion to amend the amendments.

Representative Haas: made a **DO PASS as amended** motion on HB 1451.

Representative Meier: **SECOND** the motion.

VOTE: 13 YES 1 NO 0 ABSENT.

Motion Carried.

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House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1451

Hearing Date 2-07-03

Representative Grande will carry the bill to the floor.

Meeting adjourned.

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Jo Costa Rickford
Operator's Signature

10/16/03
Date

FISCAL NOTE
Requested by Legislative Council
04/03/2003

Amendment to: HB 1451

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.

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.

No fiscal impact.

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.

No fiscal impact.

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.

Name:	Pam Sharp	Agency:	OMB
Phone Number:	328-4606	Date Prepared:	04/03/2003

Richard Costa
Operator's Signature

10/16/03
Date

FISCAL NOTE
Requested by Legislative Council
01/21/2003

Bill/Resolution No.: HB 1451

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.

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.

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.

No direct fiscal impact. The \$15,000 to be distributed as prize money is within the Capitol Grounds Planning Commission's biennium budget. The result of limiting the competition to only licensed contractors and architects will not have a fiscal impact. The total projected expense for the project will be determined by the Capitol Grounds Planning Commission based on its available funds.

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.

Name:	John Boyle	Agency:	OMB - Facility Management
Phone Number:	328-4002	Date Prepared:	01/26/2003

Richard Costa
Operator's Signature

10/16/03
Date

30717.0201
Title.

Prepared by the Legislative Council staff for
Representative Grande
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1451

Page 1, line 4, remove "for bids"

Page 1, line 6, remove "contractors and" and after "architects" insert "registered in this state"

Page 1, line 8, replace "bids" with "submittals"

Page 1, line 10, after the period insert "The commission shall award the contract for the design
of the project to the first-place winner."

Renumber accordingly

Page No. 1

30717.0201

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Salvatore Riccardi
Operator's Signature

10/6/03
Date

Date: 2-7-03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken to Amend HB 1415 (tunnel - south)

Motion Made By Rep. Sitte Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Winrich		
J. Kasper					
L.R. Klemin					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) 14 No 0

Absent _____

Floor Assignment _____

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

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Salvatore Riccardi
Operator's Signature

10/6/03
Date

30717.0202
Title.0300

Prepared by the Legislative Council staff for
Representative Grande
January 28, 2003

VK
2/8/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1451 GVA 2-10-03

Page 1, line 4, remove "for bids"

Page 1, line 5, replace "tunnel" with "south" and remove "licensed"

Page 1, line 6, remove "contractors and" and after "architects" insert "registered in this state"

Page 1, line 8, replace "express their preferences among" with "comment on" and replace
"bids" with "submittals"

Page 1, line 10, after the period insert "The commission shall award the contract for the design
of the project to the first-place winner."

Renumber accordingly

Date: 2-7-03
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend the Amendment (comment on)

Motion Made By Rep. Kasper Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein			B. Amerman		
Vice Chairman B.B. Grande			L. Potter		
W.R. Devlin			C. Williams		
C.B. Haas			L. Winrich		
J. Kasper					
L.R. Klemin					
L. Meier					
M. Sitte					
W.W. Tieman					
R.H. Wikenheiser					

Total (Yes) 14 No 0

Absent _____

Floor Assignment _____

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

Roll Call Vote #: Date: 2-7-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended HB 1451

Motion Made By Rep. Haas Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin		X	C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep. Grande

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

To Costa Richard
Operator's Signature

10/16/03
Date

REPORT OF STANDING COMMITTEE (410)
February 10, 2003 9:01 a.m.

Module No: HR-25-2083
Carrier: Grande
Insert LC: 30717.0202 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1451: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1451 was placed on
the Sixth order on the calendar.

Page 1, line 4, remove "for bids"

Page 1, line 5, replace "tunnel" with "south" and remove "licensed"

Page 1, line 6, remove "contractors and" and after "architects" insert "registered in this state"

Page 1, line 8, replace "express their preferences among" with "comment on" and replace
"bids" with "submittals"

Page 1, line 10, after the period insert "The commission shall award the contract for the design
of the project to the first-place winner."

Renumber accordingly

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1451

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La Costa Richard
Operator's Signature

10/16/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1451

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 03/07/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		4530-end
Tape 1		x	0-1435
Committee Clerk Signature <i>Lisa Hays</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens HB 1451. Senator Fairfield is absent.

Representative Bette Grande introduces bill. She is on Capital Grounds planning commission.

They want to make the south entrance an attractive approach. We want to develop a new entrance. We want the people of North Dakota to be able to choose a design process. We still need to take bids.

Lieutenant Governor Jack Dalrymple, One of my jobs is to chair the capitol grounds planning committee. We don't know if we even need this bill but, we want the legislature's full support of what we are doing. The bill has brought more issues to this from what we thought it would. The south entrance is no longer functioning to what it was suppose to do. Dedicated funding source is where the money will come from. We are not taking money away from anything. We thought competition would be a fun and interesting way to get people involved.

Senator Krebsbach : Do yo think this is a little premature?

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number HB 1451

Hearing Date 03/07/03

Lt. Governor: We would like to just have to option open to us.

Senator Wardner : I think this is a good time to do this, if ti was made into a reception area I think it would be much more inviting.

Representative Blair Thoreson, in support of bill.

Senator Brown: Are you on the commission?

Rep. Thoreson Yes I am.

Opposition

James Martel, representing himself (Testimony attached)

Senator Dever : Do you see a way that we could change the bill to address your concerns?

Martel: I think it should not be a competition but have them put in a proposal and the winner would be awarded contract when the time is right and the money is there.

Senator Wardner : I think you made a good point about the competition. However these are dedicated funds. Do you still think with it being dedicated it is a problem?

Martel: I think it is the perception. People don't see this as a dedicated fund. It is just money that the state is spending.

Joel Leopold, In favor and with the architect department: We won't even talk about fees until the architect is chosen. The reason they are ranked first, second, and third, is that if you can't work out a bid with the first place person you can go onto the second place and so forth. The competition is saying we want to see what you have in mind before they are given a bid. The architect has a big investment into a design. so this helps get those designs.

Closed HB 1451

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1451**

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 03/27/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-425
Committee Clerk Signature			

Minutes:

Senator Karen Krebsbach, Chairman opens HB 1451. All senators present.

Senator Dever has amendments and passes them out. Quick overview of the amendment.

Senator Dever moves a adoption of amendments

Senator Brown 2nd

6 Yes 0 No

Senator Brown moves for a Do Pass as amended

Senator Dever 2nd

6 Yes 0 No

Carrier: Senator Brown

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La Costa Richard
Operator's Signature

10/6/03
Date

30717.0301
Title.0400

Adopted by the Government and Veterans
Affairs Committee

March 27, 2003

**Senate Amendments to Engrossed HB 1451 - Government and Veterans Affairs
Committee 03/27/2003**

Page 1, remove lines 9 through 12

Renumber accordingly

1 of 1

30717.0301

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Operator's Signature

Salvatore Riccardi

Date

10/6/03

Date: 3/27/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30717.0301 .0400

Action Taken Amendment

Motion Made By Dever Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Delete lines 9-12

Date: 3/27/03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1451

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30717.0301 Title .0400

Action Taken Do Pass as amended

Motion Made By Brown Seconded By Dever

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Brown

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

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Richard Brown 10/6/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 31, 2003 8:34 a.m.

Module No: SR-57-6134
Carrier: Brown
Insert LC: 30717.0301 Title: .0400

REPORT OF STANDING COMMITTEE
HB 1451, as engrossed: **Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1451 was placed on the Sixth order on the calendar.

Page 1, remove lines 9 through 12

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-57-6134

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Operator's Signature

Salvatore Riccardi

Date

10/16/03

2003 TESTIMONY

HB 1451

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Valosta Rickard
Operator's Signature

10/16/03
Date

Testimony before the Government and Veterans Affairs Committee
House Bill 1451
James Martel
07 March 2003

Madam Chairman

Members of the Government and Veterans Affairs committee

My name is James Martel I retired from the USAF at Minot AFB as a MSgt. I am currently employed by the State of North Dakota, for the record I am on annual leave for this hearing and the views expressed during my statement are solely my own.

I am here to express my opposition to House Bill 1451 and Engrossed House Bill 1451.

The main points for concern in the Engrossed Bill as written are:

1. Line 9. **We are planning to give ten thousand dollars to the runner up and five thousand to third place.** They did not win the competition so why are we giving them a cash award? According to the training I have received, the normal procedure would be for the state to call for bids including plans for the job. Private companies routinely bid on projects but do not necessarily win the bid -- it is a cost of doing business. A good question here is. Do we as the state really need to entice architects to submit building designs?
2. Line 10. The commission shall award the contract for the design of the project to the first place winner **(there is no mention about the bids or cost of the winner designing the plans)** There appears to be no money allocated in the bill to pay the architect for the final design. This means they will have to wait until the next budget years before completing the designs.

In this time of budget cuts is it really a good idea to be spending fifteen thousand dollars to purchase a design for the remodeling of the south entrance of the capitol building?

Why does the legislature continue to tell the public that the state has no money for essential human needs and we all need to tighten our financial belts, but then goes out and spends fifteen thousand dollars on a project that the state can not afford? I feel that this would send a very clear message to the people of North Dakota, and that message is: Regardless of the tight budget or the needs of our less fortunate, we can still spend our money as we see fit, even on things not really necessary like preliminary designs to remodel the capitol building south entrance. I do agree the south entrance could possibly be designed better but not at this time of severe budget cutting. I recommend sending this bill on with a committee suggestion of DO NOT PASS.

Thank you

TESTIMONY ON HB 1451
By Joel Leapaldt, State Planner
Office of Management and Budget
February 7, 2003

Good Morning Mr. Chairman and members of the Government and Veterans Affairs Committee.

I apologize for not being available to present my testimony in person. Family health issues prevent me from doing so. Please accept this prepared testimony.

For the record, my name is Joel Leapaldt and I am the State Facility Planner in the Office of Management and Budget.

I am testifying in support of House Bill 1451.

As a fellow architect, I believe there exists a myriad of ways to create a new "front door" to the south side of Memorial Hall. The design could be complementary. It could be expressive. It could be single story, multi-story or any number of other possibilities. But it should be a solution appropriate not only today, but also tomorrow and 75 years from now. As such, the design will be both monumental and momentous. House Bill 1451 allows the Capitol Grounds Planning Commission to review three developed concepts before deciding contractually which way to proceed.

Mr. Chairman, this concludes my testimony. If there are any questions, I would be pleased to address them at a future date.

Thank you.