

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1091

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*Yolanda Rickford*  
Operator's Signature

10/2/03  
Date

2003 HOUSE EDUCATION

HB 1091

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2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB1091

House Education Committee

Conference Committee

Hearing Date January 8, 2003

Tape Number	Side A	Side B	Meter #
1	x		00-1560
Committee Clerk Signature <i>Linda Fiechter</i>			

Minutes:

**Chairman Kelsch** called the meeting to order. Roll call was taken.

**SUPPORT**

**Rosellen Sand** appeared on behalf of DPI, see attachment written testimony. Both sections make it a class A misdemeanor to offer free items as enticements for purchase of textbooks, furniture, school supplies change to anything of school value.

**Q. Rep. Solberg:** What are the number of occurrences regarding this?

**A. Sand:** None

**Q. Rep. Hanson:** Do you have any dollar value on this, lets say a company gave a calendar?

**A. Sand:** Under the criminal code says that there is a provision, basically anything with any value.

**Q. Vice Chair Johnson:** Where does soft drinks companies fit in here with score boards, and things of this nature?

**A. Sand:** Again, if you look at the statute it says for the purpose of enticing them to buy.

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House Education Committee  
Bill/Resolution Number HB1091  
Hearing Date January 8, 2003

**Q. Rep. Williams :** Is it common for school district to benefit from this.

**A. Sand.** Yes, for personal gain only.

**Q. Rep. Herbel :** If the athletic department accepts a pair of shoes with the hopes that the team will purchase that brand?

**A. Sand:** Shoes are prohibited now.

**Q. Rep. Haas :** If no fractions, why change now?

**A. Sand** Conflict between criminal law under 12.1 and 15.1, can't receive anything of value.

**Q. Rep. Jon Nelson :** Could a dollar value be added, making the statute less subjective?

**A. Sand:** Setting this into statute would remove the subjectivity.

**Q. Rep. Herbel :** Will this be retroactive to statue of limitations?

**Q. Rep. Haas :** Question of proof for personal gain, school gain?

**A. Sand:** Reiterate that value is not determined.

**Q. Rep. Williams** Is this a current problem?

**A. Sand** Not at this time.

**Q. Rep. Williams** Is there policies at the school level that prohibit this type of activity?

**Q. Rep. Hanson** Questioned the minimum of the bidding process? It is currently set at 10K-25K

**Dr. Larry Klundt , 78 NDCEL,** Called this a solution in search for a problem. The law already mandates this interpretation. As long as it continues to be intent not to bribe there is no violation, example the trinkets given at trade show etc.

**Bev Nielson, NDSBA** spoke of support. Agreement with Dr. Klundt and Sand.

**OPPOSE** none

**Closed hearing on this bill**

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2003 HOUSE STANDING COMMITTEE MINUTES  
BILL/RESOLUTION NO. HB 1091

House Education Committee

Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1		x	4725 -5025
Committee Clerk Signature <i>Linda Flechtner</i>			

Minutes:

**Chairman Kelsch** open hearing on bill.

**Rep. Herbel** : I had conversations with Legislative Council person on this. And asked why the change? (LC) Has there been a problem with this before. Rep. Herbel : No there has never been a law suit. (LC) Then why the change. Based on the language that is put in there now you could open up a can of worms for someone in the school system where there superintendent might take an offense. That would be legal grounds for law suit. Based on the information that I received from her I would recommend a DO NOT PASS.

**Chairman Kelsch** Rep. Herbel moves for a DO NOT PASS, Rep. Williams seconds the motion.

**Discussion**: hearing none, roll was taken, 12 yea, 2 no, 0 absent.

**Chairman Kelsch** : Rep. Herbel will carry the bill to the floor.

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*10/2/03*  
Date

Date: January 14, 2003  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1091

House HOUSE EDUCATION Committee

Check here for Conference Committee

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

Action Taken DO NOT PASS

Motion Made By Rep. Herbel Seconded By Rep. Williams

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X				
Rep. Johnson	X				
Rep. Nelson	X				
Rep. Haas	X				
Rep. Hawken	X				
Rep. Herbel	X				
Rep. Meier	X				
Rep. Norland	X				
Rep. Sitte	X				
Rep. Hanson	X				
Rep. Hunsakor	X				
Rep. Mueller		X			
Rep. Solberg		X			
Rep. Williams	X				

Total (Yes) \_\_\_\_\_ 12 No \_\_\_\_\_ 2

Absent \_\_\_\_\_ 0

Floor Assignment Rep. Herbel

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

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**REPORT OF STANDING COMMITTEE (410)**  
January 15, 2003 12:40 p.m.

Module No: HR-07-0578  
Carrier: Herbel  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1091: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS**  
(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-07-0578

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2003 TESTIMONY

HB 1091

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