

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037

Page 1, line 1, remove "chapter 28-01.3 and a new section to"

Page 1, line 2, after "32-12" insert "and a new section to chapter 44-04"

Page 1, line 3, replace "the liability" with "year 2000 information requests"

Page 1, line 4, remove "of a manufacturer for a year 2000 claim" and remove "sections 28-01.3-04,"

Page 1, line 5, remove "28-01.3-06," and remove the second comma

Page 1, line 8, replace "and to the liability of a nonmanufacturing seller for a year 2000 claim and the" with a period

Page 1, remove line 9

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 20

Page 4, line 2, replace "all of the following conditions are met:" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

1. All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
2. The program logic accommodates same century and multcentury formulas and date values; and
3. The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 4, remove lines 3 through 13

Page 5, line 19, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software,

telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multicentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 5, remove lines 20 through 31

Page 8, line 1, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multicentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 8, replace lines 2 through 13 with:

"**SECTION 4.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Year 2000 information requests - Use - Exceptions.

1. Any public entity may gather year 2000 processing information from any person which relates to computer hardware or software, telecommunications networks, or devices containing a computer processor. An information request under this section may specify the person to gather responses to the request. Any year 2000 processing response made to an information gathering request from a public entity is not a public record under section 44-04-18 or section 6 of article XI of the Constitution of North Dakota and the response may not be directly or indirectly used, offered in evidence, or be subject to discovery in any civil action for damages in tort, contract, or for any other form of relief against the public entity or person.
2. This section does not preclude the public entity from using its requests for year 2000 information or responses to year 2000 information requests as evidence of a good-faith effort to determine year 2000 compliance of its computer hardware or software, telecommunications networks, or devices containing a computer processor.
3. In this section, year 2000 processing includes the calculating, comparing, sequencing, displaying, or storing; transmitting; or receiving data from, into,

and between the twentieth and twenty-first centuries, and during the years 1999 and 2000, and any leap year.

4. This section does not preclude any party from separately obtaining the information submitted in response to a year 2000 information request made under this section through other independent legal authority and using the separately obtained information in any action.
5. This section does not apply to any information disclosed to the public with the express written consent of the party responding to a year 2000 information request under this section or disclosed by that party separately from a response to a year 2000 information request under this section.
6. This section applies to all responses to any year 2000 information requests received by a public entity whether the response was received before or after the effective date of this Act."

Renumber accordingly