PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037

That the Senate recede from its amendments as printed on pages 1068-1070 of the House Journal and pages 911-913 of the Senate Journal and that Engrossed House Bill No. 1037 be amended as follows:

Page 1, line 1, after the first "to" insert "provide for year 2000 information requests; to" and remove "a new section to chapter 28-01.3 and"

Page 1, line 3, remove "and to the liability"

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, remove "and to the liability of a nonmanufacturing seller for a year 2000 claim and the"

Page 1, line 9, remove "determination of a defective product"

Page 1, after line 10, insert:

"**SECTION 1. 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 11 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. For purposes of this section, year 2000 processing includes 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 or proceeding.

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."

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 20

Page 4, line 1, replace "networks" with "network" and replace "devices" with "device"

Page 4, line 2, replace "all of the following conditions are met:" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the state has sought and received an assurance of compliance from the manufacturer, or if the state has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor is not practicable. For the purposes of this section computer hardware or software, a telecommunications network, or device containing a computer processor is 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 4, remove lines 3 through 13

Page 5, line 18, replace "networks" with "network" and replace "devices" with "device"

Page 5, line 19, replace "all of the following" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the political subdivision has sought and received an assurance of compliance from the manufacturer or supplier, or if the political subdivision has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor is not practicable. For purposes of this section, computer hardware or software, a telecommunications network, or device containing a computer processor is 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 7, line 31, replace "networks" with "network" and replace "devices" with "device"

Page 8, line 1, replace "all of the following" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the state has sought and received an assurance of compliance from the manufacturer or supplier, or if the state has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor. For purposes of this section, computer hardware or software, a telecommunications network, or device containing a computer processor is 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, remove lines 2 through 13

Renumber accordingly