

2023 HOUSE JUDICIARY

HB 1313

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1313
1/25/2023

Relating to the chairman and vice chairman of the legislative management; and to declare an emergency.

Chairman Klemin opened the hearing on HB 1313 at 10:12 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, , Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Legislative management history
- Election

Rep. Kasper: Introduced the bill. Proposed amendment 23.0613.01001, Testimony # 16707

Chairman Klemin closed the hearing at 10:21 AM.

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1313
1/25/2023

Relating to the chairman and vice chairman of the legislative management; and to declare an emergency.
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Chairman Klemin opened the meeting on HB 1313 at 3:28 PM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, , Rep. Schneider, Rep. VanWinkle, Rep. Vetter

Discussion Topics:

- Amendment
- Committee work

Representative Vetter moved to Amend HB 1313 with 23.0613.01001, #16707

Representative Christensen seconded.

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion Carried 13-0-0.

Representative Vetter moved a Do Pass as Amended on HB 1313.

Representative Christensen seconded.

Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	N
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Motion Carried: 8-5-0.

Representative Vetter will carry the bill.

Hearing closed at 3:37 PM.

Delores Shimek, Committee Clerk

1-25-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1313

Page 1, line 2, after the semicolon insert "to provide for application;"

Page 1, line 8, overstrike "shall select a"

Page 1, line 8, after the first "chairman" insert "must be the majority leader of one house of the legislative assembly, or the majority leader's designee."

Page 1, line 8, overstrike the second "a" and insert immediately thereafter "the"

Page 1, line 8, overstrike "from its own"

Page 1, line 9, overstrike "members and" and insert immediately thereafter "must be the majority leader of the opposite house of the legislative assembly, or the majority leader's designee. The legislative management"

Page 2, after line 2, insert:

"SECTION 2. APPLICATION. The chairman of the legislative management beginning at the adjournment of the 2023 legislative session must be the majority leader of the house of representatives."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1313: Judiciary Committee (Rep. Klemm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for application;"

Page 1, line 8, overstrike "shall select a"

Page 1, line 8, after the first "chairman" insert "must be the majority leader of one house of the legislative assembly, or the majority leader's designee."

Page 1, line 8, overstrike the second "a" and insert immediately thereafter "the"

Page 1, line 8, overstrike "from its own"

Page 1, line 9, overstrike "members and" and insert immediately thereafter "must be the majority leader of the opposite house of the legislative assembly, or the majority leader's designee. The legislative management"

Page 2, after line 2, insert:

"SECTION 2. APPLICATION. The chairman of the legislative management beginning at the adjournment of the 2023 legislative session must be the majority leader of the house of representatives."

Renumber accordingly

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1313

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1313
3/23/2023

Relating to the chairman and vice chairman of the legislative management; provide for application; declare an emergency.
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9:15 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Equal opportunity
- Elimination of voting
- Alternate

Rep Kasper, bill sponsor, testified in support #26431.

Sen Roers moved amendment LC 23.0613.02001. Sen Cleary seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	N
Senator Judy Lee	Y

VOTE: YES – 5 NO – 1 Absent – 0 Motion PASSED

Sen Estenson moved DO PASS as Amended. Sen Cleary seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 5 NO – 1 Absent – 0 Motion PASSED

Sen Roers will carry the bill

9:28 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

23.0613.02001
Title.03000

Adopted by the Senate State and Local
Government Committee
March 23, 2023

DR
181
3-23-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1313

Page 2, line 7, remove "house of"

Page 2, line 8, replace "representatives" with "senate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1313, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1313 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 7, remove "house of"

Page 2, line 8, replace "representatives" with "senate"

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1313

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1313
4/19/2023
Conference Committee

Relating to the chairman and vice chairman of the legislative management; and to declare an emergency.
--

3:30 PM Rep. Klemin, Chairman opened the meeting on HB 1313.

Members present: Rep. Klemin, Chairman, Rep. Cory, Rep. Rios, Senator Barta, Chairman, Senator Roers and Senator Braunberger.

Discussion Topics:

- Amendment
- Co-chairmen

Rep Klemin, Testimony 27716 (Rep Kasper)

3:54 PM meeting adjourned.

DeLores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1313
4/21/2023
Conference Committee

Relating to the chairman and vice chairman of the legislative management; and to declare an emergency.
--

10:00 AM Rep. Klemin, Chairman opened the meeting on HB 1313.

Members present: Rep. Klemin, Chairman, Rep. Cory, Rep. Rios; Senator Barta, Chairman; Senator Roers and Senator Braunberger.

Discussion Topics:

- Amendment 23.0613.01001
- Cooperative Chairmans

Rep Kasper, Amendment 23.0613.01001, Testimony 16707 (referenced from 01/25/23)

Rep. Rios moved amendment 23.0613.01001, seconded by Senator Barta.

Roll call vote 3 Yes 3 No 0 Absent **Motion failed.**

Rep. Rios moved the House accede to Senate amendments.

Motion failed due to a lack of a second.

Senator Roers moved House accede to Senate Amendment, seconded by Senator Braunberger. Roll call Vote: 4 Yes 2 Absent 0 **Motion failed.**

Senator Roers moved the Senate recede from the Senate amendments, seconded by Senator Barta

Roll call vote: 6 Yes 0 No 0 Absent **Motion carried**

Senate Carrier: Senator Barta

House Carrier: Rep. Klemin

10:16 AM meeting adjourned.

DeLores Shimek, Committee Clerk

REPORT OF CONFERENCE COMMITTEE

HB 1313, as engrossed: Your conference committee (Sens. Barta, K. Roers, Braunberger and Reps. Klemin, Cory, Rios) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1411 and place HB 1313 on the Seventh order.

Engrossed HB 1313 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1313

23.0613.01001
Title.

Prepared by the Legislative Council staff for
Representative Kasper
January 24, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1313

Page 1, line 2, after the semicolon insert "to provide for application;"

Page 1, line 8, overstrike "shall select a"

Page 1, line 8, after the first "chairman" insert "must be the majority leader of one house of the legislative assembly, or the majority leader's designee."

Page 1, line 8, overstrike the second "a" and insert immediately thereafter "the"

Page 1, line 8, overstrike "from its own"

Page 1, line 9, overstrike "members and" and insert immediately thereafter "must be the majority leader of the opposite house of the legislative assembly, or the majority leader's designee. The legislative management"

Page 2, after line 2, insert:

"SECTION 2. APPLICATION. The chairman of the legislative management beginning at the adjournment of the 2023 legislative session must be the majority leader of the house of representatives."

Renumber accordingly

Wed 3/22/23

JMK MAJER

23.0808.02000

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1485

Thursday, MAR 23, 2023

Introduced by

Representatives Kasper, Headland, Heinert, Koppelman, Lefor, Louser, Monson, Rohr, Steiner

Senators Meyer, Paulson, Veda

1 A BILL for an Act to create and enact a new section to chapter 54-66 of the North Dakota
2 Century Code, relating to legislative assembly conflict of interest rules; to provide for
3 application; and to declare an emergency.

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

5 SECTION 1. A new section to chapter 54-66 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Conflicts of interest - Legislative assembly.**

- 8 1. Each legislative assembly shall adopt conflict of interest rules. The rules must:
 - 9 a. Require the disclosure by a member of a potential conflict of interest relating to
10 any bill in which the member may have a direct, unique, substantial, or individual
11 interest.
 - 12 b. Ensure a mechanism is in place to record each disclosure and make it readily
13 available to the public.
- 14 2. If the legislative assembly adopts rules under subsection 1 which are at least as
15 restrictive as the conflict of interest rules adopted by the ethics commission, the
16 disclosure process portion of the conflict of interest rules adopted by the ethics
17 commission may not apply to members of the legislative assembly.

18 SECTION 2. APPLICATION. House Rule 321, Senate Rule 321, and associated rules
19 relating to conflicts of interest of legislators, as enacted by the sixty-eighth legislative assembly,
20 are at least as restrictive as the conflict of interest rules adopted by the ethics commission and
21 control conflict of interest disclosure for members of the legislative assembly.

22 SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

ARTICLE 115-04
CONFLICT OF INTEREST

Key for JMK
MARCH 23, 2023

Chapter
115-04-01 Conflict of Interest

CHAPTER 115-04-01
CONFLICT OF INTEREST

October 2022

Section
115-04-01-01 Definitions
115-04-01-02 Disclosure of Potential Conflict of Interests
115-04-01-03 Neutral Reviewer Evaluation of Potential Conflict Disclosures, Decision, and Action
115-04-01-04 Disclosure Form and Documentation
115-04-01-05 Adoption of More Restrictive Rules

115-04-01-01. Definitions.

1. "Disqualifying conflict of interest" means one of the following:

- a. A potential conflict of Interest disclosed pursuant to this rule which the public official has determined requires recusal and abstention from further action in the matter; or
- b. A potential conflict of Interest disclosed pursuant to this rule which the neutral reviewer has determined requires the public official to recuse and abstain from further action in the matter.

Equity of Conflict of Interest (LF)

2. "Potential conflict of interest" means a public official as part of the public official's duties must make a decision or take action in a matter in which the public official has:

- a. Received a gift from one of the parties;
- b. A significant financial interest in one of the parties or in the outcome of the proceeding; or
- c. A relationship in private capacity with one of the parties.

3. "Gift" means a gift not otherwise permitted under article XIV of the Constitution of North Dakota, North Dakota Century Code chapter 54-66, or North Dakota Administrative Code chapter 115-03-01.

4. "Immediate family" means a public official's parent, sibling, spouse, grandparent, grandchild, stepchild, or child by blood or adoption.

5. "Neutral reviewer" means the individual or committee designated by an agency, legislative body, board, commission, or committee to receive disclosures of potential conflicts of interest and determine whether the potential conflict of interest is a disqualifying conflict of interest. In the absence of a rule or policy designating a neutral reviewer, the following shall apply:

- a. If a public official with a potential conflict of interest is a member of a legislative body, board, commission, or committee the remaining individuals who are members of the legislative body, board, commission, or committee shall be considered as the neutral reviewer;
- b. If a public official with a potential conflict of interest is an employee of the legislature, the public official's supervisor may be considered as the neutral reviewer;

↓ Key Statement

- c. If a public official with a potential conflict of interest is a member of the governor's cabinet, the governor's designated ethics officer shall be considered as the neutral reviewer;
 - d. If the public official with a potential conflict of interest is an appointed public official, the appointing official shall be considered as the neutral reviewer; or
 - e. If none of the above apply, the public official shall make the determination but must report the disclosure and decision in the manner set forth in section 115-04-01-04 within seven calendar days.
6. "Public official" means any elected or appointed official of the North Dakota executive or legislative branches, including members of the ethics commission, members of the governor's cabinet, and employees of the legislative branch.
 7. "Relationship in a private capacity" means a past or present commitment, interest or relationship of the public official in a matter involving the public official's immediate family, individual's residing in the public official's household, the public official's employer, or employer of the public official's immediate family, or individuals with whom the public official has a substantial and continuous business relationship.
 8. "Significant financial interest" means a direct and substantial in-kind or monetary interest, or its equivalent, not shared by the general public; however, does not include investments in a widely held investment fund, such as mutual funds, exchange-traded funds, participation in a public employee benefits plan, or lawful campaign contributions.

History: Effective October 19, 2022.

* Legislature Immune ↓ ** Legislature Has This

115-04-01-02. Disclosure of potential conflict of interests.

- * 1. Subject to the requirements of section 115-04-01-05, this section shall only apply if an agency, board, or commission does not have a current conflicts of interest statute or rule. In any assessment of a possible conflict of interest the matter will be reported to the ethics commission in accordance with section 115-04-01-04.
- 2. When a matter comes before a public official and the public official has a known potential conflict of interest, the public official must disclose the potential conflict of interest.
- 3. The disclosure of potential conflict of interest must be made prior to the public official taking any action or making any decision in the matter and must provide sufficient information concerning the matter and the public official's potential conflict of interest. Disclosure shall be on the written form approved by the ethics commission as set forth in section 115-04-01-04.
- 4. In emergency or other exigent circumstances where time is of the essence, and a public official is not permitted or is otherwise unable to abstain from action in connection with the matter, the public official must disclose the potential conflict of interest and the action with the neutral reviewer in the manner requested by the neutral reviewer. The disclosure must occur within seven calendar days of the public official's action in the matter.
- 5. Upon the completion of the required disclosure of a potential conflict of interest, the public official may voluntarily recuse himself and abstain from further action in the matter.

History: Effective October 19, 2022.

115-04-01-03. Neutral reviewer evaluation of potential conflict disclosures, decision, and action.

1. Subject to section 115-04-01-05, this section shall only apply if an agency, board, or commission does not have a current conflict of interest statute or rule. In any assessment of a possible conflict of interest the matter will be reported to the ethics commission in accordance with section 115-04-01-04.
2. If a public official elects not to recuse themselves from the matter, the public official may consult with or defer to the neutral reviewer. The neutral reviewer, if utilized, shall evaluate the disclosure, may request further information from the public official regarding the disclosure, and shall determine if the disclosed potential conflict of interest constitutes a disqualifying conflict of interest.
3. Upon completion of the review of the potential conflict of interest, the neutral reviewer should communicate to the public official one of the following:
 - a. The potential conflict of interest does not constitute a disqualifying conflict of interest, and the public official may participate in the matter; or
 - b. The potential conflict of interest does constitute a disqualifying conflict of interest, and the public official shall recuse himself and abstain from participating in the matter.
4. A violation of article XIV of the Constitution of North Dakota or these rules will not be found if:
 - a. The public official consults with and adheres to the neutral reviewer's suggested course of action;
 - b. The public official acts in good faith; and
 - c. The disclosed material facts surrounding the potential conflict of interest are substantially the same as the facts presented in the complaint.
5. If applicable the neutral reviewer shall comply with the requirements of North Dakota Century Code chapter 44-04 in its consideration and review of the potential conflict of interest. During any discussion of a potential conflict of interest, upon request by the neutral reviewer, the public official may provide additional information regarding the potential conflict of interest and the matter in question. Where North Dakota Century Code chapter 44-04 applies, the public official may not be asked to leave the discussion of the potential conflict of interest; however, the disclosing public official may voluntarily leave the meeting at which the discussion occurs.
6. If the neutral reviewer is a group of individuals in which the public official is a member, the public official may not vote on the issue of whether a potential conflict of interest constitutes a disqualifying conflict of interest. The public official may not be counted for purposes of determining whether a quorum is present. Any quorum requirement established under statute or rule shall be reduced as though the public official were not a member of the group of individuals that constitutes the neutral reviewer.
7. The following standards shall guide the review and decision of either a public official or the neutral reviewer with respect to any public official's potential conflict of interest:
 - a. Appropriate weight and proper deference must be given to the requirement that a public official perform the duties of elected or appointed office, including the duty to vote or otherwise act upon a matter, provided the public official has properly disclosed the potential conflict of interest as required by this rule.

- b. A decision that requires a public official to recuse or abstain from further action or decision in a matter should only occur in cases where the independence of judgment of a reasonable person in the public official's situation would be materially affected by the disclosed potential conflict of interest.
- c. The review of a potential conflict of interest and any decision that would require a public official to recuse themselves or abstain from further involvement in a matter shall consider any applicable North Dakota law which precludes the public official from recusal or abstention in the matter. *No Conflict of Interest IF:*
- * d. It is presumed that a public official does not have a disqualifying conflict of interest if the public official would not derive any personal benefit which is greater than that accruing to any other member of the general public or any general business, profession, occupation, or group affected by the matter.
- e. Any guidance issued by the ethics commission, including informal guidance, advisory opinions, rules, standards, and precedent.

History: Effective October 19, 2022.

115-04-01-04. Disclosure form and documentation.

- 1. Disclosure required under these rules shall be made using the form approved by the ethics commission and available on the ethics commission website. The form will allow public officials and directors, officers, commissioners, heads, or other executives of agencies to input information and attach relevant documentation.
- 2. The neutral reviewer or public official shall document the decision regarding any disclosures on the approved form. Upon completion, the neutral reviewer or public official shall provide a copy of the completed form to the relevant department, agency, board, body, commission, or committee, and the ethics commission. The public official may retain a copy of the completed form.
- 3. Departments, agencies, boards, commissions, or public entities shall document in the official minutes of a proceeding information, if applicable, that a public official or director, officer, commissioner, head, or other executive has been recused from any further involvement in the matter.

History: Effective October 19, 2022.

Legislature Has Done This

115-04-01-05. Adoption of more restrictive rules.

Any agency, office, commission, board, or entity subject to these rules may adopt conflict of interest rules that are more restrictive than these rules but may not adopt conflict of interest rules that are less restrictive.

History: Effective October 19, 2022.

23.0613.02002

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1313

Introduced by

Representatives Kasper, Bellew, Bosch, Lefor, Monson, D. Ruby, Vigesaa

Senators Bekkedahl, Hogue, Klein, Kreun, Meyer

1 A BILL for an Act to amend and reenact section 54-35-06 of the North Dakota Century Code,
2 relating to the chairman ~~and vice chairman~~ of the legislative management; to provide for
3 application; and to declare an emergency.

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

5 SECTION 1. AMENDMENT. Section 54-35-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 54-35-06. Officers - Accept funds - Expenditures.

8 1. The majority leader of each house, or a designee of the majority leader, shall serve as
9 co-chairmen of the legislative management shall select a chairman must be the
10 majority leader of one house of the legislative assembly, or the majority leader's
11 designee, and a the vice chairman from its own members and must be the majority
12 leader of the opposite house of the legislative assembly, or the majority leader's
13 designee. The legislative management may prescribe its own rules of procedure.

14 2. The legislative management chairman shall serve a two-year term beginning at the
15 adjournment of each regular legislative session. The chairman may not be a member
16 of the same house of the legislative assembly for consecutive terms. The vice
17 chairman may not be a member of the same house of the legislative assembly as the
18 chairman.

19 ~~3.~~ The legislative management may appoint a secretary who need not be a member, and
20 shall appoint a director who ~~must~~ be in charge of the legislative council and who
21 must be paid such. The director is entitled to a salary ~~asset~~ by the legislative
22 management may determine. The director may employ such persons and obtain the
23 assistance of such research agencies as ~~determined necessary~~. The director may use
24 available funds for salary adjustments to assist with staff recruitment, retention, and

Sixty-eighth
Legislative Assembly

1 recognition of exceptional performance. The legislative management and the
2 legislative council may accept and use any funds made available through the terms of
3 ~~any~~ agreement made with any agency ~~whatsoever~~ for the accomplishment of the
4 purpose of this chapter. Expenditures of funds made available by legislative
5 appropriation must be made in accordance with rules or motions duly approved by the
6 legislative management.

7 ~~SECTION 2. APPLICATION. The chairman of the legislative management beginning at the~~
8 ~~adjournment of the 2023 legislative session must be the majority leader of the house of~~
9 ~~representatives.~~

10 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1313

That the Senate recede from its amendments as printed on page 1411 of the House Journal and page 1132 of the Senate Journal and that Engrossed House Bill No. 1313 be amended as follows:

Page 1, line 2, remove "and vice chairman"

Page 1, line 8, after "The" insert "majority leader of each house, or a designee of the majority leader, shall serve as co-chairmen of the"

Page 1, line 8, overstrike "chairman"

Page 1, line 8, remove "must be the majority leader of"

Page 1, line 9, remove "one house of the legislative assembly, or the majority leader's designee,"

Page 1, line 9, overstrike "and"

Page 1, line 9, remove "the"

Page 1, line 9, overstrike "vice"

Page 1, line 10, overstrike "chairman"

Page 1, line 10, remove "must be the majority leader of the opposite house"

Page 1, line 11, remove "of the legislative assembly, or the majority leader's designee"

Page 1, line 13, remove "The legislative management chairman shall serve a two-year term beginning at the"

Page 1, remove lines 14 through 17

Page 1, line 18, remove "3."

Page 2, remove lines 6 through 8

Renumber accordingly