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Dorena H. Ball
Operator's Signature

10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1193

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Dorena Holbrook
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1193

House Transportation Committee

Conference Committee

Hearing Date February 6, 2003

Tape Number	Side A	Side B	Meter #
1	x		1.4 to 6.4
	x		27.3 to 29.0
Committee Clerk Signature <i>Laura S. [Signature]</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on HB 1293, a bill for an Act to amend and reenact section 39-21-41.1 of the North Dakota Century Code, relating to the use of safety belts.

Rep. Klemin, representing District 47 introduced this legislation which makes not substantive change in current law relating to the use of safety belts. What it does is to clarify when this particular statute can be used in legal proceedings. Dave Schweigert, my partner in our law practice will explain the reasons for this proposed legislation.

Dave Schweigert: A copy of his written testimony is attached.

Rep. Weisz, Chairman (5.3) Are you aware of any case in the state where this would come into play under the current law?

Dave Schweigert: Yes -- they way it is typically used is that the attorney will argue that if you had been belted, your injuries would have been less -- therefor you were contributorily negligent.

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Dorinda [Signature]
Operator's Signature

10/2/03
Date

Page 2
House Transportation Committee
Bill/Resolution Number HB 1193
Hearing Date February 6, 2003

The the jury instruction -- which you have in front of you -- would be given that says if you were in violation of the law --- you are contributarily negligent.

Rep. Hawken: If we did during this session -- change the law to make the seat belt law mandatory instead of a secondary offense, -- would this just go along with that.

Dave Schweigert: Rep. Hawkens, that is correct .

There being no further testimony either for or against HB 1193, the Chairman closed the hearing.

End (6.4)

Action (27.3)

Rep. Hawken, Vice Chairman Opened the discussion for action on HB 1193.

Rep. Zaiser: Moved a Do Pass Motion for HB 1193. Rep. Ruby seconded the motion.

On a roll call vote the motion carried 10 Ayes 0 Nays 3 Absent and not voting.

Rep. Dosch was designated to carry HB 1193 on the floor.

End (29.0)

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Donna G. Galt
Operator's Signature

10/2/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/16/2003

Bill/Resolution No.: HB 1193

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						
Expenditures				\$0		\$0
Appropriations						

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

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

No fiscal impact.

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.

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:	Jo Zschomler	Agency:	Risk Management
Phone Number:	328-6510	Date Prepared:	01/17/2003

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Donna Bell
 Operator's Signature

1/21/03
 Date

Date: 2-06-03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 1193

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 30209.0100

Action Taken Do Pass

Motion Made By Rep. Zaiser Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	A		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlie E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	A				
Craig Headland	✓				
Clara Sue Price	✓				
Den J. Ruby	✓				
Dave Weiler	A				

Total Yes 10 No 0

Absent 3

Floor Assignment Rep. Dosch

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

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Donna Ballantyne Date 10/2/03
Operator's Signature

REPORT OF STANDING COMMITTEE (410)
February 6, 2003 11:52 a.m.

Module No: HR-23-1828
Carrier: Doeck
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1193: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1193 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-23-1828

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Dorinda Hall
Operator's Signature

10/2/03
Date

2003 SENATE JUDICIARY

HB 1193

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10/2/03
Date