

1997 CA A.B. 1710 (SN)

essential that the Legislature create the conditions that will enable the high technology industry and other industries that use that technology to develop in the years ahead and continue to help drive the overall economy.

(b) The California Business Roundtable recently cited the high costs of litigation, particularly the dramatic growth in damages available under tort law, as being one of the greatest barriers to doing business in California.

(c) A programming choice that may be found in a wide variety of computers and other electronic devices known as the "Year 2000 Computing Issue," a present or future inability of the computer or the computer system or component thereof, program or software to accurately store, process, provide, or receive data from, into, and between the years 1999 and 2000 and beyond, may jeopardize the growth of the high technology industry and other industries that use that technology. This issue requires updating or editing some computer software to enable it to successfully deal with the coming date change from 1999 to 2000 and beyond.

(d) Accordingly, it is the intent of the Legislature to protect the future of the high technology industry and other industries that use that technology in California by improving predictability in litigation, promoting advanced solutions to transition problems in order to prevent computer date failure, and reducing the overall cost of lawsuits while ensuring injured parties with legal recourse.

(e) Furthermore, it is the intent of the Legislature that the amendments made by this act shall be applicable with respect to any claim that has not been finally adjudicated by January 1, 1999.

SEC. 2. Section 3339 is added to the Civil Code, to read:

3339. (a) Notwithstanding Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, Title 1.5 (commencing with Section 1750) or Title 1.7 (commencing with Section 1790) of Part 4 of Division 3 of the Civil Code, or any other provision of law, and unless otherwise agreed, the exclusive remedy in any action, including one to recover damages, resulting directly or indirectly from a computer date failure, including one based on breach of contract, derivative, shareholder, or any alleged failure properly to detect, disclose, prevent, report on, or remediate a computer date failure, brought against a person who <<- is in the business of designing, developing, or manufacturing ->> <<+ designed, developed, or manufactured +>> the computer system or computer program or software <<+ or component thereof +>> that failed, shall be deemed to be based solely in contract when all of the following apply:

1997 CA A.B. 1710 (SN)

(1) The plaintiff has not suffered any personal injury, excluding emotional harm <<+ , +>> as a result of the computer date failure.

(2) The defendant has done all of the following:

(A) <<+ Made available at no charge to the buyer a repair or replacement for an off-the-shelf computer program or software first introduced for license or sale after December 31, 1997. +>>

<<+ (B) +>> Given notice by mail to all <<- known ->> <<+ registered +>> buyers of the computer system or any component thereof or computer program or software that experiences or may experience a computer date failure <<- ; ->> <<+ , +>> or when the defendant is not able to notify by mail each and every buyer, the defendant has given notice by publication pursuant to Section 6064 of the Government Code in a newspaper of general circulation and by posting notice on the <<+ defendant's World Wide Web site on the +>> Internet.

<<- (B) Made available at no charge to the buyer the repair or replacement of the computer system or component thereof or computer program or software that failed or may fail with an equivalent computer system or computer program or software that will not experience a computer date failure. ->>

<<- (C) The notices ->>

<<+ (C) The notice +>> issued under subparagraph <<- (A) ->> <<+ (B) +>> shall specify the computer system or component thereof or computer program or software <<+ supplied by a defendant +>> that experiences or may experience a computer date failure, <<- the availability of replacement or repair at no charge to the buyer, and ->> <<+ and shall explain +>> the manner by which the buyer may obtain repair or replacement of the computer system or component thereof or software, <<+ if repair or replacement is available, +>> or <<+ obtain +>> additional information regarding the computer system <<+ or component thereof +>> or software.

(D) Pursuant to Section 1151 of the Evidence Code, the notice issued under subparagraph <<- (A) ->> <<+ (B) +>> is inadmissible <<- to prove breach of contract, breach of warranty, negligence or other culpable conduct on the part of the defendant. ->> <<+ for any purpose other than proof of the fact that notice was given. +>>

(b) Notwithstanding Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, Title 1.5 (commencing with Section 1750) or Title 1.7 (commencing with Section 1790) of Part 4 of Division 3 of the Civil Code, or any other provision of law, and unless otherwise agreed, the exclusive remedy in any action, including one to recover damages, resulting directly or indirectly from

1997 CA A.B. 1710 (SN)

a computer date failure, including breach of contract, derivative, shareholder, or any other action based on an alleged failure properly to detect, disclose, prevent, report on, or remediate a computer date failure, brought against any person <<- is not in the business of designing, developing, or manufacturing ->> <<+ other than the designer, developer, or manufacturer +>> the computer system or computer program or software that failed, shall be in contract when the plaintiff has not suffered any personal injury, excluding emotional harm, as a result of the computer date failure.

(c) As used in this section:

(1) "Computer program or software" is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

(2) "Computer system" means any electronic device or collection of devices, including support devices, networks; and <<- imbedded ->> <<+ embedded +>> chips and excluding calculators that are not programmable, that contains computer programs, electronic instructions, <<- input data, and output data, ->> and that performs functions including, but not limited to, logic, arithmetic, <<+ data processing, +>> data storage and retrieval, communication, <<- and ->> <<+ or +>> control.

(3) "Computer date failure" means either of the following:

(A) A present or future inability of the computer system, computer program or software to accurately store, process, provide, or receive data from, into, and between the years 1999 and 2000 and beyond, provided that all other technology used in combination with the system, program, or software properly exchanges data with it.

(B) The possibility of the existence of any such inability or incompatibility.

(d) "Person" means any individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other group of persons acting in concert.

(e) Nothing in this section shall be construed to:

(1) Recognize, endorse, or suggest the existence or validity of any purported cause of action.

(2) <<+ Create a cause of action where none otherwise existed. +>>

<<+ (3) +>> Limit the ability of contracting parties to enter into

1997 CA A.B. 1710 (SN)

agreements as they deem appropriate on the issues of liability and damages.

<<- (3) ->>

<<+ (4) +>> Affect the validity of existing contracts created on or before enactment of this section regarding issues of liability and damages.

1997 CA A.B. 1710 (SN)

END OF DOCUMENT

Citation	Search Result	Rank 1 of 8	Database
1997 FL H.B. 3619 (SN)			ST-BILLS
1997 Florida House Bill No. 3619, Florida 1998 Regular Session (FULL TEXT - STATE NET)			

FLORIDA BILL TEXT

1998 Legislature CS/HB 3619, Second Engrossed

VERSION: Enacted
 May 30, 1998
 Culp

An act relating to computers; creating s. 14.025, F.S., relating to the Governor; recognizing the potential computer problems that may occur in state agencies due to the date change necessitated by the year 2000; authorizing the Governor to reassign resources in the event of a likely computer failure; authorizing the Administration Commission to reassign resources if an agency headed by the Governor and Cabinet or a Cabinet officer is likely to experience a computer failure; requiring the reassignment of resources to conform with the law governing budget amendments; requiring the reassignment of personnel to conform with the law governing employee interchanges; requiring legislative approval if a reassignment of resources is necessary for more than 90 days; authorizing legislative veto of the reassignment of state resources; providing for repeal of the powers granted to the Governor; amending ss. 112.24 and 112.27, F.S., relating to employee interchange programs; clarifying that state agencies may exchange employees; creating s. 282.4045, F.S.; providing legislative findings relating to the adequacy of the state's actions to prevent year 2000 computer failures; protecting the state and units of local government against legal actions that result from a year 2000 computer date calculation failure; providing an effective date.

TEXT:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 14.025, Florida Statutes, is created to read:

<<+ 14.025 Executive powers for year 2000 computer remediation.-- +>>

<<+ (1) In the event the Governor believes that a computer system may fail related to the impending date change necessitated by the year 2000, or in the event of a computer system failure related to the date change necessitated by the year 2000, the Governor may reassign resources, including personnel, from one or more agencies or departments to the agency with the projected or actual computer system failure. If this agency is under the control of the Governor, and the agencies affected by the reassignment of resources also are under the control of the Governor, the actions and decisions of the Governor with respect to the reassignment of resources are final. If the transfer is from an agency under the control of the Governor to an agency under the

1997 FL H.B. 3619 (SN)

control of the Governor and Cabinet or the transfer is from an agency under the control of the Governor and Cabinet to an agency under the control of the Governor, the recommendation by the Governor shall be forwarded to the Administration Commission for approval. +>>

<<+ (2) If a year 2000 computer system failure occurs, or is predicted to occur, in an agency under the control of the Governor and Cabinet, and the Governor recommends the reassignment of resources, including personnel, from an agency under the control of the Governor and Cabinet, such recommendation by the Governor shall be forwarded to the Administration Commission for approval. +>>

<<+ (3) If a year 2000 computer system failure occurs, or is predicted to occur, in an agency under the control of a Cabinet officer, and the Governor recommends the reassignment of resources, including personnel, from an agency under the control of a Cabinet officer, such recommendation by the Governor shall be forwarded to the Administration Commission for approval. +>>

<<+ (4) Notwithstanding ss. 216.292 and 216.351, or any other law to the contrary, moneys reassigned related to a predicted or actual year 2000 computer system failure must be transferred as specified by s. 216.177. The Governor shall follow the process in part II of chapter 112 in transferring personnel among affected agencies. The transfer of personnel or moneys for more than 90 days must have the concurrence of the President of the Senate, the Speaker of the House of Representatives, and a majority of the members of each of the House and Senate fiscal committees. +>>

<<+ (5) The Legislature may, by concurrent resolution, terminate the reassignment of state resources made pursuant to this section. +>>

<<+ (6) This section is repealed July 1, 2000. +>>

Section 2. Section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental transfer and interchange of public employees.--To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with <<+ other state agencies, +>> the Federal Government, <<- with ->> another state, <<+ a +>> <<- with another ->> municipality <<+ , +>> or <<+ a +>> political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with <<+ a state agency, +>> the Federal Government,

1997 FL H.B. 3619 (SN)

<<- with ->> another state, <<- with ->> a municipality <<+ , +>> or <<+ a +>> political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government:

(1) Details of an employee interchange program shall be the subject of an agreement, which may be extended or modified, between a sending party and a receiving party. State agencies shall report such agreements and any extensions or modifications thereto to the Department of Management Services.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months. However, agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of Management Services. If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

(3) Salary, leave, travel and transportation, and reimbursements for an employee of a sending party that is participating in an interchange program shall be handled as follows:

(a) An employee of a sending party who is participating in an interchange agreement may be considered as on detail to regular work assignments of the sending party or in a leave status from the sending party except that the receiving agency shall pay the salary and benefits of such employee during the time, in excess of 1 week, that the employee is working for the receiving agency. However, an employee of a sending party who is participating in an interchange agreement pursuant to s. 10, chapter 91-429, Laws of Florida, shall be considered as on detail to regular work assignments of the sending party, and the sending party shall reimburse the receiving agency for the salary and benefits and expenses of such employee and any other direct costs of conducting the inspections during the time the employee is working for the receiving agency.

1. If on detail, an employee shall receive the same salary and benefits as if he or she were not on detail and shall remain the employee of the sending party for all purposes except that supervision during the period of detail may be governed by the interchange agreement.

2. If on leave, an employee shall have the same rights, benefits, and

1997 FL H.B. 3619 (SN)

obligations as other employees in a leave status subject to exceptions provided in rules for state employees issued by the department or the rules or other decisions of the governing body of the municipality or political subdivision.

(b) The assignment of an employee of a state agency either on detail or on leave of absence may be made without reimbursement by the receiving party for the travel and transportation expenses to or from the place of the assignment or for the pay and benefits, or a part thereof, of the employee during the assignment.

(c) If the rate of pay for an employee of an agency of the state on temporary assignment or on leave of absence is less than the rate of pay he or she would have received had the employee continued in his or her regular position, such employee is entitled to receive supplemental pay from the sending party in an amount equal to such difference.

(d) Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending party's employee compensation program, as an employee who sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which the employee is entitled to, and elects to receive, similar benefits under the receiving party's employee compensation program.

(e) A sending party in this state may, in accordance with the travel regulations of such party, pay the travel expenses of an employee who is assigned to a receiving party on either detail or leave basis, but shall not pay the travel expenses of such an employee incurred in connection with work assignments at the receiving party. If the assignment or detail will exceed 8 months, travel expenses may include expenses to transport immediate family, household goods, and personal effects to and from the location of the receiving party. If the period of assignment is 3 months or less, the sending party may pay a per diem allowance to the employee on assignment or detail.

(4) (a) When any agency, municipality, or political subdivision of this state acts as a receiving party, an employee of the sending party who is assigned under authority of this section may be given appointments by the receiving party covering the periods of such assignments, with compensation to be paid from the receiving party's funds, or without compensation, or be considered to be on detail to the receiving party.

(b) Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving party.

(c) During the period of an assignment, the employee who is detailed to the receiving party shall not by virtue of such detail be considered an

1997 FL H.B. 3619 (SN)

employee of the receiving party, except as provided in paragraph (d), nor shall the employee be paid a wage or salary by the receiving party. The supervision of an employee during the period of the detail may be governed by agreement between the sending party and the receiving party. A detail of an employee to a state agency may be made with or without reimbursement to the sending party by the receiving party for the pay and benefits, or a part thereof, of the employee during the period of the detail.

(d) If the sending party of an employee assigned to an agency, municipality, or political subdivision of this state fails to continue making the employer's contribution to the retirement, life insurance, and health benefit plans for that employee, the receiving party of this state may make the employer's contribution covering the period of the assignment or any part thereof.

(e) Any employee of a sending party assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving party's employee compensation program, as an employee who has sustained injury in the performance of duty, but shall not receive benefits under such program for any period for which he or she elects to receive similar benefits as an employee under the sending party's employee compensation program.

(f) A receiving party in this state may, in accordance with the travel regulations of such party, pay travel expenses of persons assigned thereto during the period of such assignments on the same basis as if they were regular employees of the receiving party.

(5) An agency may enter into agreements with private institutions of higher education in this state as the sending or receiving party as specified in subsections (3) and (4).

Section 3. Subsection (1) of section 112.27, Florida Statutes, is amended to read:

112.27 Authority to interchange employees.--

(1) Any department, agency, or instrumentality of the state is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the <<+ state, the +>> federal government, or another state, as a sending or receiving agency.

Section 4. Section 282.4045, Florida Statutes, is created to read:

<<+ 282.4045 Immunity for state agencies and units of local government for **year 2000 computer** date calculation failures.--The State of Florida, its agencies, and any unit of local government shall be **immune** from damages consistent with s. 768.28. For purposes of this section, the state's agencies

1997 FL H.B. 3619 (SN)

or instrumentalities shall be deemed to include any public or private university school of medicine that is part of a public or private university supported in whole or in part by state funds and that has an affiliation with a local government or state instrumentality under which the medical school's **computer** system or systems, or diagnostic or therapeutic equipment dependent upon date logic, are used to provide clinical patient care services to the public. +>>

Section 5. <<+ No new information technology projects shall be established with funding releases unless the agency plan for year 2000 work is on schedule or ahead of schedule for the two most recent reporting periods of the Agency Year 2000 Progress Report. Such status shall be certified by the year 2000 project officer. +>>

Section 6. This act shall take effect upon becoming a law.
1997 FL H.B. 3619 (SN)
END OF DOCUMENT

Citation
GA LEGIS 833 (1998)
1998 Georgia Laws Act 833 (S.B. 638)

Found Document

Rank 1 of 1

Database
GA-LEGIS

GEORGIA 1998* SESSION LAWS
1998 REGULAR SESSION

Copr. © West Group 1998. All rights reserved.

Additions are indicated by <<+ Text +>>; Deletions by <<- Text ->>.
Vetoed provisions within tabular material are not displayed.

Act No. 833
S.B. No. 638

LOCAL GOVERNMENT--POLITICAL SUBDIVISIONS--LIABILITY FOR COMPUTER ERRORS

Act 833

AN ACT to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding local government, so as to provide that certain political subdivisions of the state shall have no liability for certain computer errors; to provide for applicability to failures to properly process dates or times under certain circumstances; to provide for related matters; to amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, "The Georgia Tort Claims Act," so as to provide that the state shall have no liability for certain computer errors; to provide for applicability to failures to properly process dates or times under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Act 833, § 1

<<+SECTION 1+>>.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding local government, is amended by adding a new Code section at the end thereof, to be designated Code Section 36-60-19, to read as follows:

<< GA ST 36-60-19 >>

"36-60-19.

(a) As used in this Code section, the term 'political subdivision of the state' means any office, agency, department, commission, board, division, and institution of any county or municipality of the State of Georgia.

(b) A political subdivision of the state shall have no liability for losses from any failure or malfunction occurring before December 31, 2005, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure or malfunction causing the loss was unforeseeable or if the failure or malfunction

GA LEGIS 833 (1998)

Act 833, § 1

causing the loss was foreseeable but the plan or design or both for identifying and preventing the failure or malfunction was prepared in substantial compliance with generally accepted computer and information system design standards in effect at the time of the preparation of the plan or design."

Act 833, § 2

<<+SECTION 2+>>.

Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, "The Georgia Tort Claims Act," is amended in Code Section 50-21-24, relating to exceptions to state liability, by striking the word "or" at the end of paragraph (11); by replacing the period at the end of paragraph (12) with the symbol and word "; or"; and by adding a new paragraph (13) to read as follows:

<< GA ST 50-21-24 >>

"(13) Any failure or malfunction occurring before December 31, 2005, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure or malfunction causing the loss was unforeseeable or if the failure or malfunction causing the loss was foreseeable but the plan or design or both for identifying and preventing the failure or malfunction was prepared in substantial compliance with generally accepted computer and information system design standards in effect at the time of the preparation of the plan or design."

Act 833, § 3

<<+SECTION 3+>>.

All laws and parts of laws in conflict with this Act are repealed.

Approved April 10, 1998

GA LEGIS 833 (1998)

END OF DOCUMENT

Citation	Search Result	Rank 5 of 8	Database
1997 HI H.B. 3013 (SN)			ST-BILLS
1997 Hawaii House Bill No. 3013, Hawaii 19th State Legislature (FULL TEXT - STATE NET)			

HAWAII BILL TEXT

HOUSE OF REPRESENTATIVES	H.B. NO. 3013
NINETEENTH LEGISLATURE, 1998	
STATE OF HAWAII	

VERSION: Introduced
February 2, 1998
Souki

A BILL FOR AN ACT

RELATING TO GOVERNMENT COMPUTER SYSTEMS WHICH ARE NOT YEAR 2000
COMPLIANT.

TEXT:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER GOVERNMENT COMPUTER SYSTEMS AND YEAR 2000 COMPLIANCE "

-1 Definitions. As used in this chapter:

"Government employee" includes officers and employees of the State, its political subdivisions, or a board, including persons acting in behalf of a board in an official capacity, temporarily or permanently, whether with or without compensation.

"Board" means any agency, board, commission, authority, or committee of the State or its political subdivisions that is created by constitution, statute, rule, or executive order to have supervision, control, jurisdiction, or advisory power over specific matters.

"Government computer system" includes any computer or other information technology system owned or operated by or on behalf of the State, its political subdivisions, a board, or an immune contractor.

"Immune contractor" means any natural person, professional corporation, or professional association that:

(1) Is an independent contractor in accordance with section 383-6; and

1997 HI H.B. 3013 (SN)

(2) Contracts to provide services to the State, its political subdivisions, or a board using a computer system.

"Year 2000 compliant" means, with respect to a government computer system, that the system accurately processes date and time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries and the years 1999 and 2000 and leap year calculations.

' -2 Immunity against suits. No action, including, without limitation, any action for declaratory or injunctive relief, may be brought against the State, its political subdivisions, a board, a government employee, or an **immune** contractor arising out of or based upon, in whole or in part, any error produced, calculated, or generated by a government **computer** system as a result of the system's not being **year 2000** compliant, regardless of the cause for the system's not being **year 2000** compliant.

' -3 Immunity provisions in contracts. (a) Any contract entered into by, on behalf of, or in the capacity of the State, its political subdivisions, a board, a government employee, or an **immune** contractor shall include a provision that provides immunity to those persons for any breach of contract or other claim arising out of or based upon, in whole or in part, any error produced, calculated, or generated by a government **computer** system as a result of the system's not being **year 2000** compliant, regardless of the cause for the system's not being **year 2000** compliant.

(b) Any contract subject to the provisions of this section that is entered into on or after June 30, 1998, shall have the legal effect of including the immunity required by section -2, and any provision of such contract that is in conflict with this section is void.

' -4 Remedial measures. Nothing in this chapter shall be deemed to prevent the State, its political subdivisions, a board, a government employee, or an **immune** contractor, from taking steps to remedy any error produced, calculated, or generated by a government **computer** system as a result of the system's not being **year 2000** compliant, once the error is verified."

SECTION 2. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

"'662-15 Exceptions. This chapter shall not apply to:

(1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;

1997 HI H.B. 3013 (SN)

(2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;

(3) Any claim for which a remedy is provided elsewhere in the laws of the State;

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state defense force during time of war, or during the times the Hawaii national guard is engaged in federal service pursuant to sections 316, 502, 503, 504, 505, or 709 of Title 32 of the United States Code;

(6) Any claim arising in a foreign country; <<- or ->>

(7) Any claim arising out of the acts or omissions of any boating enforcement officer <<- . ->> <<+ ; or +>>

<<+ (8) Any claim arising out of or based upon, in whole or in part, any error produced, calculated, or generated by a government computer system as a result of the system's not being year 2000 compliant, regardless of the cause for the system's not being year 2000 compliant. "Year 2000 compliant" means, with respect to a government computer system, that the system accurately processes date and time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries and the years 1999 and 2000 and leap year calculations. +>> "

SECTION 3. Statutory material to be repealed is bracketed.

New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

1997 HI H.B. 3013 (SN)

END OF DOCUMENT

Citation	Found Document	Rank 1 of 2	Database
1997 IL H.B. 2840 (SN)			BILLS
1997 Illinois House Bill No. 2840, Illinois 90th General Assembly -- 1997-98			
Regular Session (FULL TEXT - STATE NET)			

ILLINOIS BILL TEXT

HB 2840 INTRODUCED

VERSION: Introduced
February 4, 1998
Fritchey

AN ACT in relation to governmental immunity.

TEXT:

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Local Government Computer Immunity Act.

Section 5. Computers; incorrect date. No cause of action, including, without limitation, any civil action or action for declaratory or injunctive relief, may be brought against a local public entity or public employee on the basis that a computer or other information system that is owned or operated by a local public entity produced, calculated, or generated an incorrect date, regardless of the cause of the error.

Any contract entered into by or on behalf of a local public entity must include a provision that provides immunity to the local public entity and its public employees for any breach of contract that is caused by an incorrect date being produced, calculated, or generated by a computer or other information system that is owned or operated by the local public entity, regardless of the cause of the error. Any contract subject to the provisions of this Section that is entered into on or after the effective date of this Act has the legal effect of including the immunity required by this Section, and any provision of the contract which is in conflict with this Section is void.

As used in this Section, "local public entity" and "public employee" have the meanings ascribed to those terms in the Local Governmental and Governmental Employees Tort Immunity Act.

Section 905. The Court of Claims Act is amended by changing Sections 8 and 22 as follows:

(705 ILCS 505/8) (from Ch. 37, par. 439.8)

1997 IL H.B. 2840 (SN)

Sec. 8. Court of Claims jurisdiction.

<<+ (1) Except as provided in subsection (2), +>> the court shall have exclusive jurisdiction to hear and determine the following matters:

(a) All claims against the State founded upon any law of the State of Illinois or upon any regulation adopted thereunder by an executive or administrative officer or agency; provided, however, the court shall not have jurisdiction (i) to hear or determine claims arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or claims for expenses in civil litigation, or (ii) to review administrative decisions for which a statute provides that review shall be in the circuit or appellate court.

(b) All claims against the State founded upon any contract entered into with the State of Illinois.

(c) All claims against the State for time unjustly served in prisons of this State where the persons imprisoned shall receive a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which they were imprisoned; provided, the court shall make no award in excess of the following amounts: for imprisonment of 5 years or less, not more than \$15,000; for imprisonment of 14 years or less but over 5 years, not more than \$30,000; for imprisonment of over 14 years, not more than \$35,000; and provided further, the court shall fix attorney's fees not to exceed 25% of the award granted. On December 31, 1996, the court shall make a one-time adjustment in the maximum awards authorized by this <<+ subdivision +>> <<- subsection ->> (c), to reflect the increase in the cost of living from the year in which these maximum awards were last adjusted until 1996, but with no annual increment exceeding 5%. Thereafter, the court shall annually adjust the maximum awards authorized by this <<+ subdivision +>> <<- subsection ->> (c) to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. For both the one-time adjustment and the subsequent annual adjustments, if the Consumer Price Index decreases during a calendar year, there shall be no adjustment for that calendar year. The changes made by Public Act 89-689 apply to all claims filed on or after January 1, 1995 that are pending on December 31, 1996 and all claims filed on or after December 31, 1996.

(d) All claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board

1997 IL H.B. 2840 (SN)

of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy; provided, that an award for damages in a case sounding in tort, other than certain cases involving the operation of a State vehicle described in this paragraph, shall not exceed the sum of \$100,000 to or for the benefit of any claimant. The \$100,000 limit prescribed by this Section does not apply to an award of damages in any case sounding in tort arising out of the operation by a State employee of a vehicle owned, leased or controlled by the State. The defense that the State or the Medical Center Commission or the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy is not liable for the negligence of its officers, agents, and employees in the course of their employment is not applicable to the hearing and determination of such claims.

(e) All claims for recoupment made by the State of Illinois against any claimant.

(f) All claims pursuant to the Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act.

(g) All claims filed pursuant to the Crime Victims Compensation Act.

(h) All claims pursuant to the Illinois National Guardsman's Compensation Act.

(i) All claims authorized by subsection (a) of Section 10-55 of the Illinois Administrative Procedure Act for the expenses incurred by a party in a contested case on the administrative level.

<<+ (2) The Court of Claims shall not have jurisdiction in any action for which immunity is provided under Section 1.1 of the State Lawsuit Immunity Act. +>>

(Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96; 90-492, eff. 8-17-97.)

(705 ILCS 505/22) (from Ch. 37, par. 439.22)

Sec. 22. Every claim cognizable by the Court and not otherwise sooner barred by law shall be forever barred from prosecution therein unless it is filed with the Clerk of the Court within the time set forth as follows:

(a) All claims arising out of a contract must be filed within 5 years after it first accrues, saving to minors, and persons under legal disability

1997 IL H.B. 2840 (SN)

at the time the claim accrues, in which cases the claim must be filed within 5 years from the time the disability ceases.

(b) All claims cognizable against the State by vendors of goods or services under "The Illinois Public Aid Code", approved April 11, 1967, as amended, must file within one year after the accrual of the cause of action, as provided in Section 11-13 of that Code.

(c) All claims arising under paragraph (c) of <<+ subsection +>>

<<+ (1) of +>> Section 8 of this Act must be filed within 2 years after the person asserting such claim is discharged from prison, or is granted a pardon by the Governor, whichever occurs later, except as otherwise provided by the Crime Victims Compensation Act.

(d) All claims arising under paragraph (f) of <<+ subsection +>>

<<+ (1) of +>> Section 8 of this Act must be filed within one year of the date of the death of the law enforcement officer or fireman as provided in Section 3 of the "Law Enforcement Officers and Firemen Compensation Act", approved September 30, 1969, as amended.

(e) All claims arising under paragraph (h) of <<+ subsection (1) of +>> Section 8 of this Act must be filed within one year of the date of the death of the guardsman or militiaman as provided in Section 3 of the "Illinois National Guardsman's and Naval Militiaman's Compensation Act", approved August 12, 1971, as amended.

(f) All claims arising under paragraph (g) of <<+ subsection +>>

<<+ (1) of +>> Section 8 of this Act must be filed within one year of the crime on which a claim is based as provided in Section 6.1 of the "Crime Victims Compensation Act", approved August 23, 1973, as amended.

(g) All claims arising from the Comptroller's refusal to issue a replacement warrant pursuant to Section 10.10 of the State Comptroller Act must be filed within 5 years after the issue date of such warrant.

(h) All other claims must be filed within 2 years after it first accrues, saving to minors, and persons under legal disability at the time the claim accrues, in which case the claim must be filed within 2 years from the time the disability ceases.

(i) The changes made by this amendatory Act of 1989 shall apply to all warrants issued within the 5 year period preceding the effective date of this amendatory Act of 1989.

(j) All time limitations established under this Act and the rules promulgated under this Act shall be binding and jurisdictional, except upon

1997 IL H.B. 2840 (SN)

extension authorized by law or rule and granted pursuant to a motion timely filed.

(Source: P.A. 86-458.)

Section 910. The State Lawsuit Immunity Act is amended by adding Section 1.1 as follows:

(745 ILCS 5/1.1 new)

<<+ Sec. 1.1. Computers; incorrect date. No cause of action, including, without limitation, any civil action or action for declaratory or injunctive relief, may be brought against the State or any of its agencies, officers, or employees on the basis that a computer or other information system that is owned or operated by the State or any of its agencies, officers, or employees produced, calculated, or generated an incorrect date, regardless of the cause of the error. +>>

<<+ Any contract entered into by or on behalf of the State or any of its agencies, officers, or employees must include a provision that provides immunity to the State and its agencies, officers, and employees for any breach of contract that is caused by an incorrect date being produced, calculated, or generated by a computer or other information system that is owned or operated by the State or any of its agencies, officers, or employees, regardless of the cause of the error. Any contract subject to the provisions of this Section that is entered into on or after the effective date of this amendatory Act of 1998 has the legal effect of including the immunity required by this Section, and any provision of the contract which is in conflict with this Section is void. +>>

Section 915. The Local Governmental and Governmental Employees Tort Immunity Act is amended by adding Section 2-214 as follows:

(745 ILCS 10/2-214 new)

<<+ Sec. 2-214. Local Government Computer Immunity Act. The Local Government Computer Immunity Act shall control in all matters to which that Act applies. +>>

1997 IL H.B. 2840 (SN)

END OF DOCUMENT

Citation	Found Document	Rank 1 of 4	Database
1998 IN S.B. 96 (SN)			BILLS
1998 Indiana Senate Bill No. 96, Indiana 110th General Assembly -- Second Regular Session (FULL TEXT - STATE NET)			

INDIANA BILL TEXT

Second Regular Session 110th General Assembly (1998)
SENATE BILL No. 96

VERSION: Engrossed
January 27, 1998
Kenley

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

TEXT:

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 34-4-16.5-3, AS AMENDED BY P.L.151-1996, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from:

- (1) the natural condition of unimproved property;
- (2) the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose which is not foreseeable;
- (3) the temporary condition of a public thoroughfare which results from weather;
- (4) the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area;
- (5) the initiation of a judicial or an administrative proceeding;
- (6) the performance of a discretionary function; however, the provision of medical or optical care, as provided in section 2(b) of this chapter, shall be considered as a ministerial act;
- (7) the adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment;
- (8) an act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid, if the employee would not have been liable had the statute been valid;

1998 IN S.B. 96 (SN)

(9) the act or omission of anyone other than the governmental entity or the governmental entity's employee;

(10) the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law;

(11) failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety;

(12) entry upon any property where the entry is expressly or impliedly authorized by law;

(13) misrepresentation if unintentional;

(14) theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission;

(15) injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 6.5 of this chapter;

(16) injury to the person or property of a person under supervision of a governmental entity and who is:

(A) on probation; or

(B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, or a community corrections program under IC 11-12;

(17) design of a highway (as defined in IC 9-13-2-73), if the claimed loss occurs at least twenty (20) years after the public highway was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition;

(18) development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system; <<- or ->>

(19) injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-8.1-5.1-7 (b); <<+ or +>>

1998 IN S.B. 96 (SN)

<<+ (20) an error resulting from or caused by a failure to recognize the year 2000 or subsequent years, including an incorrect date or incorrect mechanical or electronic interpretation of a date that is produced, calculated, or generated by: +>>

<<+ (A) a computer; +>>

<<+ (B) an information system; or +>>

<<+ (C) equipment using microchips; +>>

<<+ that is owned or operated by a governmental entity. +>>

1998 IN S.B. 96 (SN)

END OF DOCUMENT

*Legislative Data Processing Center
Year 2000 Challenge*

Overview: What is the Y2K issue?

The year 2000 challenge spans the entire information technology industry. It arises from the nearly universal practice over the years of using two digits rather than four to designate the calendar year. Computer programs used a two-digit notation to save valuable storage space and data entry time. Although this practice was common, it can lead to incorrect results whenever software performs arithmetic operations, comparisons or data field sorting involving years later than 1999.

How is it corrected?

It is primarily a software application problem, but both hardware and software are involved.

After determining that the hardware and operating systems are Y2K compliant, the process for making the change is fairly straightforward. Users must first determine whether the data that represent "year" is stored as two-digits and then find all the applications that uses the data. If only two digits are used, the file format must be changed to four digits.

What is LDPC doing to prepare for the year 2000?

LDPC has been converting all two-digit dates to four-digits in the software that the Center has written. Most of the LDPC's software has been written by the Center.

Software has either been rewritten by converting to a four-digit year or has been converted by using a "windowing" technique. "Windowing" is a technique that converts all two-digit years greater than 50 to 1900s and less than 50 to year 2000. All software will be rewritten so that this will not become an issue again. Applications written in the last four to five years have been developed with a four-digit year.

Most of LDPC applications use a "standard date routine" written by LDPC. This "standard date routine" was converted to Y2K about five years ago.

As changes are made to programs, the new date routine is implemented and is in production now.

Operating System Software:

Applications software are programs written to work in a specific operating system (such as IBM).

If the operating system software is not year 2000 compliant applications software will not work properly.

New releases (updates) can be made to the operating systems software and will be done before year 2000.

PCs:

Not all PCs are compliant.

There is software available to check PCs for Y2K. LDPC is in the process of checking its hardware/software.

If not compliant, can upgrade BIOS (basic input/output systems) to make them compliant. It may be better to replace some older model PCs.

Networking software needs to be brought up to grade. The Center is in the process of upgrading the LDPC network.

January 1, 2000:

January 1, 2000, will occur on a Saturday. There will be LDPC staff available throughout the weekend to correct unexpected problems.

What happens if we are not Y2K by 2000?

An application may not work, but the hardware will not crash.
Data is not lost. Software only needs to be changed to access the data.

It is standard practice to back-up all data on external storage.
In the remote possibility that the system would crash, data will not be lost.

Copr. (C) West 1998 No Claim to Orig. U.S. Govt. Works

NV ST 41.0321
N.R.S. 41.0321

TEXT

NEVADA REVISED STATUTES ANNOTATED
TITLE 3. REMEDIES; SPECIAL ACTIONS AND PROCEEDINGS.
CHAPTER 41. ACTIONS AND PROCEEDINGS IN PARTICULAR CASES CONCERNING PERSONS.
Liability of and Actions Against This State, Its Agencies and Political
Subdivisions

Copyright (C) 1986-1993 by The Michie Company. Copyright (c) 1997 by The Michie
Company, a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
All rights reserved.

Current through End of 1997 reg. Sess.

41.0321 Conditions and limitations on actions: Incorrect date generated by computer or information system; limitation on liability; contracts must contain immunity provision. [Expires by limitation on December 30, 2005.]

1. No cause of action, including, without limitation, any civil action or action for declaratory or injunctive relief, may be brought under NRS 41.031 or against an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions on the basis that a computer or other information system that is owned or operated by any of those persons produced, calculated or generated an incorrect date, regardless of the cause of the error.

2. Any contract entered into by or on behalf of and in the capacity of the State of Nevada, an immune contractor or an officer or employee of the state or any of its agencies or political subdivisions must include a provision that provides immunity to those persons for any breach of contract that is caused by an incorrect date being produced, calculated or generated by a computer or other information system that is owned or operated by any of those persons, regardless of the cause of the error.

3. Any contract subject to the provisions of this section that is entered into on or after June 30, 1997, has the legal effect of including the immunity required by this section, and any provision of the contract which is in conflict with this section is void.

CREDIT

(1997, ch. 266, s 1, p. 914.)

<General Materials (GM) - References, Annotations, or Tables>

NOTES, REFERENCES, AND ANNOTATIONS

NOTES, REFERENCES, AND ANNOTATIONS

Editor's note. — Acts 1997, ch. 266, s 5 provides: "This act becomes effective upon passage and approval or on June 30, 1997, whichever occurs earlier and expires by limitation on December 30, 2005."

Effective date. — This section became effective June 30, 1997.

N. R. S. 41.0321
NV ST 41.0321
END OF DOCUMENT

Citation Found Document Rank 1 of 3 Database
1997 SC H.B. 4357 (SN) 1997 South Carolina House Bill No. 4357, South Carolina 112th Session of the
General Assembly (FULL TEXT - STATE NET) **BILLS**

SOUTH CAROLINA BILL TEXT

SC H 4357

VERSION: Introduced
January 13, 1998
Kirsh

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-1-330 SO AS TO PROVIDE THAT NO CAUSE OF ACTION MAY BE BROUGHT AGAINST AN IMMUNE CONTRACTOR OR AN OFFICER OR EMPLOYEE OF THE STATE OR ANY OF ITS AGENCIES OR POLITICAL SUBDIVISIONS ON THE BASIS THAT A COMPUTER OR OTHER INFORMATION SYSTEM OWNED OR OPERATED BY ANY OF THOSE PERSONS OR ENTITIES PRODUCED, CALCULATED, OR GENERATED AN ERRONEOUS DATE, REGARDLESS OF THE CAUSE OF THE ERROR, AND TO PROVIDE FOR RELATED MATTERS, INCLUDING THE PROVISIONS OF CERTAIN CONTRACTS.

TEXT:

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The 1976 Code is amended by adding:

"Section 15-1-330. Notwithstanding any other provision of law:

(1) No cause of action, including, but not limited to, any civil action or action for declaratory or injunctive relief, may be brought against an immune contractor or an officer or employee of the State or any of its agencies or political subdivisions on the basis that a computer or other information system that is owned or operated by any of those persons or entities produced, calculated, or generated an erroneous date, regardless of the cause of the error.

(2) Any contract entered into by or on behalf of and in the capacity of the State of South Carolina, an immune contractor, or an officer or employee of the State or any of its agencies or political subdivisions shall include a provision that grants immunity to those persons or entities for any breach of contract that is caused by an erroneous date being produced, calculated, or generated by a computer or other information system that is owned or operated by any of those persons or entities, regardless of the cause of the error.

(3) Any contract subject to this section that is entered into on or after July 1, 1998, has the legal effect of including the immunity required by this section, and any provision of the contract which is in conflict with this

1997 SC H.B. 4357 (SN)

section is void.

(4) For purposes of this section:

(a) "employment" includes any services performed by an immune contractor;

(b) "immune contractor" means any natural person, professional corporation, professional association, firm, business, partnership, or other entity which is an independent contractor with the State pursuant to the laws of this State."

SECTION 2. This act takes effect July 1, 1998.
1997 SC H.B. 4357 (SN)
END OF DOCUMENT

Citation Found Document Rank 1 of 9 Database
1998 VA H.B. 277 (SN) BILLS
1998 Virginia House Bill No. 277, Virginia 1998 Session (FULL TEXT - STATE NET)

VIRGINIA BILL TEXT

VIRGINIA ACTS OF ASSEMBLY -- CHAPTER

VERSION: Enacted - Interim
April 22, 1998
May

An Act to amend and reenact Section 8.01-195.3 of the Code of Virginia, relating to the Virginia Tort Claims Act; immunity from claims based on certain computer failures.

H 277

Approved

TEXT:

Be it enacted by the General Assembly of Virginia:

1. That Section 8.01-195.3 of the Code of Virginia is amended and reenacted as follows:

Section 8.01-195.3. Commonwealth, transportation district or locality liable for damages in certain cases.

Subject to the provisions of this article, the Commonwealth shall be liable for claims for money only accruing on or after July 1, 1982, and any transportation district shall be liable for claims for money only accruing on or after July 1, 1986, on account of damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee while acting within the scope of his employment under circumstances where the Commonwealth or transportation district, if a private person, would be liable to the claimant for such damage, loss, injury or death. However, except to the extent that a transportation district contracts to do so pursuant to Section 15.1-1358, neither the Commonwealth nor any transportation district shall be liable for interest prior to judgment or for punitive damages. The amount recoverable by any claimant shall not exceed (i) \$25,000 for causes of action accruing prior to July 1, 1988, \$75,000 for causes of action accruing on or after July 1, 1988, or \$100,000 for causes of action accruing on or after July 1, 1993, or (ii) the maximum limits of any liability policy maintained to insure against such negligence or other tort, if such policy is in force at the time of the act or omission complained of, whichever is greater, exclusive of interest and costs.

Notwithstanding any provision hereof, the individual immunity of judges,

1998 VA H.B. 277 (SN)

the Attorney General, attorneys for the Commonwealth, and other public officers, their agents and employees from tort claims for damages is hereby preserved to the extent and degree that such persons presently are immunized. Any recovery based on the following claims are hereby excluded from the provisions of this article:

1. Any claim against the Commonwealth based upon an act or omission which occurred prior to July 1, 1982.

1a. Any claim against a transportation district based upon an act or omission which occurred prior to July 1, 1986.

2. Any claim based upon an act or omission of the General Assembly or district commission of any transportation district, or any member or staff thereof acting in his official capacity, or to the legislative function of any agency subject to the provisions of this article.

3. Any claim based upon an act or omission of any court of the Commonwealth, or any member thereof acting in his official capacity, or to the judicial functions of any agency subject to the provisions of this article.

4. Any claim based upon an act or omission of an officer, agent or employee of any agency of government in the execution of a lawful order of any court.

5. Any claim arising in connection with the assessment or collection of taxes.

6. Any claim arising out of the institution or prosecution of any judicial or administrative proceeding, even if without probable cause.

7. Any claim by an inmate of a state correctional facility, as defined in Section 53.1-1, unless the claimant verifies under oath, by affidavit, that he has exhausted his remedies under the adult institutional inmate grievance procedures promulgated by the Department of Corrections; provided, that this exemption is applicable only if the Attorney General of the United States has certified under 42 U.S.C. Section 1997e (c) (1) that those procedures are in substantial compliance with the minimal standards promulgated under 28 C.F.R. Section 40 (1988), as may be amended from time to time. The time for filing the notice of tort claim shall be tolled during the pendency of the grievance procedure.

<<+ 8. Any claim arising from the failure of +>> <<- an agency's computers, software programs, databases, networks, or information systems to interpret, produce, calculate, generate, or account for a date which is compatible with the "Year 2000" date change. ->> <<+ a computer, software program, database, network, information system, firmware or any other device, whether operated by or on behalf of the Commonwealth of Virginia or one of its

1998 VA H.B. 277 (SN)

agencies, to interpret, produce, calculate, generate, or account for a date which is compatible with the "Year 2000" date change. +>>

Nothing contained herein shall operate to reduce or limit the extent to which the Commonwealth or any transportation district, agency or employee was deemed liable for negligence as of July 1, 1982, nor shall any provision of this article be applicable to any county, city or town in the Commonwealth or be so construed as to remove or in any way diminish the sovereign immunity of any county, city or town in the Commonwealth.

<<- 2. That the provisions of this act shall expire on July 1, 2003. ->>
1998 VA H.B. 277 (SN)
END OF DOCUMENT

Citation	Found Document	Rank 1 of 2	Database
1997 WA S.B. 6718 (SN)			BILLS
1997 Washington Senate Bill No. 6718, Washington 55th Legislature (FULL TEXT - STATE NET)			

WASHINGTON BILL TEXT

SENATE BILL 6718

State of Washington 55th Legislature 1998 Regular Session
 By Senators Finkbeiner, Hochstatter and Oke
 Read first time 01/29/98. Referred to Committee on Energy & Utilities.

VERSION: Introduced
 January 28, 1998
 Finkbeiner

AN ACT Relating to immunity for state and local government agencies and their employees for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date changes processed by electronic computing devices; adding a new section to chapter 4.24 RCW; creating a new section; and declaring an emergency.

TEXT:

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) It is the intent of the legislature that:

(a) Agencies exercise due diligence to prepare electronic computing devices for which they are responsible to continue normal operation after the year 2000;

(b) Citizens and clients of agencies continue to receive statutorily mandated services, entitlements, and compensation delivered through electronic computing devices without interruption through and after the year 2000; and

(c) Vendors and contractors providing goods and services to agencies continue to receive payment for same without interruption through and after the year 2000.

(2) However, the legislature recognizes that preparing agencies' electronic computing devices for year 2000 readiness is a complex and difficult challenge, and that even due diligence practices may result in some failures of these devices.

(3) In the event of such failures, it is the intent of the legislature that affected citizens, clients, vendors, and contractors have recourse to existing administrative or contractual remedies to obtain redress but not otherwise compensate them for consequences of the failure.

1997 WA S.B. 6718 (SN)

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) As used in this section:

(a) "Agency" means any state or local government board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch, including elective and legislative offices, institutions of higher education created and supported by state government, counties, cities, towns, special purpose districts, local service districts, municipal corporations, quasi-municipal corporations, and political subdivisions of such agencies and corporations.

(b) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information system used to capture, store, manipulate, or process data, or that controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer, but that relies on automation or digital technology to function, including but not limited to vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, factory machinery, and the like.

(c) "Indirect or consequential damages" means any harm, loss, damage, or physical or mental injury of any nature whatsoever other than goods, entitlements, services, or compensation that agencies are by contract, statute, or rule obligated to provide.

(2) No action may be brought against an agency or its employees for indirect or consequential damages caused in whole or in part by computational or interpretive errors generated by an electronic computing device, owned, controlled, or operated by an agency, and arising out of or in connection with the year 2000 date change. Neither an agency nor its employees may be held liable in any other action whether based in tort, contract, or otherwise for such damages.

(3) Nothing in this chapter may be interpreted to interfere with contractual rights, obligations, duties, or warranties of private vendors supplying electronic computing devices to agencies. In the event of an agency's or contractor's failure to perform contractual obligations due to computational or interpretive errors associated with the year 2000 date change, the remedies available to the parties shall be as set forth in their written contract.

(4) Nothing in this section may be interpreted to interfere with citizens' rights to receive statutorily mandated services, entitlements, or compensation from agencies. In the event of an agency's failure to deliver such services, entitlements, or compensation due to computational or interpretive errors associated with the year 2000 date change, the remedies available to the citizen or client shall be the existing administrative

1997 WA S.B. 6718 (SN)

procedures or remedies provided by law, except as expressly limited by this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

1997 WA S.B. 6718 (SN)

END OF DOCUMENT

Year 2000 (Y2K) Fact Sheet

Background

The Year 2000 problem refers to a flaw in the way dates have traditionally been entered into computers. Since the early years of computer programming, dates were made as short as possible as a way to save on disk space, which was very expensive at the time. Following the traditional format, June 18, 1997 would be entered as 061897 (**mm/dd/yy**). The problem with this practice is that no digits were set aside to identify the century, because the date is assumed to fall within the 1900's. The flaw becomes obvious when one considers that January 1, 2000 would be represented as 010100, with the computer interpreting the last two zeros as 1900.

The solution is to have a computer programmer search line-by-line through the computer code for each program to identify six-digit date fields and change them to eight-digit entries, allowing additional two digits to indicate the century. These changes are not technically challenging to accomplish, but they are tedious to complete. Dates are used by the states computers to access files for handling: **license and permit renewals, tax collection statements, state police criminal background checks, and payroll, retirement and social benefit payments.** The Year 2000 problem affects computers worldwide.

Quick Facts

- * one of the first major information technology initiatives identified by **Gov. Tom Ridge**.
- * executive briefing held in **Aug. 1996** to inform agency heads and kick off PA's action plan.
- * PA was the only state asked to testify during a **Congressional hearing** on Y2K, Sept. 1996.
- * **45,502 agency computer programs** need changes to be Year 2000 ready.
- * all agency computer fixes will be done by **Dec. 31, 1998**, allowing a full-year buffer.
- * as of June 1998, the preliminary PA Year 2000 action plan is **110 percent** ahead of schedule.
- * the total cost of making all the necessary changes is estimated at **\$39.2 million**.
- * much of the necessary funding is coming from agencies reprioritizing their existing budgets.
- * **Year 2000 coordinators** for each agency meet monthly to exchange ideas and status reports.
- * since spring 1997, **monthly agency report cards** offer status reports to agency management.
- * a unique feature of PA's Year 2000 action plan is a **statewide educational outreach effort**:
 - >outreach program was initiated in spring of 1997
 - >partners are **PA Chamber of Commerce** and **PA's State System of Higher Ed.**
- * PA's Year 2000 action plan has received **significant national recognition**:
 - >by Year 2000 experts, major publications, and other states (MI, AL, CA, WV, etc.)
- * PA hosted a **State/Federal CIO Summit** on Y2K in Pittsburgh on Oct. 28, 1997:
 - >**43 states and U.S. territories** sent high-level representatives to the summit
 - >37 officials representing **21 federal agencies** also participated in the summit
 - >a representative from **Canada's Year 2000 Task Force** was on hand to observe
- * PA and Canada are developing an **Executive Survival Guide for the Year 2000**:
 - >the guide will offer information to help local govts, hospitals, schools and businesses.

PRELIMINARY REPORT

YEAR 2000 PROJECT SUMMARY as of June 30, 1998

SCOPE OF Y2K EFFORT:

29 of 40 agencies report Y2K problem
45,502 computer programs affected
 Simple Programs 22,196
 Medium Complexity Programs 16,529
 Complex Programs 6,750
1,337,085 hours of effort
\$39,227,995 total cost
 \$23,129,436 Commonwealth staff
 \$16,098,559 Contractors

Interfaces
 Number of Inter-agency interfaces: 408
 Number of Federal interfaces: 68
 Number of Third Party interfaces: 228

AGENCIES AFFECTED MOST BY Y2K (top 3):

Dept. of Transportation: \$6,796,889
Dept. of Labor & Industry: \$8,895,579
Dept. of Public Welfare: \$4,193,074

PROJECT STATUS as of June 30, 1998

Percent of Completion
 Program Deliverables: 83%
Percent of Mission Critical Deliverables Complete: 96%
Percent of Non-Mission Critical Deliverables Complete: 63%

STATUS OF WORK EFFORT as of June 30, 1998

Program Deliverables
Total programs scheduled to be corrected, tested or implemented to date:
 Planned program corrections: 35,091
 Actual program corrections: 42,621

 Planned programs to be tested: 34,276
 Actual programs tested: 35,823

 Planned programs implemented: 32,986
 Actual programs implemented: 34,338

 Total program deliverables scheduled for work: 102,353
 Total program deliverables completed: 112,782

[110% ahead of schedule]

NOTE: Agencies final June 1998 updates are required by July 10, 1998.