



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1852/1

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## 1999 ASSEMBLY BILL 67

January 28, 1999 - Introduced by Representatives SCHNEIDER and KREUSER.  
Referred to Committee on Information Policy.

1     **AN ACT to repeal** 13.0992, 20.115 (1) (d), 20.465 (3) (b), 20.505 (1) (fo) and 166.03  
2         (2) (a) 6.; **to renumber** 21.11 (1); **to amend** 19.37 (2), 19.37 (3), 134.99 (1),  
3         218.015 (7), 560.05 (3), 775.01 and 814.04 (intro.); and **to create** 13.0992,  
4         16.528 (3) (f), 20.115 (1) (d), 20.465 (3) (b), 20.505 (1) (fo), 21.11 (1) (b), 66.285  
5         (4) (f), 100.261, 134.92, 166.03 (2) (a) 6., 893.83 and 904.17 of the statutes;  
6         **relating to:** preparation of year 2000 impact statements; gathering of  
7         information by state and local governmental officers and agencies concerning  
8         year 2000 and leap year-related processing and public access to such  
9         information; educational outreach concerning year 2000 and leap year-related  
10        computer failures; untrue, deceptive or misleading statements in connection  
11        with the ability of an electronic computing device to process, transmit or receive  
12        date data from, into and between the 20th and 21st centuries, and during the  
13        years 1999 and 2000, and from leap year calculations; admissibility of  
14        statements regarding the year 2000 processing capabilities of a product or

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1 service; authorizing the department of military affairs to fund the testing of  
2 contingency emergency planning regarding the year 2000 computer problems;  
3 authorizing the activation of the national guard for public disasters related to  
4 the year 2000 computer issues; recovery of damages in certain actions against  
5 state and local governmental units and officers, employes and agents thereof  
6 caused by the incorrect processing, transmittal or receipt of certain data;  
7 granting rule-making authority; making appropriations; and providing a  
8 penalty.

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***Analysis by the Legislative Reference Bureau***

***Year 2000 impact statements***

This bill provides that whenever a bill is introduced in either house of the legislature that would have an impact on the ability of a state governmental unit, a local governmental unit or any other person to avoid a year 2000 problem, as defined in the bill, the speaker of the assembly, president of the senate or the chairperson of the standing committee to which the bill is referred may require that a year 2000 impact statement be prepared by the department of administration (DOA). The statement describes the impact upon the year 2000 problem that would result from enactment of the bill.

***Information gathering***

This bill permits any state or local governmental unit which or officer who has regulatory power over any person to require that person to provide to the unit or officer information relating to year 2000 processing. Year 2000 processing includes any communication made by the person to any other person or persons: 1) concerning an assessment, projection or estimate relating to, or plans, objectives or timetables for implementing or verifying year 2000 processing capabilities of an entity, product, service or set of products or services; 2) concerning test plans, dates or results, or operational problems or solutions related to year 2000 processing by products or services that incorporate or otherwise utilize products; 3) concerning the correction or avoidance of a year 2000 processing failure in computer hardware, a computer system, a component of a computer system, a computer program or software or services utilizing any computer hardware, system, component, program or software or services; or 4) reviewing, commenting on, or otherwise directly or indirectly relating to year 2000 processing capabilities. The information may only pertain to a matter relating to public health or safety that is regulated by that authority or a matter relating to public health or safety that has an effect upon a matter that is regulated by that authority. The bill defines “year 2000 processing” as processing,

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transmitting or receiving date data from, into and between the 20th and 21st centuries and during the years 1999 and 2000, and from leap year calculations. Currently, no such authority exists.

Under the bill, if any business fails to provide the information required, knowingly gives a false answer to a request for information or evades the answer to any request for information, each director, partner or proprietor of that business is subject to a forfeiture (civil penalty) of \$100 for each offense. Each day of violation constitutes a separate offense.

The bill requires each state or local governmental unit which or officer who receives information under the bill to withhold from access all information provided to the unit or officer under the public records access law, except that the unit or officer must provide the information to DOA upon written request of the department and may, upon written consent of a person who provides information to the unit or officer, provide the information to another specified person or to any person.

***Educational outreach***

This bill directs DOA to contract with one or more private contractors to provide educational outreach with respect to the potential failure of computers to process, transmit or receive date data from, into and between the 20th and 21st centuries and during the years 1999 and 2000 and from leap year calculations, and the methods of correction and contingency planning for such failures. Under the bill, DOA has discretion to determine the persons to whom the outreach is to be provided. The bill appropriates \$100,000 in general purpose revenue for this purpose, to be utilized prior to January 1, 2000.

Currently, DOA has no authority or responsibility to conduct outreach for this purpose. Under current law, state agencies may contract for services that they are authorized or required to provide if the services can be provided more economically or efficiently by contract, subject to certain statutory requirements, rules of DOA and collective bargaining laws and agreements. State agencies must justify the need for contractual service procurements. This bill provides that certain of these statutes and rules do not apply to the contractual services that DOA is required to procure under the bill.

***False, deceptive or misleading statements or representations concerning year 2000 readiness***

This bill prohibits a person from making any statement or representation with regard to the year 2000 readiness of an electronic computing device which is false, misleading or deceptive. Under the bill, it is false, misleading or deceptive to state or represent that an electronic computing device is able to process, transmit or receive date data from, into and between the 20th and 21st centuries and during the years 1999 and 2000, and from leap year calculations if the electronic computing device cannot do so without modification or alteration.

A person who violates this prohibition may be subject to a forfeiture (civil monetary penalty) of not less than \$100 nor more than \$10,000. In addition, a person adversely affected by the false, misleading or deceptive statement or representation may bring an action for relief and may be awarded one or more of the following: damages of not less than \$500 nor more than twice the amount of actual damages;

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injunctive or declaratory relief; specific performance; and reasonable attorney fees. In addition, the department of justice at the request of the department of agriculture, trade and consumer protection (DATCP) or a district attorney may bring an action to restrain a person from violating the prohibition created in the bill and to award a person damaged by any violation twice the amount of damages the person suffered.

Finally, under the bill DATCP may request any person to provide DATCP with information about the year 2000 readiness of any electronic computing device that the person sells or offers to sell or has ever sold or offered to sell in this state. If a person fails to respond to an information request from DATCP or if the person provides false, misleading or deceptive information to DATCP, then any person adversely affected by the failure of that electronic computing device to be year 2000 ready may bring an action against the person who failed to respond or who responded with false, misleading or deceptive information. The court may award the injured party appropriate relief, including damages of not less than \$500 nor more than twice the amount of actual damages, injunctive or declaratory relief, specific performance and reasonable attorney fees.

***Admissibility of statements concerning year 2000 processing capabilities***

This bill provides that no year 2000 processing information provided by a person at the request of a governmental unit that has regulatory power over the person is admissible in any civil action or proceeding. Any other year 2000 processing information may be offered in evidence only if the information is in a statement made by a person who knew that the statement was false, misleading or deceptive or that was made with reckless disregard as to the truth or falsity of the statement, if the information is in a republished year 2000 statement that the person who republished the statement knew was false, misleading or deceptive, if the information is in a statement made by a person who was compensated for providing a year 2000 statement as part of a contractual service or made by a person when soliciting a consumer, if the information is offered in any action brought by the state or a local governmental unit acting in regulatory, supervisory or enforcement capacity or if the information is offered in an action relating to false, deceptive or misleading statements or representations concerning year 2000 readiness.

***Testing of local emergency management contingency plans***

Under current law, the adjutant general, as the head of the department of military affairs is required to develop and promulgate a statewide plan of emergency management for the security of persons and property and to provide training to and standards for local emergency planning agencies. This bill gives the adjutant general the funding authority for the testing of the local emergency management agency contingency plans concerning possible failure of computer devices to deal with the year 2000 problems.

***Activation of national guard***

Under current law, in response to a war, insurrection, rebellion, riot or invasion, in the event of a public disaster resulting from a flood, conflagration or tornado, or upon application of certain public officials, the governor may order into active service all or any portion of the national guard. Current law also includes a procedure for activating the national guard if the governor is not able to do so.

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This bill allows for activation of the national guard for a public disaster resulting from a computer device's failure to recognize and respond correctly to the year 2000 date data and in anticipation of such a public disaster.

***State and local governmental liability***

Currently, under the common law doctrine of sovereign immunity, the state is immune from lawsuits, except in certain instances in which laws permit the state to be sued or the enforcement of a federal or constitutional right is involved. State authorities and local governmental units do not enjoy such broad immunity, although narrower grants of immunity are provided to such authorities and units under various specific laws. Also, in certain limited circumstances, a state governmental officer, employe or agent may be sued for certain acts or omissions even though a lawsuit arising from the same acts or omissions may not be brought against the governmental unit that the officer, employe or agent serves. A state or local governmental officer, employe or agent who is sued for a negligent action or omission may be protected from liability currently if the officer, employe or agent makes a good faith attempt to resolve the problem that results in the act or omission. No punitive damages (damages not resulting from direct or indirect loss but awarded, instead, as punishment for wrongful conduct) may be awarded in any lawsuit against a state or local governmental officer, employe or agent based upon tort (a noncontractual claim based upon alleged wrongful conduct). Damages in tort lawsuits are generally limited to \$250,000 in the case of a state officer, employe or agent, or \$50,000 in the case of a local governmental unit or officer, employe or agent thereof. Currently, with certain exceptions, the state and local governments must pay interest on late payments to vendors.

This bill provides that no person may recover any damages against any state or local governmental unit, including a state authority, or any officer, employe or agent thereof, for any act or omission caused by the failure of an electronic computing device that is under the control of such a unit, officer, employe or agent to process, transmit or receive date data from, into and between the 20th and 21st centuries and during the years 1999 and 2000 and from leap year calculations if the unit had a remediation plan in effect at the time of the act or omission that was designed to prevent the failure and the unit or the officer, employe or agent made a reasonable effort to find, identify and replace or correct any electronic computing device that may have contributed to the failure. The bill also voids any contrary provision of a contract entered into on or after the day on which the bill becomes law. In addition, the bill provides that the state and local governments are not required to pay interest to vendors on late payments arising from a "year 2000" failure described above.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

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1           **SECTION 1.** 13.0992 of the statutes is created to read:

2           **13.0992 Review of bills impacting on year 2000 problem. (1)**

3           DEFINITIONS. In this section:

4           (a) “Department” means the department of administration.

5           (b) “Electronic computing device” means any computer hardware or software,  
6           computer chip, embedded chip, process control equipment or other information  
7           system used to capture, store, manipulate or process information, or that controls,  
8           monitors or assists in the operation of physical apparatus that relies on automation  
9           or digital technology to function.

10          (c) “Local governmental unit” means a political subdivision of this state, a  
11          special purpose district in this state, an instrumentality or corporation of such a  
12          political subdivision or special purpose district or a combination or subunit of any of  
13          the foregoing or an instrumentality of the state and any of the foregoing.

14          (d) “Processing” includes calculating, comparing, sequencing, displaying or  
15          storing.

16          (e) “State governmental unit” means this state, and every subunit or  
17          instrumentality of this state, including any institution or authority, regardless of  
18          whether moneys are appropriated to the unit.

19          (f) “Year 2000 problem” means a failure in year 2000 processing of an electronic  
20          computing device.

21          (g) “Year 2000 processing” means the processing, transmitting or receiving of  
22          date data from, into, and between the 20th and 21st centuries and during the years  
23          1999 and 2000, and from leap year calculations.

24          **(2) REPORT ON BILLS IMPACTING ON YEAR 2000 PROBLEM.** (a) Whenever a bill is  
25          introduced in either house of the legislature that would have an impact on the ability

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1 of a state governmental unit, a local governmental unit or any other person to avoid  
2 a year 2000 problem, the department, upon the request of the speaker of the  
3 assembly, the president of the senate or the chairperson of a standing committee to  
4 which the bill is referred, shall prepare a report on the bill within 5 working days of  
5 the request. The department shall request information from any individual,  
6 organization or state or local governmental unit that the department considers likely  
7 to be affected by the bill, if enacted. Individuals, organizations and state and local  
8 governmental units shall comply with requests by the department for information  
9 that is reasonably necessary for the department to prepare the report. To the  
10 greatest extent possible, reports under this section shall be based on the information  
11 obtained by the department from individuals, organizations and state and local  
12 governmental units under this paragraph.

13 (b) The report prepared under this section shall be printed as an appendix to  
14 that applicable bill and shall be distributed in the same manner as amendments.

15 **(3) FINDINGS OF THE DEPARTMENT TO BE CONTAINED IN THE REPORT.** The report of  
16 the department shall contain the following information:

17 (a) A statement of the year 2000 problem affected by the bill, including all of  
18 the following:

19 1. Whether current law creates a hardship and, if so, the degree of the hardship.

20 2. The costs associated with complying with current law and any anticipated  
21 savings likely to result from the bill, if enacted.

22 3. Whether any other efforts have been made to resolve the year 2000 problem  
23 affected by the bill.

24 4. The degree of control by those affected by the bill over the year 2000 problem  
25 affected by the bill.

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1 (b) A description of the proposed effect of the bill, if enacted, on the year 2000  
2 problem.

3 (c) Any other special considerations concerning the effect of the bill, such as the  
4 frequency of use of the proposed change and the support and involvement of  
5 businesses, industries, state governmental units and local governmental units  
6 affected by the proposed change.

7 **(4) RULE-MAKING AUTHORITY.** The department may promulgate any rules  
8 necessary for the administration of this section.

9 **SECTION 2.** 13.0992 of the statutes, as created by 1999 Wisconsin Act ... (this  
10 act), is repealed.

11 **SECTION 3.** 16.528 (3) (f) of the statutes is created to read:

12 16.528 (3) (f) An order or contract to which s. 893.83 applies.

13 **SECTION 4.** 19.37 (2) of the statutes is amended to read:

14 19.37 (2) COSTS, FEES AND DAMAGES. (a) Except as provided in this paragraph  
15 and s. 893.83, the court shall award reasonable attorney fees, damages of not less  
16 than \$100, and other actual costs to the requester if the requester prevails in whole  
17 or in substantial part in any action filed under sub. (1) relating to access to a record  
18 or part of a record under s. 19.35 (1) (a). If the requester is a committed or  
19 incarcerated person, the requester is not entitled to any minimum amount of  
20 damages, but the court may award damages. Costs and fees shall be paid by the  
21 authority affected or the unit of government of which it is a part, or by the unit of  
22 government by which the legal custodian under s. 19.33 is employed and may not  
23 become a personal liability of any public official.

24 (b) ~~In~~ Except as provided in s. 893.83, in any action filed under sub. (1) relating  
25 to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that



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1 the authority acted in a wilful or intentional manner, the court shall award the  
2 individual actual damages sustained by the individual as a consequence of the  
3 failure.

4 **SECTION 5.** 19.37 (3) of the statutes is amended to read:

5 19.37 (3) PUNITIVE DAMAGES. If Except as provided in s. 893.83, if a court finds  
6 that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously  
7 denied or delayed response to a request or charged excessive fees, the court may  
8 award punitive damages to the requester.

9 **SECTION 6.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
10 the following amounts for the purposes indicated:

|    |               |  |       | <b>1997-98</b> | <b>1998-99</b> |
|----|---------------|--|-------|----------------|----------------|
| 11 |               |  |       |                |                |
| 12 | <b>20.115</b> | <b>Agriculture, trade and consumer</b>       |       |                |                |
| 13 |               | <b>protection, department of</b>             |       |                |                |
| 14 | (1)           | FOOD SAFETY AND CONSUMER PROTECTION          |       |                |                |
| 15 | (d)           | Year 2000 consumer protection                | GPR C | -0-            | 410,700        |
| 16 | <b>20.465</b> | <b>Military affairs, department of</b>       |       |                |                |
| 17 | (3)           | EMERGENCY MANAGEMENT SERVICES                |       |                |                |
| 18 | (b)           | Year 2000 computer program                   |       |                |                |
| 19 |               | development                                  | GPR C | -0-            | 50,000         |
| 20 | <b>20.505</b> | <b>Administration, department of</b>         |       |                |                |
| 21 | (1)           | SUPERVISION AND MANAGEMENT; LAND INFORMATION |       |                |                |
| 22 |               | BOARD  |       |                |                |
| 23 | (fo)          | Year 2000 educational outreach               | GPR C | -0-            | 100,000        |

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1           **SECTION 7.** 20.115 (1) (d) of the statutes is created to read:

2           20.115 (1) (d) *Year 2000 consumer protection.* As a continuing appropriation,  
3 the amounts in the schedule for the administration and enforcement of s. 100.261  
4 and other consumer protection activities relating to the year 2000 readiness of  
5 electronic computing devices.

6           **SECTION 8.** 20.115 (1) (d) of the statutes, as created by 1999 Wisconsin Act ...  
7 (this act), is repealed.

8           **SECTION 9.** 20.465 (3) (b) of the statutes is created to read:

9           20.465 (3) (b) *Year 2000 computer program development.* As a continuing  
10 appropriation, the amounts in the schedule for the development, testing and  
11 distribution of a computer program under s. 166.03 (2) (a) 6.

12           **SECTION 10.** 20.465 (3) (b) of the statutes, as created by 1999 Wisconsin Act ...  
13 (this act), is repealed.

14           **SECTION 11.** 20.505 (1) (fo) of the statutes is created to read:

15           20.505 (1) (fo) *Year 2000 educational outreach.* As a continuing appropriation,  
16 the amounts in the schedule to contract for educational outreach services under 1999  
17 Wisconsin Act .... (this act), section 9101 (2).

18           **SECTION 12.** 20.505 (1) (fo) of the statutes, as created by 1999 Wisconsin Act  
19 .... (this act), is repealed.

20           **SECTION 13.** 21.11 (1) of the statutes is renumbered 21.11 (1) (a).

21           **SECTION 14.** 21.11 (1) (b) of the statutes is created to read:

22           21.11 (1) (b) 1. In this paragraph “electronic computing device” means any  
23 computer hardware or software, computer chip, embedded chip, process control  
24 equipment, or other information system used to capture, store, manipulate, or

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1 process information, or that controls, monitors, or assists in the operation of physical  
2 apparatus that relies on automation or digital technology to function.

3 2. In anticipation of, or in the event of, a public disaster resulting from the  
4 failure of an electronic computing device to process, transmit or receive data  
5 from, into and between the 20th and 21st centuries, and during the years 1999 and  
6 2000, and from leap year calculations, the governor may order into active service all  
7 or any portion of the national guard. If the governor is absent, or cannot be  
8 immediately communicated with, the commanding officers of any national guard  
9 company, battalion or regiment may, upon approval of the adjutant general, if the  
10 danger is great and imminent, order out that officer's command to respond to the  
11 public disaster. The order shall be delivered to the commanding officer, who shall  
12 immediately communicate the order to each, and every subordinate officer. Every  
13 company commander receiving an order under this paragraph shall immediately  
14 communicate the substance of that order to each member of the company, or if any  
15 member cannot be found, a notice in writing containing the substance of the order  
16 shall be left at the last and usual place of residence of the member with some person  
17 of suitable age and discretion, to whom its contents shall be explained. This  
18 paragraph does not apply after December 31, 2000.

19 **SECTION 15.** 66.285 (4) (f) of the statutes is created to read:

20 66.285 (4) (f) An order or contract to which s. 893.83 applies.

21 **SECTION 16.** 100.261 of the statutes is created to read:

22 **100.261 Year 2000 readiness. (1) DEFINITIONS.** In this section:

23 (a) "Electronic computing device" means any computer hardware or software,  
24 computer chip, embedded chip, process control equipment, or other information  
25 system used to capture, store, manipulate, or process information, or that controls,

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1 monitors, or assists in the operation of physical apparatus that relies on automation  
2 or digital technology to function.

3 (b) "Process" includes calculate, compare, sequence, display and store.

4 (c) "Year 2000 readiness" means the ability to process, transmit or receive date  
5 data from, into and between the 20th and 21st centuries, and during the years 1999  
6 and 2000, and from leap year calculations.

7 **(2) ADVERTISING AND SALES REPRESENTATIONS.** A person may not make any  
8 statement or representation with regard to the year 2000 readiness of an electronic  
9 computing device which is false, misleading or deceptive, or which omits material  
10 information with respect to the year 2000 readiness of an electronic computing  
11 device that is necessary to make the statement not false, misleading or deceptive.  
12 For the purpose of this subsection, it is false, misleading or deceptive to state or  
13 represent that an electronic computing device is able to process, transmit or receive  
14 date data from, into and between the 20th and 21st centuries and during the years  
15 1999 and 2000, and from leap year calculations if the electronic computing device  
16 cannot do so without modification or alteration.

17 **(3) INFORMATION ON YEAR 2000 READINESS.** The department may request  
18 information about the year 2000 readiness of an electronic computing device from  
19 any person who sells or offers to sell or who has ever sold or offered to sell an  
20 electronic computing device to a person in this state.

21 **(4) REMEDIES AND PENALTIES.** (a) 1. If a person makes a statement or  
22 representation in violation of sub. (2), any other person adversely affected by that  
23 violation has a claim for appropriate relief, including not less than \$500 nor more  
24 than twice the amount of damages, injunctive or declaratory relief, specific  
25 performance and rescission.

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1           2. If a person fails to respond to an information request about the year 2000  
2           readiness of an electronic computing device by the department under sub. (3) or if the  
3           person provides information to the department in response to a request about the  
4           year 2000 readiness of an electronic computing device under sub. (3) that is false,  
5           misleading or deceptive, then any person adversely affected by the failure of that  
6           electronic computing device to process, transmit or receive data from, into and  
7           between the 20th and 21st centuries and during the years 1999 and 2000, and from  
8           leap year calculations has a claim for appropriate relief, including not less than \$500  
9           nor more than twice the amount of damages, injunctive or declaratory relief, specific  
10          performance and rescission against the person who failed to respond to the  
11          department's request or gave the department false, misleading or deceptive  
12          information.

13          3. A person who is entitled to relief under subd. 1. or 2. is also entitled to recover  
14          costs and disbursements, including reasonable attorney fees.

15          (b) 1. The department of agriculture, trade and consumer protection may  
16          request the department of justice to commence, or any district attorney, upon  
17          informing the department of agriculture, trade and consumer protection, may  
18          commence, an action in circuit court in the name of the state to restrain by temporary  
19          or permanent injunction any violation of sub. (2). In addition to injunctive relief, the  
20          court may award any person twice the amount of any damages suffered because of  
21          a violation of sub. (2).

22          2. The department may exercise its authority under ss. 93.14 to 93.16 and  
23          100.18 (11) (c) to administer this section. The department may subpoena persons and  
24          require the production of books and other documents in a timely manner.

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1 (c) Any person who violates sub. (2) or who fails to respond to an information  
2 request made by the department under sub. (3) or who provides information to the  
3 department in response to a request made under sub. (3) that is false, misleading or  
4 deceptive shall forfeit not less than \$100 nor more than \$10,000 for each offense.

5 (d) This section does not preempt the administration or enforcement of this  
6 chapter or ch. 133. Practices in violation of this section may also constitute unfair  
7 methods of competition or unfair trade practices under s. 100.20 (1) or (1t) or  
8 fraudulent representations under s. 100.18 (1) or violate ch. 133.

9 **SECTION 17.** 134.92 of the statutes is created to read:

10 **134.92 Year 2000 processing information.** (1) In this section:

11 (a) “Agent” means an authorized person, other than a director, officer or  
12 employe, who acts on behalf of or at the direction of another person.

13 (b) “Authority” has the meaning given in s. 19.32 (1).

14 (c) “Processing” includes calculating, comparing, sequencing, displaying or  
15 storing.

16 (d) “Regulatory power” means the power to authorize or require a specific class  
17 of persons to perform certain acts.

18 (e) “Year 2000 processing” means the processing, transmitting or receiving of  
19 date data from, into, and between the 20th and 21st centuries and during the years  
20 1999 and 2000, and from leap year calculations.

21 (f) “Year 2000 statement” means any communication or other conveyance of  
22 information by a person to another person or to the public, in any form or medium,  
23 including a computer program:

24 1. Concerning an assessment, projection or estimate relating to year 2000  
25 processing capabilities of an entity, product, service or set of products and services.

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1           2. Concerning plans, objectives, or timetables for implementing or verifying the  
2 year 2000 processing capabilities of an entity, product, service or set of products and  
3 services.

4           3. Concerning test plans, test dates, test results or operational problems or  
5 solutions related to year 2000 processing by products or services that incorporate or  
6 utilize products.

7           4. Concerning the correction or avoidance of a year 2000 processing failure in  
8 computer hardware, a computer system, a component of a computer system, a  
9 computer program or software or services utilizing any computer hardware, system,  
10 component, program or software or services.

11           5. Reviewing, commenting on, or otherwise directly or indirectly relating to  
12 year 2000 processing capabilities.

13           **(2)** Each authority may require any person over whom the authority exercises  
14 regulatory power to provide to the authority information relating to year 2000  
15 processing, including a year 2000 statement, with respect to any matter relating to  
16 public health or safety that is regulated by that authority or any matter relating to  
17 public health or safety that has an effect upon a matter that is regulated by that  
18 authority.

19           **(3)** (a) Each director, partner or proprietor of a business shall forfeit \$100 if the  
20 business does any of the following:

21           1. Fails to provide any information required under sub. (2).

22           2. Knowingly gives a false answer to any request for information made under  
23 sub. (2).

24           3. Evades the answer to any request for information made under sub. (2).

25           (b) Each day of violation under par. (a) constitutes a separate offense.

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1           (4) (a) Except as provided in pars. (b) and (c), each authority shall withhold  
2 from access by any person under s. 19.35 (1) all information provided to the authority  
3 under sub. (2).

4           (b) Each authority shall provide to the department of administration, upon  
5 written request of the department, any information provided to the authority under  
6 sub. (2). The department of administration shall withhold from access by any person  
7 under s. 19.35 (1) any information provided to the department under this paragraph.

8           (c) Any person who provides information to an authority under sub. (2) may  
9 consent in writing to that authority for the authority to provide that information to  
10 another specified person or to any person.

11           (5) No information provided to an authority upon request of the authority  
12 under sub. (2) is admissible in evidence in any civil action or proceeding.

13           **SECTION 18.** 134.99 (1) of the statutes is amended to read:

14           134.99 (1) Whoever is concerned in the commission of a violation of this  
15 chapter, except s. 134.92, for which a forfeiture is imposed is a principal and may be  
16 charged with and convicted of the violation although he or she did not directly  
17 commit it and although the person who directly committed it has not been convicted  
18 of the violation.

19           **SECTION 19.** 166.03 (2) (a) 6. of the statutes is created to read:

20           166.03 (2) (a) 6. Provide funding to one or more counties, cities, villages or  
21 towns for the testing of the local emergency management services agency  
22 contingency plans for responding to the failure of an electronic computing device to  
23 process, transmit or receive data from, into and between the 20th and 21st  
24 centuries, and during the years 1999 and 2000, and from leap year calculations. In  
25 this subdivision, "electronic computing device" means any computer hardware or



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1 software, computer chip, embedded chip, process control equipment, or other  
2 information system used to capture, store, manipulate, or process information, or  
3 that controls, monitors, or assists in the operation of physical apparatus that relies  
4 on automation or digital technology to function.

5 **SECTION 20.** 166.03 (2) (a) 6. of the statutes, as created by 1999 Wisconsin Act  
6 .... (this act), is repealed.

7 **SECTION 21.** 218.015 (7) of the statutes is amended to read:

8 218.015 (7) ~~In~~ Except as provided in s. 893.83, in addition to pursuing any other  
9 remedy, a consumer may bring an action to recover for any damages caused by a  
10 violation of this section. The court shall award a consumer who prevails in such an  
11 action twice the amount of any pecuniary loss, together with costs, disbursements  
12 and reasonable attorney fees, and any equitable relief the court determines  
13 appropriate.

14 **SECTION 22.** 560.05 (3) of the statutes is amended to read:

15 560.05 (3) ~~The~~ Subject to s. 893.83, the state shall be liable for accrued rentals  
16 and for any other default under any lease or sublease made under sub. (2) (c) and may  
17 be sued therefor on contract as in other contract actions under ch. 775, except that  
18 it shall not be necessary for the lessor under any such lease or sublease or any  
19 assignee of such lessor or any person or other legal entity proceeding on behalf of such  
20 lessor to file any claim with the legislature prior to the commencement of any such  
21 action.

22 **SECTION 23.** 775.01 of the statutes is amended to read:

23 **775.01 Actions against state; bond.** ~~Upon~~ Except as provided in s. 893.83,  
24 upon the refusal of the legislature to allow a claim against the state the claimant may  
25 commence an action against the state by service as provided in s. 801.11 (3) and by

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1 filing with the clerk of court a bond, not exceeding \$1,000, with 2 or more sureties,  
2 to be approved by the attorney general, to the effect that the claimant will indemnify  
3 the state against all costs that may accrue in such action and pay to the clerk of court  
4 all costs, in case the claimant fails to obtain judgment against the state.

5 **SECTION 24.** 814.04 (intro.) of the statutes is amended to read:

6 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),  
7 106.04 (6) (i) and (6m) (a), 100.261 (4) (a) 3., 115.80 (9), 769.313, 814.025, 814.245,  
8 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b), 943.245 (2)  
9 (d) and 943.51 (2) (b), when allowed, costs shall be as follows:

10 **SECTION 25.** 893.83 of the statutes is created to read:

11 **893.83 Claims against state and local governmental units resulting**  
12 **from certain incorrect dates. (1)** In this section:

13 (a) “Electronic computing device” means any computer hardware or software,  
14 computer chip, embedded chip, process control equipment, or other information  
15 system used to capture, store, manipulate, or process information, or that controls,  
16 monitors, or assists in the operation of physical apparatus that relies on automation  
17 or digital technology to function.

18 (b) “Local governmental unit” means a political subdivision of this state, a  
19 special purpose district in this state, an instrumentality or corporation of such a  
20 political subdivision or special purpose district, a combination or subunit of any of  
21 the foregoing or an instrumentality of the state and any of the foregoing.

22 (c) “Process” includes calculate, compare, sequence, display or store.

23 (cm) “Remediation plan” means a written document that includes a listing of  
24 tasks, resources and target milestone dates, developed to implement changes to  
25 ensure that electronic computing devices will accurately process, transmit and

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1 receive date data from, into and between the 20th and 21st centuries and during the  
2 years of 1999 and 2000, and from leap year calculations.

3 (d) "State governmental unit" means this state, and every subunit or  
4 instrumentality of this state, including any institution or authority, regardless of  
5 whether moneys are appropriated to the unit, but does not include a local  
6 governmental unit.

7 (2) No person may maintain an action against any state governmental unit or  
8 local governmental unit, or any officer, employe or agent of such a unit acting in his  
9 or her capacity as an officer, employe or agent, for any damages arising from any  
10 wrongful act or omission caused by the failure of an electronic computing device that  
11 is controlled by such a unit, officer, employe or agent to process, transmit or receive  
12 date data from, into and between the 20th and 21st centuries and during the years  
13 1999 and 2000, and from leap year calculations, if the unit had a remediation plan  
14 in effect at the time of the act or omission that was designed to prevent the failure  
15 and the unit or the officer, employe or agent made a reasonable effort to find, identify  
16 and replace or correct any electronic computing device that may have contributed to  
17 the failure.

18 (3) Any provision of a contract entered into, extended, modified or renewed by  
19 a state governmental unit or local governmental unit on or after the effective date  
20 of this subsection .... [revisor inserts date], contrary to sub. (2) is void.

21 **SECTION 26.** 904.17 of the statutes is created to read:

22 **904.17 Year 2000 statements.** (1) In this section:

23 (a) "Local governmental unit" means a political subdivision of this state, a  
24 special purpose district in this state, an instrumentality or corporation of such a

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1 political subdivision or special purpose district, a combination or subunit of any of  
2 the foregoing or an instrumentality of the state and any of the foregoing.

3 (b) “Processing” includes calculating, comparing, sequencing, displaying or  
4 storing.

5 (c) “Year 2000 processing” means the processing, transmitting or receiving of  
6 date data from, into and between the 20th and 21st centuries, and during the years  
7 1999 and 2000, and from leap year calculations.

8 (d) “Year 2000 statement” means any communication or other conveyance of  
9 information by a person to another or to the public in any form or medium, including  
10 a computer program:

11 1. Concerning an assessment, projection, or estimate relating to year 2000  
12 processing capabilities of an entity, product, service or set of products and services.

13 2. Concerning plans, objectives or timetables for implementing or verifying the  
14 year 2000 processing capabilities of an entity, product, service or set of products and  
15 services.

16 3. Concerning test plans, test dates, test results or operational problems or  
17 solutions related to year 2000 processing by products or services that incorporate or  
18 utilize products.

19 4. Concerning the correction or avoidance of a year 2000 processing failure in  
20 computer hardware, a computer system, a component of a computer system, a  
21 computer program or software or services utilizing any computer hardware, system,  
22 component, program or software or services.

23 5. Reviewing, commenting on, or otherwise directly or indirectly relating to  
24 year 2000 processing capabilities.

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1           (2) No information provided to an authority under s. 134.92 (2) is admissible  
2 in evidence in any civil action or proceeding.

3           (3) Except for information covered under sub. (2), information contained in a  
4 year 2000 statement may be offered in evidence in any civil action or proceeding only  
5 if one of the following applies:

6           (a) The information is contained in a year 2000 statement made by a person  
7 who knew that the statement was false, misleading or deceptive or that was made  
8 with reckless disregard as to the truth or falsity of the statement.

9           (b) The information is contained in a republished year 2000 statement that the  
10 person who republished the statement knew was false, misleading or deceptive.

11           (c) The information is contained in a year 2000 statement that was made by a  
12 person who was compensated for making that statement as part of a contractual  
13 service related to the assessment, contingency planning, remediation or testing of a  
14 failure in year 2000 processing.

15           (d) The information is contained in a year 2000 statement that was made by  
16 a person when soliciting a consumer, including when advertising or offering to sell  
17 a product.

18           (e) The information is being offered in a civil action or proceeding brought by  
19 a local governmental unit acting in a regulatory, supervisory or enforcement capacity  
20 or by a state governmental unit acting in a regulatory, supervisory or enforcement  
21 capacity.

22           (f) The information is being offered in any action or proceeding brought under  
23 s. 100.261.

24           **SECTION 27. Nonstatutory provisions.**

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1           (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department  
2 of agriculture, trade and consumer protection are increased by 4.0 GPR project  
3 positions, to be funded from the appropriation under section 20.115 (1) (d) of the  
4 statutes, as created by this act, for the purpose of administering and enforcing  
5 section 100.261 of the statutes, as created by this act, and other consumer protection  
6 activities relating to the year 2000 readiness, as defined in section 100.261 (1) (c) of  
7 the statutes, as created by this act, of an electronic computing device, as defined in  
8 section 100.261 (1) (a) of the statutes, as created by this act for the period ending on  
9 June 30, 2001.

10           (2) YEAR 2000 EDUCATIONAL OUTREACH.

11           (a) In this subsection:

12           1. “Electronic computing device” means any computer hardware or software,  
13 computer chip, embedded chip, process control equipment, or other information  
14 system used to capture, store, manipulate, or process information, or that controls,  
15 monitors, or assists in the operation of physical apparatus that relies on automation  
16 or digital technology to function.

17           2. “Process” includes calculate, compare, sequence, display or store.

18           (b) Notwithstanding section 16.705 (1) of the statutes, from the moneys  
19 appropriated under section 20.505 (1) (fo) of the statutes, as created by this act, the  
20 department of administration shall contract with one or more private contractors to  
21 provide educational outreach with respect to potential failures of electronic  
22 computing devices to process, transmit or receive data from, into and between  
23 the 20th and 21st centuries and during the years 1999 and 2000, and from leap year  
24 calculations, and methods of correction of and contingency planning for such  
25 failures. No contract entered into under this subsection may extend beyond

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1 December 31, 1999. Section 16.705 (2) and (3) of the statutes do not apply to any such  
2 contract.

3 **SECTION 28. Initial applicability.**

4 (1) IMMUNITY FOR YEAR 2000 STATEMENTS. The treatment of section 904.17 of the  
5 statutes first applies to a year 2000 statement made on the effective date of this  
6 subsection.

7 (2) STATE AND LOCAL GOVERNMENTAL LIABILITY. The treatment of sections 16.528  
8 (3) (f), 19.37 (2) and (3), 66.285 (4) (f), 218.015 (7), 560.05 (3), 775.01 and 893.83 of  
9 the statutes first applies with respect to noncontractual injuries occurring or injuries  
10 occurring under contracts entered into, extended, modified or renewed on the  
11 effective date of this subsection.

12 (3) YEAR 2000 IMPACT STATEMENTS. The creation of section 13.0992 of the statutes  
13 first applies to bills introduced on the effective date of this subsection.

14 **SECTION 29. Effective dates.** This act takes effect on the day after  
15 publication, except as follows:

16 (1) YEAR 2000 IMPACT STATEMENTS. The repeal of section 13.0992 of the statutes  
17 takes effect on January 1, 2001.

18 (2) EDUCATIONAL OUTREACH. The repeal of section 20.505 (1) (fo) of the statutes  
19 takes effect on July 1, 2000.

20 (3) TESTING OF CONTINGENCY PLANS. The repeal of sections 20.465 (3) (b) and  
21 166.03 (2) (a) 6. of the statutes takes effect on July 1, 2000.

22 (4) The repeal of section 20.115 (1) (d) of the statutes takes effect on July 1,  
23 2001.

24 (END)