

## ENGROSSED 1999 ASSEMBLY BILL 51

January 27, 1999 – Printed by direction of SENATE CHIEF CLERK.

1     **AN ACT to repeal** 13.0992; **to amend** 19.37 (2), 19.37 (3), 218.015 (7), 560.05 (3)  
 2         and 775.01; and **to create** 13.0992, 16.528 (3) (f), 66.285 (4) (f), 134.92, 893.83  
 3         and 904.17 of the statutes; **relating to:** gathering of information by state and  
 4         local governmental officers and agencies concerning year 2000 and leap  
 5         year–related processing and public access to such information; recovery of  
 6         damages in certain actions against state and local governmental units and  
 7         officers, employes and agents thereof caused by the incorrect processing,  
 8         transmittal or receipt of certain date data; admissibility of statements  
 9         regarding the year 2000 processing capabilities of a product or service;  
 10        preparation of year 2000 impact statements; educational outreach concerning  
 11        year 2000 and leap year–related computer failures; testing of local emergency  
 12        contingency plans for responding to year 2000 computer problems; granting  
 13        rule–making authority; and providing a penalty.

**ENGROSSED ASSEMBLY BILL 51*****Engrossment information:***

The text of Engrossed 1999 Assembly Bill 51 consists of the following documents adopted in the assembly on January 26, 1999: Assembly Substitute Amendment 1 as affected by Assembly Amendment 1, Assembly Amendment 5, Assembly Amendment 6 and Assembly Amendment 9. The text also includes the January 26, 1999, LRB correction to Assembly Substitute Amendment 1.

***Content of Engrossed 1999 Assembly Bill 51:*****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 information 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, 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 the department of administration (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.

This bill provides that no 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

**ENGROSSED ASSEMBLY BILL 51**

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, or if the information is offered in any action brought by the state or a local governmental unit acting in regulatory, supervisory or enforcement capacity.

**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 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 good faith attempt to find, identify and replace or correct any electronic computing device that may have contributed to the failure. Under the bill, a governmental unit or officer, employe or agent thereof must take these steps in order to benefit from any good faith defense to an allegation of negligence. The bill also voids any provision of a contract entered into on or after the day on which the bill becomes law that attempts to waive the immunity provided under the bill. 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.

**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

**ENGROSSED ASSEMBLY BILL 51**

local governmental unit or any other person to avoid a year 2000 problem, as defined in the bill, the speaker of the assembly or president of the senate may require that a year 2000 impact statement be prepared by DOA. The statement describes the impact upon the year 2000 problem that would result from enactment of the bill. The bill requires persons to provide information to DOA to assist in preparing the statement. The bill establishes a procedure that protects the confidentiality of information, unless a court authorizes its disclosure.

**EDUCATIONAL OUTREACH**

This bill permits 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 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.

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 permitted to procure under the bill.

**EMERGENCY MANAGEMENT CONTINGENCY PLANS**

Under current law, the adjutant general, as the head of the department of military affairs (DMA), 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 management services agencies.

This bill requires the division of emergency management in the department of military affairs (DMA) to review the county emergency response plans to determine if those plans prepare the counties to respond to an emergency created by a computer's failure to correctly respond to data regarding the year 2000. The bill authorizes the division to assist counties in revising their emergency response plans if those plans insufficiently respond to the year 2000 computer problems. The bill allows the adjutant general to submit a request to the joint committee on finance (JCF) for the contracting and testing of county emergency response plans. The bill allows JCF to supplement DMA appropriations to implement the testing of the contingency plans.

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

**ENGROSSED ASSEMBLY BILL 51**

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

2       DEFINITIONS. In this section:

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

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

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

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

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

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

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

23           **(2) REPORT ON BILLS IMPACTING ON YEAR 2000 PROBLEM.** (a) Whenever a bill is  
24      introduced in either house of the legislature that would have an impact on the ability  
25      of a state governmental unit, a local governmental unit or any other person to avoid

**ENGROSSED ASSEMBLY BILL 51**

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

11 (am) Any person providing information under this section may designate the  
12 information as confidential business information or a trade secret, as defined in s.  
13 134.90 (1) (c). The department of administration shall notify the person providing  
14 the information 15 days before any information designated as confidential or trade  
15 secret is disclosed to the legislature, an agency, as defined in s. 13.62 (2), a local  
16 governmental unit, as defined in s. 605.01 (1), or any other person. The person  
17 furnishing the information may seek a court order limiting or prohibiting the  
18 disclosure. In such cases, the court shall weigh the need for confidentiality of the  
19 information against the public interest in the disclosure. Confidentiality is waived  
20 if the person providing the information consents in writing to disclosure or if  
21 disclosure is authorized by a court.

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

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

**ENGROSSED ASSEMBLY BILL 51**

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

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

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

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

8 4. The degree of control by those affected by the bill over the year 2000 problem  
9 affected by the bill.

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

12 (c) Any other special considerations concerning the effect of the bill, such as the  
13 frequency of use of the proposed change and the support and involvement of  
14 businesses, industries, state governmental units and local governmental units  
15 affected by the proposed change.

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

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

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

21 16.528 **(3)** (f) An order or contract to which s. 893.83 applies.

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

23 19.37 **(2)** COSTS, FEES AND DAMAGES. (a) Except as provided in this paragraph  
24 and s. 893.83, the court shall award reasonable attorney fees, damages of not less  
25 than \$100, and other actual costs to the requester if the requester prevails in whole

**ENGROSSED ASSEMBLY BILL 51**

1 or in substantial part in any action filed under sub. (1) relating to access to a record  
2 or part of a record under s. 19.35 (1) (a). If the requester is a committed or  
3 incarcerated person, the requester is not entitled to any minimum amount of  
4 damages, but the court may award damages. Costs and fees shall be paid by the  
5 authority affected or the unit of government of which it is a part, or by the unit of  
6 government by which the legal custodian under s. 19.33 is employed and may not  
7 become a personal liability of any public official.

8 (b) In Except as provided in s. 893.83, in any action filed under sub. (1) relating  
9 to access to a record or part of a record under s. 19.35 (1) (am), if the court finds that  
10 the authority acted in a wilful or intentional manner, the court shall award the  
11 individual actual damages sustained by the individual as a consequence of the  
12 failure.

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

14 19.37 (3) PUNITIVE DAMAGES. If Except as provided in s. 893.83, if a court finds  
15 that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously  
16 denied or delayed response to a request or charged excessive fees, the court may  
17 award punitive damages to the requester.

18 **SECTION 6.** 66.285 (4) (f) of the statutes is created to read:

19 66.285 (4) (f) An order or contract to which s. 893.83 applies.

20 **SECTION 7.** 134.92 of the statutes is created to read:

21 **134.92 Year 2000 processing information. (1)** In this section:

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

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



**ENGROSSED ASSEMBLY BILL 51**

1 (c) “Processing” includes calculating, comparing, sequencing, displaying or  
2 storing.

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

5 (e) “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 (f) “Year 2000 statement” means any communication or other conveyance of  
9 information by a person to another person or to the public, in any form or medium,  
10 including 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.

**ENGROSSED ASSEMBLY BILL 51**

1           **(2)** Each authority may require any person over whom the authority exercises  
2 regulatory power to provide to the authority information relating to year 2000  
3 processing, including a year 2000 statement, with respect to any matter relating to  
4 public health or safety that is regulated by that authority or any matter relating to  
5 public health or safety that has an effect upon a matter that is regulated by that  
6 authority.

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

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

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

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

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

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

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

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

24           **SECTION 8.** 218.015 (7) of the statutes is amended to read:

**ENGROSSED ASSEMBLY BILL 51**

1           218.015 (7) ~~In~~ Except as provided in s. 893.83, in addition to pursuing any other  
2 remedy, a consumer may bring an action to recover for any damages caused by a  
3 violation of this section. The court shall award a consumer who prevails in such an  
4 action twice the amount of any pecuniary loss, together with costs, disbursements  
5 and reasonable attorney fees, and any equitable relief the court determines  
6 appropriate.

7           **SECTION 9.** 560.05 (3) of the statutes is amended to read:

8           560.05 (3) ~~The~~ Subject to s. 893.83, the state shall be liable for accrued rentals  
9 and for any other default under any lease or sublease made under sub. (2) (c) and may  
10 be sued therefor on contract as in other contract actions under ch. 775, except that  
11 it shall not be necessary for the lessor under any such lease or sublease or any  
12 assignee of such lessor or any person or other legal entity proceeding on behalf of such  
13 lessor to file any claim with the legislature prior to the commencement of any such  
14 action.

15           **SECTION 10.** 775.01 of the statutes is amended to read:

16           **775.01 Actions against state; bond.** ~~Upon~~ Except as provided in s. 893.83,  
17 upon the refusal of the legislature to allow a claim against the state the claimant may  
18 commence an action against the state by service as provided in s. 801.11 (3) and by  
19 filing with the clerk of court a bond, not exceeding \$1,000, with 2 or more sureties,  
20 to be approved by the attorney general, to the effect that the claimant will indemnify  
21 the state against all costs that may accrue in such action and pay to the clerk of court  
22 all costs, in case the claimant fails to obtain judgment against the state.

23           **SECTION 11.** 893.83 of the statutes is created to read:

24           **893.83 Claims against state and local governmental units resulting**  
25 **from certain incorrect dates. (1)** In this section:

**ENGROSSED ASSEMBLY BILL 51****SECTION 11**

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

6 (b) “Local governmental unit” means a political subdivision of this state, a  
7 special purpose district in this state, an instrumentality or corporation of such a  
8 political subdivision or special purpose district, a combination or subunit of any of  
9 the foregoing or a combination of an instrumentality of the state and any of the  
10 foregoing.

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

12 (cm) “Remediation plan” means a written document that includes a listing of  
13 tasks, resources and target milestone dates, developed to implement changes to  
14 ensure that electronic computing devices will accurately process, transmit and  
15 receive data from, into and between the 20th and 21st centuries and during the  
16 years of 1999 and 2000, and from leap year calculations.

17 (d) “State governmental unit” means this state, and every subunit or  
18 instrumentality of this state, including any institution or authority, regardless of  
19 whether moneys are appropriated to the unit, but does not include a local  
20 governmental unit.

21 **(2)** No person may maintain an action against any state governmental unit or  
22 local governmental unit, or any officer, employe or agent of such a unit acting in his  
23 or her capacity as an officer, employe or agent, for any damages arising from any  
24 wrongful act or omission caused by the failure of an electronic computing device that  
25 is controlled by such a unit, officer, employe or agent to process, transmit or receive

**ENGROSSED ASSEMBLY BILL 51**

1 date data from, into and between the 20th and 21st centuries and during the years  
2 1999 and 2000, and from leap year calculations, if the unit had a remediation plan  
3 in effect at the time of the act or omission that was designed to prevent the failure  
4 and the unit or the officer, employe or agent made a good faith attempt to find,  
5 identify and replace or correct any electronic computing device that may have  
6 contributed to the failure. No defendant in such an action is considered to have made  
7 a good faith effort to address such a failure unless the defendant took the specific  
8 actions required to qualify for immunity under this subsection. Sections 893.80 and  
9 893.82 apply to any action for damages arising from any wrongful act or omission  
10 caused by the failure of an electronic computing device to process, transmit or receive  
11 date data from, into and between the 20th and 21st centuries and during the years  
12 1999 and 2000, and from leap year calculations, that is not prohibited by this  
13 subsection.

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

17 **SECTION 12.** 904.17 of the statutes is created to read:

18 **904.17 Year 2000 statements. (1)** In this section:

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

24 (b) “Processing” includes calculating, comparing, sequencing, displaying or  
25 storing.

**ENGROSSED ASSEMBLY BILL 51****SECTION 12**

1 (c) “Year 2000 processing” means the processing, transmitting or receiving of  
2 date data from, into and between the 20th and 21st centuries, and during the years  
3 1999 and 2000, and from leap year calculations.

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

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

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

12 3. Concerning test plans, test dates, test results or operational problems or  
13 solutions related to year 2000 processing by products or services that incorporate or  
14 utilize products.

15 4. Concerning the correction or avoidance of a year 2000 processing failure in  
16 computer hardware, a computer system, a component of a computer system, a  
17 computer program or software or services utilizing any computer hardware, system,  
18 component, program or software or services.

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

21 **(3)** Information contained in a year 2000 statement may be offered in evidence  
22 in any civil action or proceeding only if one of the following applies:

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

**ENGROSSED ASSEMBLY BILL 51**

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

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

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

10 (e) The information is being offered in a civil action or proceeding brought by  
11 a local governmental unit acting in a regulatory, supervisory or enforcement capacity  
12 or by a state governmental unit acting in a regulatory, supervisory or enforcement  
13 capacity.

14 (f) The information is contained in a year 2000 statement that omits material  
15 information, and the omission of the material information makes the statement  
16 false, misleading or deceptive.

17 **SECTION 13. Nonstatutory provisions.**

18 (1) YEAR 2000 EDUCATIONAL OUTREACH.

19 (a) In this subsection:

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

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

**ENGROSSED ASSEMBLY BILL 51****SECTION 13**

1           (b) Notwithstanding section 16.705 (1) of the statutes, the department of  
2 administration may contract with one or more private contractors to provide  
3 educational outreach with respect to potential failures of electronic computing  
4 devices to process, transmit or receive data from, into and between the 20th and  
5 21st centuries and during the years 1999 and 2000, and from leap year calculations,  
6 and methods of correction of and contingency planning for such failures. No contract  
7 entered into under this subsection may extend beyond December 31, 1999. Section  
8 16.705 (2) and (3) of the statutes do not apply to any such contract.

9           (2) EMERGENCY MANAGEMENT CONTINGENCY PLANS.

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

15           (b) The division of emergency management in the department of military  
16 affairs shall review the local emergency response plans prepared by the counties to  
17 determine if those plans sufficiently prepare the counties to respond to an emergency  
18 that results from the failure of an electronic computing device to process, transmit  
19 or receive data from, into, and between the 20th and 21st centuries and during  
20 the years 1999 and 2000, and from leap years. If the division of emergency  
21 management determines that one or more of the local emergency response plans  
22 prepared by counties are insufficient to respond to the failure of an electronic  
23 computing device to process, transmit or receive the data data, the division may  
24 assist the county in the preparation of a revised emergency response plan. Within  
25 60 days after the adjutant general determines that there is a need, he or she may



**ENGROSSED ASSEMBLY BILL 51**

1 submit to the joint committee on finance a proposal, which shall include funding, for  
2 the contracting and testing of revised local emergency response plans prepared by  
3 the counties. If the joint committee on finance approves the funding for the  
4 contracting and testing, the joint committee on finance may supplement the  
5 appropriation under section 20.465 (3) (a) of the statutes from the appropriation  
6 under section 20.865 (4) (a) of the statutes. Notwithstanding section 13.101 (3) (a)  
7 of the statutes, the joint committee on finance is not first required to find that an  
8 emergency exists.

**SECTION 14. Initial applicability.**

10 (1) ADMISSIBILITY OF YEAR 2000 STATEMENTS. The treatment of section 904.17 of  
11 the statutes first applies to a year 2000 statement made on the effective date of this  
12 subsection.

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

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

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

22 (1) The repeal of section 13.0992 of the statutes takes effect on January 1, 2001.

23 **(END)**