1   State of Arkansas
2   87th General Assembly
3   Regular Session, 2009

A Bill

HOUSE BILL 1269

4
5   By: Representatives Overbey, T. Baker, Pyle
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For An Act To Be Entitled

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9   AN ACT TO REPEAL OUTDATED SECTIONS OF THE CODE
10   DEALING WITH YEAR 2000 COMPUTER ISSUES; AND FOR
11   OTHER PURPOSES.
12

Subtitle

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14   AN ACT TO REPEAL OUTDATED SECTIONS OF
15   THE CODE DEALING WITH YEAR 2000 COMPUTER
16   ISSUES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21   SECTION 1. Arkansas Code Title 16, Chapter 125 is repealed.
22   16-125-101. Findings.
23   The General Assembly finds that:
24   (1) The state and the state's political subdivisions have taken
25 due care to prepare for the date change that will accompany the year 2000;
26   (2)(A) Beginning as early as 1995, the state began preparations
27 and corrections for the computer systems.
28   (B) The state hired consulting companies having expertise
29 and experience in year 2000 issues.
30   (C) The Governor took action to ensure that all agencies
31 of state government were actively addressing year 2000 issues and had
32 adequate resources to support their efforts.
33   (D) The General Assembly appropriated funds in 1997 for
34 year 2000 corrections and held hearings from time to time to monitor the
35 state's progress.
36   (E) The state has actively communicated with units of

1   local government and the federal government to ensure year 2000 efforts were

2   broadly coordinated;

3   (3)(A) It is estimated that state agencies will spend between

4   fifty million dollars and sixty million dollars ($50,000,000 $60,000,000) in

5   assessment, remediation, and testing costs to prevent failures in computer

6   systems and embedded systems.

7   (B) The efforts of the state are ongoing with respect to

8   the year 2000; and

9   (4)(A) The state has acted with diligence in addressing the year

10   2000 issue and in providing remedies when problems are identified.

11   (B) All of these actions have been taken with every care

12   to ensure the continuity of state services and government operations to the

13   citizens of Arkansas as the first century of the technological era draws to a

14   close.

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16   16-125-102. Definitions.

17   As used in this chapter:

18   (1)(A) "Computer system" means any electronic device or

19   collection of devices, including support devices, networks, and embedded

20   chips that contains computer programs, electronic instructions, input data,

21   and output data, and that performs functions, including, but not limited to,

22   logic, arithmetic, data storage and retrieval, communication, and control.

23   (B) "Computer system" does not include calculators that

24   are not programmable;

25   (2) "Government computer system" means any computer system owned

26   or operated by a governmental entity;

27   (3) "Government employee" includes an officer or employee of a

28   governmental entity, including a person acting on behalf of a governmental

29   entity in an official capacity, temporarily or permanently, whether with or

30   without compensation;

31   (4) "Governmental entity" means the State of Arkansas or any

32   office, department, commission, council, board, committee, legislative body,

33   agency, institution, or any other establishment of the executive branch,

34   judicial branch, or legislative branch of the state, or any municipality,

35   county, school district, improvement district, or any political district or

36   subdivision thereof; and

1   (5)(A) "Year 2000 compliant" means, with respect to a government

2 computer system, that the system accurately processes date and time data

3 from, into, and between the twentieth and twenty-first centuries and the

4 years 1999 and 2000, and leap-year calculations.

5   (B) The processing of date and time data includes, but is

6 not limited to:

7   (i) Calculating;

8   (ii) Comparing;

9   (iii) Projecting; and

10   (iv) Sequencing.

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12   16-125-103. Immunity against suits.

13   (a) No action, except for declaratory or injunctive relief or illegal

14 exactions, may be brought against a governmental entity or a government

15 employee arising out of or based upon any failure of or error produced,

16 calculated, or generated by a government computer system, which failure or

17 error was a result of the system's not being year 2000 compliant, regardless

18 of the cause of the system's not being year 2000 compliant.

19   (b) Nothing in this chapter shall provide immunity or release from

20 liability to any person who:

21   (1) Deliberately tampers with a government computer system for

22 the purpose of preventing it from being year 2000 compliant; or

23   (2) Receives and fails to immediately return a benefit which the

24 person is not legally entitled to, arising out of or based upon any failure

25 of or error produced, calculated, or generated by a government computer

26 system as a result of the system's not being year 2000 compliant.

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28   16-125-104. Remedial measures.

29   Nothing in this chapter shall prevent a governmental entity or a

30 government employee from taking steps to remedy any failure of or error

31 produced, calculated, or generated by a government computer system as a

32 result of the system's not being year 2000 compliant, once the failure or

33 error is verified.

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