

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 157 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1269

5 By: Representatives Overbey, T. Baker, Pyle
6
7

For An Act To Be Entitled

9 AN ACT TO REPEAL OUTDATED SECTIONS OF THE CODE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

Subtitle

13 AN ACT TO REPEAL OUTDATED SECTIONS OF
14 THE CODE DEALING WITH YEAR 2000 COMPUTER
15 ISSUES.
16
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18

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 Arkansas Code Title 16, Chapter 125 is repealed.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.~~



1 ~~(E) The state has actively communicated with units of~~
 2 ~~local government and the federal government to ensure year 2000 efforts were~~
 3 ~~broadly coordinated;~~

4 ~~(3)(A) It is estimated that state agencies will spend between~~
 5 ~~fifty million dollars and sixty million dollars (\$50,000,000 \$60,000,000) in~~
 6 ~~assessment, remediation, and testing costs to prevent failures in computer~~
 7 ~~systems and embedded systems.~~

8 ~~(B) The efforts of the state are ongoing with respect to~~
 9 ~~the year 2000; and~~

10 ~~(4)(A) The state has acted with diligence in addressing the year~~
 11 ~~2000 issue and in providing remedies when problems are identified.~~

12 ~~(B) All of these actions have been taken with every care~~
 13 ~~to ensure the continuity of state services and government operations to the~~
 14 ~~citizens of Arkansas as the first century of the technological era draws to a~~
 15 ~~close.~~

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 17 ~~16-125-102. Definitions.~~

18 ~~As used in this chapter:~~

19 ~~(1)(A) "Computer system" means any electronic device or~~
 20 ~~collection of devices, including support devices, networks, and embedded~~
 21 ~~chips that contains computer programs, electronic instructions, input data,~~
 22 ~~and output data, and that performs functions, including, but not limited to,~~
 23 ~~logic, arithmetic, data storage and retrieval, communication, and control.~~

24 ~~(B) "Computer system" does not include calculators that~~
 25 ~~are not programmable;~~

26 ~~(2) "Government computer system" means any computer system owned~~
 27 ~~or operated by a governmental entity;~~

28 ~~(3) "Government employee" includes an officer or employee of a~~
 29 ~~governmental entity, including a person acting on behalf of a governmental~~
 30 ~~entity in an official capacity, temporarily or permanently, whether with or~~
 31 ~~without compensation;~~

32 ~~(4) "Governmental entity" means the State of Arkansas or any~~
 33 ~~office, department, commission, council, board, committee, legislative body,~~
 34 ~~agency, institution, or any other establishment of the executive branch,~~
 35 ~~judicial branch, or legislative branch of the state, or any municipality,~~
 36 ~~county, school district, improvement district, or any political district or~~

1 ~~subdivision thereof; and~~

2 ~~(5)(A) "Year 2000 compliant" means, with respect to a government~~
3 ~~computer system, that the system accurately processes date and time data~~
4 ~~from, into, and between the twentieth and twenty first centuries and the~~
5 ~~years 1999 and 2000, and leap year calculations.~~

6 ~~(B) The processing of date and time data includes, but is~~
7 ~~not limited to:~~

- 8 ~~(i) Calculating;~~
- 9 ~~(ii) Comparing;~~
- 10 ~~(iii) Projecting; and~~
- 11 ~~(iv) Sequencing.~~

12

13 ~~16-125-103. Immunity against suits.~~

14 ~~(a) No action, except for declaratory or injunctive relief or illegal~~
15 ~~exactions, may be brought against a governmental entity or a government~~
16 ~~employee arising out of or based upon any failure of or error produced,~~
17 ~~calculated, or generated by a government computer system, which failure or~~
18 ~~error was a result of the system's not being year 2000 compliant, regardless~~
19 ~~of the cause of the system's not being year 2000 compliant.~~

20 ~~(b) Nothing in this chapter shall provide immunity or release from~~
21 ~~liability to any person who:~~

22 ~~(1) Deliberately tampers with a government computer system for~~
23 ~~the purpose of preventing it from being year 2000 compliant; or~~

24 ~~(2) Receives and fails to immediately return a benefit which the~~
25 ~~person is not legally entitled to, arising out of or based upon any failure~~
26 ~~of or error produced, calculated, or generated by a government computer~~
27 ~~system as a result of the system's not being year 2000 compliant.~~

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29 ~~16-125-104. Remedial measures.~~

30 ~~Nothing in this chapter shall prevent a governmental entity or a~~
31 ~~government employee from taking steps to remedy any failure of or error~~
32 ~~produced, calculated, or generated by a government computer system as a~~
33 ~~result of the system's not being year 2000 compliant, once the failure or~~
34 ~~error is verified.~~

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36 **APPROVED: 2/16/2009**