

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 901

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 4, after "immune" insert "under certain circumstances"; in line 8, after "government" insert "or an official or employee of the State or local government"; in line 8, after "terms;" insert "providing for the application of this Act; making this Act an emergency measure; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 1, in line 22, strike the first "AND" and substitute "OBTAIN INFORMATION FROM CRITICAL SUPPLIERS, TEST,"; and in the same line, strike "AND REMEDIATION OF" and substitute ", REMEDIATE, AND PROVIDE A CONTINGENCY PLAN OF ACTION RELATING TO, Y2K".

AMENDMENT NO. 3

On page 1, after line 23, insert:

"(3) "CRITICAL INFORMATION TECHNOLOGY SYSTEM OR PRODUCT" MEANS AN INFORMATION TECHNOLOGY SYSTEM OR PRODUCT THE FAILURE OF WHICH MAY RESULT IN AN IMMINENT AND SUBSTANTIAL THREAT TO PUBLIC HEALTH OR SAFETY.";

in lines 24 and 26, strike "(3)" and "(4)", respectively, and substitute "(4)" and "(5)", respectively; in line 26, strike "DATE" and substitute "Y2K DATE"; and in line 27, strike "OR PRODUCT" and substitute ", PRODUCT, OR PROCESS".

AMENDMENT NO. 4

On page 2, in line 2, after "DATA" insert "RELATING TO THE YEAR 2000, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING SPECIFIC DATES:

(Over)

(I) AUGUST 22, 1999;

(II) SEPTEMBER 9, 1999;

(III) DECEMBER 31, 1999;

(IV) JANUARY 1, 2000;

(V) JANUARY 3, 2000;

(VI) JANUARY 10, 2000;

(VII) FEBRUARY 29, 2000;

(VIII) OCTOBER 10, 2000; AND

(IX) JANUARY 1, 2001”.

AMENDMENT NO. 5

On page 2, in lines 3, 8, and 12, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively.

AMENDMENT NO. 6

On page 2, after line 12, insert:

“(9) “YEAR 2000-READY” MEANS ANY PRODUCT OR SERVICE THAT:

(I) RELIES UPON AN INFORMATION TECHNOLOGY SYSTEM OR PRODUCT THAT INCLUDES DATE DATA;

(II) OPERATES IN A MANNER CONSISTENT WITH THE DESIGN REQUIREMENTS OR OTHER SPECIFICATION FOR THE PRODUCT OR SERVICE; AND

(III) DOES NOT CAUSE A Y2K DATE DATA PROBLEM.”.

AMENDMENT NO. 7

On page 2, in line 5, strike “OR PRODUCT” and substitute “, PRODUCT, OR PROCESS”.

AMENDMENT NO. 8

On page 2, in line 13, after “(B)” insert “SUBJECT TO SUBSECTION (C) OF THIS SECTION,”; in line 15, after “A” insert “Y2K”; in line 20, after “BY” insert “THE BOARD OF COUNTY COMMISSIONERS,”; and strike in its entirety line 22 and substitute “THAT THE STATE OR LOCAL GOVERNMENT HAS COMPLETED THE FOLLOWING ITEMS IN ITS COMPLIANCE PLAN:

(I) INVENTORIED INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS TO DETERMINE WHETHER THEY ARE YEAR 2000-READY;

(II) IDENTIFIED CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS AND OBTAINED INFORMATION FROM ITS CRITICAL SUPPLIERS REGARDING THEIR Y2K COMPLIANCE PLANS;

(III) ASSESSED POTENTIAL Y2K DATE DATA PROBLEMS AND TESTED, IF PRACTICABLE, ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(IV) INITIATED REASONABLE EFFORTS TO REMEDIATE Y2K DATE DATA PROBLEMS IN ITS INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(V) REASONABLY REMEDIATED Y2K DATE DATA PROBLEMS IN ITS CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS; AND

(VI) DEVELOPED A CONTINGENCY PLAN OF ACTION THAT SPECIFIES ACTIONS THAT SHALL BE TAKEN IF REMEDIATION FAILS.

(C) IF THE STATE OR LOCAL GOVERNMENT DID NOT ACTUALLY PERFORM OR COMPLETE A REQUIREMENT THAT WAS CERTIFIED UNDER SUBSECTION (B)(3) OF THIS SECTION, AND THE FAILURE TO PERFORM OR COMPLETE THAT REQUIREMENT CAUSED A WRONGFUL DEATH, PERSONAL INJURY, PROPERTY DAMAGE, OR OTHER LOSS, THE IMMUNITY DESCRIBED IN SUBSECTION (B) OF THIS SECTION DOES NOT

(Over)

APPLY TO A CAUSE OF ACTION CONCERNING THE WRONGFUL DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE.”.

AMENDMENT NO. 9

On page 2, strike line 23 in its entirety and substitute:

“(D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AFFECT ANY”;

in line 24, strike “AVAILABLE” and substitute “PROVIDED BY LAW”; and in line 25, after “GOVERNMENT” insert “OR AN OFFICIAL OR EMPLOYEE OF THE STATE OR A LOCAL GOVERNMENT”.

AMENDMENT NO. 10

On page 2, after line 25, insert:

“(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AFFECT THE LIABILITY OF THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF THE STATE OR A LOCAL GOVERNMENT FOR:

(1) AN INTENTIONALLY TORTIOUS ACT OR OMISSION;

(2) A WANTON OR RECKLESS ACT OR OMISSION; OR

(3) A GROSSLY NEGLIGENT ACT OR OMISSION.

(F) THIS SECTION DOES NOT APPLY TO A CLAIM FOR WORKER’S COMPENSATION BENEFITS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively only to apply to causes of action arising out of a Y2K date data problem, as defined in § 5-527(a)(5) of the Courts Article as enacted by this Act, occurring on or before January 2, 2001, and may not be applied or interpreted to have any effect on or application to any case filed before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall remain effective until January 2, 2004, and at the end of January 2, 2004, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”;

and strike in their entirety lines 26 and 27.