

BY: Conference Committee

AMENDMENTS TO SENATE BILL NO. 232  
(Third Reading File Bill)

AMENDMENT NO. 1

At the top of page 1, insert "EMERGENCY BILL".

On page 1, in line 4, after "immune" insert "under certain circumstances"; in line 9, strike "available" and substitute "provided by law"; in line 10, strike "the State or"; and in line 11, after "Act;" insert "making this Act an emergency measure; providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 6, strike "TEST, AND SCHEDULE REPAIRS AND REMEDIATION OF" and substitute "AND PROVIDE A CONTINGENCY PLAN OF ACTION RELATING TO, Y2K"; after line 7, 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 8, 10, 14, 19, and 23, strike "(3)", "(4)", "(5)", "(6)", and "(7)", respectively, and substitute "(4)", "(5)", "(6)", "(7)", and "(8)", respectively; in line 10, before "DATE" insert "Y2K"; in line 13, after "DATA" insert "RELATING TO THE YEAR 2000, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING SPECIFIC DATES:

(I) AUGUST 22, 1999;

(II) SEPTEMBER 9, 1999;

(Over)

- (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”;

after line 23, 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.”;

in line 24, after “(B)” insert “EXCEPT FOR A WRONGFUL DEATH, SURVIVAL, OR PERSONAL INJURY ACTION,”; in line 26, after “A” insert “Y2K”; strike beginning with “CERTIFIED” in line 30 down through “PLAN” in line 32 and substitute “COMPLETED THE FOLLOWING ITEMS IN ITS COMPLIANCE PLAN:

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

(II) IDENTIFIED CRITICAL INFORMATION TECHNOLOGY SYSTEMS AND PRODUCTS;

(III) ASSESSED POTENTIAL Y2K DATE DATA PROBLEMS;

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

(V) DEVELOPED A CONTINGENCY PLAN OF ACTION THAT SPECIFIES ACTIONS THAT SHALL BE TAKEN IF REMEDIATION FAILS OR IS NOT COMPLETED BY DECEMBER 31, 1999”;

and in line 33, strike “(C)”.

On page 3, strike in their entirety lines 1 through 4, inclusive, and substitute:

“(C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AFFECT ANY IMMUNITIES OR LIMITS ON LIABILITY OTHERWISE PROVIDED BY LAW TO THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF A LOCAL GOVERNMENT.

(D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO AFFECT THE LIABILITY OF THE STATE OR A LOCAL GOVERNMENT OR AN OFFICIAL OR EMPLOYEE OF 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.

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

AMENDMENT NO. 3

On page 3, strike in their entirety lines 5 through 10, inclusive, and substitute:

“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

(Over)

§ 5-527(a)(5) of the Courts Article as enacted by this Act, occurring on or before June 30, 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 yeay 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.”.