

ACT 213

S.B. NO. 3043

A Bill for an Act Relating to Government Computer Systems Which Are Not Year 2000 Compliant.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
GOVERNMENT COMPUTER SYSTEMS AND YEAR 2000
COMPLIANCE**

§ -1 Definitions. As used in this chapter:

“Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions that is created by constitution, statute, rule, or executive order to have supervision, control, jurisdiction, or advisory power over specific matters.

“Government computer system” includes any computer or other information technology system owned or operated by or on behalf of the State, its political subdivisions, or a board.

“Government employee” includes an officer or employee of the State, its political subdivisions, or a board, including a person acting on behalf of a board in an official capacity, temporarily or permanently, whether with or without compensation.

“Year 2000 compliant” means, with respect to a government computer system, that the system accurately processes date and time data (including, but not limited to, calculating, comparing, projecting, and sequencing) from, into, and between the twentieth and twenty-first centuries and the years 1999 and 2000, and leap year calculations.

§ -2 Immunity against suits. No action, including, without limitation, any action for declaratory or injunctive relief, may be brought against any person including, but not limited to, the State, its political subdivisions, a board, or a government employee, arising out of or based upon any failure of or error produced, calculated, or generated by a government computer system, which failure or error occurred prior to June 30, 1999 as a result of the system’s not being year 2000 compliant, regardless of the cause for the system’s not being year 2000 compliant.

§ -3 Remedial measures. Nothing in this chapter shall be deemed to prevent the State, its political subdivisions, a board, or a government employee, from taking steps to remedy any failure of or error produced, calculated, or generated by a government computer system as a result of the system’s not being year 2000 compliant, once the failure or error is verified.

§ -4 Exceptions. Nothing in this chapter shall be deemed to provide immunity or release from liability to any person who:

- (1) Deliberately tampers with a government computer system for the purpose of preventing it from being year 2000 compliant; or
- (2) Receives and fails to immediately return a benefit which the person is not legally entitled to arising out of or based upon any failure of or error produced, calculated, or generated by a government computer system as a result of the system's not being year 2000 compliant."

SECTION 2. Section 662-15, Hawaii Revised Statutes, is amended to read as follows:

"§662-15 Exceptions. This chapter shall not apply to:

- (1) Any claim based upon an act or omission of an employee of the State, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state officer or employee, whether or not the discretion involved has been abused;
- (2) Any claim arising in respect of the assessment or collection of any tax, or the detention of any goods or merchandise by law enforcement officers;
- (3) Any claim for which a remedy is provided elsewhere in the laws of the State;
- (4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
- (5) Any claim arising out of the combatant activities of the Hawaii national guard and Hawaii state defense force during time of war, or during the times the Hawaii national guard is engaged in federal service pursuant to sections 316, 502, 503, 504, 505, or 709 of Title 32 of the United States Code;
- (6) Any claim arising in a foreign country; [or]
- (7) Any claim arising out of the acts or omissions of any boating enforcement officer[.]; or
- (8) Any claim arising out of or based upon any failure of or error produced, calculated, or generated by a government computer system, which failure or error occurred prior to June 30, 1999 as a result of the system's not being year 2000 compliant, regardless of the cause for the system's not being year 2000 compliant. "Year 2000 compliant" means, with respect to a government computer system, that the system accurately processes date and time data (including, but not limited to, calculating, comparing, projecting, and sequencing) from, into, and between the twentieth and twenty-first centuries and the years 1999 and 2000 and leap year calculations."

SECTION 3. The department of accounting and general services shall report to the legislature no later than twenty days prior to the convening of the regular session of 1999, for all state departments in the executive branch, on the progress of efforts undertaken to address the year 2000 problem.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

ACT 213

SECTION 5. This Act shall take effect upon its approval.

(Approved July 17, 1998.)