

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 440

By: Senator J. Hendren
By: Representative Westerman

For An Act To Be Entitled

AN ACT CONCERNING INFORMATION TECHNOLOGY ACCESS FOR THE BLIND OR VISUALLY IMPAIRED; TO AMEND THE PROCUREMENT REQUIREMENTS FOR NONVISUAL ACCESS TECHNOLOGY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROCUREMENT REQUIREMENTS FOR NONVISUAL ACCESS TECHNOLOGY; AND TO DECLARE AN EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 25-26-201 is amended to read as follows:
25-26-201. Findings and policy.

(a) The General Assembly finds that:

(1) The advent of the information age throughout the United States and around the world has resulted in lasting changes in information technology;

(2) Use of interactive visual display ~~terminals~~ devices by state and state-assisted organizations ~~is becoming~~ has become a widespread means of access for employees and the public to obtain information available electronically, but nonvisual access, ~~whether~~ by speech, braille, or other appropriate means has been overlooked in ~~purchasing and deploying the~~ development of the latest information technology;

(3) Presentation of electronic data solely in a visual format is



a barrier to access by individuals who are blind or visually impaired, preventing them from participating on equal terms in crucial areas of life such as education and employment;

(4) Alternatives, including both software and hardware adaptations, have been created so that interactive control of computers and use of the information presented is ~~possible~~ more likely to be available by both visual and nonvisual means; and

(5) The goals of the state in obtaining and deploying the most advanced forms of information technology properly include universal access so that segments of society with particular needs, including, ~~but not limited to,~~ without limitation individuals unable to use visual displays, will not be left out of the information age.

(b) It is the policy of the State of Arkansas that all programs and activities ~~which~~ that are supported in whole or in part by public funds shall be conducted in accordance with the following principles:

(1) ~~Individuals~~ To the extent provided in this subchapter, individuals who are blind or visually impaired ~~have the right to full participation in the life of the state, including the use of advanced technology which is provided by the state or state-assisted organizations for use by~~ shall be provided access to the advanced technology that is provided to other employees, program participants, and members of the general public; ~~and~~

(2) ~~Technology~~ To the extent provided in this subchapter, technology purchased in whole or in part with funds provided by the state to be used for the creation, storage, retrieval, or dissemination of information and intended for use by employees, program participants, and members of the general public shall be accessible to and usable by individuals who are blind or visually impaired; ~~and~~

(3) If technology that allows access for individuals who are blind or visually impaired is not reasonably available, individuals who are blind or visually impaired shall be provided a reasonable accommodation as defined in 42 U.S.C. § 12111(9), as it existed on January 1, 2013.

SECTION 2. Arkansas Code § 25-26-202, concerning the definitions to be used in relation to information technology access for the blind or visually impaired, is amended to add an additional subdivision to read as follows:

(9) “Reasonably available” means developed and available for purchase for a price as provided in this subchapter from:

(A) The vendor that provided the product that is to be used by visual users; or

(B) Another vendor if the technology is available from more than one (1) vendor in the marketplace.

SECTION 3. Arkansas Code § 25-26-203(a)(1), concerning the assurance of nonvisual access to equipment and services, is amended to read as follows:

(1) Provide blind or visually impaired individuals with access, ~~including, but not limited to~~ to the extent provided in this subchapter, to interactive use of the equipment and services ~~which that~~ that is equivalent to that provided to individuals who are not blind or visually impaired;

SECTION 4. Arkansas Code § 25-26-204(b), concerning the procurement requirements for nonvisual access technology, is amended to read as follows:

(b) The nonvisual access standards established by the department under subsection (a) of this section shall:

(1) Include the specifications necessary to fulfill the assurances in § 25-26-203;

(2) Follow the standards for software applications and operating systems provided by 36 C.F.R § 1194.21, as it existed on January 1, ~~2011~~ 2013, subject to the provisions of 36 C.F.R. §§ 1194.1 – 1194.4, as they existed on January 1, 2013;

(3) Follow the standards for web-based intranet and Internet information and applications provided by 36 C.F.R § 1194.22, as it existed on January 1, ~~2011~~ 2013, subject to the provisions of 36 C.F.R. §§ 1194.1 – 1194.4, as they existed on January 1, 2013; and

(4) Include the following minimum specifications:

(A) That, to the extent provided in this subchapter, effective, interactive control and use of the technology, including without limitation the operating system, software applications ~~programs~~, and format of the data presented is readily achievable by nonvisual means;

(B) That, to the extent provided in this subchapter, the technology equipped for nonvisual access is compatible with information technology used by other individuals with whom the blind or visually impaired

individual ~~must interact~~ interacts;

(C) That, to the extent provided in this subchapter, nonvisual access technology is integrated into networks used to share communications among employees, program participants, and the public; and

(D) That, to the extent provided in this subchapter, the technology for nonvisual access has the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired.

SECTION 5. Arkansas Code § 25-26-205(c), concerning the implementation of the procurement law relating to nonvisual access technology, is amended to read as follows:

(c) Notwithstanding the provisions of subsection (b) of this section, the applications programs and underlying operating systems, including, ~~but not limited to,~~ without limitation the format of the data used for the manipulation and presentation of information, shall permit, to the extent provided in this subchapter, the installation and effective use of nonvisual access software and peripheral devices.

SECTION 6. DO NOT CODIFY. Applicability.

This act applies retroactively to the following:

(1) Information technology procured on or after July 30, 1999;

and

(2) Any upgrades or modifications to or replacement of information technology procured on or after July 30, 1999.

SECTION 7. DO NOT CODIFY.

The Department of Information Systems shall modify the existing technology access clause required under § 25-26-204 and any related nonvisual access standards to conform to this act.

SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that because of current limitations in the commercial availability of information technology supporting accessibility for the blind or visually impaired, the strict limitations of Act 1227 of 1999 have unreasonably hindered or delayed the acquisition of

information technology, which has resulted in an undue burden on state agencies; and that this act is immediately necessary because the efficient installation, upgrading, and modification of information technology is essential to the functioning of the state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 03/11/2013