

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 440

5 By: Senator J. Hendren
6 By: Representative Westerman
7

For An Act To Be Entitled

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

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17 TO AMEND THE PROCUREMENT REQUIREMENTS FOR
18 NONVISUAL ACCESS TECHNOLOGY; AND TO
19 DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 25-26-201 is amended to read as follows:
25 25-26-201. Findings and policy.

26 (a) The General Assembly finds that:

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

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

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



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

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

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

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

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

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

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

33
 34 SECTION 2. Arkansas Code § 25-26-202, concerning the definitions to be
 35 used in relation to information technology access for the blind or visually
 36 impaired, is amended to add an additional subdivision to read as follows:

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

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

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

7
 8 SECTION 3. Arkansas Code § 25-26-203(a)(1), concerning the assurance
 9 of nonvisual access to equipment and services, is amended to read as follows:

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

14
 15 SECTION 4. Arkansas Code § 25-26-204(b), concerning the procurement
 16 requirements for nonvisual access technology, is amended to read as follows:

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

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

21 (2) Follow the standards for software applications and operating
 22 systems provided by 36 C.F.R § 1194.21, as it existed on January 1, ~~2011~~
 23 2013, subject to the provisions of 36 C.F.R. §§ 1194.1 – 1194.4, as they
 24 existed on January 1, 2013;

25 (3) Follow the standards for web-based intranet and Internet
 26 information and applications provided by 36 C.F.R § 1194.22, as it existed on
 27 January 1, ~~2011~~ 2013, subject to the provisions of 36 C.F.R. §§ 1194.1 –
 28 1194.4, as they existed on January 1, 2013; and

29 (4) Include the following minimum specifications:

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

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

1 individual ~~must interact~~ interacts;

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

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

9
10 SECTION 5. Arkansas Code § 25-26-205(c), concerning the implementation
11 of the procurement law relating to nonvisual access technology, is amended to
12 read as follows:

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

19
20 SECTION 6. DO NOT CODIFY. Applicability.

21 This act applies retroactively to the following:

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

23 and

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

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27 SECTION 7. DO NOT CODIFY.

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

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

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

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

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

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

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16 **APPROVED: 03/11/2013**
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