

## **BILL ANALYSIS**

Senate Research Center  
79R11538 MXM-F

H.B. 2819  
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Government Organization  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Texans with disabilities are increasingly using technology to communicate with and access information from the state.

H.B. 2819 would bring Texas in line with federal Section 508 standards for accessibility to websites and telecommunications. Any federal agency purchasing electronic and information technology requires their vendors to ensure compliance with these standards. Several states have adopted the federal standards by reference. H.B. 2819 creates consistency by having the same accessibility standards as federal agencies, other states, and even within different Texas state agencies. The bill exempts compliance if an undue burden results.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Information Resources in SECTION 1 (Sections 2054.452, 2054.453, 2054.458, 2054.459, 2054.460, 2054.461, and 2054.464, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 2054, Government Code, by adding Subchapter M, as follows:

#### **SUBCHAPTER M. ACCESS TO ELECTRONIC AND INFORMATION RESOURCES BY INDIVIDUALS WITH DISABILITIES**

Sec. 2054.451. DEFINITIONS. Defines "electronic and information resources" and "state agency."

Sec. 2054.452. TRAINING AND MECHANICAL ASSISTANCE. (a) Requires the Department of Information Resources (department) to provide training for and technical assistance to state agencies regarding compliance with this subchapter.

(b) Requires the department to adopt rules to implement this section.

Sec. 2054.453. RULES; COMPLIANCE WITH FEDERAL STANDARDS. (a) Requires the department to adopt rules and evaluation criteria to implement this subchapter, including rules regarding certain specified issues.

(b) Requires the department, in adopting rules under this section, to consider certain federal provisions.

Sec. 2054.454. STATE AGENCY COMPLIANCE. (a) Requires each state agency to develop, procure, maintain, and use accessible electronic and information resources that conform to the rules adopted under this subchapter.

(b) Requires the department to ensure that rules adopted under this subchapter are reviewed as a component of certain reports on compliance with department standards.

Sec. 2054.455. PUBLIC INFORMATION. Requires the department to develop a process by which the public may provide information regarding compliance with this subchapter.

Sec. 2054.456. ACCESS TO ELECTRONIC AND INFORMATION RESOURCES BY STATE EMPLOYEES WITH DISABILITIES. (a) Requires each state agency, in developing, procuring, maintaining, or using electronic and information resources, to ensure that state employees with disabilities have access to and the use of those resources comparable to the access and use available to state employees without disabilities, unless compliance with this section imposes a significant difficulty or expense on the agency under Section 2054.460.

(b) Provides that this section does not require a state agency to install specific accessibility-related software or attach an assistive technology device at a workstation of a state employee who is not an individual with a disability, except as necessary to permit the employee to interact directly with a member of the public who has a disability.

Sec. 2054.457. ACCESS TO ELECTRONIC AND INFORMATION RESOURCES BY OTHER INDIVIDUALS WITH DISABILITIES. (a) Requires each state agency to provide members of the public with disabilities who are seeking information or other services from the agency access to and the use of electronic and information resources comparable to the access and use provided to members of the public without disabilities, unless compliance with this section imposes a significant difficulty or expense on the agency under Section 2054.460.

(b) Provides that this section does not require a state agency to make a product owned by the agency available for access and use by individuals with disabilities at a location other than the location where the electronic and information resources are provided to the public or purchase a product for access and use by individuals with disabilities at a location other than the location where the electronic and information resources are provided to the public.

Sec. 2054.458. INTERNET WEBSITES. Requires the department to adopt rules regarding the development and monitoring of state agency Internet websites to provide access to individuals with disabilities.

Sec. 2054.459. EMERGING TECHNOLOGIES; PRODUCTS. Requires the department to adopt rules regarding emerging technologies related to the purpose of this subchapter and the commercial availability of products, including computer software, to implement this subchapter.

Sec. 2054.460. EXCEPTION FOR SIGNIFICANT DIFFICULTY OR EXPENSE; ALTERNATIVE METHODS. (a) Provides that if compliance with a provision of this subchapter imposes a significant difficulty or expense on a state agency, the agency is not required to comply with that provision. Requires the agency to comply with all applicable state and federal civil rights statutes and provide individuals with disabilities an alternative method of access under Subsection (b).

(b) Requires an agency not complying with a provision of this subchapter under Subsection (a) to use alternative methods to provide timely access by individuals with disabilities to state agency electronic and information resources, including access to product documentation. Sets forth examples of alternative methods.

(c) Requires the agency, in determining whether compliance imposes a significant difficulty or expense, to consider all agency resources available to the program or program component for which the product is being developed, procured, maintained, or used.

(d) Requires the department to adopt rules to implement this section, including certain specified rules.

Sec. 2054.461. EXEMPTIONS. Requires the department to adopt rules regarding exempting a state agency from duty to comply with this subchapter or a provision of this subchapter. Requires the department, in adopting rules under this section, to focus on circumstances in which the benefit of compliance for individuals with disabilities is relatively minor and the cost of compliance is relatively great.

Sec. 2054.462. EXCEPTION FOR EMBEDDED INFORMATION RESOURCES. Provides that this subchapter does not apply to certain electronic and information resources equipment that contains embedded information resources.

Sec. 2054.463. EXCEPTION FOR MEDICAL EQUIPMENT. Provides that this subchapter does not apply to certain medical equipment.

Sec. 2054.464. SURVEY; REPORTING REQUIREMENTS. Requires the department to adopt rules regarding an annual electronic and information resources state agency survey and state agency reporting requirements for implementation of this subchapter.

SECTION 2. (a) Repealer, effective September 1, 2006: Sections 2001.007(c) (Certain Explanatory Information Made Available Through Internet) and 2157.005 (Purchasing: Purchase of Automated Information Systems), Government Code.

(b) Makes application of the repeal of Section 2157.005, Government Code, prospective.

SECTION 3. (a) Requires the department to adopt the rules required by Subchapter M, Chapter 2054, Government Code, as added by this Act, not later than March 1, 2006.

(b) Authorizes, but does not require, a state agency to comply with Subchapter M, Chapter 2054, Government Code, as added by this Act, or rules adopted under that subchapter, before September 1, 2006.

SECTION 4. Effective date: September 1, 2005.