

CHAPTER 315

GOVERNMENT - STATE

HOUSE BILL 00-1269

BY REPRESENTATIVES Coleman, Dean, Kester, Miller, Takis, Tochtrop, Alexander, Allen, Bacon, Chavez, Clarke, Decker, Gagliardi, Gordon, Keller, Larson, Mace, McElhany, Morrison, Plant, Ragsdale, Stengel, Tate, Tupa, Veiga, Vigil, S. Williams, Windels, Witwer, and Zimmerman;
also SENATORS Epps, Evans, Hernandez, Linkhart, Martinez, Pascoe, Powers, Reeves, Rupert, and Tebedo.

AN ACT

CONCERNING INFORMATION TECHNOLOGY ACCESS FOR INDIVIDUALS WHO ARE BLIND.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 85
Information Technology Access for Individuals
Who are Blind or Visually Impaired

24-85-101. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS THAT THE STATE NEEDS TO IMPROVE NONVISUAL ACCESS TO INFORMATION, WHETHER BY SPEECH, BRAILLE, OR OTHER APPROPRIATE MEANS.

24-85-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESS" MEANS THE ABILITY TO RECEIVE, USE, AND MANIPULATE DATA AND OPERATE CONTROLS INCLUDED IN INFORMATION TECHNOLOGY.

(2) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL WHO:

(a) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH CORRECTIVE LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN TWENTY DEGREES;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) HAS A MEDICALLY INDICATED EXPECTATION OF VISUAL DETERIORATION; OR

(c) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE ABILITY.

(3) "COMMISSION" MEANS THE COMMISSION ON INFORMATION MANAGEMENT CREATED IN SECTION 24-37.5-201.

(4) "INFORMATION TECHNOLOGY" MEANS ALL ELECTRONIC INFORMATION PROCESSING HARDWARE AND SOFTWARE, INCLUDING TELECOMMUNICATIONS.

(5) "NONVISUAL" MEANS SYNTHESIZED SPEECH, BRAILLE, AND OTHER OUTPUT METHODS NOT REQUIRING SIGHT.

(6) "STATE AGENCY" MEANS THE STATE OR ANY OF ITS PRINCIPAL DEPARTMENTS, AGENCIES, OR BOARDS OR COMMISSIONS.

(7) "TELECOMMUNICATIONS" MEANS THE TRANSMISSION OF INFORMATION, IMAGES, PICTURES, VOICE, OR DATA BY RADIO, VIDEO, OR OTHER ELECTRONIC OR IMPULSE MEANS.

24-85-103. Nonvisual access standards. (1) ON OR BEFORE FEBRUARY 1, 2001, THE COMMISSION SHALL DEVELOP NONVISUAL ACCESS STANDARDS FOR INFORMATION TECHNOLOGY SYSTEMS EMPLOYED BY STATE AGENCIES THAT:

(a) PROVIDE BLIND OR VISUALLY IMPAIRED INDIVIDUALS WITH ACCESS TO INFORMATION STORED ELECTRONICALLY BY STATE AGENCIES BY ENSURING COMPATIBILITY WITH ADAPTIVE TECHNOLOGY SYSTEMS SO THAT BLIND AND VISUALLY IMPAIRED INDIVIDUALS HAVE FULL AND EQUAL ACCESS WHEN NEEDED; AND

(b) ARE DESIGNED TO PRESENT INFORMATION, INCLUDING PROMPTS USED FOR INTERACTIVE COMMUNICATIONS, IN FORMATS INTENDED FOR BOTH VISUAL AND NONVISUAL USE, SUCH AS THE USE OF TEXT-ONLY OPTIONS.

(2) THE COMMISSION SHALL CONSULT WITH STATE AGENCIES AND REPRESENTATIVES OF INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED IN DEVELOPING THE NONVISUAL ACCESS STANDARDS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND THE PROCUREMENT CRITERIA DESCRIBED IN SECTION 24-85-104.

(3) THE HEAD OF EACH STATE AGENCY SHALL ESTABLISH A WRITTEN PLAN, AS PART OF ITS ANNUAL INFORMATION TECHNOLOGY PLAN, AND DEVELOP ANY PROPOSED BUDGET REQUESTS FOR IMPLEMENTING THE NONVISUAL ACCESS STANDARDS FOR ITS AGENCY AT FACILITIES ACCESSIBLE BY THE PUBLIC.

24-85-104. Procurement requirements - criteria - implementation. (1) ON OR BEFORE JULY 1, 2001, THE COMMISSION SHALL APPROVE MINIMUM STANDARDS AND CRITERIA TO BE USED IN APPROVING OR REJECTING PROCUREMENTS BY STATE AGENCIES FOR ADAPTIVE TECHNOLOGIES FOR NONVISUAL ACCESS USES IN COMPLIANCE WITH SECTION 24-37.5-202.

(2) NOTHING IN THIS ARTICLE SHALL REQUIRE THE INSTALLATION OF SOFTWARE OR PERIPHERAL DEVICES USED FOR NONVISUAL ACCESS WHEN THE INFORMATION TECHNOLOGY IS BEING USED BY INDIVIDUALS WHO ARE NOT BLIND OR VISUALLY IMPAIRED. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE THE PURCHASE OF NONVISUAL ADAPTIVE EQUIPMENT BY A STATE AGENCY.

(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, THE APPLICATIONS, PROGRAMS, AND UNDERLYING OPERATING SYSTEMS, INCLUDING THE FORMAT OF THE DATA, USED FOR THE MANIPULATION AND PRESENTATION OF INFORMATION SHALL PERMIT THE INSTALLATION AND EFFECTIVE USE OF AND SHALL BE COMPATIBLE WITH NONVISUAL ACCESS SOFTWARE AND PERIPHERAL DEVICES.

(4) COMPLIANCE WITH THE PROCUREMENT REQUIREMENTS OF THIS SECTION WITH REGARD TO INFORMATION TECHNOLOGY PURCHASED PRIOR TO JULY 1, 2001, SHALL BE ACHIEVED AT THE TIME OF PROCUREMENT OF AN UPGRADE OR REPLACEMENT OF EXISTING INFORMATION TECHNOLOGY EQUIPMENT OR SOFTWARE.

SECTION 2. 24-37.5-202 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-37.5-202. Commission's purposes, powers, and duties. (1) The purposes of the commission on information management are to oversee strategic planning and set policy for the state's communications and information systems and assure continuity in communications and planning and controlling the state's investment in information systems. In furtherance of these purposes, the commission shall have the following powers and duties:

(i) TO ESTABLISH NONVISUAL ACCESS STANDARDS AND CRITERIA FOR THE PROCUREMENT OF ADAPTIVE TECHNOLOGY BY STATE AGENCIES FOR THE USE OF INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED AS SPECIFIED IN ARTICLE 85 OF THIS TITLE.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2000