



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

## Memorandum

Room 029 State Capitol, Denver, CO 80203-1784

Phone: (303) 866-3521 • Fax: (303) 866-3855

[lcs.ga@coleg.gov](mailto:lcs.ga@coleg.gov) • [leg.colorado.gov/lcs](http://leg.colorado.gov/lcs)

February 1, 2023

**TO:** Joint Technology Committee

**FROM:** Vanessa Reilly, Senior Research Analyst, 303-866-4753

**SUBJECT:** JTC Staff Analysis of JBC-Referred FY 2023-24 Operating Budget Request  
Office of Information Technology  
BA-01 IT Accessibility Testing and Remediation

### Summary

The Office of Information Technology (OIT) is requesting \$45,653,545 total funds on behalf of state agencies, including \$16,862,547 General Fund, \$9,898,890 in cash funds spending authority; \$15,157,235 in Reappropriated Funds; and \$3,734,872 in federal funds spending authority. OIT requests 59.5 FTE in FY 2023-24 plus two years of rollforward spending authority. The request funds the department's compliance efforts under [House Bill 21-1110](#), which requires all state agencies to implement IT Accessibility Adoption plans by July 1, 2024. The Joint Budget Committee (JBC) referred this OIT operating budget amendment request to the Joint Technology Committee (JTC) pursuant to Joint Rule 45(b), for the committee's review and recommendation as an IT-related operating request.

### Request Details

**IT Accessibility Testing and Remediation.** The OIT BA-01 operating budget request seeks one-time funding and FTE on behalf of state agencies to implement the consolidated executive branch agencies'<sup>1</sup> IT Accessibility Adoption plans in a timely manner. Implementation includes automated and manual testing and remediation of state websites, applications, documents, and systems.

While roughly 30 percent of accessibility issues are able to be identified through automated tools, OIT estimates that over 19,000 hours of manual testing will be needed to review state websites alone for compliance, and more than 30,000 hours will be required to remediate the over 400 websites with accessibility issues. Manual testing for applications will be required, as there is no tool to automate a

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<sup>1</sup> This includes all consolidated executive branch agencies except for the Colorado Department of Transportation. This does not include Judicial Branch, the General Assembly, or the Departments of Law, State, Education, Treasury, and Higher Education.

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portion of this type of identification. OIT estimates nearly 120,000 hours will be needed for manual application testing, plus over 300,000 hours for application remediation.

According to OIT, because the request is for one-time funding, agencies should expect to hire contract or term-limited FTE to complete the work; otherwise individual agencies will have to request FTE increases in future budget cycles.

Because remediation is currently required to be completed by July 1, 2024, the department is also seeking a legislative change that would grant it rulemaking authority to promulgate rules requiring agencies to perform testing and remediation on the highest priority websites, applications, documents, and systems first, and to provide reasonable accommodations by July 1, 2024, for remediation work that extends past the current statutory deadline.

## **Program Information**

[House Bill 21-1110](#), *Colorado Laws For Persons With Disabilities*, strengthened state discrimination laws for individuals with disabilities. The bill added three discrimination violations and provided additional responsibility for OIT to improve the accessibility of state agency web content. The bill prohibits:

- the exclusion of an individual with a disability from participation in or the benefits of services, programs, or activities provided by a public entity;
- a state agency from promulgating rules that provide less protection for individuals with disabilities than provided by the ADA; and
- a public entity from failing to comply with accessibility standards established by OIT.

Under the bill, OIT's Chief Information Officer was required to establish accessibility standards for individuals with a disability using the most recent web content accessibility guidelines published by the World Wide Web Consortium Web Accessibility Initiative. State agencies were required to submit a written accessibility plan implementing the standards to the OIT by July 1, 2022. OIT is directed to work collaboratively with state agencies to establish implementation methodologies. State agencies are required to fully implement their accessibility plans by July 1, 2024. The bill's fiscal note provided for the cost of creating accessibility plans, and indicated that future implementation costs required to bring state agencies into compliance would be requested through the regular budget process.

## **Options for Committee Action**

The JTC has three options for committee action when it reviews an operating budget request and makes a recommendation to the JBC. The JTC can:

- recommend the request to the JBC for funding with no concerns;
- recommend the request to the JBC for funding with concerns; or
- not recommend the request for funding.