

HOUSE BILL NO. ____

By

AN ACT concerning persons with disabilities; relating to access and use of information technology of the state; establishing the Kansas partnership for accessible technology.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 8, and amendments thereto, of this act shall be known and may be cited as the Kansas information technology access act.

Sec. 2. (a) It is the policy of the state of Kansas that all programs and activities which are carried out by or on behalf of state organizations shall be conducted in accordance with the following principles:

(1) Individuals with disabilities have the right to full participation in the life of the state, including the use of information technology provided by or on behalf of state organizations for use by members of the general public;

(2) individuals with disabilities who are members of the general public shall have access to and use of information technology purchased, developed, maintained or used in whole or in part by state organizations and intended for use by members of the general public who are not individuals with disabilities; and

(3) individuals with disabilities who are employees of a state organization shall have access to and use of information and data that is comparable to the access to and use of the information and data by employees of a state organization who are not individuals with disabilities.

(b) When development, procurement, maintenance or use of information technology that meets the information technology accessibility standards established by the information technology

executive council would impose an undue burden on a state organization, the state organization shall provide individuals with disabilities covered by subsection (a) with the information and data involved by an alternative means of access that allows that individual to use the information and data.

Sec. 3. As used in the Kansas information technology access act:

(a) "Access" means the ability to receive, use and manipulate data and operate controls included in information technology.

(b) "Act" means the Kansas information technology act.

(c) "Assistive technology" means any item, piece of equipment or product system, whether acquired commercially, off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

(d) "Disability" shall have such meaning as defined in subsection (j) of K.S.A. 44-1002, and amendments thereto.

(e) "Information technology" means all electronic information processing hardware and software, including but not limited to, telecommunications and any equipment, software, interface system or interconnected system that is used in the creation, acquisition, storage, retrieval, manipulation, management, movement, dissemination, control, display, switching, interchange, transmission or reception of data or information.

(f) "State organization" means any instrumentality, branch, board, commission, division, department or authority of the state and its political subdivisions.

(g) "Telecommunications" means the transmission of information, images, pictures, voice or data by radio, video or other electronic or impulse means.

Sec. 4. The head of each state organization shall be responsible for:

(a) The achievement of the purposes described in section 2, and amendments thereto; and

(b) the incorporation of and compliance with the information technology access clause described in section 6, and amendments thereto, into all contracts, subcontracts and other agreements entered into by the state organization for the procurement of information technology or for provision on its behalf, without regard to:

(1) The source of funds used to make the purchase;

(2) whether the purchase is made under delegated purchasing authority; or

(3) the source of law under which the purchase is made; and

(c) cooperating with the Kansas partnership for accessible technology, established in section 8, and amendments thereto, in providing such assistance as may be needed for the achievement of its purpose, including such information as the partnership determines is necessary to conduct the assessments under subsection (b) of section 8, and amendments thereto, and preparation of the reports under paragraph (6) of subsection (b) of section 8, and amendments thereto.

Sec. 5. At the advice and recommendation of the Kansas partnership for accessible technology, the state information technology executive council shall establish policies that include such specifications, standards, and guidance as are necessary to ensure achievement of the purposes described in section 2, and amendments thereto, for the full scope of technologies included in the state information technology architecture established in accordance with subsection (b)(1)(B) of K.S.A. 75-7204, and amendments thereto. The state Americans with disabilities act coordinator shall work jointly with the Kansas partnership for accessible technology and the information technology executive council to establish criteria for undue burden exemptions to such policies.

Sec. 6. An information technology access clause suitable for use in contracting shall be developed by the Kansas partnership for accessible technology, as established in section 8, and amendments thereto, in cooperation with the state division of purchases, requiring compliance with the information technology accessibility policies established by the state's information technology executive council.

Sec. 7. (a) The information technology access clause shall be implemented as follows:

(1) *New contracts.* The clause required by section 6, and amendments thereto, shall be included in all new contracts, subcontracts and agreements for the procurement of information technology by or for the use of state organizations covered by this act upon the effective date of this act.

(2) *Existing contracts.* As existing contracts, subcontracts and agreements for the procurement of information technology by or for the use of state organizations are up for renewal, the clause required by section 6, and amendments thereto, shall be included in such renewed contract.

(b) *New internally developed systems and technology implementations.* All internally developed systems and technology implementations developed and deployed after the effective date of this act must be compliant with the information technology accessibility policies and guidance developed by the information technology executive council.

(c) With regard to internally developed information technology systems and technology implementations under development or deployed prior to the effective date of this act, the state Americans with disabilities act coordinator shall work jointly with the state agency affected and the Kansas partnership for accessible technology, as established in section 8, and amendments thereto,

to determine the feasibility and appropriate time lines for achieving compliance with this act.

(d) Nothing in this act requires the installation of assistive technology when the information technology is being used by individuals who are nondisabled.

(e) Notwithstanding the provisions of subsection (d) 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 assistive technology.

Sec. 8. (a) There is hereby established the Kansas partnership for accessible technology with the following purposes and charges:

(1) The partnership membership shall consist of up to 30 members as follows:

(A) The director of statewide web/IT accessibility;

(B) the state Americans with disabilities act coordinator;

(C) the executive director of the Kansas commission on disability concerns;

(D) the director of the department of administration division of purchases;

(E) the chief information technology architect;

(F) the executive branch chief information technology officer;

(G) the legislative branch chief information technology officer;

(H) the judicial branch chief information technology officer;

(I) the executive director of the information network of Kansas;

(J) the state archivist;

(K) the state geographic information systems director;

(L) a representative from the Kansas department of social and rehabilitation services appointed by the secretary of social and rehabilitation services;

(M) a representative from the Kansas department on aging appointed by the secretary of aging;

(N) a representative from the division of information systems and communications appointed by the director of the division of information systems and communications;

(O) a representative from the state department of education appointed by the commissioner of education;

(P) a representative from the regents information technology council of the Kansas board of regents appointed by the chairperson of the regents information technology council;

(Q) a representative from Kan-ed appointed by the executive director of Kan-ed;

(R) a representative from the Kansas health policy authority appointed by the executive director of the Kansas health policy authority;

(S) a representative from the Kansas division of emergency management within the office of the adjutant general appointed by the director of emergency management;

(T) a representative from Kansas relay services, inc. appointed by the chairperson of the board of directors of Kansas relay services, inc.; and

(U) up to 10 appointments by the governor from among the following categories:

(i) County government;

(ii) local government;

(iii) Kansas state school for the blind;

(iv) Kansas school for the deaf;

(v) disability advocates from the private sector; and

(vi) the public at-large.

Members appointed by the governor shall serve at the pleasure of the governor.

(2) Any vacancy occurring in the membership of the partnership shall be filled in the same manner as the original appointment.

(3) The partnership shall elect, annually, a chairperson and vice-chairperson from its memberships. The partnership may elect other officers from among its members and may establish any committees deemed necessary to discharge its duties.

(4) The partnership shall receive staff support from the director of statewide web/IT accessibility.

(5) The partnership shall work jointly with officials from other state organizations, municipal and tribal governments, as well as with businesses and organizations in the private sector whose products, services, or activities affect the accessibility of state information technology services, programs, or systems.

(6) Except as provided by this subsection, members of the partnership performing duties pursuant to paragraph (4) of subsection (b) as authorized by the partnership, shall be paid amounts as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the chairperson of the partnership or the chairperson's designee. No member of the partnership shall be paid an amount as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, if such member receives an amount from another governmental or private entity for the purpose for which such amount is payable under subsection (e) of K.S.A. 75-3223, and amendments thereto.

(b) Powers and duties:

(1) The partnership shall address information technology accessibility issues and provide policy, standards, guidelines, or procedural recommendations to the information technology

executive council.

(2) The partnership shall coordinate, review and provide recommendations on programs for enterprise wide assessment and monitoring of compliance with information technology accessibility standards and policies to the information technology executive council.

(3) The partnership shall review annually and recommend modifications as required to the state information technology accessibility policies, and related documents, in response to any pertinent advances in technology or changes in federal information technology accessibility standards, or both.

(4) The partnership shall develop and provide information, training, support, and resources on information technology accessibility to agency information technology implementers and other stakeholders.

(5) The partnership shall aim to establish a leadership role for Kansas in the national effort to improve access to and use of information and services by individuals with disabilities.

(6) The partnership shall be a standing advisory committee to the information technology executive council, and other committees, boards and commissions as appropriate, and shall provide a copy of its annual report to the information technology executive council, the governor and legislature.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.