

BILL ANALYSIS

Senate Research Center

S.B. 1059
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International Relations, Trade & Technology
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As Filed

DIGEST

Currently, state law providing access to certain technology-based equipment that uses information technology is limited. Some state agencies may be concerned that employees with visual impairments may not have the training needed to proficiently use information technology. This bill provides access to training for employees with visual impairments on equipment that uses information technology and sets forth certain public access provisions to information technology used in dissemination of services to the public.

PURPOSE

As proposed, S.B. 1059 provides access to training for employees with visual impairments on equipment that uses information technology and sets forth certain public access provisions to information technology used in dissemination of services to the public.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10B, Government Code, by adding Chapter 2055, as follows:

CHAPTER 2055. ACCESS TO INFORMATION TECHNOLOGY BY BLIND AND VISUALLY IMPAIRED INDIVIDUALS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2055.001. DEFINITIONS. Defines "blind," "information technology," "state agency," and "visually impaired."

Sec. 2055.002. ACCESS BY EMPLOYEES AND PROGRAM PARTICIPANTS. Requires the head of a state agency or state-funded program to ensure that information technology equipment and software used by employees or program participants, including students, subject to Section 2055.012, meets certain requirements. Provides that nothing in this section requires the installation of specific nonvisual access software or peripheral devices at a workstation during any period of time in which the individual using the equipment does not require nonvisual access. Requires the applications programs and underlying operating systems used to manipulate and present workstation information to permit the installation and effective use of nonvisual access software and peripheral devices, notwithstanding the provisions of Subsection (b).

Sec. 2055.003. PUBLIC ACCESS. Requires the head of a state agency or state-funded program to ensure that information technology used in the dissemination of services to the public, subject to Section 2055.012, provides certain access to the equipment.

SUBCHAPTER B. PROCUREMENT REQUIREMENTS

Sec. 2055.011. TECHNOLOGY ACCESS CLAUSE. Requires the General Services

Commission and the Department of Information Resources, in consultation with other state agencies and after public comment, to develop a technology access clause to be included in all contracts entered into by the state, state agencies, or state-funded programs. Sets forth requirements of the clause, as a condition for the expenditure of state funds in the purchase of information technology.

Sec. 2055.012. EXISTING SYSTEMS. Requires compliance with Sections 2055.002 and 2055.003 to be achieved at the time of the procurement of an upgrade or replacement of the existing equipment or software.

SUBCHAPTER C. ACTION FOR INJUNCTION

Sec. 2055.021. INJUNCTION. Authorizes a person injured by a violation of this chapter to maintain an action for injunctive relief to enforce the terms of this chapter. Requires a civil action brought under Subsection (a) to be commenced within four years after the cause of action accrues. Provides that a cause of action for continuing violation accrues at any and all times during the period of the violation for the purposes of this subsection.

SECTION 2. Requires the General Services Commission to develop a technology access clause as required by Section 2055.011, Government Code, by January 1, 1998.

SECTION 3. Emergency clause.
Effective date: upon passage.