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SENATE BILL 131

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO PUBLIC RECORDS; ENACTING THE ACCESS TO INFORMATION
TECHNOLOGY ACT; PROVIDING FOR ACCESS TO PUBLIC DOCUMENTS FOR
THE VISUALLY IMPAIRED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the
"Access to Information Technology Act".

Section 2. DEFINITIONS. -- As used in the Access to
Information Technology Act:

A. "access" means the ability to receive, use and
manipulate data and operate controls included in information
technology;

B. "blind or visually impaired individual" means
an individual who:

(1) has a visual acuity of 20/200 or less in

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1 the better eye with correcting lenses or has a limited field
2 of vision so that the widest diameter of the visual field
3 subtends an angle no greater than twenty degrees;

4 (2) has a medically indicated expectation of
5 visual deterioration; or

6 (3) has a medically diagnosed limitation in
7 visual functioning that restricts the individual's ability to
8 read and write standard print;

9 C. "information technology" means information
10 processing equipment, hardware and software used in a system
11 to impart information to a blind or visually impaired
12 individual;

13 D. "nonvisual" means synthesized speech, Braille
14 and other output communication methods not requiring sight to
15 comprehend;

16 E. "state" means the state, the branches,
17 institutions and other organizational entities of state
18 government and its political subdivisions;

19 F. "state-assisted organization" means a person
20 supported in whole or in part by state funds; and

21 G. "telecommunications" means the transmission of
22 information, images, pictures, voice or data by radio, video
23 or other electronic or impulse means.

24 Section 3. ASSURANCE OF NONVISUAL ACCESS. --The state
25 shall ensure that information technology and

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1 telecommunications equipment acquired after the effective date
2 of the Access to Information Technology Act:

3 A. provides blind or visually impaired individuals
4 with access that is equivalent to access provided to
5 individuals who are not blind or visually impaired;

6 B. is designed to present information in formats
7 intended for both visual and nonvisual use; and

8 C. has been purchased under a contract that
9 includes the technology access clause required pursuant to the
10 Access to Information Technology Act.

11 Section 4. GOVERNOR'S COMMITTEE ON CONCERNS OF THE
12 HANDICAPPED-- DUTIES. --

13 A. The governor's committee on concerns of the
14 handicapped shall develop nonvisual access standards that
15 include the following minimum specifications:

16 (1) effective, interactive control and use of
17 the technology by nonvisual means;

18 (2) compatibility with information technology
19 used by other individuals with whom the blind or visually
20 impaired individual must interact;

21 (3) integration into networks used to share
22 communications among employees, program participants and the
23 public; and

24 (4) capability of providing equivalent access
25 by nonvisual means to telecommunications or other

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1 interconnected network services used by persons who are not
2 blind or visually impaired.

3 B. The state and state-assisted organizations
4 shall include in all contracts for the procurement of
5 information technology a clause requiring compliance with
6 nonvisual access standards established by the Access to
7 Information Technology Act.

8 Section 5. ACTION FOR INJUNCTION. -- A person who incurs
9 pecuniary damage proximately caused by noncompliance with the
10 Access to Information Technology Act by the state or a person
11 may maintain an action for injunctive relief to enforce the
12 terms of that act. An action shall be commenced within four
13 years after the cause of action accrues. A cause of action
14 seeking to enjoin a continuing violation accrues at the time
15 of the latest violation.

16 Section 6. EFFECTIVE DATE. -- The effective date of the
17 provisions of this act is July 1, 2003.