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FISCAL IMPACT REPORT



SPONSOR: Romero DATE TYPED: 01/26/02 HB

SHORT TITLE: Access to Information Technology Act SB 131

ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		\$0.1	Significant See Narrative	Recurring	GF/OSF

SOURCES OF INFORMATION

LFC Files
 Commission for the Blind
 Energy, Minerals and Natural Resources Department (EMNRD)
 General Services Department/Information Systems Division (GSD)
 Governor's Committee on Concerns of the Handicapped (GCCH)
 Information Technology Management Office (ITMO)
 New Mexico Commission for Deaf and Hard-of-Hearing Persons (CDHH)

SUMMARY

Synopsis of Bill

Senate Bill 131 would require access to public documents for the visually impaired that is equivalent to the access provided to those who are not visually impaired by July 1, 2003. This access is to include the ability to receive, use and manipulate data transmitted by all information technology (IT) methods such as voice, data, video or radio. GCCH would establish nonvisual access standards to include effective, interactive control and use of technology by nonvisual means, compatibility with IT systems with whom the blind or visually impaired individual interacts, integration into networks used for communications and equivalent access by nonvisual means to telecommunications or other networks used by persons not blind or visually impaired. All state and state-assisted organizations shall include in all contracts for the procurement of information technology a clause requiring compliance with nonvisual access standards established by the Access to Information Technology Act.

Significant Issues

GSD states that this bill would affect every state agency and involve changes across differing hardware and software architectures and communication media regardless of whether these devices are subject to public access or necessary to assist a visually-impaired employee. They state the cost would be “million of dollars” for public and private employers and take years to accomplish. Also, the effective date of July 1, 2003 is unrealistic.

ITMO has similar concerns and states that limitations exist with current hardware and software configurations and these would have to be replaced. Without special appropriations to fund this effort, agencies may find it difficult to comply. ITMO estimates that it will cost approximately \$500 for current optical character readers and screen reader tools. These would be required on all public access workstations, such as libraries and employment offices. In addition, any agency that provides workstations for public use would require these systems, as well as those required for their visually impaired employees. In addition, all software systems would have to interface with this hardware. Without an statewide inventory of existing equipment and systems and an assessment of need, it is not possible to quantify the cost of this effort.

GCCH supports the bill because it will give access to public information to individuals who are currently denied that access because of disability. However, they realize that it will take a considerable effort to implement the requirements of this bill. While standards can be developed, it will be difficult to monitor compliance on a statewide basis. If GCCH is to administer the program, they would need additional FTEs because this would be a new program not currently being administered by the agency. GCCH suggests that the Commission for the Blind already has staff personnel with technical expertise and that they might be better suited to oversee the requirements of the bill.

The Commission for the Blind state that the “bill will not cause any significant obstacles or burdens to state agencies as accessible technology is readily available at little or no additional cost. It will enable the state to better comply with the Workforce Investment Act and the Americans with Disabilities Act, assuring that technology acquisitions do not fall between the cracks.” CDHH concurs with this assessment.

ADMINISTRATIVE IMPLICATIONS

GCCH will have to develop technology standards and submit them to ITMO for approval. State contracts for information technology procurements would need to be amended to ensure all contracts after July 1, 2003 include a technology access clause. GSD may have to increase general liability insurance rates to cover costs of injunctive relief sought by individuals caused by noncompliance with the act.

RELATIONSHIP

This bill is related to SB 177, Small Business Disabled Access Tax Credit

POSSIBLE QUESTIONS

1. Is GCCH the appropriate agencies to implement the requirements of this bill? Should the

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Commission for the Blind administer the program or should the ITMO be responsible for ensuring accessibility to technology regardless of the specific disability or special need ?

2. Should the act require a statewide assessment of the cost to implement technology access so that a special appropriation can be requested to cover the costs ?
3. Does this bill affect systems in operation prior to July 1, 2003 or only those purchased after that date ?

GAC/ar/njw