AN ACT
AMENDING TITLE 41, CHAPTER 32, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 41, chapter 32, Arizona Revised Statutes, is amended by adding article 3, to read:

ARTICLE 3. ALTERNATIVE ACCESS TO ELECTRONIC OR INFORMATION TECHNOLOGY

41-3531. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES AND INCLUDES HAVING A RECORD OF OR BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

2. "ELECTRONIC OR INFORMATION TECHNOLOGY" MEANS ALL ELECTRONIC INFORMATION PROCESSING HARDWARE AND SOFTWARE, INCLUDING TELECOMMUNICATIONS AND ANY ELECTRONIC INFORMATION EQUIPMENT OR INTERCONNECTED SYSTEM THAT IS USED IN ACQUIRING, STORING, MANIPULATING, MANAGING, MOVING, CONTROLLING, DISPLAYING, SWITCHING, INTERCHANGING, TRANSMITTING AND RECEIVING DATA OR INFORMATION, INCLUDING AUDIO, GRAPHICS AND TEXT.

41-3532. Alternative methods of access to electronic or information technology; complaint procedure; rules

A. IN ORDER TO IMPROVE ACCESSIBILITY OF FUTURE ELECTRONIC OR INFORMATION TECHNOLOGY AND INCREASE THE SUCCESSFUL EMPLOYMENT AND ACCESS TO GOVERNMENT SERVICES FOR INDIVIDUALS WITH DISABILITIES, PARTICULARLY BLIND AND VISUALLY IMPAIRED AND DEAF AND HARD-OF-HEARING PERSONS, A BUDGET UNIT, IN DEVELOPING, PROCURING, MAINTAINING OR USING ELECTRONIC OR INFORMATION TECHNOLOGY THROUGH THE USE OF STATE MONIES, SHALL ENSURE THAT THE ELECTRONIC OR INFORMATION TECHNOLOGY PROVIDES COMPARABLE ACCESS TO INDIVIDUALS WITH DISABILITIES IN ACCORDANCE WITH THE ACCESSIBILITY STANDARDS ADOPTED UNDER SECTION 508 OF THE REHABILITATION ACT OF 1973 (29 UNITED STATES CODE SECTION 794d) UNLESS DOING SO WOULD IMPOSE AN UNDUE BURDEN ON THE BUDGET UNIT.
B. THE BUDGET UNIT THAT CONTRACTS WITH A VENDOR THAT PROVIDES THESE PRODUCTS OR SERVICES IS SUBJECT TO THIS ARTICLE FOR THE PROVISION OF ELECTRONIC OR INFORMATION TECHNOLOGY OR FOR THE PROVISION OF RELATED SERVICES AND SHALL AGREE TO RESPOND TO AND MAKE A GOOD FAITH EFFORT TO RESOLVE ANY COMPLAINT REGARDING ACCESSIBILITY. THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH A COMPLAINT PROCEDURE FOR ALL BUDGET UNITS, EXCEPT THE SUPREME COURT SHALL ESTABLISH A COMPLAINT PROCEDURE FOR THE COURTS. THE COMPLAINT PROCEDURES FOR THE DEPARTMENT OF ADMINISTRATION AND THE SUPREME COURT SHALL BE CONSISTENT WITH SECTION 508 OF THE REHABILITATION ACT OF 1973 TO BE USED BY AN INDIVIDUAL WITH A DISABILITY WHO ALLEGES THAT A BUDGET UNIT FAILED TO COMPLY WITH THIS ARTICLE.


Sec. 2. Applicability
This act applies only to electronic or information technology that begins or is contracted on or after the adoption of administrative rules by the department of administration.

APPROVED BY THE GOVERNOR JUNE 1, 2004.