



Analysis of Amended Bill

Author: Bonta	Sponsor:	Bill Number: AB 2749
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Attorney: Bruce Langston	Related Bills: See Legislative History	

Subject: State Agency Director and Chief Information Officer Certify Internet Web site is Mobile Friendly and Prohibit Website Intended for Public Use from Being Operational unless Mobile Friendly and Accessible by Persons with Disabilities

Summary

This bill would prohibit a publicly-accessible Internet Web site maintained by a state agency from becoming operational unless it is mobile friendly and accessible by persons with disabilities.

Recommendation – No position.

Summary of Amendments

The March 23, 2018, amendments removed provisions related to legislative intent and replaced them with the provisions discussed in this analysis.

This is the department's first analysis of the bill.

Reason for the Bill

The reason for the bill is to assure all California State agencies' Internet Web sites are mobile friendly and accessible by persons with disabilities.

Effective/Operative Date

This bill would become effective and operative on January 1, 2019.

Federal/State Law

In 1998, Congress amended the Rehabilitation Act of 1973 to require federal agencies and State agencies or contractors that receive federal funding to make their electronic and information technology accessible to people with disabilities. The law (29 U.S.C. § 794 (d)) applies to all federal agencies when they develop, procure, maintain, or use electronic and information technology.

On January 18, 2017, the U.S. Access Board¹ issued a final rule that updates accessibility requirements for information and communication technology in the federal sector covered by Section 508 of the Rehabilitation Act. The rule references Level A and Level AA Success Criteria and Conformance Requirements in Web Content Accessibility Guidelines WCAG 2.0 issued by the World Wide Web Consortium's Web Accessibility Initiative.

In 2003, the State of California enacted Government Code (GC) section 11135, requiring all of its agencies and departments to comply with Section 508 of the Rehabilitation Act.

Beginning on July 1, 2019, and before July 1 biennially thereafter, current law requires each state agency or entity, including the Franchise Tax Board (FTB), to post on the home page of its Internet Web site a certification signed by the agency's director and chief information officer that the agency's Internet Web site is in compliance with Sections 7405 and 11135 of the GC, and the Web Content Accessibility Guidelines 2.0, or a subsequent version, as published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria.

This Bill

This bill would modify the accessibility certification requirement under the GC to additionally require the director and chief information officer of each state agency to certify that its Internet Web site is mobile friendly and specify that an Internet Web site maintained by a state agency or state entity that is intended for use by the public would only become operational if it is mobile friendly and accessible by persons with disabilities.

Implementation Considerations

The department has identified the following implementation concerns. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

This bill uses the undefined term "mobile friendly." The absence of a definition to clarify the term could lead to disputes between taxpayers and the department and would complicate the administration of this bill. The author may want to amend the bill to clearly define the term.

It is unclear whether the requirement that specified Internet Web sites be mobile friendly and accessible by persons with disabilities would apply to currently operational sites. For clarity and to ensure consistency with the author's intent, it is recommended that this bill be amended.

¹ The U.S. Access Board is a federal agency that promotes equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards for the built environment, transportation, communication, medical diagnostic equipment, and information technology.

Legislative History

AB 434 (Baker, Chapter 780, Statutes of 2017) requires state agencies to post biennially on the home page of their Internet Web site a certification signed by the director and the chief information officer of the state agency that they have determined the agency's Internet Web site is in compliance with specified accessibility standards.

Other States' Information

Since this bill would modify the accessibility and certification requirements applicable to California agencies' Internet Web sites, a review of other states' income tax laws would not be relevant.

Fiscal Impact

The department's costs to implement this bill have yet to be determined. As the bill moves through the legislative process, costs will be identified.

Economic Impact

This bill would not impact the state's income tax revenue.

Support/Opposition

Support: None provided.

Opposition: None provided.

Arguments

Proponents: Some may argue that that this bill would reduce barriers to state agencies' publicly available information by increasing electronic accessibility to that information.

Opponents: Some may argue that resource limitations may inadvertently reduce access to public information if a state agency's Internet Web site must be removed from use or its deployment delayed in order to meet this bill's requirements.

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