

## ANALYSIS OF AMENDED BILL

Author: Baker, et al. Analyst: Janet Jennings Bill Number: AB 434  
Related Bills: See Legislative History Telephone: 845-3495 Amended Date: March 21, 2017  
Attorney: Bruce Langston Sponsor: \_\_\_\_\_

**SUBJECT:** State Agencies Report to California Department of Technology Frequency & Method of Web Site Accessibility Testing & Efforts to Resolve Issues Identified

### SUMMARY

This bill would require state agencies, including the Franchise Tax Board (FTB), to submit a report biennially to the California Department of Technology (CDT) as specified, and would add specified requirements administered by the CDT.

This analysis only addresses the provisions of the bill that impact the department's programs and operations.

### RECOMMENDATION – NO POSITION

#### Summary of Amendments

The March 21, 2017, amendments removed language regarding the California Emergency Services Act, 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' web sites are fully accessible to persons with disabilities.

### EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2018, and operative as to the first report due to the CDT on or before July 1, 2018, and biennially before July 1, and thereafter until December 31, 2022.

### 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 Board<sup>1</sup> 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 (WAI).

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.

## **THIS BILL**

This bill would require each state agency or entity, including the FTB, to submit a report before July 1, 2018, and before July 1 biennially thereafter, to the CDT regarding the frequency and method of the agency's or entity's Web accessibility testing and efforts to resolve identified accessibility issues. The report would be required to include a signed certification from the agency's or entity's Chief Information Officer that supports both the testing and efforts described in the report.

The reporting requirement would become inoperative on December 31, 2022.

## **IMPLEMENTATION CONSIDERATIONS**

The FTB is unable to determine if there would be any implementation considerations until the statewide web site accessibility standard is adopted by the CDT.

## **LEGISLATIVE HISTORY**

None.

## **OTHER STATES' INFORMATION**

Since this bill would modify reporting and monitoring activities to ensure state agencies and entity's web sites are accessible, a review a review of other states' income tax laws would not be relevant.

## **FISCAL IMPACT**

The FTB is unable to determine the fiscal impact until the statewide web site accessibility standard is adopted by the CDT.

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<sup>1</sup> 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.

## **ECONOMIC IMPACT**

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

## **SUPPORT/OPPOSITION**

Support: None on file.

Opposition: None on file.

## **ARGUMENTS**

Proponents: Some may argue that the reporting and monitoring scheme would ensure that the state's web sites are accessible to all.

Opponents: Some may argue that creating a state web accessibility standard is unnecessary because existing law adopts the federal accessibility standards.

## **LEGISLATIVE STAFF CONTACT**

Janet Jennings  
Legislative Analyst, FTB  
(916) 845-3495  
[janet.jennings@ftb.ca.gov](mailto:janet.jennings@ftb.ca.gov)

Jame Eiserman  
Revenue Manager, FTB  
(916) 845-7484  
[jame.eiserman@ftb.ca.gov](mailto:jame.eiserman@ftb.ca.gov)

Diane Deatherage  
Legislative Director, FTB  
(916) 845-6333  
[diane.deatherage@ftb.ca.gov](mailto:diane.deatherage@ftb.ca.gov)