

ASSEMBLY BILL

No. 1709

Introduced by Committee on Judiciary (Corbett (Chair), Dutra, Hancock, Jackson, Laird, Longville, Montanez, Steinberg, and Vargas)

February 26, 2003

An act to amend Section 11135 of the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 1709, as introduced, Committee on Judiciary. Discrimination: state programs and activities.

Existing law prohibits discrimination, as defined, against any person in any program or activity conducted, operated, or administered by the state or by any state agency, that is funded directly by the state, or that receives any financial assistance from the state. Existing law also requires, with respect to disability, that these programs and activities meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations implementing the act or state law if the state protections and prohibitions are stronger.

This bill would make a technical changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11135 of the Government Code is
2 amended to read:

1 11135. (a) No person in the State of California shall, on the
 2 basis of race, national origin, ethnic group identification, religion,
 3 age, sex, color, or disability, be unlawfully denied full and equal
 4 access to the benefits of, or be unlawfully subjected to
 5 discrimination under, any program or activity that is conducted,
 6 operated, or administered by the state or by any state agency, is
 7 funded directly by the state, or receives any financial assistance
 8 from the state.

9 (b) With respect to discrimination on the basis of disability,
 10 programs and activities subject to subdivision (a) shall ~~meet~~
 11 *comply with* the protections and prohibitions contained in Section
 12 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
 13 12132), and the federal rules and regulations adopted in
 14 implementation thereof, except that if the laws of this state
 15 prescribe stronger protections and prohibitions, the programs and
 16 activities subject to subdivision (a) shall be subject to the stronger
 17 protections and prohibitions.

18 (c) As used in this section, “disability” means any mental or
 19 physical disability as defined in Section 12926.

20 (d) (1) The Legislature finds and declares that the ability to
 21 utilize electronic or information technology is often an essential
 22 function for successful employment in the current work world.

23 (2) In order to improve accessibility of existing technology,
 24 and therefore increase the successful employment of individuals
 25 with disabilities, particularly blind and visually impaired and deaf
 26 and hard-of-hearing persons, state governmental entities, in
 27 developing, procuring, maintaining, or using electronic or
 28 information technology, either indirectly or through the use of
 29 state funds by other entities, shall comply with the accessibility
 30 requirements of Section 508 of the Rehabilitation Act of 1973, as
 31 amended (29 U.S.C. Sec. 794d), and regulations implementing
 32 that act as set forth in Part 1194 of Title 36 of the Federal Code of
 33 Regulations.

34 (3) Any entity that contracts with a state or local entity subject
 35 to this section for the provision of electronic or information
 36 technology or for the provision of related services shall agree to
 37 respond to, and resolve any complaint regarding accessibility of its
 38 products or services that is brought to the attention of the entity.

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