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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 2295

03/09/2017 Authored by Thissen
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

1.1 A bill for an act
1.2 relating to state government; clarifying the accessibility requirements for public
1.3 data under the Minnesota Government Data Practices Act; expanding the application
1.4 of electronic information accessibility standards to Minnesota state colleges and
1.5 universities and school districts; providing a process for responding to accessibility
1.6 complaints; amending Minnesota Statutes 2016, sections 13.03, subdivision 1;
1.7 16E.03, subdivision 9, by adding a subdivision.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2016, section 13.03, subdivision 1, is amended to read:

1.10 Subdivision 1. **Public data.** All government data collected, created, received, maintained
1.11 or disseminated by a government entity shall be public unless classified by statute, or
1.12 temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected
1.13 nonpublic, or with respect to data on individuals, as private or confidential. The responsible
1.14 authority in every government entity shall keep records containing government data in such
1.15 an arrangement and condition as to make them easily accessible for convenient use and
1.16 must comply with section 363A.42 as applied to all government data. Photographic,
1.17 photostatic, microphotographic, or microfilmed records shall be considered as accessible
1.18 for convenient use regardless of the size of such records.

1.19 Sec. 2. Minnesota Statutes 2016, section 16E.03, subdivision 9, is amended to read:

1.20 Subd. 9. **Accessibility standards.** (a) The chief information officer shall develop
1.21 accessibility standards applicable to technology, software, and hardware procurement, with
1.22 the exception of infrastructure hardware. The standards shall not impose an undue burden
1.23 on the state.

2.1 (b) The chief information officer shall require state agencies to adhere to the standards
 2.2 developed under this subdivision unless an exception is approved pursuant to subdivision
 2.3 10. Except as provided in paragraph (c), the standards developed under this section must
 2.4 incorporate section 508 of the Rehabilitation Act, United States Code, title 29, section 794d,
 2.5 as amended by the Workforce Investment Act of 1998, Public Law 105-220, August 7,
 2.6 1998, and the Web Content Accessibility Guidelines, 2.0. The chief information officer
 2.7 must review subsequent revisions to section 508 of the Rehabilitation Act and to the Web
 2.8 Content Accessibility Guidelines and may incorporate the revisions in the accessibility
 2.9 standards.

2.10 (c) If the chief information officer, in consultation with the advisory committee
 2.11 established under Laws 2009, chapter 131, section 12, determines that any standard developed
 2.12 under this subdivision poses an undue burden to the state, the chief information officer may
 2.13 modify the burdensome standard, provided written findings and rationale are made explaining
 2.14 the deviation.

2.15 (d) The accessibility standards developed by the chief information officer under paragraph
 2.16 (a) apply, in addition to state agencies as defined in subdivision 1, paragraph (e), to Minnesota
 2.17 state colleges and universities as defined in section 136F.01, subdivision 4, and school
 2.18 districts, independent districts, and special districts as defined in section 120A.05.

2.19 Sec. 3. Minnesota Statutes 2016, section 16E.03, is amended by adding a subdivision to
 2.20 read:

2.21 Subd. 11. **Accessibility standards complaints.** (a) A person who believes an agency,
 2.22 Minnesota state college or university, or school district covered by subdivision 9, paragraph
 2.23 (d), has not complied with accessibility standards established under subdivision 9, paragraph
 2.24 (a), and has been aggrieved by the alleged noncompliance may file a complaint. The
 2.25 complaint must be on a form developed by the chief information officer. The complaint
 2.26 must be filed with the responsible authority designated under section 13.02, subdivision 16,
 2.27 for the agency, Minnesota state college or university, or school district covered by subdivision
 2.28 9, paragraph (d).

2.29 (b) Within 30 days of receipt of the complaint, the agency, Minnesota state college or
 2.30 university, or school district covered by subdivision 9, paragraph (d), must respond to the
 2.31 complainant. The response may include a plan and timetable for accessibility improvements,
 2.32 or may explain why an improvement imposes an undue burden. A copy of the response
 2.33 must be sent to the chief information officer.

- 3.1 (c) If the complainant is not satisfied with the response under paragraph (b), the
3.2 complainant may file a charge with the Department of Human Rights under section 363A.28,
3.3 subdivision 1.