

April 4, 2001

**S 866. PERSONS WITH DISABILITIES CHANGES. TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT.** (1) Amends definition of “reasonable accommodation” in GS 168A-3 of the cited act to remove from the definition the current cap on required costs for making physical changes and to substitute a more general definition of “undue hardship” applicable to determining whether physical changes or other costs to be incurred as part of an accommodation are reasonable. In determining whether a proposed accommodation would impose an undue hardship and therefore not be reasonable, factors to be considered are (a) nature and costs of the accommodations, (b) the overall financial resources of the particular facility or facilities involved, the number of people employed at the facility, the effect on expenses and resources at the facility, and other impacts on the operation of the facility, (c) the overall effect on the financial resources of the covered entity, and (d) the type of operations of the covered entity, including the composition, structure, and functions of the workforce, the geographic separateness of the particular facility, and the administrative or fiscal relationship of the particular facility to the covered entity. (2) Adds to GS 168A-7 a requirement that the North Carolina Office on the ADA is responsible for coordinating technical assistance and determining standards of review for accessibility of information technology (and amends GS 168A-3 to add a definition of “information technology”). (3) Adds to GS 168A-7 a requirement that governmental agencies (and their contractors) are to administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified persons with disabilities. (4) Adds a new GS 168A-10.1 directing the North Carolina Office on the ADA to adopt rules for alternative dispute resolution to improve public services’ responsiveness. And (5) Amends GS 168A-11(b) to add a provision for compensatory damages for violations in addition to the current provisions for declaratory and injunctive relief and back pay. Also adds provision for any equitable relief the court finds appropriate in employment cases. Effective Oct. 1, 2001.

**Intro. by Miller, Rand, Martin of Guilford.**

Ref. to Judiciary II	GS 168A
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April 24, 2001

**S 866. PERSONS WITH DISABILITIES CHANGES.** Intro. 4/4/01. Senate committee substitute makes the following changes to 1st edition. Amends GS 168A-3(8), definition of places of public accommodation, to include equivalent services provided via information technology. Deletes amendment of GS 168A-11, which would have permitted compensatory relief in enforcement of Chapter.

April 25, 2001

**S 866. PERSONS WITH DISABILITIES CHANGES.** Intro. 4/4/01. Senate amendment makes the following changes to 1st edition. Deletes sections regarding amendments to GS 168A-7 (discrimination in public service) and proposed GS 168A-10.1 (dispute resolution).

July 26, 2001

**S 866. PERSONS WITH DISABILITIES CHANGES.** Intro. 4/3/01. House committee substitute makes the following changes to 3rd edition. Makes provisions including services delivered by information technology effective July 1, 2002. Amends GS 168A-7 to specify that Office of Americans with Disabilities Act is responsible for coordinating technical assistance and determining the standards of review for accessibility of information technology and to require state agencies and their contractors to administer services, programs and activities in most integrated setting to persons with disabilities. Adds new GS 168A-10.1 to adopt rules for dispute resolution processes to govern public services’ responsiveness and to develop a mechanism to resolve disputes about accommodations under ADA.

August 21, 2001

**S 866. PERSONS WITH DISABILITIES CHANGES.** Intro. 04/04/01. House committee substitute changes title to *AN ACT TO MAKE CHANGES TO THE PERSONS WITH DISABILITIES PROTECTION ACT*, and makes the following changes to 4th edition. Adds provision specifying

that the NC Office on the Americans with Disabilities Act (Office) is responsible for coordinating technical assistance and determining the standards of review for accessibility of information technology. Amends GS 168-3 to add definition of "information technology" under GS Ch. 168A. Gives it same definition as in GS 147-33.81; term also specifically includes information transaction machines. Specifies that "place of public accommodations" under GS Ch. 168A includes equivalent services provided by information technology. Rewrites new GS 168A-10.1 to provide that the Office is to adopt rules for dispute resolution processes to govern public services' responsiveness and to provide a consistent and comprehensive mechanism for accommodating accessibility requests. Deletes provision forbidding Office to adopt rules or procedures that apply to the resolution of matters constituting grounds for a contested case under GS Ch. 126. Deletes study by Joint Select Committee on Information Technology called for in prior version. New definition of information technology and revised definition of place of public accommodations are effective July 1, 2002, and apply to information technology placed into service on or after that date. Remainder of act becomes effective Oct. 1, 2001.

October 2, 2002

**S 866. PERSONS WITH DISABILITIES CHANGES-AB.** Intro. 4/4/01. Conference report recommends the following changes to 5th edition to reconcile matters in controversy. Amends GS 168A-7(a) to prohibit the State from refusing to provide qualified person with a disability "information technology" services equivalent to services made available to public. Deletes provision requiring study of the addition of information technology services to the NC Persons with Disabilities Protection Act. Changes effective date of act from Oct. 1, 2001 to Jan. 1, 2003, except provision regarding information technology applies to technology placed into service on or after Jan. 1, 2004.