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**By: Delegates Morgan, Benson, Bobo, Clagett, Malone, Snodgrass, Stup, Poole, Kagan, and Perry**

Introduced and read first time: February 5, 1997  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Blind or Visually Impaired Individuals - Information Technology - Access**

3 FOR the purpose of establishing the General Assembly's findings on access to  
4 ~~information technology by blind and visually impaired individuals; requiring certain~~  
5 ~~heads of State entities and State-assisted organizations to ensure that certain blind~~  
6 ~~and visually impaired individuals be able to access and use certain information~~  
7 ~~technology; requiring certain entities and organizations to comply with certain~~  
8 ~~provisions that relate to information technology for blind or visually impaired~~  
9 ~~individuals; establishing a Blind or Visually Impaired Individuals' Technology~~  
10 ~~Access Board; specifying the duties of the Board; requiring the Board and the~~  
11 ~~Secretary of Budget and Management to develop a technology access clause for~~  
12 ~~certain contracts and agreements; requiring any contract or agreement entered into~~  
13 ~~by the State or State-assisted organizations for purchase of information technology~~  
14 ~~to contain a technology access clause with certain provisions that relate to blind or~~  
15 ~~visually impaired individuals; defining certain terms; and generally relating to access~~  
16 ~~to information technology by blind and visually impaired individuals~~ requiring the  
17 Chief of Information Technology in the Department of Budget and Management, in  
18 consultation with the Information Technology Board, to develop certain  
19 performance standards for information technology in order to provide certain blind  
20 or visually impaired individuals access to certain information technology; requiring  
21 that the Chief establish certain procurement specifications and provide certain  
22 advice and technical assistance to the State and certain organizations; requiring that  
23 certain contracts or agreements include a certain technology access clause; defining  
24 certain terms; and generally relating to access to information technology by blind or  
25 visually impaired individuals.

26 ~~BY adding to~~

2

1 ~~Article 30—Deaf, Mute or Blind~~  
2 ~~Section 34 through 39, inclusive, to be under the new subheading "Information~~  
3 ~~Technology Access for Blind or Visually Impaired Individuals"~~  
4 ~~Annotated Code of Maryland~~  
5 ~~(1993 Replacement Volume and 1996 Supplement)~~

6 BY adding to  
7 Article - State Finance and Procurement  
8 ~~Section 3-1001 through 3-1003, inclusive, to be under the new subtitle "Subtitle 10:~~  
9 ~~Information Technology Access for Blind or Visually Impaired Individuals"~~  
10 ~~3-412~~  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 ~~**Article 30—Deaf, Mute or Blind**~~

16 ~~INFORMATION TECHNOLOGY ACCESS FOR BLIND OR VISUALLY IMPAIRED~~  
17 ~~INDIVIDUALS~~

18 ~~34.~~

19 ~~(A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS~~  
20 ~~INDICATED.~~

21 ~~(B) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL~~  
22 ~~WHO:~~

23 ~~(1) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH~~  
24 ~~CORRECTING LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST~~  
25 ~~DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20~~  
26 ~~DEGREES;~~

27 ~~(2) HAS A MEDICALLY INDICATED EXPECTATION OF VISUAL~~  
28 ~~DETERIORATION; OR~~

29 ~~(3) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL~~  
30 ~~FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE~~  
31 ~~STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE~~  
32 ~~ABILITY.~~

33 ~~(C) "INFORMATION TECHNOLOGY" MEANS ALL ELECTRONIC INFORMATION~~  
34 ~~PROCESSING HARDWARE AND SOFTWARE, INCLUDING TELECOMMUNICATIONS.~~

35 ~~(D) "STATE" MEANS THE STATE OR ANY OF ITS DEPARTMENTS, AGENCIES,~~  
36 ~~PUBLIC BODIES, OR OTHER INSTRUMENTALITIES.~~

1           ~~(E) "STATE ASSISTED ORGANIZATION" MEANS A COLLEGE, NONPROFIT~~  
2 ~~ORGANIZATION, PERSON, POLITICAL SUBDIVISION, SCHOOL SYSTEM, OR OTHER~~  
3 ~~ENTITY SUPPORTED IN WHOLE OR IN PART BY STATE FUNDS.~~

4           ~~(F) "TELECOMMUNICATIONS" MEANS THE TRANSMISSION OF INFORMATION,~~  
5 ~~IMAGES, PICTURES, VOICE OR DATA BY RADIO, VIDEO OR OTHER ELECTRONIC OR~~  
6 ~~IMPULSE MEANS.~~

7           ~~(G) "WORK STATION" MEANS THE AREA, PLACE, OR ROOM WHERE~~  
8 ~~INFORMATION TECHNOLOGY IS ACCESSED AND USED BY AN INDIVIDUAL.~~

9 35.

10           ~~(A) THE GENERAL ASSEMBLY OF MARYLAND FINDS AND DECLARES THE~~  
11 ~~FACTS AND POLICIES SET FORTH IN THIS SECTION.~~

12           ~~(B) THE ADVENT OF THE INFORMATION AGE THROUGHOUT THE UNITED~~  
13 ~~STATES AND AROUND THE WORLD HAS RESULTED IN LASTING CHANGES IN~~  
14 ~~INFORMATION TECHNOLOGY.~~

15           ~~(C) THE USE OF INTERACTIVE VISUAL DISPLAY TERMINALS BY THE STATE~~  
16 ~~AND STATE ASSISTED ORGANIZATIONS IS BECOMING A WIDESPREAD MEANS FOR~~  
17 ~~INDIVIDUALS TO ACCESS ELECTRONIC INFORMATION, BUT ACCESS BY NONVISUAL~~  
18 ~~MEANS, WHETHER BY SPEECH, BRAILLE, OR OTHER MEANS, HAS BEEN~~  
19 ~~OVERLOOKED IN OBTAINING AND DEPLOYING THE LATEST INFORMATION~~  
20 ~~TECHNOLOGY.~~

21           ~~(D) THE PRESENTATION OF ELECTRONIC INFORMATION IN A FORMAT THAT~~  
22 ~~MAY ONLY BE ACCESSED BY VISUAL MEANS PREVENTS ACCESS BY BLIND OR~~  
23 ~~VISUALLY IMPAIRED INDIVIDUALS, BARRING BLIND OR VISUALLY IMPAIRED~~  
24 ~~INDIVIDUALS FROM PARTICIPATING EQUALLY IN CRUCIAL AREAS OF LIFE, SUCH AS~~  
25 ~~EDUCATION AND EMPLOYMENT.~~

26           ~~(E) INFORMATION TECHNOLOGY HAS BEEN CREATED FOR THE ACCESS OF~~  
27 ~~ELECTRONIC INFORMATION BY BOTH VISUAL AND NONVISUAL MEANS.~~

28           ~~(F) THE GOALS OF THE STATE IN OBTAINING AND DEPLOYING THE MOST~~  
29 ~~ADVANCED FORMS OF INFORMATION TECHNOLOGY INCLUDE UNIVERSAL ACCESS~~  
30 ~~TO THE INFORMATION SO THAT BLIND INDIVIDUALS WILL NOT BE LEFT OUT OF THE~~  
31 ~~INFORMATION AGE.~~

32           ~~(G) IT IS THE POLICY OF THE STATE THAT:~~

33                   ~~(1) BLIND OR VISUALLY IMPAIRED INDIVIDUALS HAVE THE RIGHT TO~~  
34 ~~FULL ACCESS AND USE OF INFORMATION TECHNOLOGY THAT IS PROVIDED BY~~  
35 ~~EACH STATE UNIT OR STATE ASSISTED ORGANIZATION FOR USE BY EMPLOYEES,~~  
36 ~~PROGRAM PARTICIPANTS, INCLUDING STUDENTS, OR THE PUBLIC; AND~~

37                   ~~(2) BLIND OR VISUALLY IMPAIRED INDIVIDUALS SHALL BE ABLE TO~~  
38 ~~ACCESS AND USE INFORMATION TECHNOLOGY OBTAINED BY A STATE UNIT OR~~  
39 ~~STATE ASSISTED ORGANIZATION FOR USE BY EMPLOYEES, PROGRAM~~  
40 ~~PARTICIPANTS, INCLUDING STUDENTS, OR THE PUBLIC.~~

4

1 ~~36.~~

2 ~~(A) THE HEAD OF EACH STATE DEPARTMENT, AGENCY, PUBLIC BODY, OR~~  
3 ~~OTHER INSTRUMENTALITY OR STATE-ASSISTED ORGANIZATION SHALL ENSURE~~  
4 ~~THAT INFORMATION TECHNOLOGY USED BY BLIND OR VISUALLY IMPAIRED~~  
5 ~~EMPLOYEES OR PROGRAM PARTICIPANTS, INCLUDING STUDENTS, SHALL:~~

6 ~~(1) PROVIDE BLIND OR VISUALLY IMPAIRED INDIVIDUALS WITH~~  
7 ~~EFFECTIVE ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY, INCLUDING~~  
8 ~~INTERACTIVE CONTROL OF THE INFORMATION TECHNOLOGY;~~

9 ~~(2) BE COMPATIBLE WITH INFORMATION TECHNOLOGY USED BY~~  
10 ~~OTHER INDIVIDUALS WITH WHOM THE BLIND OR VISUALLY IMPAIRED INDIVIDUAL~~  
11 ~~MUST INTERACT; AND~~

12 ~~(3) BE INTEGRATED INTO THE NETWORK OR NETWORKS USED TO~~  
13 ~~SHARE COMMUNICATIONS AMONG EMPLOYEES OR PROGRAM PARTICIPANTS.~~

14 ~~(B) NOTHING IN THIS SECTION REQUIRES THE INSTALLATION OF~~  
15 ~~INFORMATION TECHNOLOGY ALLOWING NONVISUAL ACCESS AT A WORK STATION~~  
16 ~~DURING ANY PERIOD OF TIME IN WHICH AN EMPLOYEE OR PROGRAM PARTICIPANT~~  
17 ~~OF THE STATE OR STATE-ASSISTED ORGANIZATION PRIMARILY USING THE WORK~~  
18 ~~STATION DOES NOT REQUIRE NONVISUAL ACCESS.~~

19 ~~(C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS~~  
20 ~~SECTION, THE APPLICATIONS PROGRAMS AND UNDERLYING OPERATING SYSTEMS,~~  
21 ~~INCLUDING THE FORMAT OF THE DATA, USED FOR THE MANIPULATION AND~~  
22 ~~PRESENTATION OF INFORMATION SHALL PERMIT THE INSTALLATION AND~~  
23 ~~EFFECTIVE USE OF INFORMATION TECHNOLOGY ALLOWING NONVISUAL ACCESS.~~

24 ~~37.~~

25 ~~THE HEAD OF EACH STATE DEPARTMENT, AGENCY, PUBLIC BODY, OR OTHER~~  
26 ~~INSTRUMENTALITY OR STATE-ASSISTED ORGANIZATION SHALL ENSURE THAT~~  
27 ~~INFORMATION TECHNOLOGY USED IN THE DISSEMINATION OF ELECTRONIC~~  
28 ~~INFORMATION TO THE PUBLIC SHALL PROVIDE BLIND OR VISUALLY IMPAIRED~~  
29 ~~INDIVIDUALS WITH ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY,~~  
30 ~~INCLUDING THE INTERACTIVE USE OF THE INFORMATION TECHNOLOGY, THAT IS~~  
31 ~~EQUAL TO THE ACCESS AND USE PROVIDED TO INDIVIDUALS WHO ARE NOT BLIND~~  
32 ~~OR VISUALLY IMPAIRED.~~

33 ~~38.~~

34 ~~(A) IF ANY INFORMATION TECHNOLOGY OF THE STATE OR A~~  
35 ~~STATE-ASSISTED ORGANIZATION WAS OBTAINED BY THE STATE OR~~  
36 ~~STATE-ASSISTED ORGANIZATION PRIOR TO OCTOBER 1, 1997, COMPLIANCE WITH §§~~  
37 ~~36 AND 37 OF THIS SUBHEADING RELATED TO THE INFORMATION TECHNOLOGY~~  
38 ~~SHALL BE ACHIEVED AT THE TIME OF AN UPGRADE TO OR A REPLACEMENT OF THE~~  
39 ~~INFORMATION TECHNOLOGY.~~

40 ~~(B) ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE STATE OR A~~  
41 ~~STATE-ASSISTED ORGANIZATION FOR THE PURCHASE OF INFORMATION~~

5

1 ~~TECHNOLOGY SHALL COMPLY WITH THE PROVISIONS UNDER TITLE 3, SUBTITLE 10;~~  
2 ~~OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

3 ~~39.~~

4 ~~(A) AN INDIVIDUAL AGGRIEVED BY A VIOLATION OF THIS SUBHEADING MAY~~  
5 ~~MAINTAIN A CIVIL ACTION FOR INJUNCTIVE RELIEF TO ENFORCE THE TERMS OF~~  
6 ~~THIS SUBHEADING.~~

7 ~~(B) (1) AN ACTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE~~  
8 ~~COMMENCED WITHIN 4 YEARS AFTER THE ACTION ACCRUES.~~

9 ~~(2) AN ACTION FOR A CONTINUING VIOLATION ACCRUES AT THE TIME~~  
10 ~~OF THE LATEST VIOLATION.~~

11 ~~**Article – State Finance and Procurement**~~

12 ~~SUBTITLE 10. INFORMATION TECHNOLOGY ACCESS FOR BLIND OR VISUALLY~~  
13 ~~IMPAIRED INDIVIDUALS.~~

14 ~~3-1001.~~

15 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
16 ~~INDICATED.~~

17 ~~(B) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN INDIVIDUAL~~  
18 ~~WHO:~~

19 ~~(1) HAS A VISUAL ACUITY OF 20/200 OR LESS IN THE BETTER EYE WITH~~  
20 ~~CORRECTING LENSES OR HAS A LIMITED FIELD OF VISION SO THAT THE WIDEST~~  
21 ~~DIAMETER OF THE VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20~~  
22 ~~DEGREES;~~

23 ~~(2) HAS A MEDICALLY INDICATED EXPECTATION OF VISUAL~~  
24 ~~DETERIORATION; OR~~

25 ~~(3) HAS A MEDICALLY DIAGNOSED LIMITATION IN VISUAL~~  
26 ~~FUNCTIONING THAT RESTRICTS THE INDIVIDUAL'S ABILITY TO READ AND WRITE~~  
27 ~~STANDARD PRINT AT LEVELS EXPECTED OF INDIVIDUALS OF COMPARABLE~~  
28 ~~ABILITY.~~

29 ~~(C) "BOARD" MEANS THE BLIND OR VISUALLY IMPAIRED INDIVIDUALS'~~  
30 ~~TECHNOLOGY ACCESS BOARD.~~

31 ~~(D) "CLAUSE" MEANS THE TECHNOLOGY ACCESS CLAUSE.~~

32 ~~(E) "STATE" MEANS THE STATE OR ANY OF ITS DEPARTMENTS, AGENCIES,~~  
33 ~~PUBLIC BODIES, OR OTHER INSTRUMENTALITIES.~~

34 ~~(F) "STATE-ASSISTED ORGANIZATION" MEANS A COLLEGE, NONPROFIT~~  
35 ~~ORGANIZATION, PERSON, POLITICAL SUBDIVISION, SCHOOL SYSTEM, OR OTHER~~  
36 ~~ENTITY SUPPORTED IN WHOLE OR IN PART BY STATE FUNDS.~~

1 ~~3-1002.~~

2           ~~(A) THERE IS A BLIND OR VISUALLY IMPAIRED INDIVIDUALS' TECHNOLOGY~~  
3 ~~ACCESS BOARD.~~

4           ~~(1) THE BOARD CONSISTS OF THE FOLLOWING 11 MEMBERS:~~

5                   ~~(I) THE FOLLOWING OFFICIALS OR THEIR DESIGNEES:~~

6                               ~~1. THE SECRETARY OF EDUCATION;~~

7                               ~~2. THE SECRETARY OF LABOR, LICENSING, AND~~  
8 ~~REGULATION;~~

9                               ~~3. THE SECRETARY OF BUDGET AND MANAGEMENT;~~

10                              ~~4. THE SECRETARY OF GENERAL SERVICES; AND~~

11                              ~~5. THE CHIEF OF INFORMATION TECHNOLOGY; AND~~

12                   ~~(II) SIX INDIVIDUALS APPOINTED BY THE GOVERNOR FROM THE~~  
13 ~~PUBLIC, AT LEAST FOUR OF WHOM SHALL BE BLIND OR VISUALLY IMPAIRED.~~

14           ~~(2) (I) A CHAIRMAN OF THE BOARD, WHO SHALL BE BLIND OR~~  
15 ~~VISUALLY IMPAIRED, SHALL BE ELECTED FROM THE BOARD, BY A MAJORITY OF~~  
16 ~~THE BOARD.~~

17                   ~~(II) A VICE CHAIRMAN SHALL BE ELECTED FROM THE BOARD BY A~~  
18 ~~MAJORITY OF THE BOARD.~~

19           ~~(3) EXCEPT FOR EX OFFICIO MEMBERS OR THEIR DESIGNEES:~~

20                   ~~(I) THE TERM OF A MEMBER IS 3 YEARS;~~

21                   ~~(II) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY~~  
22 ~~THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 1997;~~

23                   ~~(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE~~  
24 ~~UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES; AND~~

25                   ~~(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~  
26 ~~SERVES FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~  
27 ~~QUALIFIES.~~

28           ~~(4) A MEMBER OF THE BOARD:~~

29                   ~~(I) MAY NOT RECEIVE COMPENSATION; BUT~~

30                   ~~(II) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE TRAVEL~~  
31 ~~EXPENSES RELATED TO ATTENDING MEETINGS AND OTHER BOARD ACTIVITIES IN~~  
32 ~~ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.~~

33           ~~(B) THE BOARD SHALL HAVE THE FOLLOWING DUTIES:~~

34                   ~~(1) TO ESTABLISH GENERAL PERFORMANCE STANDARDS FOR~~  
35 ~~INFORMATION TECHNOLOGY DESIGNED TO PROVIDE BLIND OR VISUALLY~~

7

~~1 IMPAIRED INDIVIDUALS WITH ACCESS TO ELECTRONIC INFORMATION THAT IS  
2 EQUAL TO INFORMATION TECHNOLOGY DESIGNED TO PROVIDE ACCESS BY VISUAL  
3 DISPLAY;~~

~~4           (2) TO RECOMMEND PROCUREMENT SPECIFICATIONS FOR NONVISUAL  
5 DISPLAY INFORMATION TECHNOLOGY TO THE STATE AND STATE-ASSISTED  
6 ORGANIZATIONS;~~

~~7           (3) TO PROVIDE ADVICE AND TECHNICAL ASSISTANCE PERTAINING TO  
8 ACCESSIBLE INFORMATION TECHNOLOGY FOR BLIND OR VISUALLY IMPAIRED  
9 INDIVIDUALS TO THE STATE AND STATE-ASSISTED ORGANIZATIONS; AND~~

~~10           (4) TO EVALUATE INFORMATION TECHNOLOGY THAT MAY BE  
11 PURCHASED BY THE STATE OR A STATE-ASSISTED ORGANIZATION AND, BEFORE  
12 PROCUREMENT DECISIONS ARE MADE, PROVIDE THE RESULTS OF THE  
13 EVALUATION TO THE STATE UNIT OR STATE-ASSISTED ORGANIZATION.~~

~~14 3-1003.~~

~~15           (A) ANY CONTRACT OR AGREEMENT ENTERED INTO BY THE STATE OR  
16 STATE-ASSISTED ORGANIZATION FOR THE PURCHASE OF INFORMATION  
17 TECHNOLOGY SHALL INCLUDE A TECHNOLOGY ACCESS CLAUSE.~~

~~18           (B) THE CLAUSE SHALL BE DEVELOPED BY THE SECRETARY IN  
19 CONSULTATION WITH THE BOARD.~~

~~20           (C) BEFORE ADOPTING THE CLAUSE, THE SECRETARY SHALL:~~

~~21           (1) PUBLISH NOTICE OF A PROPOSED CLAUSE IN A NEWSPAPER OR  
22 NEWSPAPERS OF GENERAL CIRCULATION IN THE STATE; AND~~

~~23           (2) DURING THE 30 DAYS AFTER PUBLICATION, RECEIVE COMMENTS ON  
24 THE PROPOSED CLAUSE.~~

~~25           (D) THE CLAUSE SHALL CLEARLY STATE THAT, AS A CONDITION FOR THE  
26 PURCHASE OF ANY INFORMATION TECHNOLOGY BY THE STATE OR A  
27 STATE-ASSISTED ORGANIZATION, THE TECHNOLOGY SHALL:~~

~~28           (1) PROVIDE BLIND OR VISUALLY IMPAIRED INDIVIDUALS WITH  
29 EFFECTIVE ACCESS TO AND USE OF THE INFORMATION TECHNOLOGY, INCLUDING  
30 INTERACTIVE CONTROL OF THE INFORMATION TECHNOLOGY; AND~~

~~31           (2) HAVE THE CAPABILITY TO BE INTEGRATED INTO NETWORKS FOR  
32 OBTAINING, RETRIEVING, AND DISSEMINATING INFORMATION USED BY BLIND OR  
33 VISUALLY IMPAIRED INDIVIDUALS.~~

~~34           **Article - State Finance and Procurement**~~

~~35 3-412.~~

~~36           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
37 INDICATED.~~

1                   (2) "BLIND OR VISUALLY IMPAIRED INDIVIDUAL" MEANS AN  
2 INDIVIDUAL WHO HAS:

3                   (I) A VISUAL ACUITY THAT DOES NOT EXCEED 20/200 IN THE  
4 BETTER EYE WITH CORRECTING LENSES; OR

5                   (II) A VISUAL ACUITY THAT IS GREATER THAN 20/200, BUT WITH A  
6 LIMITATION IN THE FIELDS OF VISION SUCH THAT THE WIDEST DIAMETER OF THE  
7 VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20 DEGREES.

8                   (3) "NONVISUAL ACCESS" MEANS THE ABILITY, THROUGH KEYBOARD  
9 CONTROL, SYNTHESIZED SPEECH, BRAILLE, OR OTHER METHODS NOT REQUIRING  
10 SIGHT, TO RECEIVE, USE, AND MANIPULATE INFORMATION AND OPERATE  
11 CONTROLS NECESSARY TO ACCESS INFORMATION TECHNOLOGY.

12                   (4) "STATE-ASSISTED ORGANIZATION" MEANS A COLLEGE, NONPROFIT  
13 ORGANIZATION, PERSON, POLITICAL SUBDIVISION, SCHOOL SYSTEM, OR OTHER  
14 ENTITY, THAT PROVIDES GOODS OR SERVICES TO THE STATE UNDER A  
15 PROCUREMENT CONTRACT.

16                   (B) THE CHIEF, IN CONSULTATION WITH THE BOARD, SHALL:

17                   (1) ESTABLISH NONVISUAL ACCESS PERFORMANCE STANDARDS FOR  
18 PROVIDING ACCESS TO INFORMATION TECHNOLOGY FOR BLIND OR VISUALLY  
19 IMPAIRED INDIVIDUALS EQUIVALENT TO ACCESS PROVIDED FOR INDIVIDUALS  
20 WHO ARE NOT BLIND OR VISUALLY IMPAIRED;

21                   (2) DEVELOP A TECHNOLOGY ACCESS CLAUSE THAT:

22                   (I) SHALL BE INCLUDED IN ANY CONTRACT OR AGREEMENT  
23 ENTERED INTO BY THE STATE OR A STATE-ASSISTED ORGANIZATION FOR THE  
24 PURCHASE OF INFORMATION TECHNOLOGY; AND

25                   (II) IMPLEMENTS THE NONVISUAL ACCESS PERFORMANCE  
26 STANDARDS;

27                   (3) INFORM THE HEADS OF STATE-ASSISTED ORGANIZATIONS THAT  
28 THE TECHNOLOGY ACCESS CLAUSE APPLIES TO PROCUREMENT OF ANY  
29 INFORMATION TECHNOLOGY IF THE INFORMATION TECHNOLOGY IS PURCHASED,  
30 IN WHOLE OR IN PART, WITH STATE FUNDS;

31                   (4) ESTABLISH PROCUREMENT SPECIFICATIONS, FOR NONVISUAL  
32 ACCESS, BASED ON THE PERFORMANCE STANDARDS; AND

33                   (5) PROVIDE ADVICE AND TECHNICAL ASSISTANCE, INCLUDING  
34 REFERRAL TO APPROPRIATE RESOURCES, PERTAINING TO NONVISUAL ACCESS TO  
35 INFORMATION TECHNOLOGY.

36                   (C) THE PERFORMANCE STANDARDS ESTABLISHED PURSUANT TO  
37 SUBSECTION (B)(1) OF THIS SECTION SHALL INCLUDE NECESSARY SPECIFICATIONS  
38 BY THE CHIEF AND THE BOARD, INCLUDING THE FOLLOWING MINIMUM  
39 SPECIFICATIONS:

1                   (1) THAT EFFECTIVE, INTERACTIVE CONTROL AND USE OF  
2 TECHNOLOGY, INCLUDING OPERATING SYSTEMS, APPLICATIONS PROGRAMS, AND  
3 THE FORMAT OF THE DATA PRESENTED, IS ACHIEVABLE BY NONVISUAL MEANS;

4                   (2) THAT TECHNOLOGY EQUIPPED FOR NONVISUAL ACCESS MUST BE  
5 COMPATIBLE WITH INFORMATION TECHNOLOGY USED BY OTHER INDIVIDUALS  
6 WITH WHOM THE BLIND OR VISUALLY IMPAIRED INDIVIDUALS INTERACT;

7                   (3) THAT NONVISUAL ACCESS TECHNOLOGY MUST BE INTEGRATED  
8 INTO NETWORKS USED FOR COMMUNICATIONS AMONG EMPLOYEES, PROGRAM  
9 PARTICIPANTS, AND THE PUBLIC; AND

10                  (4) THAT THE TECHNOLOGY FOR NONVISUAL ACCESS MUST HAVE THE  
11 CAPABILITY OF PROVIDING EQUIVALENT ACCESS BY NONVISUAL MEANS TO  
12 TELECOMMUNICATIONS OR OTHER INTERCONNECTED NETWORK SERVICES USED  
13 BY PERSONS WHO ARE NOT BLIND OR VISUALLY IMPAIRED.

14                  (D) (1) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE A GREATER  
15 DEGREE OF ACCESS TO INFORMATION TECHNOLOGY FOR BLIND OR VISUALLY  
16 IMPAIRED INDIVIDUALS THAN THE ACCESS PROVIDED TO A PERSON WHO IS NOT  
17 BLIND OR VISUALLY IMPAIRED, NOTWITHSTANDING THAT THE TECHNOLOGY USED  
18 FOR ACCESS TO INFORMATION BY BLIND AND VISUALLY IMPAIRED INDIVIDUALS  
19 MAY BE DIFFERENT FROM THE TECHNOLOGY USED BY INDIVIDUALS THAT ARE NOT  
20 BLIND OR VISUALLY IMPAIRED.

21                  (2) NOTHING IN THIS SUBTITLE REQUIRES NONVISUAL ACCESS TO  
22 INFORMATION TECHNOLOGY BY INDIVIDUALS WHO ARE NOT BLIND OR VISUALLY  
23 IMPAIRED.

24                  SECTION 2. AND BE IT FURTHER ENACTED, ~~That the terms of the initial~~  
25 ~~members of the Blind or Visually Impaired Individuals' Technology Access Board shall~~  
26 ~~expire as follows:~~

27                   ~~(1) Two members in 2000;~~

28                   ~~(2) Two members in 1999; and~~

29                   ~~(3) Two members in 1998.~~

30                  ~~SECTION 3. AND BE IT FURTHER ENACTED,~~ That this Act shall take effect  
31 October 1, 1997.