

HOUSE BILL 592

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By: **Delegates Benson, Barve, Bobo, Boutin, Cane, Cole, C. Davis, D. Davis, DeCarlo, Dembrow, Dobson, Dypski, Frush, Fulton, Gladden, Glassman, Hammen, Harrison, Healey, Heller, Hill, A. Jones, V. Jones, Kirk, Klausmeier, Malone, Marriott, Moe, Montague, Owings, Paige, Parrott, Phillips, and Turner**

Introduced and read first time: February 9, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Procurement - Information Technology - Nonvisual Access**

3 FOR the purpose of requiring the Chief of Information Technology in the Department
4 of Budget and Management to issue and enforce nonvisual access standards to
5 be used in the procurement of information technology and the provision of
6 information technology services by or on behalf of units of State government;
7 requiring the adoption of the standards on or before a certain date; requiring the
8 inclusion of a nonvisual access clause in each solicitation for bids or request for
9 a proposal relating to a procurement or modification of a procurement; requiring
10 the Chief and the Information Technology Board within the Department to
11 extend a requirement that a nonvisual access clause be used in certain
12 procurement to apply the requirement to the procurement of information
13 technology services; providing an exception to a provision removing the need for
14 a nonvisual access clause where nonvisual access requires a modification for
15 compatibility with software and hardware; requiring the Secretary of Budget
16 and Management to adopt standards for electronic equipment used by State
17 employees or the public that are compatible with the nonvisual access
18 procurement standards; defining a certain term; and generally relating to
19 nonvisual access standards for the procurement of information technology and
20 information technology services by units of State government and the use of
21 electronic equipment by State employees and the public.

22 BY repealing and reenacting, with amendments,
23 Article - State Finance and Procurement
24 Section 3-402, 3-410, 3-412, and 4-312
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1999 Supplement)

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

1 **Article - State Finance and Procurement**

2 3-402.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Information Technology Board.

5 (c) "Chief" means the Chief of Information Technology.

6 (d) "Information technology" means all electronic information processing
7 hardware and software, including:

8 (1) maintenance;

9 (2) telecommunications; and

10 (3) associated consulting services.

11 (E) "INFORMATION TECHNOLOGY SERVICES" MEANS INFORMATION
12 PROVIDED BY ELECTRONIC MEANS BY OR ON BEHALF OF A UNIT OF STATE
13 GOVERNMENT.14 [(e)] (F) "Nonvisual access" means the ability, through keyboard control,
15 synthesized speech, Braille, or other methods not requiring sight, to receive, use and
16 manipulate information, and operate controls necessary to access information
17 technology.18 [(f)] (G) "Telecommunications" has the meaning provided in § 3-701 of this
19 article.20 [(g)] (H) "Resource sharing" means the utilization of a State resource by
21 private industry in exchange for the provision to the State of a communication service
22 or other consideration.

23 3-410.

24 (a) The Chief of Information Technology is established within the Department.

25 (b) The Chief shall be appointed by the Secretary and serves at the Secretary's
26 pleasure.27 (c) The Chief shall be provided appropriate professional and administrative
28 staff by the Secretary as provided in the budget.29 (d) The Chief is responsible to the Secretary in carrying out the following
30 duties:31 (1) developing, maintaining, and enforcing statewide information
32 technology standards, policies, and procedures;

1 (2) providing technical assistance, advice, and recommendations to the
2 Secretary concerning information technology matters;

3 (3) reviewing major information technology projects for consistency with
4 statewide plans, policies, and standards; [and]

5 (4) developing and maintaining a statewide information technology
6 master plan that will:

7 (i) be the basis for the management and direction of information
8 technology within the Executive Branch of State government;

9 (ii) include all aspects of State information technology including
10 telecommunications, data processing, and information management;

11 (iii) consider interstate transfers due to federal legislation and
12 regulation;

13 (iv) ensure that information technology plans and budgets are
14 consistent; and

15 (v) ensure that State information technology plans, policies, and
16 standards are consistent with State goals, objectives, and resources, and represent a
17 long-range vision for using information technology to improve the overall
18 effectiveness of State government; AND

19 (5) ADOPTING BY REGULATION AND ENFORCING NONVISUAL ACCESS
20 STANDARDS TO BE USED IN THE PROCUREMENT OF INFORMATION TECHNOLOGY
21 AND THE PROVISION OF INFORMATION TECHNOLOGY SERVICES BY OR ON BEHALF
22 OF UNITS OF STATE GOVERNMENT.

23 3-412.

24 (a) The Chief and the Board, in consultation with other units of State
25 government, and after public comment, shall develop a nonvisual access clause for
26 use in the procurement of information technology AND INFORMATION TECHNOLOGY
27 SERVICES which specifies that the technology AND SERVICES:

28 (1) must provide equivalent access for effective use by both visual and
29 nonvisual means;

30 (2) will present information, including prompts used for interactive
31 communications, in formats intended for both visual and nonvisual use;

32 (3) can be integrated into networks for obtaining, retrieving, and
33 disseminating information used by individuals who are not blind or visually impaired;
34 and

35 (4) shall be obtained, whenever possible, without modification for
36 compatibility with software and hardware for nonvisual access.

1 (b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual
2 access clause required under subsection (a) of this section shall be included in each
3 invitation for bids or request for proposals AND IN EACH PROCUREMENT CONTRACT
4 OR MODIFICATION OF A CONTRACT ISSUED UNDER TITLE 13 OF THIS ARTICLE,
5 WITHOUT REGARD TO THE METHOD CHOSEN UNDER TITLE 13, SUBTITLE 1 [under
6 Division II] of this article for the purchase of new or upgraded information technology
7 AND INFORMATION TECHNOLOGY SERVICES.

8 (2) [The] EXCEPT AS PROVIDED IN SUBSECTION (A) (4) OF THIS
9 SECTION, THE nonvisual access clause required under paragraph (1) of this
10 subsection is not required if:

11 (i) the information technology is not available with nonvisual
12 access because the essential elements of the information technology are visual and
13 nonvisual equivalence cannot be developed; or

14 (ii) the cost of modifying the information technology for
15 compatibility with software and hardware for nonvisual access would increase the
16 price of the procurement by more than 5 percent.

17 4-312.

18 Consistent with Division II of this article, the Secretary shall set standards for
19 supplies to be purchased by a unit, INCLUDING STANDARDS FOR ELECTRONIC
20 EQUIPMENT USED BY STATE EMPLOYEES OR THE PUBLIC FOR COMMUNICATIONS
21 THAT ARE CONSISTENT WITH THE STANDARDS FOR NONVISUAL ACCESS
22 INFORMATION TECHNOLOGY ISSUED UNDER § 3-410 OF THIS ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
24 2001, the Chief of Information Technology of the Department of Budget and
25 Management shall adopt the nonvisual access procurement standards required under
26 § 3-410(d)(5) of the State Finance and Procurement Article as enacted under this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2000.