

SENATE BILL 607

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By: **Senators Conway, Exum, Munson, Lawlah, Hughes, Kelley, McFadden,  
Bromwell, Colburn, Dyson, Hooper, Pinsky, Frosh, Stone, Mooney, and  
Madden**

Introduced and read first time: February 4, 2000  
Assigned to: Economic and Environmental Affairs

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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.