

SB0286/616585/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 286
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 12 down through “requirements;” in line 14 and substitute “requiring the Secretary of Information Technology, or the Secretary’s designee, on or before a certain date, to adopt new nonvisual access procurement standards that provide certain individuals with certain nonvisual access and are consistent with certain federal standards; requiring the Secretary, or the Secretary’s designee, on or before a certain date, to establish a certain process for determining if certain information technology meets certain standards and enforcing certain provisions of this Act; requiring, on or after a certain date, a certain nonvisual access clause to include a certain statement; requiring a certain nonvisual access clause to be included in each invitation for bids or request for proposals in each renewal of a certain contract under circumstances;”; and strike beginning with “requiring” in line 15 down through “standards;” in line 17.

On page 2, in line 3, after “3A-301” insert “, 3A-303.”.

AMENDMENT NO. 2

On page 3, in lines 21 and 22, strike the brackets; and strike beginning with “**IN**” in line 23 down through “**1973**” in line 29 and substitute “**IN ACCORDANCE WITH STANDARDS ADOPTED UNDER § 3A-303(B) OF THIS SUBTITLE**”.

AMENDMENT NO. 3

On page 6, after line 37, insert:

“3A-303.”

(Over)

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(A) The Secretary is responsible for carrying out the following duties:

(1) developing, maintaining, revising, and enforcing information technology policies, procedures, and standards;

(2) providing technical assistance, advice, and recommendations to the Governor and any unit of State government concerning information technology matters;

(3) reviewing the annual project plan for each unit of State government to make information and services available to the public over the Internet;

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

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

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

(iii) consider interstate transfers as a result of federal legislation and regulation;

(iv) work jointly with the Secretary of Budget and Management to ensure that information technology plans and budgets are consistent;

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

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(vi) include standards to assure nonvisual access to the information and services made available to the public over the Internet; and

(5) adopting by regulation and enforcing nonvisual access standards to be used in the procurement of information technology services by or on behalf of units of State government IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(B) ON OR BEFORE JANUARY 1, 2020, THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL:

(1) ADOPT NEW NONVISUAL ACCESS PROCUREMENT STANDARDS THAT:

(i) PROVIDE AN INDIVIDUAL WITH DISABILITIES WITH NONVISUAL ACCESS IN A WAY THAT IS FULLY AND EQUALLY ACCESSIBLE TO AND INDEPENDENTLY USABLE BY THE INDIVIDUAL WITH DISABILITIES SO THAT THE INDIVIDUAL IS ABLE TO ACQUIRE THE SAME INFORMATION, ENGAGE IN THE SAME INTERACTIONS, AND ENJOY THE SAME SERVICES AS USERS WITHOUT DISABILITIES, WITH SUBSTANTIALLY EQUIVALENT EASE OF USE; AND

(ii) ARE CONSISTENT WITH THE STANDARDS OF § 508 OF THE FEDERAL REHABILITATION ACT OF 1973; AND

(2) ESTABLISH A PROCESS FOR THE SECRETARY OR THE SECRETARY'S DESIGNEE TO:

(i) DETERMINE WHETHER INFORMATION TECHNOLOGY MEETS THE NONVISUAL ACCESS STANDARDS ADOPTED UNDER ITEM (1) OF THIS SUBSECTION; AND

(Over)

(II) 1. FOR INFORMATION TECHNOLOGY PROCURED BY A STATE UNIT BEFORE JANUARY 1, 2020, AND STILL USED BY THE STATE UNIT ON OR AFTER JANUARY 1, 2020, WORK WITH THE VENDOR TO MODIFY THE INFORMATION TECHNOLOGY TO MEET THE NONVISUAL ACCESS STANDARDS, IF PRACTICABLE; OR

2. FOR INFORMATION TECHNOLOGY PROCURED BY A STATE UNIT ON OR AFTER JANUARY 1, 2020, ENFORCE THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER § 3A-311 OF THIS SUBTITLE, INCLUDING THE ENFORCEMENT OF THE CIVIL PENALTY DESCRIBED IN § 3A-311(A)(2)(III)1 OF THIS SUBTITLE.”.

AMENDMENT NO. 4

On page 7, in line 2, after “(a)” insert “**(1)**”; in lines 7, 9, 11, and 13, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(1)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; after line 14, insert:

“(2) ON OR AFTER JANUARY 1, 2020, THE NONVISUAL ACCESS CLAUSE DEVELOPED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A STATEMENT THAT:

(I) WITHIN 18 MONTHS AFTER THE AWARD OF THE PROCUREMENT, THE SECRETARY, OR THE SECRETARY’S DESIGNEE, WILL DETERMINE WHETHER THE INFORMATION TECHNOLOGY MEETS THE NONVISUAL ACCESS STANDARDS ADOPTED IN ACCORDANCE WITH § 3A-303(B) OF THIS SUBTITLE;

(II) IF THE INFORMATION TECHNOLOGY DOES NOT MEET THE NONVISUAL ACCESS STANDARDS, THE SECRETARY, OR THE SECRETARY’S DESIGNEE, WILL NOTIFY THE VENDOR IN WRITING THAT THE VENDOR, AT THE

VENDOR'S OWN EXPENSE, HAS 12 MONTHS AFTER THE DATE OF THE NOTIFICATION TO MODIFY THE INFORMATION TECHNOLOGY IN ORDER TO MEET THE NONVISUAL ACCESS STANDARDS; AND

(III) IF THE VENDOR FAILS TO MODIFY THE INFORMATION TECHNOLOGY TO MEET THE NONVISUAL ACCESS STANDARDS WITHIN 12 MONTHS AFTER THE DATE OF THE NOTIFICATION, THE VENDOR:

1. MAY BE SUBJECT TO A CIVIL PENALTY OF:

A. FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$5,000; AND

B. FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$10,000; AND

2. SHALL INDEMNIFY THE STATE FOR LIABILITY RESULTING FROM THE USE OF INFORMATION TECHNOLOGY THAT DOES NOT MEET THE NONVISUAL ACCESS STANDARDS.”.

AMENDMENT NO. 5

On page 7, in line 17, after “modification” insert “OR RENEWAL”; and strike in their entirety lines 29 through 31, inclusive.