
By: **Senators Conway, Astle, Britt, Brochin, Colburn, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Giannetti, Gladden, Green, Greenip, Grosfeld, Hafer, Hollinger, Hughes, Jimeno, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lawlah, McFadden, Middleton, Mooney, Munson, Pinsky, Pipkin, Schrader, Stone, and Teitelbaum**

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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2005

CHAPTER _____

1 AN ACT concerning

2 **Higher Education Institutions - Blind Individuals - Access to Technology**

3 FOR the purpose of requiring the governing boards of public institutions of higher
 4 education to ~~ensure that certain contracts to purchase certain technology~~
 5 ~~include a certain clause relating to nonvisual access; requiring the boards to~~
 6 ~~ensure that certain blind individuals have access to certain technology and~~
 7 ~~materials; requiring the Maryland Higher Education Commission, in~~
 8 ~~consultation with the Department of Disabilities, to assist the public~~
 9 ~~institutions of higher education with the application of a nonvisual access clause~~
 10 ~~by developing certain guidelines on or before a certain date develop, by a certain~~
 11 ~~date, a certain clause relating to nonvisual access for use in the procurement of~~
 12 ~~certain technology; requiring the nonvisual access clause adopted by the~~
 13 ~~governing bodies of certain institutions to be consistent with certain standards~~
 14 ~~developed by the Department of Budget and Management; defining certain~~
 15 ~~terms; and generally relating to nonvisual access standards for the procurement~~
 16 ~~and use of technology for blind individuals by public institutions of higher~~
 17 ~~education.~~

18 ~~BY repealing and reenacting, without amendments,~~
 19 ~~Article Education~~
 20 ~~Section 11-105(a)~~
 21 ~~Annotated Code of Maryland~~
 22 ~~(2004 Replacement Volume and 2004 Supplement)~~

1 BY repealing and reenacting, with amendments,
 2 Article - Education
 3 Section ~~11-105(b)~~, 12-101, ~~and 12-112~~ 12-112, and 14-109
 4 Annotated Code of Maryland
 5 (2004 Replacement Volume and 2004 Supplement)

6 BY adding to
 7 Article - Education
 8 Section ~~12-301 to be under the new subtitle "Subtitle 3. Blind Individuals—~~
 9 ~~Access to Technology"; 14-110, 14-409, 14-409~~ and 16-318
 10 Annotated Code of Maryland
 11 (2004 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article - State Finance and Procurement
 14 Section 3-412
 15 Annotated Code of Maryland
 16 (2001 Replacement Volume and 2004 Supplement)

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

19 **Article - Education**

20 ~~11-105.~~

21 (a) ~~In addition to any other powers granted and duties imposed by this title~~
 22 ~~and subject to any restrictions imposed by law, the Commission has the powers and~~
 23 ~~duties set forth in this section.~~

24 (b) (1) ~~The Commission shall coordinate the overall growth and~~
 25 ~~development of postsecondary education in the State.~~

26 (2) (i) ~~In consultation with the governing boards and agencies~~
 27 ~~concerned with postsecondary education in the State, the Commission shall develop~~
 28 ~~and periodically update an overall plan consistent with the Charter, known as the~~
 29 ~~State Plan for Higher Education, that shall identify:~~

30 1. ~~The present and future needs for postsecondary education~~
 31 ~~and research throughout the State;~~

32 2. ~~The present and future capabilities of the different~~
 33 ~~institutions and segments of postsecondary education in the State; and~~

34 3. ~~The long range and short range objectives and priorities~~
 35 ~~for postsecondary education and methods and guidelines for achieving and~~
 36 ~~maintaining them.~~

1 (ii) The Commission shall ensure that the State Plan for Higher
2 Education complies with the State's equal educational opportunity obligations under
3 State and federal law, including Title VI of the Civil Rights Act.

4 (iii) In developing the State Plan for Higher Education, the
5 Commission shall incorporate the goals and priorities for higher education identified
6 in this Division III and, for the University System of Maryland, including those
7 identified in §§ 10-209 and 12-106 of this article.

8 (3) (i) The Commission shall submit to the Governor and, subject to §
9 2-1246 of the State Government Article, to the General Assembly a biennial review of
10 the plan by July 1, 1995 and by July 1 of each alternate year thereafter.

11 (ii) The biennial review shall include a report on the status and
12 needs of postsecondary education in the State.

13 (4) In accordance with Subtitle 3 of this title, the Commission shall
14 review, negotiate as necessary, and approve the appropriate role, function, and
15 mission of each public institution of postsecondary education in the State.

16 (5) (i) With respect to the College Park campus of the University of
17 Maryland, the Commission shall direct the Board of Regents of the University of
18 Maryland to develop and implement a plan for the enhancement of that campus as
19 the State's flagship campus with programs and faculty nationally and internationally
20 recognized for excellence in research and the advancement of knowledge.

21 (ii) With respect to the constituent institutions of the University
22 System of Maryland in the Baltimore region, the Commission shall direct the Board of
23 Regents of the University of Maryland to maintain and enhance a coordinated Higher
24 Education Center for Research and Graduate and Professional Study in the Baltimore
25 area.

26 (iii) With respect to Morgan State University, the Commission shall
27 direct the Board of Regents of Morgan State University to develop and implement a
28 plan for the enhancement of that institution as the State's public urban university
29 with the appropriate programs, faculty, and facilities.

30 (6) The Commission has statewide coordinating responsibility for the
31 community colleges and shall establish general policies for their operation.

32 (7) The Commission has statewide coordinating responsibility for
33 regional higher education centers.

34 (8) The Commission may distribute strategic incentive funds to an
35 institution of higher education or a regional higher education center to encourage
36 attainment of the goals and priorities set forth in the State Plan for Higher
37 Education.

38 (9) IN CONSULTATION WITH THE DEPARTMENT OF DISABILITIES, ON OR
39 BEFORE JANUARY 1, 2006, THE COMMISSION SHALL DEVELOP GUIDELINES FOR THE

1 ~~IMPLEMENTATION OF THE NONVISUAL ACCESS CLAUSE IN INFORMATION~~
 2 ~~TECHNOLOGY AND INFORMATION TECHNOLOGY SERVICES BIDS, REQUESTS FOR~~
 3 ~~PROPOSALS OR GRANTS, CONTRACTS, AND MODIFICATION TO CONTRACTS, AS~~
 4 ~~REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AS~~
 5 ~~APPLICABLE TO:~~

- 6 (I) ~~THE UNIVERSITY SYSTEM OF MARYLAND UNDER TITLE 12 OF~~
 7 ~~THIS ARTICLE;~~
- 8 (II) ~~MORGAN STATE UNIVERSITY UNDER § 14-110 OF THIS ARTICLE;~~
- 9 (III) ~~ST. MARY'S COLLEGE OF MARYLAND UNDER § 14-409 OF THIS~~
 10 ~~ARTICLE; AND~~
- 11 (IV) ~~COMMUNITY COLLEGES UNDER § 16-318 OF THIS ARTICLE.~~
- 12 12-101.

13 (a) In order to foster the development of a consolidated system of public higher
 14 education, to improve the quality of education, to extend its benefits and to encourage
 15 the economical use of the State's resources, the University System of Maryland is
 16 established in accordance with the provisions of this title.

17 (b) In this title the following words have the meanings indicated.

18 (1) "Board" or "Board of Regents" means the Board of Regents of the
 19 University System of Maryland.

20 (2) "Chancellor" means the Chief Executive Officer of the University
 21 System of Maryland and the Chief of Staff for the Board of Regents.

22 (3) "President" means the Chief Executive Officer of a constituent
 23 institution of the University System of Maryland.

24 (4) "Constituent institutions", "institutions", or "campuses" means the
 25 following public senior higher education institutions under the jurisdiction of the
 26 Board of Regents:

- 27 (i) University of Maryland, Baltimore;
- 28 (ii) University of Maryland Baltimore County;
- 29 (iii) University of Maryland, College Park;
- 30 (iv) University of Maryland Eastern Shore;
- 31 (v) University of Maryland University College;
- 32 (vi) Bowie State University;
- 33 (vii) Coppin State University;

1 (viii) Frostburg State University;

2 (ix) Salisbury University;

3 (x) Towson University; and

4 (xi) University of Baltimore.

5 (5) "Centers" or "Institutes" means the following components of the
6 System under the jurisdiction of the Board of Regents:

7 (i) University of Maryland Center for Environmental Science;

8 (ii) Cooperative Extension Service and the Agricultural Experiment
9 Station;

10 (iii) Statewide Medical Education and Training System;

11 (iv) Fire and Rescue Institute; and

12 (v) Any other center, component, or institute established and
13 operated by the System in accordance with its mission.

14 (6) "University" or "University of Maryland" or "University of Maryland
15 System" means the University System of Maryland.

16 (7) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" MEANS
17 COMPUTER HARDWARE OR SOFTWARE USED BY FACULTY AND STUDENTS IN THE
18 DELIVERY OF THE INSTRUCTIONAL PROGRAM.

19 (8) "TECHNOLOGY" MEANS THE LATEST STATE-OF-THE-ART
20 TECHNOLOGY PRODUCTS AND SERVICES, INCLUDING:

21 (I) COPPER AND FIBER OPTIC TRANSMISSION;

22 (II) COMPUTER;

23 (III) VIDEO AND AUDIO LASER AND CD-ROM DISCS;

24 (IV) VIDEO AND AUDIO TAPES OR OTHER TECHNOLOGIES; AND

25 (V) TECHNOLOGY USED FOR ON-LINE LEARNING.

26 12-112.

27 (a) (1) Except as provided in § 11-203(e) of the State Finance and
28 Procurement Article, the University is exempt from Division II of the State Finance
29 and Procurement Article.

30 (2) (i) Subject to review and approval by the Board of Public Works
31 and the Administrative, Executive, and Legislative Review Committee of the General

1 Assembly, the Board of Regents shall develop policies and procedures governing
2 procurements by the University.

3 (ii) The policies and procedures developed under subparagraph (i)
4 of this paragraph shall promote the purposes of the State procurement law as set
5 forth in § 11-201 of the State Finance and Procurement Article.

6 (b) ~~(+)~~ The Board of Regents shall develop an information technology plan
7 for the University System of Maryland that includes information technology policies
8 and standards, including policies and standards for information management and
9 telecommunication systems, that are functionally compatible with the State
10 Information Technology Plan established under Title 3, Subtitle 4 of the State
11 Finance and Procurement Article.

12 ~~(2) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND~~
13 ~~PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR~~
14 ~~COMPUTER BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED~~
15 ~~UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS SHALL INCLUDE THE~~
16 ~~CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412 OF THE STATE~~
17 ~~FINANCE AND PROCUREMENT ARTICLE.~~

18 (C) BY JANUARY 1, 2007, THE BOARD OF REGENTS SHALL DEVELOP A
19 NONVISUAL ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF COMPUTER-BASED
20 INSTRUCTIONAL TECHNOLOGY.

21 (D) THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER SUBSECTION (C) OF
22 THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS DEVELOPED BY THE
23 DEPARTMENT OF BUDGET AND MANAGEMENT IN ACCORDANCE WITH THE
24 PROVISIONS OF § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

25 ~~SUBTITLE 3. BLIND INDIVIDUALS—ACCESS TO TECHNOLOGY.~~

26 ~~42-301.~~

27 ~~THE BOARD OF REGENTS SHALL DIRECT THAT EACH CONSTITUENT~~
28 ~~INSTITUTION ENSURE THAT:~~

29 ~~(1) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE AVAILABLE FOR~~
30 ~~STUDENT USE WITHIN THE INSTITUTION, AT LEAST ONE WORK STATION IS~~
31 ~~EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND~~
32 ~~NONVISUAL MEANS;~~

33 ~~(2) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND~~
34 ~~COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR~~
35 ~~EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND~~

36 ~~(3) FACULTY DEVELOPED, COMPUTER BASED INSTRUCTIONAL~~
37 ~~TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND~~
38 ~~NONVISUAL MEANS.~~

1 ~~14-110. 14-109.~~

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
5 MEANING STATED IN § 12-101 OF THIS ARTICLE.

6 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
7 ARTICLE.

8 (B) ~~THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY SHALL ENSURE~~
9 ~~THAT:~~

10 (1) ~~INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND~~
11 ~~PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR~~
12 ~~COMPUTER BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED~~
13 ~~UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT MORGAN STATE~~
14 ~~UNIVERSITY SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS~~
15 ~~REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;~~
16 ~~AND~~

17 (2) ~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:~~

18 (i) ~~AT EVERY LOCATION WHERE TECHNOLOGY IS MADE~~
19 ~~AVAILABLE FOR STUDENT USE AT MORGAN STATE UNIVERSITY, AT LEAST ONE WORK~~
20 ~~STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH VISUAL~~
21 ~~AND NONVISUAL MEANS;~~

22 (ii) ~~INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND~~
23 ~~COMMUNICATIONS MEDIA USED IN ON LINE INSTRUCTION IS DESIGNED FOR~~
24 ~~EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND~~

25 (iii) ~~FACULTY DEVELOPED, COMPUTER BASED INSTRUCTIONAL~~
26 ~~TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND~~
27 ~~NONVISUAL MEANS.~~

28 [(a)] (B) (1) Except as provided in § 11-203(e) of the State Finance and
29 Procurement Article, the University is exempt from Division II of the State Finance
30 and Procurement Article.

31 (2) (i) Subject to review and approval by the Board of Public Works
32 and the Administrative, Executive, and Legislative Review Committee of the General
33 Assembly, the Board of Regents shall develop policies and procedures governing
34 procurements by the University.

35 (ii) The policies and procedures developed under subparagraph (i)
36 of this paragraph shall promote the purposes of the State procurement law as set
37 forth in § 11-201 of the State Finance and Procurement Article.

1 ~~[(b)]~~ (C) The Board of Regents shall develop an information technology plan
 2 for the University that includes information technology policies and standards,
 3 including policies and standards for information management and telecommunication
 4 systems, that are functionally compatible with the State Information Technology Plan
 5 established under Title 3, Subtitle 4 of the State Finance and Procurement Article.

6 (D) BY JANUARY 1, 2007, THE BOARD OF REGENTS SHALL DEVELOP A
 7 NONVISUAL ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF COMPUTER-BASED
 8 INSTRUCTIONAL TECHNOLOGY.

9 (E) THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER SUBSECTION (D) OF
 10 THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS DEVELOPED BY THE
 11 DEPARTMENT OF BUDGET AND MANAGEMENT IN ACCORDANCE WITH THE
 12 PROVISIONS OF § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

13 14-409.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 15 INDICATED.

16 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
 17 MEANING STATED IN § 12-101 OF THIS ARTICLE.

18 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
 19 ARTICLE.

20 (B) ~~THE BOARD OF TRUSTEES OF ST. MARY'S COLLEGE SHALL ENSURE THAT:~~

21 ~~(1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND~~
 22 ~~PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR~~
 23 ~~COMPUTER BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED~~
 24 ~~UNDER THIS SUBTITLE FOR USE BY FACULTY AND STUDENTS AT ST. MARY'S~~
 25 ~~COLLEGE OF MARYLAND SHALL INCLUDE THE CLAUSE GOVERNING NONVISUAL~~
 26 ~~ACCESS REQUIRED UNDER § 3-412 OF THE STATE FINANCE AND PROCUREMENT~~
 27 ~~ARTICLE; AND~~

28 ~~(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:~~

29 ~~(I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE~~
 30 ~~AVAILABLE FOR STUDENT USE AT ST. MARY'S COLLEGE OF MARYLAND, AT LEAST~~
 31 ~~ONE WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY~~
 32 ~~BOTH VISUAL AND NONVISUAL MEANS;~~

33 ~~(II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND~~
 34 ~~COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR~~
 35 ~~EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND~~

36 ~~(III) FACULTY DEVELOPED, COMPUTER BASED INSTRUCTIONAL~~
 37 ~~TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND~~
 38 ~~NONVISUAL MEANS.~~

1 (B) BY JANUARY 1, 2007, THE BOARD OF TRUSTEES SHALL DEVELOP A
2 NONVISUAL ACCESS CLAUSE FOR USE IN THE PROCUREMENT OF COMPUTER-BASED
3 INSTRUCTIONAL TECHNOLOGY.

4 (C) THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER SUBSECTION (B) OF
5 THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS DEVELOPED BY THE
6 DEPARTMENT OF BUDGET AND MANAGEMENT IN ACCORDANCE WITH THE
7 PROVISIONS OF § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

8 16-318.

9 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (2) "COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY" HAS THE
12 MEANING STATED IN § 12-101 OF THIS ARTICLE.

13 (3) "TECHNOLOGY" HAS THE MEANING STATED IN § 12-101 OF THIS
14 ARTICLE.

15 ~~(B) EACH BOARD OF COMMUNITY COLLEGE TRUSTEES SHALL ENSURE THAT:~~

16 ~~(1) INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS OR GRANTS, AND~~
17 ~~PROCUREMENT CONTRACTS OR MODIFICATIONS OF CONTRACTS FOR~~
18 ~~COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY TO BE DEVELOPED OR OBTAINED~~
19 ~~BY THE COMMUNITY COLLEGE FOR USE BY FACULTY AND STUDENTS SHALL~~
20 ~~INCLUDE THE CLAUSE GOVERNING NONVISUAL ACCESS REQUIRED UNDER § 3-412~~
21 ~~OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND~~

22 ~~(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE:~~

23 ~~(I) AT EVERY LOCATION WHERE TECHNOLOGY IS MADE~~
24 ~~AVAILABLE FOR STUDENT USE WITHIN THE COMMUNITY COLLEGE, AT LEAST ONE~~
25 ~~WORK STATION IS EQUIPPED AND CONFIGURED FOR EQUIVALENT ACCESS BY BOTH~~
26 ~~VISUAL AND NONVISUAL MEANS;~~

27 ~~(II) INSTRUCTIONAL ENVIRONMENTS, DOCUMENTS, AND~~
28 ~~COMMUNICATIONS MEDIA USED IN ON-LINE INSTRUCTION IS DESIGNED FOR~~
29 ~~EQUIVALENT ACCESS BY BOTH VISUAL AND NONVISUAL MEANS; AND~~

30 ~~(III) FACULTY DEVELOPED, COMPUTER-BASED INSTRUCTIONAL~~
31 ~~TECHNOLOGY IS DESIGNED FOR EQUIVALENT ACCESS BY BOTH VISUAL AND~~
32 ~~NONVISUAL MEANS.~~

33 (B) BY JANUARY 1, 2007, THE BOARD OF COMMUNITY COLLEGE TRUSTEES FOR
34 EACH COMMUNITY COLLEGE SHALL DEVELOP A NONVISUAL ACCESS CLAUSE FOR
35 USE IN THE PROCUREMENT OF COMPUTER-BASED INSTRUCTIONAL TECHNOLOGY.

36 (C) THE NONVISUAL ACCESS CLAUSE DEVELOPED UNDER SUBSECTION (B) OF
37 THIS SECTION SHALL BE CONSISTENT WITH THE STANDARDS DEVELOPED BY THE

1 DEPARTMENT OF BUDGET AND MANAGEMENT IN ACCORDANCE WITH THE
2 PROVISIONS OF § 3-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 **Article - State Finance and Procurement**

4 3-412.

5 (a) The Chief and the Board, in consultation with other units of State
6 government, and after public comment, shall develop a nonvisual access clause for
7 use in the procurement of information technology and information technology services
8 which specifies that the technology and services:

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

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

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

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

18 (b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual
19 access clause required under subsection (a) of this section shall be included in each
20 invitation for bids or request for proposals and in each procurement contract or
21 modification of a contract issued under Title 13 of this article, without regard to the
22 method chosen under Title 13, Subtitle 1 of this article for the purchase of new or
23 upgraded information technology and information technology services.

24 (2) Except as provided in subsection (a)(4) of this section, the nonvisual
25 access clause required under paragraph (1) of this subsection is not required if:

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

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2005.

