

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Introduced

House Bill 159

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HARSHBARGER, AND JENNINGS

[Introduced June 17, 2019; Referred
to the Select Committee on Education Reform A]

1 A BILL to repeal §18-10N-1, §18-10N-2, §18-10N-3, and §18-10N-4 of the Code of West Virginia,
 2 1931, as amended; and to amend said code by adding thereto a new section, designated
 3 §5A-3-62, all relating to information technology access for the blind and visually impaired;
 4 providing legislative findings and policy; providing definitions; requiring the purchasing
 5 division to develop access standards; requiring agencies to implement access planning in
 6 procurement operations; specifying parameters for application of the act; and removing
 7 superseded deadlines.

Be it enacted by the Legislature of West Virginia:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-62. Information Technology access for the blind and visually impaired.

1 (a) Findings and policy. — The Legislature finds that the use of interactive display
 2 terminals by state agencies is becoming a widespread means of access for employees and the
 3 public to obtain information available electronically, but that presentation of electronic data solely
 4 in a visual format is a barrier to access by individuals who are blind or visually impaired. Individuals
 5 who are blind or visually impaired have the right to full participation in the life of the state, including
 6 the use of advanced technology which is purchased by the state for use by employees, program
 7 participants and members of the general public. The Legislature also recognizes that
 8 technological advances allow interactive control of computers and use of the information by
 9 visually impaired persons, but that nonvisual access is dependent on the purchase of hardware
 10 and software that is compatible with technology used for nonvisual access.

11 (b) Definitions. — The following words have the meanings indicated:

12 (1) "Access" means the ability to receive, use and manipulate data and operate controls
 13 included in information technology.

14 (2) "Blind or visually impaired individual" means an individual who:

15 (A) Has a visual acuity of 20/200 or less in the better eye with corrective lenses or has a
16 limited field of vision so that the widest diameter of the visual field subtends an angle no greater
17 than 20 degrees;

18 (B) Has a medically indicated expectation of visual deterioration; or

19 (C) Has a medically diagnosed limitation in visual functioning that restricts the individual's
20 ability to read and write standard print at levels expected of individuals of comparable ability.

21 (3) "Information technology" means all electronic information processing hardware and
22 software, including telecommunications.

23 (4) "Nonvisual" means synthesized speech, Braille, and other output methods not requiring
24 sight.

25 (5) "State agency" means the state or any of its departments, agencies or boards or
26 commissions.

27 (6) "Telecommunications" means the transmission of information, voice, or data by radio,
28 video, or other electronic or impulse means.

29 (c) *Development of access standards and access planning.*

30 (1) The Purchasing Division of the Department of Administration shall develop nonvisual
31 access standards for information technology systems employed by state agencies that:

32 (A) Provide blind or visually impaired individuals with access to information stored
33 electronically by state agencies by ensuring compatibility with adaptive technology systems so
34 that blind and visually impaired individuals have full and equal access when needed; and

35 (B) Are designed to present information, including prompts used for interactive
36 communications, in formats intended for both visual and nonvisual use, such as the use of text-
37 only options.

38 (2) The Purchasing Division shall consult with state agencies and representatives of
39 individuals who are blind or visually impaired in developing the nonvisual access standards and
40 the procurement criteria described in this section.

41 (3) The head of each state agency shall establish a written plan and develop any proposed
 42 budget requests for implementing the nonvisual access standards for its agency at facilities
 43 accessible by the public.

44 (d) Procurements by the Purchasing Division.

45 (1) The division shall approve minimum standards and criteria to be used in approving or
 46 rejecting procurements by state agencies for adaptive technologies for nonvisual access uses.

47 (2) Nothing in this article shall require the installation of software or peripheral devices
 48 used for nonvisual access when the information technology is being used by individuals who are
 49 not blind or visually impaired. Nothing in this article shall be construed to require the purchase of
 50 nonvisual adaptive equipment by a state agency.

51 (3) Notwithstanding the provisions of this section, the applications, programs and
 52 underlying operating systems, including the format of the data, used for the manipulation and
 53 presentation of information shall permit the installation and effective use of and shall be
 54 compatible with nonvisual access software and peripheral devices.

55 (4) Compliance with the procurement requirements of this section with regard to
 56 information technology purchased prior to July 1, 2001, shall be achieved at the time of
 57 procurement of an upgrade or replacement of existing information technology equipment or
 58 software.

CHAPTER 18. EDUCATION.

ARTICLE 10N. INFORMATION TECHNOLOGY ACCESS FOR THE BLIND AND VISUALLY IMPAIRED.

§18-10N-1. Findings; policy.

1 [Repealed.]

§18-10N-2. Definitions.

1 [Repealed.]

§18-10N-3. Purchasing to develop access standards; access clause to be included in contracts.

1 [Repealed.]

§18-10N-4. Procurements by the Purchasing Division.

1 [Repealed.]

NOTE: The purpose of this bill is to repeal an entire article and to reenact the provisions of the article into a new section of the code within the appropriate chapter for state purchasing requirements and procedures.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.