

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*



**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO.** 476

**(By Senator** Hunter, et al **)**



**PASSED** April 14, 2001

**In Effect** from **Passage**

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OFFICE WEST VIRGINIA  
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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 476**

(SENATORS HUNTER, UNGER, CALDWELL, ROWE,  
BURNETTE, REDD, FANNING, HELMICK, ROSS  
AND SHARPE, *original sponsors*)

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[Passed April 14, 2001; in effect from passage.]

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AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-m, relating to providing access to information technology for visually impaired individuals through the procurement of compatible technology by the state purchasing division; setting forth findings and a statement of policy; providing definitions; providing for development of nonvisual access standards; and requiring nonvisual access requirements in all future state contracts for procurement of information technology.

*Be it enacted by the Legislature of West Virginia:*

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-m, to read as follows:

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

**§18-10M-1. Findings; policy.**

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

**§18-10M-2. Definitions.**

1 The following words have the meanings indicated:

2 (a) "Access" means the ability to receive, use and  
3 manipulate data and operate controls included in informa-  
4 tion technology.

5 (b) "Blind or visually impaired individual" means an  
6 individual who:

7 (1) Has a visual acuity of 20/200 or less in the better eye  
8 with corrective lenses or has a limited field of vision so  
9 that the widest diameter of the visual field subtends an  
10 angle no greater than twenty degrees;

11 (2) Has a medically indicated expectation of visual  
12 deterioration; or

13 (3) Has a medically diagnosed limitation in visual  
14 functioning that restricts the individual's ability to read  
15 and write standard print at levels expected of individuals  
16 of comparable ability.

17 (c) "Information technology" means all electronic  
18 information processing hardware and software, including  
19 telecommunications.

20 (d) "Nonvisual" means synthesized speech, Braille and  
21 other output methods not requiring sight.

22 (e) "State agency" means the state or any of its depart-  
23 ments, agencies or boards or commissions.

24 (f) "Telecommunications" means the transmission of  
25 information, voice, or data by radio, video or other elec-  
26 tronic or impulse means.

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

1 (a) On or before first day of September, two thousand  
2 one, the purchasing division of the department of adminis-  
3 tration shall develop nonvisual access standards for  
4 information technology systems employed by state agen-  
5 cies that:

6 (1) Provide blind or visually impaired individuals with  
7 access to information stored electronically by state  
8 agencies by ensuring compatibility with adaptive technol-  
9 ogy systems so that blind and visually impaired individu-  
10 als have full and equal access when needed; and

11 (2) Are designed to present information, including  
12 prompts used for interactive communications, in formats  
13 intended for both visual and nonvisual use, such as the use  
14 of text-only options.

15 (b) The purchasing division shall consult with state  
16 agencies and representatives of individuals who are blind  
17 or visually impaired in developing the nonvisual access  
18 standards described in subsection (a) of this section and  
19 the procurement criteria described in section four of this  
20 article.

21 (c) The head of each state agency shall establish a  
22 written plan and develop any proposed budget requests for  
23 implementing the nonvisual access standards for its  
24 agency at facilities accessible by the public.

**§18-10M-4. Procurements by the purchasing division.**

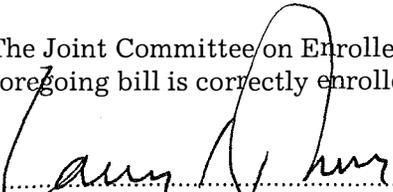
1 (a) On or before first day of January, two thousand two,  
2 the division shall approve minimum standards and criteria  
3 to be used in approving or rejecting procurements by state  
4 agencies for adaptive technologies for nonvisual access  
5 uses.

6 (b) Nothing in this article shall require the installation  
7 of software or peripheral devices used for nonvisual access  
8 when the information technology is being used by individ-  
9 uals who are not blind or visually impaired. Nothing in  
10 this article shall be construed to require the purchase of  
11 nonvisual adaptive equipment by a state agency.

12 (c) Notwithstanding the provisions of subsection (b) of  
13 this section, the applications, programs and underlying  
14 operating systems, including the format of the data, used  
15 for the manipulation and presentation of information shall  
16 permit the installation and effective use of and shall be  
17 compatible with nonvisual access software and peripheral  
18 devices.

19 (d) Compliance with the procurement requirements of  
20 this section with regard to information technology pur-  
21 chased prior to the first day of July, two thousand one,  
22 shall be achieved at the time of procurement of an upgrade  
23 or replacement of existing information technology equip-  
24 ment or software.

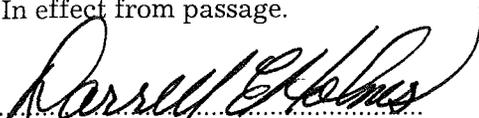
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

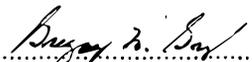
  
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Chairman Senate Committee

  
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Chairman House Committee

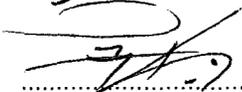
Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 26<sup>th</sup>  
Day of April, 2001.  
  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/01

Time 3:55 pm