

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 758

(Senator Kagan)

Education, Health, and Environmental Affairs

Health and Government Operations

**State Government - Equal Access to Public Services for Individuals With Limited
English Proficiency - Web Sites**

This bill requires specified State departments, agencies, and programs to take reasonable steps, beginning October 1, 2015, to operate and maintain for each publicly accessible website that provides access to public services, equal access versions in any language spoken by any limited English proficient population that constitutes at least 3% of the overall population within the State as measured by the U.S. Census. Units of local government are encouraged, but not required, to meet the same translation requirements. The Department of Information Technology (DoIT) must establish minimum standards for the websites, which must include the prominent placement of links on the English version of a website to each equal access version of the website.

It is the intent of the General Assembly that State departments, agencies, and programs begin to comply with the bill's requirements as soon as practicable, but no later than October 1, 2015.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: *Under one set of assumptions*, expenditures (all funds) increase by at least \$455,000 in FY 2016 to translate State websites related to public services into Spanish and update the websites to meet any standards established by DoIT; expenditures further increase in future years to translate and update any new information to be included on the websites. However, costs may be significantly higher as discussed below. Revenues are not affected.

Local Effect: To the extent that a unit of local government chooses to translate its public service websites as a result of the bill, expenditures increase for translation and programming services.

Small Business Effect: Minimal.

Analysis

Current Law: Specified State departments, agencies, and programs are required to take reasonable steps to provide equal access to public services for individuals with limited English proficiency. Reasonable steps include the following methods:

- providing oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact is on a weekly or more frequent basis;
- translating vital documents ordinarily provided to the public in any language spoken by any limited English proficient population that constitutes at least 3% of the overall population within the State as measured by the U.S. Census and providing such documents to any local office as necessary; and
- any other additional methods or means necessary to achieve equal access to public services.

Any State department, agency, and program not specified in statute must monitor its operations to determine if it should take reasonable steps to achieve equal access to public services for individuals with limited English proficiency.

The Department of Human Resources, in consultation with the Office of the Attorney General, must provide central coordination and technical assistance to State departments, agencies, and programs to aid in compliance with these provisions.

Background: Current information from the U.S. Census Bureau's American Community Survey 5-Year Estimates indicates that Spanish speakers are the only limited English proficient population that constitutes at least 3% of the overall population. In 2013, the most recent year that data is available, 173,970 (3.18% of the State population) persons over the age of five spoke Spanish and spoke English less than "very well." The second highest population of persons that spoke English less than "very well" spoke Chinese. There were 28,687 (0.5% of the State population) such persons in 2013.

State Expenditures: DoIT reports that it advises State agencies against using machine translation services, such as Google translate, for public documents. While such programs are generally cheaper and quicker to implement, the translations often have inaccuracies,

which DoIT considers inadequate for providing important information to the general public. Therefore, this estimate assumes that DoIT will not authorize machine translation services to meet the bill's requirements.

This estimate also assumes that the bill does not require all State web pages to be translated, but only State web pages related to public services provided by a department, agency, or program. To the extent the bill requires all State web pages to be translated, expenditures increase significantly. Agency estimates for such a requirement range from \$75,000 in fiscal 2016 and \$10,000 annually thereafter (for updates and new information) for smaller agencies to as much as \$2.0 million in fiscal 2016 and \$500,000 annually thereafter (for updates and new information) for larger agencies.

In fiscal 2016, expenditures (all funds) increase across the 35 affected agencies by at least \$455,000. This estimate is based on the following assumptions; however, as noted above and explained further below, expenditures may be significantly higher under a different set of possible assumptions:

- Spanish is currently the only language spoken by a limited English proficient population that constitutes at least 3% of the overall population in the State. To the extent translation to another language is required in future years, expenditures increase significantly.
- The bill applies to the 35 departments, agencies, and programs specified by § 10-1103 of the State Government Article. Under the bill, departments, agencies, and programs that are not specified must monitor their operations to determine whether they should also meet the bill's requirements; however, this estimate does not take these costs into consideration. To the extent additional agencies decide to translate the websites required by the bill, expenditures increase significantly.
- Agencies will use the statewide Foreign Language Interpretation/Translation Services (FLITS) master contract to translate their websites. The contract provides translation services for \$0.20 per word, and the average web page has approximately 500 words, resulting in a total cost of \$100 per web page that requires translation. To the extent the average web page contains more than 500 words, expenditures further increase for translation services.
- No agency is able to complete the required translations until at least October 1, 2015. Additionally, the Department of Legislative Services notes that, since each agency must use the FLITS master contract, some agencies may not be able to meet the deadline established by the bill due to competing demands on translation contractors.

- Each affected agency has an average of 20 web pages that need to be translated as a result of the bill. This assumption takes the following information into consideration: (1) some agencies have already translated certain websites into Spanish, although they are not required to do so by law; (2) some smaller agencies that do not provide many direct public services (such as the Department of General Services) may need fewer than 20 web pages translated; and (3) other larger agencies that provide numerous public services (such as DHMH) may require more web pages to be translated. Thus, the average cost for *initial* translation services is \$2,000 per agency and a total cost of \$70,000. To the extent more websites require translation, expenditures increase significantly.
- Each affected agency requires two quarterly updates in fiscal 2016 at a cost of \$500 per update and an average cost of \$1,000 per agency for remainder of that year. In future years, each agency's expenditures increase by at least \$1,000 annually for translation services for new information and websites.
- To meet the bill's requirement that each English version of a website has a prominent placement of the link to the alternate language version(s), expenditures for each agency increase by at least \$10,000 for information technology services (website maintenance) and programming costs in fiscal 2016.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General; Maryland Department of Agriculture; Department of Business and Economic Development; Department of Budget and Management; Department of Information Technology; Department of Natural Resources; Maryland State Department of Education; Department of Human Resources; Maryland Department of the Environment; Governor's Office; Department of General Services; Department of Housing and Community Development; Department of Health and Mental Hygiene; Maryland Commission on Civil Rights; Comptroller's Office; Department of Juvenile Services; Department of Labor, Licensing, and Regulation; Maryland Energy Administration; Department of State Police; Maryland Department of Aging; Department of Public Safety and Correctional Services; Public Service Commission; Maryland Department of Transportation; Department of Veterans Affairs; U.S. Census Bureau; Department of Legislative Services

Fiscal Note History: First Reader - March 16, 2015
md/mcr Revised - Senate Third Reader - March 26, 2015
Revised - Correction - April 8, 2015

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510