SENATE BILL 758

P1 5lr2511

By: **Senator Kagan**
Introduced and read first time: February 16, 2015
Assigned to: Rules
Re–referred to: Education, Health, and Environmental Affairs, February 27, 2015

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2015

CHAPTER _____

AN ACT concerning

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

FOR the purpose of providing that, beginning on a certain date, the reasonable steps certain departments, agencies, and programs are required to take under a certain provision of law include the operation and maintenance of equal access versions of certain Web sites in certain languages subject to a certain exception; requiring the Department of Information Technology to establish certain standards; making conforming changes; stating the intent of the General Assembly; and generally relating to equal access to public services of individuals with limited English proficiency.

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–1102(a) through (c) and (e)
Annotated Code of Maryland
(2014 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–1103 through 10–1105
Annotated Code of Maryland
(2014 Replacement Volume)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

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

Article – State Government

10–1102.

(a) In this subtitle the following words have the meanings indicated.

(b) "Equal access" means to be informed of, participate in, and benefit from public services offered by a State department, agency, or program, at a level equal to English proficient individuals.

(c) "Limited English proficiency" means the inability to adequately understand or express oneself in the spoken or written English language.

(e) "Program" means all of the operations of a State department, State agency, or any other instrumentality of the State.

10–1103.

(a) Each State department, agency, or program listed or identified under subsection **[**(c)**] (D)** of this section shall take reasonable steps to provide equal access to public services for individuals with limited English proficiency.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of oral language services for individuals with limited English proficiency, which must be through face–to–face, in–house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;

(2) (i) the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area served by a local office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this paragraph on a statewide basis to any local office as necessary; and

(3) any additional methods or means necessary to achieve equal access to public services.

(C) (1) ~~BEGINNING~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING OCTOBER 1, 2015, REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES INCLUDE THE OPERATION AND MAINTENANCE, FOR EACH PUBLICLY ACCESSIBLE WEB SITE, 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 UNITED STATES CENSUS.

(2) A UNIT OF LOCAL GOVERNMENT IS ENCOURAGED TO TAKE THE STEPS UNDER PARAGRAPH (1) OF THIS SUBSECTION, BUT MAY NOT BE REQUIRED TO DO SO.

[(c)**] (D)** The provisions of this subtitle shall be fully implemented according to the following schedule:

(1) on or before July 1, 2003, full implementation by:

(i) the Department of Human Resources;

(ii) the Department of Labor, Licensing, and Regulation;

(iii) the Department of Health and Mental Hygiene;

(iv) the Department of Juvenile Services; and

(v) the Workers' Compensation Commission;

(2) on or before July 1, 2004, full implementation by:

(i) the Department of Aging;

(ii) the Department of Public Safety and Correctional Services;

(iii) the Department of Transportation, not including the Maryland Transit Administration;

(iv) the Commission on Civil Rights;

(v) the Department of State Police; and

(vi) five independent agencies, boards, or commissions, to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General;

(3) on or before July 1, 2005, full implementation by:

(i) the Comptroller of Maryland;

(ii) the Department of Housing and Community Development;

(iii) the Maryland Transit Administration;

(iv) the Department of Natural Resources;

(v) the Maryland State Department of Education;

(vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General; and

(4) on or before July 1, 2006, full implementation by:

(i) the Department of Agriculture;

(ii) the Department of Business and Economic Development;

(iii) the Department of Veterans Affairs;

(iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Resources, in consultation with the Office of the Attorney General.

10–1104.

Each State department, agency, or program not listed or identified under **[**§ 10–1103(c)**] § 10–1103(D)** of this subtitle shall monitor its operations to determine if the State department, agency, or program should take reasonable steps to achieve equal access to public services for individuals with limited English proficiency.

10–1105.

(A) The Department of Human Resources, in consultation with the Office of the Attorney General, shall provide central coordination and technical assistance to State departments, agencies, and programs to aid compliance with this subtitle.

(B) (1) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL ESTABLISH MINIMUM STANDARDS TO WHICH THE EQUAL ACCESS VERSIONS OF WEB SITES REQUIRED UNDER § 10–1103(C) OF THIS SUBTITLE MUST CONFORM.

(2) THE MINIMUM STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A STANDARD REGARDING THE PROMINENT

PLACEMENT OF LINKS ON THE ENGLISH VERSION OF A WEB SITE TO EACH EQUAL ACCESS VERSION OF THE WEB SITE.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that State departments, agencies, and programs begin to comply with § 10–1103(c) of the State Government Article, as enacted by Section 1 of this Act, as soon as practicable, but no later than October 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.