

# SENATE BILL 28

P1

(6lr0803)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by ~~Senator Kagan~~ Senators Kagan, Conway, Pinsky, Bates, Nathan-Pulliam, Ramirez, Rosapepe, Salling, Simonaire, Waugh, Young, and Zucker

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **State Government – Web Sites – Language Access**

3 FOR the purpose of providing that, beginning on a certain date, the reasonable steps certain  
4 departments, agencies, and programs are required to take under a certain provision  
5 of law include the operation and maintenance of equal access versions of certain Web  
6 sites in certain languages subject to certain exceptions; authorizing, under certain  
7 circumstances, a State department, agency, or program to post a certain disclaimer  
8 on its Web site; requiring the Department of Human Resources to consult with the  
9 Department of Information Technology on certain matters related to compliance  
10 with this Act; requiring the Department of Information Technology to establish  
11 certain standards; making conforming changes; stating the intent of the General  
12 Assembly; and generally relating to equal access to public services for individuals  
13 with limited English proficiency.

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, without amendments,  
2 Article – State Government  
3 Section 10–1102(a) through (c) and (e)  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2015 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – State Government  
8 Section 10–1103 through 10–1105  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2015 Supplement)

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

13 **Article – State Government**

14 10–1102.

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

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

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

21 (e) “Program” means all of the operations of a State department, State agency, or  
22 any other instrumentality of the State.

23 10–1103.

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

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

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

32 (2) (i) the translation of vital documents ordinarily provided to the  
33 public into any language spoken by any limited English proficient population that

1 constitutes 3% of the overall population within the geographic area served by a local office  
2 of a State program as measured by the United States Census; and

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

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

7 (C) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS  
8 SUBSECTION, BEGINNING OCTOBER 1, 2016, REASONABLE STEPS TO PROVIDE  
9 EQUAL ACCESS TO PUBLIC SERVICES INCLUDE THE OPERATION AND MAINTENANCE,  
10 FOR EACH WEB SITE THAT MAY REASONABLY BE EXPECTED TO BE AVAILABLE TO  
11 AND USED BY MEMBERS OF THE GENERAL PUBLIC, OF EQUAL ACCESS VERSIONS IN  
12 ANY LANGUAGE ~~SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT~~  
13 ~~CONSTITUTES AT LEAST 3% OF THE OVERALL POPULATION WITHIN THE STATE AS~~  
14 ~~MEASURED BY THE MOST RECENT UNITED STATES CENSUS THAT:~~

15 1. IS SPOKEN BY ANY LIMITED ENGLISH PROFICIENT  
16 POPULATION THAT CONSTITUTES AT LEAST 0.5% OF THE OVERALL POPULATION  
17 WITHIN THE STATE, AS MEASURED BY THE MOST RECENT UNITED STATES CENSUS;  
18 AND

19 2. CAN BE TRANSLATED FREE-OF-CHARGE.

20 (II) IF MACHINE TRANSLATION SERVICES ARE USED TO CARRY  
21 OUT THE PROVISIONS OF THIS SUBSECTION, THE STATE DEPARTMENT, AGENCY, OR  
22 PROGRAM MAY POST CONSPICUOUSLY ON ITS WEB SITE, A DISCLAIMER THAT THE  
23 STATE DEPARTMENT, AGENCY, OR PROGRAM:

24 1. DOES NOT GUARANTEE THE ACCURACY OR  
25 RELIABILITY OF THE TRANSLATION; AND

26 2. IS NOT LIABLE FOR ANY LOSS OR DAMAGE ARISING  
27 OUT OF THE USE OF OR RELIANCE ON THE TRANSLATED CONTENT.

28 (2) A STATE DEPARTMENT, AGENCY, OR PROGRAM IS NOT REQUIRED  
29 TO PROVIDE EQUAL ACCESS TO WEB SITE CONTENT ~~THAT~~ IF:

30 (I) THE STATE DEPARTMENT, AGENCY, OR PROGRAM  
31 DETERMINES THAT AN INACCURATE TRANSLATION OF THE CONTENT COULD LEAD  
32 TO A DENIAL OF SERVICES OR BENEFITS; OR

1                    **(II) THE CONTENT** CANNOT BE TRANSLATED DUE TO THE  
2 LIMITATIONS OF MACHINE TRANSLATION SOFTWARE, INCLUDING FILES IN PDF  
3 FORMAT, IMAGES, AND VIDEOS.

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

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

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

- 10                    (i) the Department of Human Resources;
- 11                    (ii) the Department of Labor, Licensing, and Regulation;
- 12                    (iii) the Department of Health and Mental Hygiene;
- 13                    (iv) the Department of Juvenile Services; and
- 14                    (v) the Workers' Compensation Commission;

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

- 16                    (i) the Department of Aging;
- 17                    (ii) the Department of Public Safety and Correctional Services;
- 18                    (iii) the Department of Transportation, not including the Maryland  
19 Transit Administration;
- 20                    (iv) the Commission on Civil Rights;
- 21                    (v) the Department of State Police; and
- 22                    (vi) five independent agencies, boards, or commissions, to be  
23 determined by the Secretary of Human Resources, in consultation with the Office of the  
24 Attorney General;

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

- 26                    (i) the Comptroller of Maryland;
- 27                    (ii) the Department of Housing and Community Development;

- 1 (iii) the Maryland Transit Administration;
- 2 (iv) the Department of Natural Resources;
- 3 (v) the Maryland State Department of Education;
- 4 (vi) the Office of the Attorney General; and
- 5 (vii) five independent agencies, boards, or commissions to be  
6 determined by the Secretary of Human Resources, in consultation with the Office of the  
7 Attorney General; and

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

- 9 (i) the Department of Agriculture;
- 10 (ii) the Department of Economic Competitiveness and Commerce;
- 11 (iii) the Department of Veterans Affairs;
- 12 (iv) the Department of the Environment; and
- 13 (v) five independent agencies, boards, or commissions to be  
14 determined by the Secretary of Human Resources, in consultation with the Office of the  
15 Attorney General.

16 10-1104.

17 Each State department, agency, or program not listed or identified under [§  
18 10-1103(c)] **§ 10-1103(D)** of this subtitle shall monitor its operations to determine if the  
19 State department, agency, or program should take reasonable steps to achieve equal access  
20 to public services for individuals with limited English proficiency.

21 10-1105.

22 **(A)** The Department of Human Resources, in consultation with the Office of the  
23 Attorney General **AND THE DEPARTMENT OF INFORMATION TECHNOLOGY**, shall  
24 provide central coordination and technical assistance to State departments, agencies, and  
25 programs to aid compliance with this subtitle.

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

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
4 Assembly that State departments, agencies, and programs begin to comply with §  
5 10–1103(c) of the State Government Article, as enacted by Section 1 of this Act, as soon as  
6 practicable, but no later than October 1, 2016.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.