

SENATE BILL 542

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2001 Regular Session
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By: **Senators Sfikas, Collins, Conway, Currie, Dorman, Dyson, Exum, Frosh,
Green, Hoffman, Hollinger, Hooper, Hughes, Kelley, Lawlah, McFadden,
Mitchell, Pinsky, Ruben, Stone, and Teitelbaum**

Introduced and read first time: February 2, 2001
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Access to State Agencies - Persons with Limited English**
3 **Proficiency**

4 FOR the purpose of stating the intent of the General Assembly that State agencies
5 provide services to persons with limited English proficiency; requiring certain
6 documents distributed to the public by State agencies to be translated into any
7 language spoken by a certain percentage of either the State population or the
8 population within the geographic service area of a local office of a State agency;
9 requiring State agencies to promulgate certain regulations by a certain date;
10 defining certain terms; and generally relating to access of State agencies by
11 persons with limited English proficiency.

12 BY adding to

13 Article - State Government
14 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle
15 "Subtitle 11. Language Access"
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

20 **Article - State Government**

21 **SUBTITLE 11. LANGUAGE ACCESS.**

22 10-1101.

23 THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK AND
24 UNDERSTAND THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO
25 STATE DEPARTMENTS, AGENCIES, AND PROGRAMS, AND THAT THE SERVICES
26 AVAILABLE THROUGH THESE ENTITIES ARE ESSENTIAL TO THE WELFARE OF
27 MARYLAND RESIDENTS. IT IS THE POLICY OF THE STATE THAT STATE

1 DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE EQUAL ACCESS TO
2 PUBLIC SERVICES TO PERSONS WITH LIMITED ENGLISH PROFICIENCY.

3 10-1102.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND
7 BENEFIT FROM SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR
8 PROGRAM, AT A LEVEL EQUAL TO ENGLISH-PROFICIENT PERSONS.

9 (C) "FORMS AND DOCUMENTS" MEANS ALL APPLICATIONS, EDUCATIONAL OR
10 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
11 DEPARTMENTS, AGENCIES, AND PROGRAMS.

12 (D) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
13 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
14 ENGLISH LANGUAGE.

15 (E) "PROGRAM" MEANS ALL OF THE OPERATIONS OF A STATE DEPARTMENT,
16 STATE AGENCY, OR ANY OTHER INSTRUMENTALITY OF THE STATE.

17 10-1103.

18 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL TAKE
19 REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO PERSONS
20 WITH LIMITED ENGLISH PROFICIENCY.

21 (B) EQUAL ACCESS SHALL BE ACHIEVED BY:

22 (1) THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT
23 ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH;

24 (2) THE TRANSLATION OF FORMS AND DOCUMENTS ORDINARILY
25 PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY 3% OF THE STATE
26 POPULATION OR THE POPULATION WITHIN THE GEOGRAPHIC JURISDICTION OF A
27 LOCAL OFFICE OF A STATE DEPARTMENT, AGENCY, OR PROGRAM; AND

28 (3) ANY ADDITIONAL METHODS OR MEANS NECESSARY TO ACHIEVE
29 EQUAL ACCESS TO THE STATE PROGRAM.

30 (C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT
31 REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,
32 2002.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2001.