

SENATE BILL 542

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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~~ Teitelbaum, Mooney, and Jimeno**

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

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 23, 2001

CHAPTER _____

1 AN ACT concerning

2 **State Government - Access to State Agencies Survey of State Departments,**
3 **Agencies, and Programs - Persons with Limited English Proficiency**

4 FOR the purpose of stating the intent of the General Assembly that State agencies are
5 authorized to provide services to persons with limited English proficiency;
6 requiring certain documents distributed to the public by State agencies to be
7 translated into any language spoken by a certain percentage of either the State
8 population or the population within the geographic service area of a local office
9 of a State agency; requiring State agencies to promulgate certain regulations by
10 a certain date; defining certain terms; and generally relating to access of State
11 agencies by persons with limited English proficiency defining certain terms;
12 requiring that State agencies survey the need for certain services and the
13 measures taken to provide certain services; requiring the Department of Human
14 Resources to develop and distribute certain surveys and review certain
15 information; requiring the Department of Human Resources to make certain
16 recommendations and develop certain budgets if certain conditions exist;
17 requiring the Department of Human Resources and the Department of Planning
18 to prepare certain estimates; requiring the Department of Human Resources to
19 issue a certain report on or before a certain date; and providing for the
20 termination of this Act.

21 ~~BY adding to~~
22 ~~Article State Government~~
23 ~~Section 10-1101 through 10-1103, inclusive, to be under the new subtitle~~
24 ~~"Subtitle 11. Language Access"~~

1 Annotated Code of Maryland
2 (1999 Replacement Volume and 2000 Supplement)

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

5 ~~Article -- State Government~~

6 ~~SUBTITLE 11. LANGUAGE ACCESS.~~

7 ~~40-1101.~~

8 ~~THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK AND~~
9 ~~UNDERSTAND THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO~~
10 ~~STATE DEPARTMENTS, AGENCIES, AND PROGRAMS, AND THAT THE SERVICES~~
11 ~~AVAILABLE THROUGH THESE ENTITIES ARE ESSENTIAL TO THE WELFARE OF~~
12 ~~MARYLAND RESIDENTS. IT IS THE POLICY OF THE STATE THAT STATE~~
13 ~~DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE EQUAL ACCESS TO~~
14 ~~PUBLIC SERVICES TO PERSONS WITH LIMITED ENGLISH PROFICIENCY.~~

15 ~~40-1102.~~

16 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
17 ~~INDICATED.~~

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

21 (C) ~~"FORMS AND DOCUMENTS" MEANS ALL APPLICATIONS, EDUCATIONAL OR~~
22 ~~INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE~~
23 ~~DEPARTMENTS, AGENCIES, AND PROGRAMS.~~

24 (D) ~~"LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO~~
25 ~~ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN~~
26 ~~ENGLISH LANGUAGE.~~

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

29 ~~40-1103.~~

30 (A) ~~EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL TAKE~~
31 ~~REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO PERSONS~~
32 ~~WITH LIMITED ENGLISH PROFICIENCY.~~

33 (B) ~~EQUAL ACCESS SHALL BE ACHIEVED BY:~~

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

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

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

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

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The General Assembly finds that it is the policy of the State that departments, agencies, and programs are authorized to provide equal access to public services to persons with limited English proficiency.

(b) (1) In this Act the following words have the meanings indicated.

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

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

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

(c) (1) Each State department, agency, or program shall:

(i) On or before September 1, 2001, respond at the request of the Department of Human Resources to a survey to determine the need for interpretation and translation services based on current requests for services; and

(ii) On or before September 1, 2001, provide to the Department of Human Resources a description of the current measures taken to provide interpretation and translation services.

(2) For purposes of the response to the survey required under paragraph (1)(i) of this subsection, requests for services or services provided through a volunteer interpreter, such as a family member, friend, or private nonprofit organization, shall be counted as a request for service by or a service provided to a limited English proficiency person.

(d) (1) The Department of Human Resources shall develop, distribute, and collect the surveys in subsection (c)(1)(i) of this section and review the information contained in the surveys.

1 (2) If, upon review, the Department of Human Resources determines
2 that there is an increased need for interpretation and translation to assure equal
3 access for limited English proficiency speakers, the Department of Human Resources
4 shall make recommendations and prepare budgets for the implementation of
5 comprehensive interpretation and translation services.

6 (3) The recommendations in paragraph (2) of this subsection shall be
7 completed by October 1, 2001, and shall include provisions for:

8 (i) The translation of vital documents, including:

9 1. Applications;

10 2. Consent forms;

11 3. Documents requiring a response from program
12 participants;

13 4. Documents describing how to participate in a program or
14 how to receive language assistance; and

15 5. Notices pertaining to the reduction, denial, or termination
16 of services or benefits or the right to appeal such actions; and

17 (ii) The interpretation through one or more of the following:

18 1. Bilingual staff;

19 2. Contract interpreters;

20 3. Community volunteers; or

21 4. Telephonic interpreter services.

22 (e) (1) The Department of Human Resources, in conjunction with the
23 Department of Planning, and on or before September 1, 2001, shall prepare:

24 (i) An estimate of the number of limited English proficiency
25 persons by county and language subgroup; and

26 (ii) An estimate of increased utilization rates if comprehensive
27 interpretation and translation services are implemented in State programs.

28 (2) The estimates in paragraph (1) of this subsection shall be based on:

29 (i) Census data;

30 (ii) Data from school systems and community agencies;

31 (iii) Current utilization data from client files; and

1 (iv) Other socio-economic indicators relevant to each State agency,
2 including relative rates of poverty, crime, and workplace accidents.

3 (f) The Department of Human Resources shall report to the Senate Economic
4 and Environmental Affairs Committee and the House Commerce and Government
5 Matters Committee on or before November 30, 2001 on the implementation of this
6 Act.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ July 1, 2001. It shall remain effective for a period of 6 months and, at the end
9 of December 31, 2001, with no further action required by the General Assembly, this
10 Act shall be abrogated and of no further force and effect.