

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

Senate Bill 542 (Senator Sfikas, *et al.*)

Economic and Environmental Affairs

Commerce and Government Matters

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

This bill requires the Department of Human Resources (DHR) to develop a survey to distribute to State departments, agencies, or programs for the purpose of determining the need for interpretation and translation services based on current requests for services from individuals with limited English proficiency. By September 1, 2001, State entities must complete the survey and provide a description of the current measures taken to provide interpretation and translation services. DHR must report to the Senate Economic and Environmental Affairs Committee and the House Commerce and Government Matters Committee by November 30, 2001 on the implementation of the bill.

The bill takes effect July 1, 2001 and sunsets December 31, 2001.

Fiscal Summary

State Effect: General fund expenditures would increase by \$33,000 in FY 2002 only. Revenues would not be affected.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	33,000	0	0	0	0
Net Effect	(\$33,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: DHR must review the completed surveys and determine whether additional interpretation and translation services are needed to assure equal access to public services for individuals with limited English proficiency. If additional services are deemed necessary, DHR must make recommendations and prepare budgets for the implementation of comprehensive interpretation and translation services. These recommendations must be completed by October 1, 2001.

DHR, in conjunction with the Maryland Department of Planning, must estimate the number of limited English proficiency persons by county and language subgroup and estimate increased utilization rates if comprehensive interpretation and translation services are implemented in State programs.

State departments, agencies, and programs are authorized to provide equal access to public services to persons with limited English proficiency. Equal access means to be informed of, participate in, and benefit from public services at a level equal to English-proficient persons.

Current Law: In a criminal proceeding, a qualified interpreter must be appointed to assist a defendant who does not speak English, at the expense of the Administrative Office of the Courts. State and local government agencies are not required to translate forms and documents in another language; however, many government publications are provided in other languages, especially Spanish, to assist individuals who cannot speak English.

State Fiscal Effect: DHR would need to hire two part-time contractual positions (a statistical assistant and an office secretary) to conduct and review the survey on the need for comprehensive interpretation and translation services at State agencies for individuals with limited English proficiency. The two contractual employees would be hired for five months at a cost of \$31,849 (\$29,033 in salaries and \$2,816 in fringe benefits). Operating expenses for telephones, supplies, and travel total \$1,180. The following table shows the projected cost to conduct the survey.

Increase in State Expenditures FY 2002

Salaries	\$29,033
Fringe Benefits	2,816
Operating Expenses	<u>1,180</u>
Total State Expenditures	<u>\$33,029</u>

Background: Based on the 1990 Census, approximately 7% of the State's population was born in another country. With almost 20,000 immigrants entering Maryland each year, the percentage today is much higher. Recent immigrants to Maryland are a very diverse population representing 179 countries and 82 foreign languages. Of the 120,000 immigrants that came to Maryland between 1992 and 1998, only 12% spoke English. Over 18% of the immigrants spoke Spanish, 8% spoke Chinese, 8% spoke Russian, and 7% spoke Hindi. These five languages are spoken by about one-half of all immigrants to Maryland. **Exhibit 1** shows the top 20 languages spoken by recent immigrants to Maryland. It is important to note that limited English proficient individuals may speak another non-English language in addition to their home language. Approximately 70% of recent immigrants reside in Montgomery and Prince George's counties and 25% reside in the Baltimore area.

Exhibit 1
Foreign Immigration in Maryland by Top 20 Languages
Fiscal 1992-1998

Language (Nationality)	Population	Language (Nationality)	Population
Spanish	21,361	Arabic	2,849
Chinese	9,684	Urdu (Pakistan)	2,597
Russian	9,342	Twi (Ghana)	2,168
Hindi (India)	8,225	Mende (Sierra Leone)	1,917
Tagalog (Philippines)	5,861	French (Haiti)	1,753
Korean	5,456	German	1,615
Hausa (Nigeria)	4,835	Portuguese (Brazil)	1,357
Vietnamese	4,491	Kru (Liberia)	1,324
Amharic (Ethiopia)	3,360	Fang (Cameroon)	979
Farsi (Iran)	3,006	Bengali (Bangladesh)	949

Several State agencies already provide interpreters and translate forms and publications in other languages, especially Spanish, to assist individuals who cannot speak English. However, many State agencies have not proactively altered their delivery of public services to accommodate individuals with non- or limited English proficiency. Providing equal access to public services to individuals with non- or limited English proficiency could be achieved by the following:

- hiring individuals with bilingual skills;
- contracting with private vendors for translation and interpreter services;
- purchasing computer software that provides for automated translations;
- publicizing the availability of public services in other languages; and
- establishing a State office to coordinate language translation and provide interpreter services and technical support for State agencies.

The following provides information on existing services to non- and limited English proficient residents by State agencies.

Judiciary

The AOC has a court interpreter program in place under which interpreters seeking work assignments in Maryland courts must meet certain minimum requirements. As of July 1, 1999, the AOC has paid for court interpreters in criminal proceedings in the circuit courts. In fiscal 2000 these costs were \$244,310. Costs for fiscal 2001 are projected at \$268,000. If civil proceedings and team interpreting were added, these costs could at least double. In fiscal 2000 the District Court of Maryland spent \$650,000 on interpreters. This figure could at least double if civil cases and team interpreting were included. Based on information supplied by the AOC, it is estimated that basic written translation services cost approximately \$40 per page. The District Court uses over 300 forms.

Maryland State Police

The Maryland State Police receives language interpreter services through a Washington D.C. based contractor. From February 1, 2000 to January 31, 2001, the State Police placed 29 calls for interpreter services: 24 for Spanish, 2 for Greek, and 1 each for Vietnamese, Russian, and Mandarin. The rate for services is \$1.75 per minute. The purchase order for fiscal 2001 totaled \$650. The State Police does not translate forms into a foreign language.

Department of Transportation

The Motor Vehicle Administration (MVA) currently has several services available to many non-English speaking customers. The driver's handbook is published in Spanish for distribution to the public. The MVA offers driving tests in Polish, Korean, Russian, and Spanish. The MVA advises that federal regulations require a commercial driver's license holder to comprehend English.

The State Highway Administration has provided information in foreign languages to assist individuals who cannot speak English. For example, a pedestrian safety public service announcement for television has been produced in both English and Spanish to reach Spanish speaking Maryland residents. In addition, the Mass Transit Administration is currently preparing a document that describes its services and fares in Spanish. Other departmental units, such as the Maryland Aviation Administration, do not publish any information in foreign languages.

Department of Human Resources

The official web site for the Department of Human Resources includes translations in foreign languages including Spanish, French, German, Italian, and Portuguese.

Public Health Services

The Department of Health and Mental Hygiene and local health departments are responsible for delivering public health services. The availability of interpreters and language translations varies across the State. The following is information provided by the Montgomery County Health Department.

The Montgomery County Health Department ensures that public health services are accessible to all county residents regardless of potential language barriers. Approximately ten community service aides work within the Public Health Services for translation purposes. According to a survey of Public Health Services managers, the following language capacities exist within the county's program: Spanish (32 staff), French (6 staff), Vietnamese (3 staff), Hindi (2 staff), Cambodian (1 staff), Creole (1 staff), and Portuguese (1 staff).

The county health department also makes use of the Montgomery County Volunteer Center's Language Bank that consists of volunteers willing to serve as translators for county programs. The Volunteer Language Bank has volunteers that represent about 30 languages. In addition, the county health department subscribes to the AT&T Language Line that provides conference call translation services. The cost for this service ranges from \$2,000 to \$2,500 per month.

The county health department has translated several brochures and forms in approximately ten different languages. These materials include information on HIV/AIDS, maternal and early childhood care, prenatal care, Maryland Children's Health Program, Care for Kids Program, Immunizations, and reference guides.

The county health department has established a Manager for Hispanic Customer Services who is responsible for identifying the gaps in health and human services for the immigrant/Latino communities and facilitating partnerships with the non-profit and private sectors to improve the delivery of health and human services to this community. The county's Latino Health Initiative is conducting a needs assessment to determine the top five health priorities among the Latino communities. The health department is in the process of providing its Web Page in Spanish to assist individuals in accessing the department's services. The county health department advises that additional resources are needed to hire bilingual staff to assist individuals who cannot speak English.

Additional Information

Prior Introductions: Similar bills were introduced at the 2000 session as SB 741 and HB 1228. SB 741 received an unfavorable report by the Senate Judicial Proceedings Committee and no action was taken on HB 1228.

Cross File: HB 1160 (Delegate R. Baker, *et al.*) – Commerce and Government Matters.

Information Source: Department of Legislative Services, Office of Planning, Judiciary (Administrative Office of the Courts), Department of Human Resources, Department of Health and Mental Hygiene, Department of Budget and Management, Maryland Department of Transportation

Fiscal Note History: First Reader – March 5, 2001
jm/jr Revised – Updated Information – March 15, 2001
Revised – Senate Third Reader – March 28, 2001

Analysis by: Hiram L. Burch, Jr.

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510