

HOUSE BILL 1174

Unofficial Copy
P1

2002 Regular Session
(21r2626)

ENROLLED BILL

-- Commerce and Government Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates R. Baker, Swain, Barkley, Bartlett, Barve, Benson, Billings, Bobo, Bronrott, Brown, Burns, Cadden, Carlson, Clagett, Cole, Conroy, Cryor, D'Amato, C. Davis, D. Davis, DeCarlo, Dembrow, Dewberry, Dobson, Dypski, Finifter, Franchot, Frush, Fulton, Giannetti, Gladden, Glassman, Goldwater, Griffith, Grosfeld, Hammen, Healey, Hill, Hixson, Hubbard, A. Jones, V. Jones, Kagan, Kirk, Klima, Kopp, Krysiak, La Vay, Leopold, Malone, Mandel, Marriott, McHale, McIntosh, Menes, Moe, Mohorovic, Montague, Morhaim, Nathan-Pulliam, Oaks, Paige, Patterson, Pendergrass, Petzold, Phillips, Pitkin, Proctor, Rosenberg, Rzepkowski, Sher, Shriver, Sophocleus, Stern, Turner, Valderrama, Weir, ~~and Zirkin~~ Zirkin, Hurson, and Parrott**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Government - Equal Access to State Agencies Public Services -**
3 **Persons Individuals with Limited English Proficiency**

4 FOR the purpose of stating the intent of the General Assembly that State
5 departments, agencies, and programs shall provide equal access to public
6 services for services to persons individuals with limited English proficiency;
7 requiring certain State departments, agencies, and programs to provide certain

1 ~~oral language services under certain circumstances~~; requiring certain documents
 2 ~~distributed to the public by State agencies~~ to be translated ~~by certain State~~
 3 ~~departments, agencies, and programs~~ into any language spoken by a certain
 4 percentage of any limited English proficient population within ~~the a certain~~
 5 geographic service area of a local office of a State agency, and that such
 6 documents be available as needed for distribution on a statewide basis ~~under~~
 7 ~~certain circumstances~~; requiring State agencies to promulgate certain
 8 regulations by a certain date establishing a certain schedule for the
 9 implementation of ~~the certain~~ requirements of this Act ~~by certain State~~
 10 ~~departments, agencies, and programs~~; providing for the construction of this Act;
 11 ~~requiring certain State departments, agencies, and programs to monitor their~~
 12 ~~operations to make a certain determination under certain circumstances~~;
 13 ~~requiring the Department of Human Resources to provide certain assistance to~~
 14 ~~State departments, agencies, and programs under certain circumstances~~;
 15 ~~requiring the Secretary of Health and Mental Hygiene and the Secretary of Labor,~~
 16 ~~Licensing, and Regulation to provide a certain report to the General Assembly~~;
 17 defining certain terms; and generally relating to equal access to State agencies
 18 ~~by public services for persons~~ individuals with limited English proficiency.

19 BY adding to

20 Article - State Government

21 Section 10-1101 through ~~40-1103~~ 10-1105, inclusive, to be under the new

22 subtitle "Subtitle 11. ~~Language Access~~ Equal Access to Public Services for
 23 Individuals with Limited English Proficiency"

24 Annotated Code of Maryland

25 (1999 Replacement Volume and 2001 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article - State Government**

29 SUBTITLE 11. ~~LANGUAGE ACCESS~~ EQUAL ACCESS TO PUBLIC SERVICES FOR
 30 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

31 10-1101.

32 THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK, UNDERSTAND,
 33 OR READ THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO
 34 PUBLIC SERVICES PROVIDED BY STATE DEPARTMENTS, AGENCIES, AND PROGRAMS,
 35 AND THAT THE PUBLIC SERVICES AVAILABLE THROUGH THESE ENTITIES ARE
 36 ESSENTIAL TO THE WELFARE OF MARYLAND RESIDENTS. IT IS THE POLICY OF THE
 37 STATE THAT STATE DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE
 38 EQUAL ACCESS TO PUBLIC SERVICES ~~TO PERSONS~~ FOR INDIVIDUALS WITH LIMITED
 39 ENGLISH PROFICIENCY.

1 10-1102.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND
5 BENEFIT FROM *PUBLIC* SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR
6 PROGRAM, AT A LEVEL EQUAL TO ENGLISH PROFICIENT ~~PERSONS~~ INDIVIDUALS.

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

10 ~~(D)~~ (C) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
11 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
12 ENGLISH LANGUAGE.

13 (D) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE
14 VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS,
15 BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE
16 INTERPRETER PROGRAMS.

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

19 (F) (1) "VITAL DOCUMENTS" MEANS ALL APPLICATIONS, OR
20 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
21 DEPARTMENTS, AGENCIES, AND PROGRAMS.

22 (2) "VITAL DOCUMENTS" DOES NOT INCLUDE APPLICATIONS AND
23 EXAMINATIONS RELATED TO THE LICENSURE, CERTIFICATION, OR REGISTRATION
24 UNDER THE HEALTH OCCUPATIONS ARTICLE, FINANCIAL INSTITUTIONS ARTICLE,
25 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, AND BUSINESS REGULATION
26 ARTICLE WITHIN THE JURISDICTION OF THE DEPARTMENT OF HEALTH AND
27 MENTAL HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

28 10-1103.

29 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR
30 IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION SHALL TAKE REASONABLE
31 STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES ~~TO~~ FOR INDIVIDUALS WITH
32 LIMITED ENGLISH PROFICIENCY.

33 (B) REASONABLE STEPS TO PROVIDE EQUAL ACCESS ~~SHALL BE ACHIEVED BY~~
34 TO PUBLIC SERVICES INCLUDE:

35 (1) ~~THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT~~
36 ~~ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH~~ ORAL
37 LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY,
38 WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL LANGUAGE SERVICES

1 IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED ENGLISH
 2 PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS;

3 (2) (I) ~~THE TRANSLATION OF FORMS AND VITAL DOCUMENTS~~
 4 ~~ORDINARILY PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY~~
 5 ~~LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE~~
 6 ~~OVERALL POPULATION WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE~~
 7 ~~OF A STATE DEPARTMENT, AGENCY, OR PROGRAM AS MEASURED BY THE UNITED~~
 8 ~~STATES CENSUS; AND~~

9 (II) ~~PROVIDING THE~~ THE PROVISION OF FORMS AND VITAL
 10 ~~DOCUMENTS IN TRANSLATED UNDER~~ ITEM (I) OF THIS PARAGRAPH ON A STATEWIDE
 11 BASIS TO ANY LOCAL OFFICE AS NECESSARY; AND

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

14 (C) ~~EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT~~
 15 ~~REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,~~
 16 ~~2003.~~

17 (C) (1) ~~THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH~~
 18 ~~THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION~~
 19 ~~AND TECHNICAL ASSISTANCE TO PROGRAMS TO AID COMPLIANCE WITH THIS~~
 20 ~~SUBTITLE.~~

21 (2) (C) THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY
 22 IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

23 (I) ON OR BEFORE JULY 1, 2003, FULL IMPLEMENTATION BY:

- 24 1. THE DEPARTMENT OF HUMAN RESOURCES;
- 25 2. THE DEPARTMENT OF LABOR, LICENSING, AND
 26 REGULATION;
- 27 3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;
- 28 4. THE DEPARTMENT OF JUVENILE JUSTICE; AND
- 29 5. THE WORKERS' COMPENSATION COMMISSION;

30 (II) ON OR BEFORE JULY 1, 2004, FULL IMPLEMENTATION BY:

- 31 1. THE DEPARTMENT OF AGING;
- 32 2. THE DEPARTMENT OF PUBLIC SAFETY AND
 33 CORRECTIONAL SERVICES;
- 34 3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING
 35 THE MARYLAND TRANSIT ADMINISTRATION;

1 4. THE MARYLAND HUMAN RELATIONS COMMISSION;
 2 5. THE DEPARTMENT OF STATE POLICE; AND
 3 6. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 4 COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
 5 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 6 GENERAL;

7 (III) ON OR BEFORE JULY 1, 2005, FULL IMPLEMENTATION BY:

8 1. THE COMPTROLLER OF MARYLAND;
 9 2. THE DEPARTMENT OF HOUSING AND COMMUNITY
 10 DEVELOPMENT;
 11 3. THE MARYLAND TRANSIT ADMINISTRATION;
 12 4. THE DEPARTMENT OF NATURAL RESOURCES;
 13 5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;
 14 6. THE OFFICE OF THE ATTORNEY GENERAL; AND
 15 7. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 16 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
 17 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 18 GENERAL; AND

19 (IV) ON OR BEFORE JULY 1, 2006, FULL IMPLEMENTATION BY:

20 1. THE DEPARTMENT OF AGRICULTURE;
 21 2. THE DEPARTMENT OF BUSINESS AND ECONOMIC
 22 DEVELOPMENT;
 23 3. THE DEPARTMENT OF VETERANS AFFAIRS; ~~AND~~
 24 4. THE DEPARTMENT OF THE ENVIRONMENT; AND
 25 4. 5. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 26 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
 27 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 28 GENERAL.

29 10-1104.

30 EACH STATE DEPARTMENT, AGENCY, OR PROGRAM NOT LISTED OR IDENTIFIED
 31 UNDER § 10-1103(C) OF THIS SUBTITLE SHALL MONITOR ITS OPERATIONS TO
 32 DETERMINE IF THE STATE DEPARTMENT, AGENCY, OR PROGRAM SHOULD TAKE

1 REASONABLE STEPS TO ACHIEVE EQUAL ACCESS TO PUBLIC SERVICES FOR
2 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

3 10-1105.

4 THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE
5 OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION
6 AND TECHNICAL ASSISTANCE TO STATE DEPARTMENTS, AGENCIES, AND PROGRAMS
7 TO AID COMPLIANCE WITH THIS SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
9 construed to either recommend or to require the creation of a State office to
10 coordinate language translation and technical support for this Act. Each agency,
11 department, or program required to implement the provisions of this Act shall do so
12 without the assistance of a statewide office created to coordinate these services.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health
14 and Mental Hygiene and the Secretary of Labor, Licensing, and Regulation each shall:

15 (1) consider the impact on individuals with limited English proficiency and on
16 the operations of State government that would likely result from an alteration of the
17 definition of "vital documents" in § 10-1102 of the State Government Article, as
18 enacted by Section 1 of this Act, to include applications and examinations related to an
19 individual's licensure, certification, or registration by the Department of Health and
20 Mental Hygiene or the Department of Labor, Licensing, and Regulation; and

21 (2) on or before July 1, 2005, report to the General Assembly in accordance with
22 § 2-1246 of the State Government Article, on the conclusions reached under item (1) of
23 this section.

24 SECTION 3-4. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect ~~October~~ July 1, 2002.