

HOUSE BILL 1174

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2002 Regular Session
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CF SB 265

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**

Introduced and read first time: February 8, 2002
Assigned to: Commerce and Government Matters

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 any limited English proficient
8 population within the geographic service area of a local office of a State agency,
9 and that such documents be available as needed for distribution on a statewide
10 basis; requiring State agencies to promulgate certain regulations by a certain
11 date; defining certain terms; and generally relating to access to State agencies
12 by persons with limited English proficiency.

13 BY adding to
14 Article - State Government
15 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle
16 "Subtitle 11. Language Access"
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

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

1 **Article - State Government**

2 SUBTITLE 11. LANGUAGE ACCESS.

3 10-1101.

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

11 10-1102.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

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

17 (C) "FORMS AND DOCUMENTS" MEANS ALL APPLICATIONS, OR
18 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
19 DEPARTMENTS, AGENCIES, AND PROGRAMS.

20 (D) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
21 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
22 ENGLISH LANGUAGE.

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

25 10-1103.

26 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL TAKE
27 REASONABLE STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES TO
28 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

29 (B) EQUAL ACCESS SHALL BE ACHIEVED BY:

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

32 (2) (I) THE TRANSLATION OF FORMS AND DOCUMENTS ORDINARILY
33 PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY LIMITED ENGLISH
34 PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE OVERALL POPULATION
35 WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE OF A STATE
36 DEPARTMENT, AGENCY, OR PROGRAM; AND

1 (II) PROVIDING THE FORMS AND DOCUMENTS IN ITEM (I) OF THIS
2 PARAGRAPH ON A STATEWIDE BASIS TO ANY LOCAL OFFICE AS NECESSARY; AND

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

5 (C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT
6 REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,
7 2003.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2002.