

HOUSE BILL 1174

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P1

2002 Regular Session
2lr2626
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~~ **Zirkin, Hurson, and Parrott****

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of stating the intent of the General Assembly that State agencies
5 provide services to ~~persons~~ individuals 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 any limited
8 English proficient population within the geographic service area of a local office
9 of a State agency, and that such documents be available as needed for
10 distribution on a statewide basis; ~~requiring State agencies to promulgate certain~~
11 ~~regulations by a certain date~~ establishing a schedule for the implementation of
12 the requirements of this Act; providing for the construction of this Act; defining
13 certain terms; and generally relating to access to State agencies by ~~persons~~
14 individuals with limited English proficiency.

15 BY adding to
16 Article - State Government
17 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle

1 "Subtitle 11. Language Access"
2 Annotated Code of Maryland
3 (1999 Replacement Volume and 2001 Supplement)

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

6 **Article - State Government**

7 SUBTITLE 11. LANGUAGE ACCESS.

8 10-1101.

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

16 10-1102.

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

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

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

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

28 (D) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE
29 VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS,
30 BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE
31 INTERPRETER PROGRAMS.

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

34 (F) "VITAL DOCUMENTS" MEANS ALL APPLICATIONS, OR INFORMATIONAL
35 MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE DEPARTMENTS,
36 AGENCIES, AND PROGRAMS.

1 10-1103.

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

5 (B) EQUAL ACCESS SHALL BE ACHIEVED BY:

6 (1) ~~THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT~~
7 ~~ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH ORAL~~
8 LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY,
9 WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL LANGUAGE SERVICES
10 IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED ENGLISH
11 PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS;

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

18 (II) ~~PROVIDING THE FORMS AND VITAL DOCUMENTS IN ITEM (I) OF~~
19 ~~THIS PARAGRAPH ON A STATEWIDE BASIS TO ANY LOCAL OFFICE AS NECESSARY;~~
20 AND

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

23 ~~(C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT~~
24 ~~REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,~~
25 ~~2003.~~

26 (C) (1) THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH
27 THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION
28 AND TECHNICAL ASSISTANCE TO PROGRAMS TO AID COMPLIANCE WITH THIS
29 SUBTITLE.

30 (2) THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY
31 IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

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

33 1. THE DEPARTMENT OF HUMAN RESOURCES;

34 2. THE DEPARTMENT OF LABOR, LICENSING, AND
35 REGULATION;

36 3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

1 4. THE DEPARTMENT OF JUVENILE JUSTICE; AND

2 5. THE WORKERS' COMPENSATION COMMISSION;

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

4 1. THE DEPARTMENT OF AGING;

5 2. THE DEPARTMENT OF PUBLIC SAFETY AND
6 CORRECTIONAL SERVICES;

7 3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING
8 THE MARYLAND TRANSIT ADMINISTRATION;

9 4. THE MARYLAND HUMAN RELATIONS COMMISSION;

10 5. THE DEPARTMENT OF STATE POLICE; AND

11 6. FIVE INDEPENDENT AGENCIES, BOARDS, OR
12 COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
13 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
14 GENERAL;

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

16 1. THE COMPTROLLER OF MARYLAND;

17 2. THE DEPARTMENT OF HOUSING AND COMMUNITY
18 DEVELOPMENT;

19 3. THE MARYLAND TRANSIT ADMINISTRATION;

20 4. THE DEPARTMENT OF NATURAL RESOURCES;

21 5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;

22 6. THE OFFICE OF THE ATTORNEY GENERAL; AND

23 7. FIVE INDEPENDENT AGENCIES, BOARDS, OR
24 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
25 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
26 GENERAL; AND

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

28 1. THE DEPARTMENT OF AGRICULTURE;

29 2. THE DEPARTMENT OF BUSINESS AND ECONOMIC
30 DEVELOPMENT;

31 3. THE DEPARTMENT OF VETERANS AFFAIRS; AND

