

SENATE BILL 265

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2002 Regular Session
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CF 2r2626

By: **Senator Sfikas**

Introduced and read first time: January 23, 2002

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 8, 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; defining certain terms; and generally relating to
13 access to State agencies by ~~persons~~ individuals with limited English proficiency.

14 BY adding to
15 Article - State Government
16 Section 10-1101 through 10-1103, inclusive, to be under the new subtitle
17 "Subtitle 11. Language Access"
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2001 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 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)~~ (C) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
21 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
22 ENGLISH LANGUAGE.

23 (D) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE
24 VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS,
25 BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE
26 INTERPRETER PROGRAMS.

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

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

32 10-1103.

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

36 (B) EQUAL ACCESS SHALL BE ACHIEVED BY:

1 (1) ~~THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT~~
2 ~~ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH ORAL~~
3 ~~LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY:~~

4 (I) ~~THROUGH FACE-TO-FACE, IN-HOUSE ORAL LANGUAGE~~
5 ~~SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED~~
6 ~~ENGLISH PROFICIENCY IS ON A WEEKLY BASIS; OR~~

7 (II) ~~THROUGH TELEPHONE AND PRIVATE ORAL LANGUAGE~~
8 ~~SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED~~
9 ~~ENGLISH PROFICIENCY IS ON A LESS FREQUENT THAN MONTHLY BASIS;~~

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

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

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

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

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

28 (2) ~~THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY~~
29 ~~IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:~~

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

31 1. ~~THE DEPARTMENT OF HUMAN RESOURCES;~~

32 2. ~~THE DEPARTMENT OF LABOR, LICENSING, AND~~
33 ~~REGULATION;~~

34 3. ~~THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;~~

35 4. ~~THE DEPARTMENT OF JUVENILE JUSTICE; AND~~

36 5. ~~THE WORKERS' COMPENSATION COMMISSION;~~

1 (II) ON OR BEFORE JULY 1, 2004, FULL IMPLEMENTATION BY:
2 1. THE DEPARTMENT OF AGING;
3 2. THE DEPARTMENT OF PUBLIC SAFETY AND
4 CORRECTIONAL SERVICES;
5 3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING
6 THE MARYLAND TRANSIT ADMINISTRATION;
7 4. THE MARYLAND HUMAN RELATIONS COMMISSION;
8 5. THE DEPARTMENT OF STATE POLICE; AND
9 6. FIVE INDEPENDENT AGENCIES, BOARDS, OR
10 COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
11 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
12 GENERAL;

13 (III) ON OR BEFORE JULY 1, 2005, FULL IMPLEMENTATION BY:
14 1. THE COMPTROLLER OF MARYLAND;
15 2. THE DEPARTMENT OF HOUSING AND COMMUNITY
16 DEVELOPMENT;
17 3. THE MARYLAND TRANSIT ADMINISTRATION;
18 4. THE DEPARTMENT OF NATURAL RESOURCES;
19 5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;
20 6. THE OFFICE OF THE ATTORNEY GENERAL; AND
21 7. FIVE INDEPENDENT AGENCIES, BOARDS, OR
22 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
23 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
24 GENERAL; AND

25 (IV) ON OR BEFORE JULY 1, 2006, FULL IMPLEMENTATION BY:
26 1. THE DEPARTMENT OF AGRICULTURE;
27 2. THE DEPARTMENT OF BUSINESS AND ECONOMIC
28 DEVELOPMENT;
29 3. THE DEPARTMENT OF VETERANS AFFAIRS; AND
30 4. FIVE INDEPENDENT AGENCIES, BOARDS, OR
31 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF

1 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
2 GENERAL.

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 ~~October~~ July 1, 2002.