

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 865 (Delegate McDonough, *et al.*)  
Health and Government Operations

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**Baltimore County - English Language - Formal Recognition**

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This bill establishes English as the official language of Baltimore County. County agencies and functions must write and publish each official document in English and conduct each meeting and other official oral communication in English. County agencies and functions may conduct affairs in a language other than English in certain circumstances.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Establishing English as the official language of Baltimore County will not affect local government operations. County agencies must still comply with federal laws prohibiting discrimination based on national origin.

Federal laws mandate that recipients of federal funds, including local governments, take reasonable steps to ensure that individuals with limited English proficiency (LEP) have meaningful access to government programs and activities. In certain circumstances, local governments are required to provide language assistance to LEP individuals.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill establishes English as the official language of Baltimore County. County agencies and functions must write and publish each official document in English and conduct each meeting and other official oral communication in English.

County agencies may conduct affairs in a language other than English in certain circumstances including:

- to comply with federal law;
- to protect public health and safety;
- to protect the rights of civil litigants, criminal defendants, or victims of crime;
- to assist students who are LEP by providing English instruction to facilitate as rapidly as possible a transition to the English language;
- to provide interpretation for deaf individuals in American Sign Language;
- to teach a foreign language;
- to promote the arts, international commerce, or tourism; or
- to assist persons who are not proficient in English in the conduct of government affairs.

**Current Law:** Maryland law defines limited English proficiency as the inability to adequately understand or express oneself in the spoken or written English language. The U.S. Census Bureau defines an individual with LEP as a person who cannot speak English very well.

Several federal laws and directives mandate language assistance to LEP individuals. These laws and directives are Title VI of the Civil Rights Act of 1964, the Voting Rights Act, and Executive Order 13166 signed in 2000. Collectively, these laws and directives attempt to provide meaningful language access to voting and government services and combat unlawful discrimination on the basis of national origin. National origin discrimination includes discrimination on the basis of LEP. Maryland enacted legislation in 2002 (SB 265/Chapter 141) that requires State agencies to take reasonable steps in providing equal access to public services for LEP individuals.

### *Federal Requirements*

Title VI of the Civil Rights Act mandates that “[n]o person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Failing to ensure that LEP individuals can effectively participate in or benefit from federally assisted programs and activities or imposing additional burdens on LEP individuals may constitute impermissible discrimination on the basis of national origin.

Executive Order 13166, signed in 2000, requires federal agencies to establish guidelines on how entities can provide meaningful access to LEP individuals in compliance with

Title VI of the Civil Rights Act of 1964. Recipients of federal funds, including State and local governments, must take reasonable steps to ensure that LEP individuals have meaningful access to government programs and activities.

### *State Requirements*

Chapter 141 of 2002 requires State agencies to take reasonable steps to provide equal access to public services for LEP individuals. Reasonable steps include the provision of oral language services for individuals who cannot adequately understand or express themselves in spoken or written English and the translation of vital documents ordinarily provided to the public into any language spoken by any LEP population that constitutes 3% of the overall State population within the geographic area served by a local office of a State program as measured by the U.S. Census.

Pursuant to this statute, 35 State agencies, departments, and commissions must have taken reasonable steps to provide equal access to public services to LEP individuals by July 1, 2006. Other entities must monitor their operations to determine if reasonable steps are needed to achieve equal access to public services for LEP individuals.

### *Baltimore County*

Baltimore County requires applicants for a taxicab license to speak, read, and write the English language.

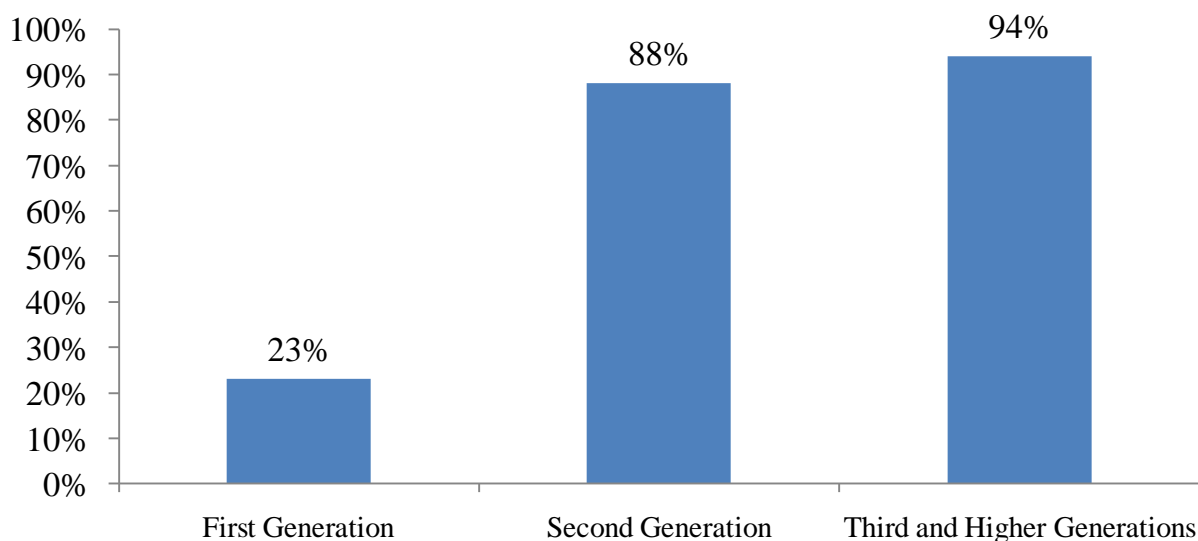
**Background:** Maryland remains a major destination for immigrants, with nearly 137,100 foreign-born individuals entering the State over the last eight years. Most of these individuals (72%) located their residency in Montgomery and Prince George's counties. Baltimore County is the third most popular locality for immigrants in Maryland, with nearly 10% of all recent immigrants deciding to live in the county. Immigration has contributed significantly to the county's population growth in recent years, accounting for around 38% of population growth between 2000 and 2008.

The number of people who speak a language other than English at home is an indicator of the scope of immigration to Maryland. Based on the *2008 American Community Survey*, 5.9% of the State's population is limited English proficient compared to 4.9% in Baltimore County. Nationally, 8.6% of Americans are limited English proficient. **Appendix 1** shows the number of limited English proficient individuals in each jurisdiction and their percentage of the county's population for 1990 and 2000, the most recent data available for all counties. **Appendix 2** provides information for counties included in the U.S. Census Bureau's *2008 American Community Survey*.

Recent studies indicate that immigrants are willing to learn and speak English. A November 2007 report by the Pew Hispanic Center indicates that the fluency in spoken English increases across generations of Hispanic families. For example, while 23% of first generation Hispanics are able to speak English very well, the percentage increases to 88% of second generation Hispanics and 94% of third and higher generation Hispanics (**Exhibit 1**).

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**Exhibit 1**  
**English Proficiency Across Hispanic Generations**  
**Percent Who Speak English Very Well**



Source: The Pew Hispanic Center

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The study also indicates that the use of Spanish at home by Hispanics declines for each future generation:

- While 52% of foreign born Hispanics speak only Spanish at home, the percentage decreases to 11% for their adult children and 6% for the children of U.S. born Hispanics.
- While half of the adult children of Hispanic immigrants speak some Spanish at home, by the third and future generations, the percentage falls to one in four.

### *Official English Laws in Maryland*

In November 2006, the Taneytown City Council approved a nonbinding resolution establishing English as the official city language. All official municipal business must be conducted in English only, unless otherwise required by federal or State laws. Taneytown, located in Carroll County, has a population of around 5,400 residents.

### *States with Official English Laws*

English is the official language in 30 states as shown in **Exhibit 2**. The U.S. government has not established an official language.

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#### **Exhibit 2 States with Official English Laws**

Alabama (1990)	Illinois (1969)	Nebraska (1920)
Alaska (1998)	Indiana (1984)	New Hampshire (1995)
Arizona (2006)	Iowa (2002)	North Carolina (1987)
Arkansas (1987)	Kansas (2007)	North Dakota (1987)
California (1986)	Kentucky (1984)	South Carolina (1987)
Colorado (1988)	Louisiana (1811)	South Dakota (1995)
Florida (1988)	Massachusetts (1975)	Tennessee (1984)
Georgia (1986, 1996)	Mississippi (1987)	Utah (2000)
Hawaii (1978)	Missouri (1998, 2008)	Virginia (1981, 1996)
Idaho (2007)	Montana (1995)	Wyoming (1996)

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### *Federal Requirements under Executive Order 13166*

In August 2000, the President signed Executive Order 13166 that stipulated that LEP individuals should have meaningful access to federal funded programs and activities. Executive Order 13166 requires each federal agency that provides financial assistance to nonfederal entities (State and local governments) to establish guidelines on how entities can provide meaningful access to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964. Federal agencies must design and implement a plan to ensure such access is provided to LEP individuals. The U.S. Department of Justice submitted guidelines on January 16, 2001, that included a four-factor test that federal agencies and other entities can use in the determination of “meaningful access.” These factors include:

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- the number or proportion of LEP individuals eligible to be served or likely to be encountered by the program or grantee;
- the frequency with which LEP individuals come in contact with the program;
- the nature and importance of the program, activity, or service provided by the program to individual's lives; and
- the resources available to the grantee or agency and costs.

The Federal Interagency Working Group on Limited English Proficiency was created in 2002 at the request of the Assistant Attorney General for Civil Rights and includes members representing over 35 federal agencies. The purpose of the federal working group is to build awareness of the need and methods to ensure that LEP individuals have meaningful access to important federal and federally assisted programs, and to ensure implementation of language access requirements under Title VI, the Title VI regulations, and Executive Order 13166 in a consistent and effective manner across agencies.

The federal working group has developed a publication entitled *Know Your Rights* that outlines certain examples of possible discrimination by government agencies. The publication, which is available in 10 languages, states that “if you are mistreated because you are LEP, it may be national origin discrimination.” **Exhibit 3** lists examples of possible national origin discrimination by government agencies as cited in the publication and examples of good practices.

At a meeting before the federal working group in 2006, the U.S. Assistant Attorney General (U.S. Department of Justice Civil Rights Division) commented that since most federal agencies have successfully completed work on their LEP guidance documents, they will be able to devote more time and attention to issues of compliance and enforcement.

The U.S. Department of Justice indicates that State or local governments with English-only laws do not relieve an entity that receives federal funding from its responsibilities under federal anti-discrimination laws. Entities in states and localities with English-only laws are certainly not required to accept federal funding – but if they do, they have to comply with Title VI, including its prohibition against national origin discrimination by recipients of federal assistance. Failing to make federally assisted programs and activities accessible to individuals who are LEP will, in certain circumstances, violate Title VI.

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**Exhibit 3**  
**Examples of Possible Discrimination and Good Practices**  
**By Government Agencies**

**Possible Discrimination**

You call 911 to report a crime. The operator does not understand you and cannot help you.

Your child's school sends important information or a notice to you in English. The school knows you speak only Spanish. The school refuses to provide the information to you in Spanish and suggests instead that your child interpret the information for you.

You try to apply for food stamps. The application is in English. You do not understand the application. The food stamp office workers tell you to come back with your own interpreter.

**Good Practices**

The operator connects you quickly to an interpreter who helps you.

Your child's school has many Spanish-speaking parents. The school knows you only speak Spanish. You should receive the important information or notice in Spanish.

The food stamp office has an interpreter, or contacts a telephone interpreter, to help you. An application in your language is given to you.

Source: Federal Interagency Working Group on Limited English Proficiency

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*Baltimore County*

The Baltimore County Police Department has a Hispanic/Latino Outreach Program. Program goals include establishing positive relations with the Hispanic/Latino community; recruiting bilingual volunteers to assist in neighborhoods with large Spanish-speaking populations; actively recruiting qualified Hispanic/Latino candidates for employment with the police department; and to instruct officers with the aim of eliminating cultural and language barriers. Baltimore County's Office of Workforce Development offers classes that teach English to those who speak other languages.

Some materials on the county's web site are available in Spanish, including county information about health insurance and about seasonal and pandemic flu, anthrax, as well as links to State and federal information and assistance (*e.g.*, on smoking cessation and home foreclosure) that is available in Spanish. The county's web site also includes a link on each page allowing an individual to translate the site into another language.

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## **Additional Information**

**Prior Introductions:** HB 887 of 2008 and HB 771 of 2007 each received a hearing before the House Committee on Health and Government Operations, but no further action was taken. HB 1337 of 2006 received an unfavorable report in the House Committee on Health and Government Operations.

**Cross File:** None.

**Information Source(s):** Baltimore County, Maryland Association of Counties, Maryland Municipal League, Office of the Attorney General, Department of Human Resources, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), State's Attorneys' Association, U.S. Department of Justice, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2010  
ncs/hlb

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## Appendix 1 Limited English Proficient Individuals

Limited English Proficient Individuals				Ranking by Number of Individuals		Ranking by Percent of Population	
County	1990	2000	% Chg.				
Allegany	435	585	34.5%	1. Montgomery	105,001	1. Montgomery	12.9%
Anne Arundel	7,315	11,416	56.1%	2. Prince George's	53,743	2. Prince George's	7.2%
Baltimore City	15,616	18,113	16.0%	3. Baltimore	25,526	3. Howard	4.8%
Baltimore	16,158	25,526	58.0%	4. Baltimore City	18,113	4. Baltimore	3.6%
Calvert	371	774	108.6%	5. Anne Arundel	11,416	5. Baltimore City	3.0%
Caroline	213	614	188.3%	6. Howard	11,063	6. Wicomico	2.9%
Carroll	937	1,737	85.4%	7. Harford	3,413	7. Anne Arundel	2.5%
Cecil	652	862	32.2%	8. Frederick	2,939	8. Caroline	2.2%
Charles	972	1,928	98.4%	9. Wicomico	2,324	9. Kent	2.0%
Dorchester	403	419	4.0%	10. Charles	1,928	10. St. Mary's	1.9%
Frederick	1,378	2,939	113.3%	11. Carroll	1,737	11. Worcester	1.9%
Garrett	328	276	-15.9%	12. St. Mary's	1,525	12. Talbot	1.8%
Harford	2,426	3,413	40.7%	13. Washington	1,318	13. Charles	1.7%
Howard	4,510	11,063	145.3%	14. Cecil	862	14. Harford	1.7%
Kent	462	367	-20.6%	15. Worcester	858	15. Frederick	1.6%
Montgomery	60,308	105,001	74.1%	16. Calvert	774	16. Queen Anne's	1.5%
Prince George's	31,091	53,743	72.9%	17. Caroline	614	17. Dorchester	1.4%
Queen Anne's	307	562	83.1%	18. Talbot	591	18. Somerset	1.4%
St. Mary's	1,381	1,525	10.4%	19. Allegany	585	19. Carroll	1.2%
Somerset	288	333	15.6%	20. Queen Anne's	562	20. Calvert	1.1%
Talbot	303	591	95.0%	21. Dorchester	419	21. Cecil	1.1%
Washington	1,217	1,318	8.3%	22. Kent	367	22. Washington	1.1%
Wicomico	924	2,324	151.5%	23. Somerset	333	23. Garrett	1.0%
Worcester	498	858	72.3%	24. Garrett	276	24. Allegany	0.8%
<b>Maryland</b>	<b>148,493</b>	<b>246,287</b>	<b>65.9%</b>			<b>Maryland</b>	<b>5.0%</b>
United States	13,982,502	21,320,407	52.5%			United States	8.1%

**Appendix 2**  
**Language Spoken at Home – Ability to Speak English**  
**2008**

<b>County</b>	<b>Speak Language Other than English</b>	<b>Percent of Population</b>	<b>Limited English Proficient</b>	<b>Percent of Population</b>
Allegany	1,900	2.8%	600	0.9%
Anne Arundel	41,700	8.7%	14,900	3.1%
Baltimore City	44,300	7.5%	17,700	3.0%
Baltimore	84,900	11.5%	36,200	4.9%
Calvert	3,300	4.0%	1,000	1.2%
Caroline				
Carroll	8,300	5.2%	1,900	1.2%
Cecil	4,800	5.2%	1,200	1.3%
Charles	8,900	6.8%	2,000	1.5%
Dorchester				
Frederick	23,500	11.2%	8,200	3.9%
Garrett				
Harford	16,000	7.1%	5,600	2.5%
Howard	51,600	20.0%	19,100	7.4%
Kent				
Montgomery	332,600	37.6%	132,700	15.0%
Prince George's	136,600	17.9%	54,200	7.1%
Queen Anne's				
St. Mary's	5,800	6.2%	2,300	2.4%
Somerset				
Talbot				
Washington	9,100	6.7%	2,900	2.1%
Wicomico	5,400	6.2%	2,400	2.7%
Worcester				
Maryland	794,500	15.1%	310,400	5.9%
United States	55,780,500	19.7%	24,350,900	8.6%

<sup>1</sup>The *American Community Survey* does not provide information on limited English proficiency for the other counties in Maryland.

<sup>2</sup>Percent of population includes population 5 years and over.