

SENATE BILL 28

P1

6lr0803

(PRE-FILED)

By: ~~Senator Kagan~~ Senators Kagan, Conway, Pinsky, Bates, Nathan-Pulliam, Ramirez, Rosapepe, Salling, Simonaire, Waugh, Young, and Zucker

Requested: September 30, 2015

Introduced and read first time: January 13, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 10, 2016

CHAPTER _____

1 AN ACT concerning

2 **State Government – Web Sites – Language Access**

3 FOR the purpose of providing that, beginning on a certain date, the reasonable steps certain
4 departments, agencies, and programs are required to take under a certain provision
5 of law include the operation and maintenance of equal access versions of certain Web
6 sites in certain languages subject to certain exceptions; authorizing, under certain
7 circumstances, a State department, agency, or program to post a certain disclaimer
8 on its Web site; requiring the Department of Human Resources to consult with the
9 Department of Information Technology on certain matters related to compliance
10 with this Act; requiring the Department of Information Technology to establish
11 certain standards; making conforming changes; stating the intent of the General
12 Assembly; and generally relating to equal access to public services for individuals
13 with limited English proficiency.

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 10–1102(a) through (c) and (e)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 10–1103 through 10–1105

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2015 Supplement)

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

5 **Article – State Government**

6 10–1102.

7 (a) In this subtitle the following words have the meanings indicated.

8 (b) “Equal access” means to be informed of, participate in, and benefit from public
9 services offered by a State department, agency, or program, at a level equal to English
10 proficient individuals.

11 (c) “Limited English proficiency” means the inability to adequately understand
12 or express oneself in the spoken or written English language.

13 (e) “Program” means all of the operations of a State department, State agency, or
14 any other instrumentality of the State.

15 10–1103.

16 (a) Each State department, agency, or program listed or identified under
17 subsection [(c)] (D) of this section shall take reasonable steps to provide equal access to
18 public services for individuals with limited English proficiency.

19 (b) Reasonable steps to provide equal access to public services include:

20 (1) the provision of oral language services for individuals with limited
21 English proficiency, which must be through face-to-face, in-house oral language services
22 if contact between the agency and individuals with limited English proficiency is on a
23 weekly or more frequent basis;

24 (2) (i) the translation of vital documents ordinarily provided to the
25 public into any language spoken by any limited English proficient population that
26 constitutes 3% of the overall population within the geographic area served by a local office
27 of a State program as measured by the United States Census; and

28 (ii) the provision of vital documents translated under item (i) of this
29 paragraph on a statewide basis to any local office as necessary; and

30 (3) any additional methods or means necessary to achieve equal access to
31 public services.

1 **(C) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS**
2 **SUBSECTION, BEGINNING OCTOBER 1, 2016, REASONABLE STEPS TO PROVIDE**
3 **EQUAL ACCESS TO PUBLIC SERVICES INCLUDE THE OPERATION AND MAINTENANCE,**
4 **FOR EACH WEB SITE THAT MAY REASONABLY BE EXPECTED TO BE AVAILABLE TO**
5 **AND USED BY MEMBERS OF THE GENERAL PUBLIC, OF EQUAL ACCESS VERSIONS IN**
6 **ANY LANGUAGE ~~SPOKEN BY ANY LIMITED ENGLISH PROFICIENT POPULATION THAT~~**
7 **~~CONSTITUTES AT LEAST 3% OF THE OVERALL POPULATION WITHIN THE STATE AS~~**
8 **~~MEASURED BY THE MOST RECENT UNITED STATES CENSUS THAT CAN BE~~**
9 **TRANSLATED FREE-OF-CHARGE.**

10 **(II) IF MACHINE TRANSLATION SERVICES ARE USED TO CARRY**
11 **OUT THE PROVISIONS OF THIS SUBSECTION, THE STATE DEPARTMENT, AGENCY, OR**
12 **PROGRAM MAY POST CONSPICUOUSLY ON ITS WEB SITE, A DISCLAIMER THAT THE**
13 **STATE DEPARTMENT, AGENCY, OR PROGRAM:**

14 **1. DOES NOT GUARANTEE THE ACCURACY OR**
15 **RELIABILITY OF THE TRANSLATION; AND**

16 **2. IS NOT LIABLE FOR ANY LOSS OR DAMAGE ARISING**
17 **OUT OF THE USE OF OR RELIANCE ON THE TRANSLATED CONTENT.**

18 **(2) A STATE DEPARTMENT, AGENCY, OR PROGRAM IS NOT REQUIRED**
19 **TO PROVIDE EQUAL ACCESS TO WEB SITE CONTENT THAT CANNOT BE TRANSLATED**
20 **DUE TO THE LIMITATIONS OF MACHINE TRANSLATION SOFTWARE, INCLUDING FILES**
21 **IN PDF FORMAT, IMAGES, AND VIDEOS.**

22 **(3) A UNIT OF LOCAL GOVERNMENT IS ENCOURAGED TO TAKE THE**
23 **STEPS UNDER PARAGRAPH (1) OF THIS SUBSECTION, BUT MAY NOT BE REQUIRED TO**
24 **DO SO.**

25 **[(c)] (D) The provisions of this subtitle shall be fully implemented according to**
26 **the following schedule:**

27 (1) on or before July 1, 2003, full implementation by:

28 (i) the Department of Human Resources;

29 (ii) the Department of Labor, Licensing, and Regulation;

30 (iii) the Department of Health and Mental Hygiene;

31 (iv) the Department of Juvenile Services; and

32 (v) the Workers' Compensation Commission;

- 1 (2) on or before July 1, 2004, full implementation by:
- 2 (i) the Department of Aging;
- 3 (ii) the Department of Public Safety and Correctional Services;
- 4 (iii) the Department of Transportation, not including the Maryland
5 Transit Administration;
- 6 (iv) the Commission on Civil Rights;
- 7 (v) the Department of State Police; and
- 8 (vi) five independent agencies, boards, or commissions, to be
9 determined by the Secretary of Human Resources, in consultation with the Office of the
10 Attorney General;
- 11 (3) on or before July 1, 2005, full implementation by:
- 12 (i) the Comptroller of Maryland;
- 13 (ii) the Department of Housing and Community Development;
- 14 (iii) the Maryland Transit Administration;
- 15 (iv) the Department of Natural Resources;
- 16 (v) the Maryland State Department of Education;
- 17 (vi) the Office of the Attorney General; and
- 18 (vii) five independent agencies, boards, or commissions to be
19 determined by the Secretary of Human Resources, in consultation with the Office of the
20 Attorney General; and
- 21 (4) on or before July 1, 2006, full implementation by:
- 22 (i) the Department of Agriculture;
- 23 (ii) the Department of Economic Competitiveness and Commerce;
- 24 (iii) the Department of Veterans Affairs;
- 25 (iv) the Department of the Environment; and

1 (v) five independent agencies, boards, or commissions to be
 2 determined by the Secretary of Human Resources, in consultation with the Office of the
 3 Attorney General.

4 10-1104.

5 Each State department, agency, or program not listed or identified under [§
 6 10-1103(c)] **§ 10-1103(D)** of this subtitle shall monitor its operations to determine if the
 7 State department, agency, or program should take reasonable steps to achieve equal access
 8 to public services for individuals with limited English proficiency.

9 10-1105.

10 (A) The Department of Human Resources, in consultation with the Office of the
 11 Attorney General **AND THE DEPARTMENT OF INFORMATION TECHNOLOGY**, shall
 12 provide central coordination and technical assistance to State departments, agencies, and
 13 programs to aid compliance with this subtitle.

14 (B) (1) **THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL**
 15 **ESTABLISH MINIMUM STANDARDS TO WHICH THE EQUAL ACCESS VERSIONS OF WEB**
 16 **SITES REQUIRED UNDER § 10-1103(C) OF THIS SUBTITLE MUST CONFORM.**

17 (2) **THE MINIMUM STANDARDS ESTABLISHED UNDER PARAGRAPH (1)**
 18 **OF THIS SUBSECTION SHALL INCLUDE A STANDARD REGARDING THE PROMINENT**
 19 **PLACEMENT OF LINKS ON THE ENGLISH VERSION OF A WEB SITE TO EACH EQUAL**
 20 **ACCESS VERSION OF THE WEB SITE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
 22 Assembly that State departments, agencies, and programs begin to comply with §
 23 10-1103(c) of the State Government Article, as enacted by Section 1 of this Act, as soon as
 24 practicable, but no later than October 1, 2016.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 26 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.