

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 29

(Senator Kagan)

Education, Health, and Environmental Affairs

Health and Government Operations

State Government - Websites - Language Access

This bill requires *all* State departments, agencies, and programs to provide equal access versions of websites in any language spoken by a limited English proficient population that constitutes at least 0.5% of the overall State population if the websites can be translated free of charge. **The bill takes effect June 1, 2018.**

Fiscal Summary

State Effect: The bill's requirements can likely be handled using existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: The bill expands to all State departments, agencies, and programs the same website translation requirements established by Chapter 151 of 2016 that applied only to some State agencies. Chapter 151 required specified State departments, agencies, and programs to take reasonable steps, beginning October 1, 2016, to operate and maintain, for each publicly accessible website that provides access to public services, equal access versions in any language spoken by any limited English proficient population that constitutes at least 0.5% of the overall population within the State as measured by the U.S. census and that can be translated free of charge. A State department, agency, or program is not required to provide equal access to website content if (1) it determines that an inaccurate translation of the content could lead to a denial of services or benefits or

(2) the content cannot be translated due to limitations of the translation software, including files in PDF format, images, and videos.

Chapter 151 authorizes the department, agency, or program to post a disclaimer regarding the accuracy of the translation if it uses machine translated services. The current disclaimer on most State websites, which was developed by the Department of Information Technology (DoIT), includes a warning that content filtered through Google Translate may result in unexpected and unpredictable degradation of portions of text, images, and the general appearance on translated pages.

Under current law, Chapter 151's requirements apply to 20 named State agencies (such as the Maryland Department of Transportation (MDOT) and the Maryland Department of Health (MDH)), as well as 15 independent agencies, boards, or commissions, as determined by the Secretary of Human Services. A State department, agency, or program that is not required to provide translation services by Chapter 151 must monitor its operations to determine if it should take reasonable steps to achieve equal access to public services for individuals with limited English proficiency as well.

The bill expands the aforementioned requirements of Chapter 151 to apply to all State departments, agencies, and programs. Under current law and under the bill, units of local government are encouraged, but not required, to meet the translation requirements.

Background: In order to implement Chapter 151, DoIT assisted the affected agencies in adding Google Translate services (which is a machine translation service) into their State websites. Google Translate is a free, multilingual service provided by Google primarily to translate text, and it is one of the most prominent machine translation services available. The service is also being developed to translate other forms of communication, such as audio and video; however, it does not have the capacity to translate PDF documents or text contained in images. Many of the most common languages spoken by people with limited English proficiency are available for translation through Google Translate.

Current information from the U.S. Census Bureau's American Community Survey indicates that Spanish speakers are the most common limited English proficient population in Maryland. In 2016, the most recent year for which data is available, 212,231 individuals older than the age of five (3.75% of the State population) spoke Spanish and spoke English less than "very well." The second highest population of individuals that spoke English less than "very well" spoke Chinese (which includes Mandarin and Cantonese). There were 30,219 (0.5% of the State population) such individuals in 2016. No other population of limited English proficient individuals met the bill's 0.5% threshold at that time. Even so, the State websites that currently use Google Translate services offer translation into over 50 different languages.

State Expenditures: Several State agencies (such as MDOT, MDH, and Maryland State Department of Education) already meet the bill's requirements, having installed Google Translate under Chapter 151. However, the bill extends the requirement to additional Executive Branch agencies (including higher education institutions), the Judiciary, and the Legislative Branch.

Even so, the newly affected State entities can likely include translation services, and the authorized disclaimer, in their websites using existing resources. Because the bill only requires a website to be translated if it can be done so free of charge, it is assumed that a State entity will choose not to install the translation services on its website if any cost cannot be absorbed within its existing resources.

DoIT advises that it can provide technical assistance to any State entities that require assistance; however, it plans to charge a fee for the service.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Information Technology; Office of the Public Defender; U.S. Census Bureau; Department of Legislative Services

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