

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1144 (Delegate Acevero, *et al.*)
 Health and Government Operations

State Government - Equal Access to Public Services for Individuals With Limited English Proficiency - Modifications

This bill expands existing requirements for specified State departments, agencies, and programs regarding efforts to provide equal access to public services for individuals with limited English proficiency by also requiring those entities to, among other items, designate a language access compliance program coordinator and establish a language access compliance policy and standard operating procedure. The Maryland Commission on Civil Rights (MCCR) must, among other responsibilities, provide oversight, monitoring, investigation, and enforcement of each State department, agency, or program.

Fiscal Summary

State Effect: State expenditures increase by a *minimum* of \$869,500 in FY 2024, as discussed below. Future years reflect annualization and inflation and minimum implementation costs, as discussed below. No impact on revenues.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	869,500	1,044,000	1,090,400	1,138,600	1,198,500
GF/SF Exp.	-	-	-	-	-
Net Effect	(\$869,500)	(\$1,044,000)	(\$1,090,400)	(\$1,138,600)	(\$1,198,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect local finances and operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: Each State department, agency, or program listed or identified under § 10-103(c) of the State Government Article must:

- designate a language access compliance program coordinator to coordinate requests for oral language services and translations of vital documents to an individual with limited English proficiency who seeks access to or participation in any services, programs, or activities offered by a State department, agency, or program;
- establish a language access plan, in consultation with the language access compliance program coordinator;
- conduct outreach to communities with limited English proficient populations regarding language access plans and the benefits and services offered by each State department, agency, or program;
- establish a language access compliance policy and standard operating procedure, in consultation with the language access compliance program director (as established in the bill); and
- display at every reception and customer service desk a language identification desktop poster to assist limited English proficient individuals to identify the individual's preferred language and inform individuals that interpretation services are available.

The language access plan must be updated every two years and include (1) the types of oral language services that the State department, agency, or program will provide and how the determination was reached; (2) the titles of translated documents that the entity will provide and how the determination was reached; (3) the number of contact positions in the entity and the number and language type of bilingual employees in public contact positions; (4) an evaluation and assessment of the adequacy of the services to be provided; and (5) a description of the funding and budgetary sources on which the covered entity intends to rely to implement the language access plan.

On or before December 31 each year, each State department, agency, or program listed or identified under § 10-1103(c) of the State Government Article must submit a related report to the Governor and the General Assembly, as specified.

MCCR must (1) provide oversight, monitoring, investigation, and enforcement of each specified State department, agency, or program; (2) designate a language access compliance program director, two language access compliance program monitors, and one language access compliance program analyst; (3) review and monitor each language access plan; (4) provide guidance and supervision to the language access compliance program monitors and analysts; (5) consult with language access compliance program

coordinators designated within each entity; and (6) develop and update language access policy and language access standard operating procedures templates for the specified State departments, agencies, or programs.

A language access compliance program monitor or analyst must (1) track and investigate complaints regarding language access violations and (2) issue a written finding of noncompliance to the entity regarding failures to provide language access.

Current Law: Each State department, agency, or program listed or identified under § 10-103(c) of the State Government Article must take reasonable steps to provide equal access to public services for individuals with limited English proficiency. Reasonable steps to provide equal access to public services includes:

- the provision of oral language services for individuals with limited English proficiency, which must be through face-to-face, in-house oral language services if contact between the agency and individuals with limited English proficiency is on a weekly or more frequent basis;
- the translation of vital documents ordinarily provided to the public into any language spoken by any limited English proficient population that constitutes 3% of the overall population within the geographic area, as specified, and the provision of vital documents translated on a statewide basis to any local office as necessary; and
- any additional methods or means necessary to achieve equal access to public services.

State Expenditures: State (primarily general fund) expenditures increase by *at least* \$869,480 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects *only* the cost of hiring 10 individuals throughout various State entities; *significant* additional expenditures are anticipated under the bill, as discussed below. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- *Comptroller's Office:* The Comptroller's Office advises that it needs 11 new staff members in order to implement the bill, at a cost of over \$825,000 on an annual basis. Although unable to verify that staffing of this magnitude is required by the bill, the Department of Legislative Services (DLS) assumes the Comptroller's Office requires at least one administrator to act as the language access program coordinator. Therefore, general fund expenditures increase by \$112,900 in fiscal 2024 and up to \$157,900 by fiscal 2028.

- *Department of Public Safety and Correctional Services (DPSCS):* DPSCS advises that it does not have a staff position available who could assume or perform all the tasks required under the bill and will need to hire at least one program coordinator to manage the language access plan. General fund expenditures accordingly increase by \$109,400 in fiscal 2024 and increase to \$152,700 by fiscal 2028.
- *Maryland Commission on Civil Rights:* MCCR advises that due to its expanded responsibilities under the bill, it requires significant additional staffing resources; however, a specific staffing estimate was not provided and is therefore not accounted for in the estimate above. DLS, however, concurs that additional staff is justified under the bill.
- *Department of Commerce:* The Department of Commerce advises that it does not have a staff position available to assume all of the tasks required and needs to hire at least one administrator to manage the language access plan. Accordingly, general fund expenditures increase by \$70,200 in fiscal 2024 and by a minimum of \$83,000 annually thereafter.
- *Maryland Department of the Environment (MDE):* MDE advises that it requires at least one administrator to perform the coordinator responsibilities. Accordingly, general fund expenditures increase by approximately \$100,000 annually.
- *Maryland State Department of Education (MSDE):* MSDE anticipates general fund expenditures of approximately \$110,000 in fiscal 2024, increasing to approximately \$152,000 by fiscal 2028, to hire a communications specialist to act as the language access compliance program coordinator.
- *Department of the State Police (DSP):* DSP advises that it requires at least one new administrative program manager, with associated general fund expenditures of over \$110,000 annually.
- *Department of Housing and Community Development (DHCD):* DHCD likewise advises that it does not have a staff position available to perform all the tasks required and, therefore requires additional staff. Costs associated with hiring one administrator are approximately \$80,000 annually.
- *Department of Veterans Affairs:* The Maryland Department of Veterans Affairs advises that it does not have a staff position available to absorb the duties required by the bill and therefore estimates general fund expenditures of over \$70,000 in fiscal 2024 and at least \$87,000 annually thereafter.
- *Department of Human Services (DHS):* DHS advises that it needs to hire one individual to assume the role of language access compliance program coordinator, with associated general fund expenditures of \$67,000 in fiscal 2024 and up to \$90,600 by fiscal 2028.

- *Maryland Department of Aging (MDOA)*: MDOA anticipates the need to hire one administrator to serve as the language access compliance program coordinator and estimate expenditures of at least \$80,000 in fiscal 2024 and over \$100,000 annually thereafter.

DLS notes that the costs reflected above are generally those associated only with salaries, fringe benefits, and *standard* operating/one-time start-up costs. Furthermore, this fiscal and policy note only accounts for estimated costs for those agencies who were solicited to provide a response regarding the fiscal impact of the bill (and who provided such a response). Other State entities are required under the bill to take specified actions regarding language access compliance programs and may incur additional costs to do so. Furthermore, this fiscal and policy note does not account for expenditures that may be incurred beyond those estimated with staffing costs (such as costs to establish and implement a language access plan). For example, although it does not anticipate the need for additional staff, the Maryland Department of Transportation anticipates contractual costs of approximately \$50,000 annually due to the additional plan and reporting requirements in the bill, among other expenditures.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Commerce; Maryland Commission on Civil Rights; Maryland Department of Aging; Comptroller's Office; Maryland State Department of Education; Maryland Department of Agriculture; Department of Budget and Management; Maryland Department of the Environment; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Veterans Affairs; Department of Legislative Services

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