

# ANALYSIS OF ORIGINAL BILL

Franchise Tax Board

Author: Shelley Analyst: LuAnna Hass Bill Number: AB 763

Related Bills: See Legislative History Telephone: 845-7478 Introduced Date: 02-22-2001

Attorney: Patrick Kusiak Sponsor: \_\_\_\_\_

**SUBJECT:** State Agencies Provide Non-English Information Over The Internet

## SUMMARY

This bill would require state agencies to provide, in non-English languages, any existing materials on the Internet that explain state agency services.

## PURPOSE OF THE BILL

The author's office has indicated that the bill's purpose is to ensure non-English-speaking individuals have access to state agency information and services in their native language via the Internet.

## EFFECTIVE/OPERATIVE DATE

This bill would be effective and operative January 1, 2002.

## POSITION

Pending.

## ANALYSIS

### FEDERAL/STATE LAW

A discussion of federal laws is not applicable to the materials and services provided by state agencies.

State law requires state agencies that are directly involved with supplying information or services to the public and have contact with non-English-speaking people to employ bilingual personnel in public contact positions. In addition, the agencies may utilize existing funds to contract for telephone based interpretation services.

Any materials that explain the services available at a state agency must be translated into any non-English language that may be spoken by a substantial number of the public that the agency serves. A "substantial number of the public" is defined as members of a group that does not speak English or are unable to effectively communicate in English because it is not their native language. The group must be comprised of five percent or more of the people served by the state agency.

Board Position:

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Department Director

Date

Gerald H. Goldberg

05/25/01

Additionally, any oral or written notice of the availability of these materials must be given in English and the non-English language into which the materials were translated. Current law provides that although the materials must be provided in the non-English language, they are not required to be translated verbatim.

A state agency with local offices that serve a substantial number of non-English-speaking people may elect to (1) distribute written materials in the non-English language or (2) furnish translation aids, guides, or provide assistance in completing and understanding materials written in English under the following circumstances:

- the written materials must provide information or require an individual to furnish information, or
- the information that is furnished or required of the individual may affect their rights, duties, or privileges in relation to the services or benefits the state agency provides.

### THIS BILL

This bill would require state agencies that provide materials over the Internet explaining their services to provide those materials in non-English languages. Notices that are provided over the Internet to inform individuals of the availability of these materials also must be provided in non-English languages.

This bill also requires state agencies that meet specific criteria to provide non-English language materials through any applicable Internet website in addition to the current requirement of offering the materials through local offices or facilities.

This bill also allows state agencies to contract for Internet based interpretation services.

### IMPLEMENTATION CONSIDERATIONS

Implementing this bill would not significantly impact the department's programs and operations.

### **LEGISLATIVE HISTORY**

AB 805 (Shelley, 2001/2002) would require state agency websites to have a link to non-English information. This bill is in the Assembly Rules Committee.

SB 987 (Escutia, 2001/2002) would make various changes to current laws regarding state agencies and bilingual services. This bill is in the Governmental Organization Committee.

### **PROGRAM BACKGROUND**

The FTB public Internet website contains a link to a general information page in Castilian Spanish. The information on this page includes frequently asked questions, correspondence information, and phone numbers for the automated interactive voice response system and phone numbers to speak to a bilingual customer service representative.

As directed under current law, FTB conducts a survey every two years and reports to the State Personnel Board the number of non-English speaking people served by the department. Currently, FTB has identified Spanish as the only non-English language comprising five percent or more of the people served.

FTB currently provides 15 various brochures, pamphlets, or schedules in Spanish. The tax form booklets include language informing non-English-speaking taxpayers of the availability of bilingual assistance.

A review of the Internal Revenue Service (IRS) website did not find any Internet links to pages on the website that contain strictly bilingual information. The listing of forms and publications does contain a handful of publications in Spanish. It does not appear that tax forms are reproduced on their website in any language other than English. The Form 1040 tax booklet has a listing of six publications that are available in Spanish, and the automated TeleTax information line provides information in English or Spanish.

### **OTHER STATES' INFORMATION**

Review of revenue department public websites for *Colorado, Florida, Texas, Oregon, Arizona, New Mexico* and *New York* found the following:

*Texas* has a link to Spanish language information that contains the Taxpayers' Rights, Remedies, and Responsibilities and monthly fiscal notes.

*Oregon* has a link to a Spanish language question and answer page that includes phone numbers to their department and also the IRS.

None of the states reviewed offered tax forms or publications in non-English languages. These states were reviewed because of geographic location and their population diversity that is similar to California.

### **FISCAL IMPACT**

This bill would not significantly impact the department's costs.

### **ECONOMIC IMPACT**

This bill would not impact the state's income tax revenue.

### **LEGISLATIVE STAFF CONTACT**

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