

SUMMARY ANALYSIS OF AMENDED BILL

Author: Dymally Analyst: Deborah Barrett Bill Number: AB 67
 Related Bills: See Prior Analysis Telephone: 845-4301 Amended Date: June 5, 2007
 Attorney: Tommy Leung Sponsor: _____

SUBJECT: State Agencies/Bilingual Services

- DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.
- AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- FURTHER AMENDMENTS NECESSARY.
- DEPARTMENT POSITION CHANGED TO _____.
- REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED December 4, 2006, STILL APPLIES.
- OTHER – See comments below.

SUMMARY

This bill would add definitions for “qualified bilingual person, employee or interpreter” and would expand the instances in which a state agency may be exempted from the requirements of delivering bilingual services.

SUMMARY OF AMENDMENTS

The June 5, 2007, amendments would revise the types of information services subject to the provisions of the bill and would clarify the terms “qualified bilingual person” and “interpreter.” The “This Bill” discussion has been revised. The June 5, 2007, amendments did not resolve the “Implementation Consideration” identified in the department’s analysis of the bill as amended April 11, 2007. The “Suggested Amendments,” “Implementation Considerations,” and “Fiscal Costs” discussions are repeated here for convenience. The remainder of the department’s analysis of the bill as introduced December 4, 2006, still applies.

POSITION

Pending.

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|---|----------------------|---------|
| Board Position: | Legislative Director | Date |
| <input type="checkbox"/> S | Brian Putler | 6/22/07 |
| <input type="checkbox"/> NA | | |
| <input type="checkbox"/> SA | | |
| <input type="checkbox"/> N | | |
| <input type="checkbox"/> NP | | |
| <input type="checkbox"/> O | | |
| <input type="checkbox"/> NAR | | |
| <input checked="" type="checkbox"/> PENDING | | |

Summary of Suggested Amendments

Amendment 1 is provided to suggest appropriation language to fund the department's costs.

THIS BILL

This bill would make clarifying amendments to existing requirements for state agencies to provide bilingual services to non-English speaking customers who request information or services. The amendments to existing law in this bill would clarify that the furnishing of information or rendering of services includes, but is not limited to, providing public safety protection or prevention, administering state benefits, implementing public information programs, managing public resources or facilities, holding public hearings, and engaging in any other state program or activity that involves public contact.

This bill would specify the definition of a “qualified bilingual person, interpreter or employee” to mean someone who is proficient in both the English language and the non-English language to be used, and for state agency purposes, must be one of the following:

- A bilingual person or employee who the State Personnel Board has tested and certified as proficient in the ability to understand and convey in English and in non-English language, commonly used terms and ideas, including terms and ideas regularly used in state government,
- A bilingual employee who was tested and certified by a state agency or other testing authority approved by the State Personnel Board as proficient in the ability to understand and convey in English and in non-English language, commonly used terms and ideas, including terms and ideas regularly used in state government, or
- An interpreter who has met the testing or certification standards established by the State Personnel Board for outside or contract interpreters as proficient in the ability to communicate commonly used terms and ideas between the English language and non-English language to be used, and has knowledge of basic interpreter practices, including but not limited to, confidentiality, neutrality, accuracy, completeness, and transparency.

This bill would allow state agencies that have fewer than the equivalent of 25 full time employees in a local office or facility to be exempt from the bilingual services reporting requirement.

This bill changes the due dates of the bilingual survey from March 31 of every even numbered year to October 1 of every even numbered year beginning in 2008. Additionally, this bill changes the due date for a state agency to develop and submit an implementation plan related to bilingual services from every even numbered year to every odd numbered year beginning in 2009.

This bill would require state agencies to apply annually for exemption from the bilingual services requirements.

IMPLEMENTATION CONSIDERATION

The department has identified the following implementation concern. Department staff is available to work with the author's office to resolve this and other concerns that may be identified.

By clarifying that a qualified bilingual interpreter must be certified through a specific process, a significant level of service that Franchise Tax Board (FTB) currently provides to non-English speaking taxpayers by uncertified bilingual employees would be interrupted. The State Personnel Board currently only certifies eleven languages, while FTB has identified and provides bilingual services for 35 different languages. FTB would be faced with the following options to meet the requirements of the bill:

- Require an employee currently utilizing their bilingual skills to become certified, regardless of whether their job duties justify a pay differential,
- Provide each certified bilingual employee with a pay differential, regardless of whether their job duties require them to use the skill, or
- Contract with outside agents to provide certified bilingual services.

Depending on the solution adopted, the requirements of this bill would increase the department's costs to administer bilingual services to non-English speaking taxpayers. The solution adopted would determine the extent of the additional costs.

FISCAL IMPACT

If the implementation consideration addressed in this analysis is resolved, the bill would not impact departmental costs. If only qualified bilingual services, as defined by this bill's provisions, may be utilized, the department would be required to contract outside the department for the bilingual services not currently certified if employees elected not to obtain certification.

Based on 2005 bilingual call statistics, the department serviced approximately 130,000 bilingual taxpayers and anticipates similar bilingual service needs that would be required to be contracted out to a third party for certified bilingual services as a result of this bill. Based on the average call durations and preliminary inquiries with bilingual services vendors, the department estimates that it would cost approximately \$585,000 to service a similar level of bilingual calls using outside vendor services. It is recommended that the bill be amended to include the attached appropriation language to provide funding to implement this bill. Lack of an appropriation will require the department to secure the funding through the normal budgetary process, which will delay implementation of this bill.

LEGISLATIVE STAFF CONTACT

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FRANCHISE TAX BOARD'S
PROPOSED AMENDMENTS TO AB 67
As Amended April 11, 2007

AMENDMENT 1

On page 6, after line 38, insert:

SEC 10. The sum of five hundred eighty five thousand dollars (\$585,000) is hereby appropriated to the Franchise Tax Board in augmentation of item 1730-001-0001 of the Governor's Budget, Chapter XX, Statutes of XXXX.