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# A BILL FOR AN ACT

RELATING TO LANGUAGE ACCESS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 PART I

2 SECTION 1. Section 371-32, Hawaii Revised Statutes, is  
3 amended to read as follows:

4 "[~~§~~371-32~~]~~ **Definitions.** Whenever used in this part,  
5 unless a different meaning clearly appears from the context:

6 [~~"Access or participate"~~] "Access" or "participate" means  
7 to be informed of, participate in, and benefit from the  
8 services, programs, and activities offered by the State and  
9 covered entities.

10 "Covered entity" means a person or organization receiving  
11 state financial assistance, including grants, purchase-of-  
12 service contracts, or any other arrangement by which the State  
13 provides or otherwise makes available assistance in the form of  
14 funds to the person or organization for the purpose of rendering  
15 services [~~on behalf of the State.~~] to the public. It shall not  
16 include procurement contracts, state insurance or guaranty  
17 contracts, licenses, tax credits, or loan guarantees to private



1 businesses of general concern that do not render services on  
2 behalf of the State.

3 "Language" means human speech or the expression of ideas by  
4 written characters and includes systems used by nations, people,  
5 or other distinct communities.

6 "Limited English proficient" means individuals who, on  
7 account of national origin, do not speak English as their  
8 primary language and who identify themselves [+]as[+] having a  
9 limited ability to read, write, speak, or understand the English  
10 language.

11 "Oral language services" means the free provision of oral  
12 information necessary to enable limited English proficient  
13 persons to access or participate in services, programs, or  
14 activities[-] of a state agency or covered entity.

15 "Purchase-of-service contract" means any and all types of  
16 formal written agreements, regardless of what they may be  
17 called, between the State and any person, to purchase or  
18 otherwise acquire any service for the purpose of rendering  
19 services to the public.

20 "State" or "state agency" means the executive, legislative,  
21 and judicial branches of state government, including



1 departments, offices, commissions, boards, or other agencies  
2 within the executive, legislative, or judicial branches.

3 "Vital documents" [~~-~~

4 ~~(1) Means]~~ means printed documents that provide important  
5 information necessary to access or participate in services,  
6 programs, and activities [~~and~~

7 ~~(2) Includes but is]~~ of a state agency or covered entity,  
8 including but not limited to [~~and~~] applications, outreach  
9 materials, and written notices of rights, denials, losses, or  
10 decreases in benefits or services.

11 "Written language services" means the free provision of  
12 written information necessary to enable limited English  
13 proficient persons to access or participate in services,  
14 programs, or activities of a state agency or covered entity."

15 SECTION 2. Section 371-37, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) There is established the language access advisory  
18 council within the department of labor and industrial relations  
19 for administrative purposes. The council shall consist of the  
20 following members to be appointed by the governor:

21 (1) One representative from the state government;

22 (2) One representative from a covered entity;



- 1           (3) One bilingual case management worker, or an individual
- 2                    who is or has been employed by a state-funded
- 3                    immigrant service agency or program;
- 4           (4) One representative of an advocacy organization that
- 5                    provides services to limited English proficient
- 6                    persons;
- 7           (5) One member from the limited English proficient
- 8                    population who has an interest in the provision of
- 9                    oral language services;
- 10           (6) One representative of the University of Hawaii
- 11                    department of language and linguistics who provides
- 12                    professional training in interpretation and
- 13                    translation;
- 14           (7) One representative of a Hawaiian language advocacy
- 15                    organization;
- 16           (8) One representative of a professional interpreter's
- 17                    organization;
- 18           (9) One representative of a bilingual referral service or
- 19                    program;
- 20           (10) One representative residing in the county of Hawaii
- 21                    who has an interest in language access;



1           Recently, the legislature enacted Act 290, Session Laws of  
2 Hawaii 2006, codified as part of chapter 371, Hawaii Revised  
3 Statutes, to address the language access needs of limited  
4 English proficient persons by, among other things, requiring  
5 each state agency to take reasonable steps to ensure meaningful  
6 access by limited English proficient persons to services,  
7 programs, and activities funded and provided by the State. As  
8 the lead agency for the State in this regard, the department of  
9 labor and industrial relations plays a critical role.

10           All state agencies and other covered entities are required  
11 to establish a plan for language access to provide equal,  
12 meaningful access to essential government services, such as  
13 social services, job training, employment assistance, fair and  
14 impartial hearings, and emergency assistance, to all of Hawaii's  
15 diverse population.

16           As of December 2007, plans for 23 out of 25 state agencies  
17 and 40 covered entities were completed. As the implementation  
18 of the plans approaches, two major stumbling blocks hinder  
19 meaningful access to essential government services for persons  
20 who are limited English proficient. First, there is no  
21 comprehensive system in Hawaii to identify language interpreters  
22 and translators and to refer interpreters or translators to the



1 state agencies and other covered entities seeking assistance.  
2 Second, there is a lack of trained and certified language  
3 interpreters and translators who can meet the demand to assist  
4 limited English proficient persons in a timely, meaningful  
5 manner.

6 The legislature finds that it is necessary to establish a  
7 statewide language access bank to act as a centralized resource  
8 to:

- 9 (1) Compile and maintain a roster of available language  
10 interpreters and translators;
- 11 (2) Coordinate training programs to increase the  
12 availability of qualified language interpreters and  
13 translators;
- 14 (3) Match and refer qualified language interpreters and  
15 translators to the needs of state agencies and other  
16 covered entities seeking assistance;
- 17 (4) Train state employees in positions of public contact  
18 that are first to respond to limited English  
19 proficient customers who seek to access state-funded  
20 services, programs, and activities;
- 21 (5) Work toward developing in the long run the capacity  
22 and resources of the office of language access to



1           assist state agencies with their language services  
2           needs in the future; and  
3           (6) Work toward standardizing the testing and  
4           certification of language interpreters and translators  
5           to ensure the quality and accuracy of their services.

6           After its initial establishment, a statewide language  
7           access bank could become self-sustaining by collecting user  
8           fees, subscription and training fees, and support from the  
9           resources available to state agencies and other covered entities  
10          seeking language interpreter and translator assistance.

11          The purpose of this part is to appropriate funds to  
12          establish a statewide access language bank.

13          SECTION 4. There is appropriated out of the general  
14          revenues of the State of Hawaii the sum of \$189,500 or so much  
15          thereof as may be necessary for fiscal year 2008-2009 for the  
16          department of labor and industrial relations to establish a  
17          statewide language access bank to ensure meaningful access by  
18          limited English proficient persons to state-funded services,  
19          programs, and activities.

20          The sum appropriated shall be expended by the department of  
21          labor and industrial relations for the purposes of this part.





1 PART III

2 SECTION 5. Statutory material to be repealed is bracketed  
3 and stricken. New statutory material is underscored.

4 SECTION 6. This Act shall take effect upon its approval;  
5 provided that section 4 shall take effect on July 1, 2008.



**Report Title:**

Language Access Definitions and Plans; Language Access Advisory Council

**Description:**

Clarifies definitions related to language access. Expands the language access advisory council from 11 to 15 members.

Establishes a language access bank. Appropriates funds.

(HB2575 HD1)

