
A BILL FOR AN ACT

RELATING TO LANGUAGE ACCESS.

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

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PART I

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

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

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

"Covered entity" means a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services ~~[on behalf of the State.]~~ to the public. It shall not include procurement contracts, state insurance or guaranty 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 [~~+~~] 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 (11) One representative residing in the county of Kauai who
- 2 has an interest in language access;
- 3 (12) One representative residing in the county of Maui who
- 4 has an interest in language access;
- 5 (13) One representative residing in the city and county of
- 6 Honolulu who has an interest in language access;
- 7 (14) One representative from the disability and
- 8 communication access board, as an ex-officio member;
- 9 [~~+10+~~] (15) The executive director of the Hawaii civil
- 10 rights commission or authorized representative [~~+and~~],
- 11 as an ex-officio member; and
- 12 [~~+11+~~] (16) The executive director of the office of language
- 13 access, as an ex-officio member."

PART II

15 SECTION 3. For many people in Hawaii, English is not their

16 primary language, and they have only a limited ability to read,

17 write, speak, or understand English. According to the 2000

18 census, nearly 290,000 people, or 24 per cent of Hawaii's

19 population, speak a language other than English at home,

20 including more than 250,000 people who speak an Asian or Pacific

21 Island language. For persons who are limited English

22 proficient, language barriers prohibit them from fully



1 participating in the community and can undermine their ability
2 to be self-sufficient and productive.

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

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

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



1 comprehensive system in Hawaii to identify language interpreters
2 and translators and to refer interpreters or translators to the
3 state agencies and other covered entities seeking assistance.

4 Second, there is a lack of trained and certified language
5 interpreters and translators who can meet the demand to assist
6 limited English proficient persons in a timely, meaningful
7 manner.

8 The legislature finds that it is necessary to establish a
9 statewide language resource coordinating center to act as a
10 centralized resource to:

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



1 (5) Work toward developing in the long run the capacity
2 and resources of the office of language access to
3 assist state agencies with their language services
4 needs in the future; and

5 (6) Work toward standardizing the testing and
6 certification of language interpreters and translators
7 to ensure the quality and accuracy of their services.

8 After its initial establishment, a statewide language
9 resource coordinating center could become self-sustaining by
10 collecting user fees, subscription and training fees, and
11 support from the resources available to state agencies and other
12 covered entities seeking language interpreter and translator
13 assistance.

14 The purpose of this part is to appropriate funds to
15 establish a statewide access language resource coordinating
16 center.

17 SECTION 4. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$189,500 or so much
19 thereof as may be necessary for fiscal year 2008-2009 for the
20 department of labor and industrial relations to establish a
21 statewide language resource coordinating center to ensure



1 meaningful access by limited English proficient persons to
2 state-funded services, programs, and activities.

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

5 PART III

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval;
9 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 16 members.
Establishes a language resource coordinating center.
Appropriates funds. (HB2575 HD2)

