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

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

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

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



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

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

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

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

18 "State" or "state agency" means any department, office,  
19 commission, board, or other agency of the executive,  
20 legislative, [and] or judicial [branches of state government,  
21 including departments, offices, commissions, boards, or other  
22 agencies within the executive, legislative, or judicial



1 ~~branches.]~~ branch of the State, including the office of Hawaiian  
2 affairs.

3 "Vital documents" [+

4 ~~(1) Means]~~ means printed documents that provide important  
5 information necessary to access or participate in  
6 services, 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,  
10 losses, or 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 371-34, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) and (c) to read as follows:

17 "(b) Each state agency's plan for language access shall be  
18 established in consultation with the executive director of the  
19 office of language access and the state agency's coordinator for  
20 language access. State agencies receiving federal financial  
21 assistance shall file an initial language access plan with the  
22 executive director of the office of language access no later



1 than July 1, 2007, and every two years thereafter. All other  
2 state agencies shall file a language access plan with the  
3 executive director of the office of language access no later  
4 than July 1, 2008, and every two years thereafter. Each covered  
5 entity shall file a language access plan with the executive  
6 director of the office of language access no later than July 1,  
7 2009, and every two years thereafter.

8 (c) Each state agency and covered entity shall designate a  
9 language access coordinator who shall establish and implement  
10 the plan for language access in consultation with the executive  
11 director of the office of language access and the language  
12 access advisory council."

13 SECTION 3. Section 371-37, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

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

- 19 (1) One representative from the state government;  
20 (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          (11) One representative residing in the county of Kauai;
- 22          (12) One representative residing in the county of Maui;

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1        (13) One representative residing in the city and county of  
2            Oahu;

3        [~~(10)~~] (14) The executive director of the Hawaii civil  
4            rights commission or authorized representative [~~and~~],  
5            as ex-officio member; and

6        [~~(11)~~] (15) The executive director, as ex-officio member."

7        SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9        SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY: *Shoanne Chun Oakland*



**Report Title:**

Language Access Definitions and Plans; Language Access Advisory Council

**Description:**

Clarifies definitions related to language access. Requires certain entities to file a language access plan and appoint a language access coordinator. Expands the language access advisory council from 11 to 15 members.

