

JAN 22 2008

S.B. NO. 2814

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 as follows:

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Purchase-of-service contract" means any and all types of
6 formal written agreements, regardless of what the agreements may
7 be called, between the State and another legal entity, to
8 purchase or otherwise acquire any service for the purpose of
9 rendering services to the public.

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

14 2. By amending the definitions of "access or participate",
15 "covered entity", "oral language services", "state" or "state
16 agency", and "vital documents" to read:



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

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

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

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.]~~ branches of the State, including the office of
2 Hawaiian 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 SECTION 2. Section 371-34, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~+~~]**§371-34**[~~+~~] **Additional obligations.** (a) Each state
14 agency and covered entity shall establish a plan for language
15 access.

16 (b) Each state agency's plan for language access shall be
17 established in consultation with the executive director of the
18 office of language access and the state agency's coordinator for
19 language access. State agencies receiving federal financial
20 assistance shall file an initial language access plan with the
21 executive director of the office of language access no later
22 than July 1, 2007, and every two years thereafter. All other



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

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

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

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

- 18 (1) One representative from the state government;
- 19 (2) One representative from a covered entity;
- 20 (3) One bilingual case management worker, or an individual
21 who is or has been employed by a state-funded
22 immigrant service agency or program;



- 1 (4) One representative of an advocacy organization that
- 2 provides services to limited English proficient
- 3 persons;
- 4 (5) One member from the limited English proficient
- 5 population who has an interest in the provision of
- 6 oral language services;
- 7 (6) One representative of the University of Hawaii
- 8 department of language and linguistics who provides
- 9 professional training in interpretation and
- 10 translation;
- 11 (7) One representative of a Hawaiian language advocacy
- 12 organization;
- 13 (8) One representative of a professional interpreter's
- 14 organization;
- 15 (9) One representative of a bilingual referral service or
- 16 program;
- 17 (10) One representative residing in the county of Hawaii;
- 18 (11) One representative residing in the county of Kauai;
- 19 (12) One representative residing in the county of Maui;
- 20 (13) One representative residing in the county of Oahu;



1 ~~(10)~~ (14) The executive director of the Hawaii civil
 2 rights commission or authorized representative~~+~~, as
 3 ex-officio member; and

4 ~~(11)~~ (15) The executive director of the office of language
 5 access, as ex-officio member."

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

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

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INTRODUCED BY:

[Handwritten signatures]

 Will Espero
 Rosely de Baka
 Pauley
 Roy L. Ho
 Clarence K. Nishikawa



Report Title:

Language Access; Definitions; Language Access Advisory Council

Description:

Clarifies the definitions for "access or participate", "covered entity", "oral language services", "state", and "vital documents"; defines "purchase-of-service contract", and "written language services"; requires covered entities to file a language access plan and appoint a language access coordinator; expands the language access advisory council to include one member from each of the counties; makes the executive director of the Hawaii civil rights commission an ex officio member.

