



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1320

June 27, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

HB266 HD1 SD2 CD1

RELATING TO LANGUAGE ACCESS
ACT 217 (13)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 27 2013

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 217
H.B. NO. 266
H.D. 1
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO LANGUAGE ACCESS.

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

1 SECTION 1. The legislature finds that according to the
2 United States Census Bureau, American Community Survey of 2009-
3 2011, 329,827 of Hawaii's 1,361,628 people, or twenty-four per
4 cent of Hawaii's population, speak a language other than English
5 at home. This includes nearly 281,607 persons who speak an
6 Asian or Pacific Island language. According to the same
7 studies, out of those who speak a language other than English at
8 home, 151,187 or forty-six per cent are limited English
9 proficient. According to recent statistics from the non-profit
10 Immigration Policy Center, the research and policy arm of the
11 American Immigration Council, about eighteen per cent of
12 Hawaii's residents are foreign born, while fourteen per cent of
13 Hawaii's children with immigrant parents are limited English
14 proficient.

15 The legislature therefore recognizes that English is not
16 the primary language for a significant proportion of Hawaii's
17 residents. These people have only a limited ability to read,
18 write, speak, or understand English. Language barriers often

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1 prohibit many residents from fully participating in the
2 community. Despite personal, family, community, and government
3 efforts to make those with limited English proficiency more
4 self-sufficient and productive, these efforts are often
5 undermined by lack of access to essential government and
6 government-funded services due to the language restrictions of
7 Hawaii's limited English proficient population.

8 The legislature formerly recognized and acknowledged that
9 language is a barrier for those living in Hawaii who have
10 identified themselves as being limited English proficient.
11 Consequently, the legislature passed Act 290, Session Laws of
12 Hawaii 2006, and Act 201, Session Laws of Hawaii 2012, to ensure
13 that limited English proficient individuals have meaningful
14 access to state-provided and state-funded services in Hawaii.
15 These laws established the Hawaii office of language access to
16 provide oversight, central coordination, and technical
17 assistance to state and state-funded entities in their
18 implementation of the requirements of the language access law.

19 The language access law requires every state agency and any
20 organization that receives state funding and provides services
21 to the public to establish a language access plan on how they
22 will provide meaningful access to their agency's services,



1 including but not limited to social service programs, job
2 training and employment assistance programs, fair and impartial
3 administrative and other hearings, or emergency assistance.
4 These services are to be provided to all of Hawaii's diverse
5 population, regardless of what language they speak.

6 In an effort to comply with Act 290, Session Laws of Hawaii
7 2006, by the end of 2007, plans for twenty-six state departments
8 and agencies and more than sixty state-funded entities were
9 completed. During the subsequent implementation of these
10 language access plans, several major challenges were identified
11 as preventing the state and covered entities from providing
12 meaningful access in the form of interpretation and translation
13 services to limited English proficient individuals, thereby
14 limiting the ability of limited English proficient individuals.

15 First, there is no comprehensive and centralized system or
16 structure in Hawaii to identify qualified language interpreters
17 and translators.

18 Second, Hawaii has a dearth of competent language
19 interpreters and translators available to assist limited English
20 proficient individuals. This is critical because a key element
21 to the successful implementation of the language access plans is
22 the availability of trained and competent interpreters and



1 translators so limited English proficient individuals can
2 receive competent, timely, and meaningful language access
3 assistance to government and government-funded services.

4 Third, despite great technological advances, state agencies
5 do not have multilingual websites that can help limited English
6 proficient individuals access needed information in their own
7 language.

8 The creation of a statewide language access resource center
9 will address the first two needs. A study commissioned by the
10 legislature through Senate concurrent resolution No. 67, S.D. 1,
11 in 2008, which was undertaken by the office of language access,
12 concluded that there is a need and support for the establishment
13 of a language access resource center in Hawaii.

14 With a statewide language access resource center, Hawaii
15 will have a centralized resource that will meet the specific
16 needs of government agencies and state-funded entities to comply
17 with Hawaii's language access laws and benefit the general
18 public, including the limited English proficient population, and
19 non-profit and for-profit organizations.

20 The purpose of the statewide language access resource
21 center is to:



- 1 (1) Maintain a publicly available roster of language
2 interpreters and translators, listing their
3 qualifications and credentials based upon guidelines
4 established by the office of language access in
5 consultation with the language access advisory
6 council;
- 7 (2) Train state and state-funded agencies on how to
8 effectively obtain and utilize the services of
9 language interpreters and translators;
- 10 (3) Support the recruitment and retention of language
11 interpreters and translators providing services to
12 state and state-funded agencies;
- 13 (4) Provide, coordinate, and publicize training
14 opportunities to increase the number and availability
15 of qualified interpreters and translators and further
16 develop their language interpretation and translation
17 skills; and
- 18 (5) Work toward identifying or creating a process to test
19 and certify language interpreters and translators and
20 promote use of the process to ensure the quality and
21 accuracy of their services.



1 The establishment of multilingual websites for all state
2 agencies may contribute greatly to the goal of providing limited
3 English proficient individuals the ability to electronically
4 access information about government services. This Act will
5 enable the office of language access to administer a pilot
6 project to test the utility and feasibility of this idea since
7 the office of language access is the state agency that is the
8 most directly involved in the promotion of language access.

9 This Act also appropriates funds needed to establish the
10 statewide language access resource center and the multilingual
11 website pilot project within the office of language access.

12 SECTION 2. (a) The office of language access, in
13 collaboration with other state agencies, shall implement a
14 multilingual website pilot project. The project shall:

- 15 (1) Explore the utility and feasibility of creating a
16 multilingual website to improve language access to
17 information provided online for limited English
18 proficient persons seeking information about
19 government and government-funded services in the
20 State; and



1 (2) To the extent feasible, produce a multilingual website
2 for use by the public for the twelve largest limited
3 English proficient groups in the State.

4 (b) The multilingual website pilot project shall end on
5 June 30, 2017. The office of language access shall submit a
6 report detailing findings and recommendations, including
7 proposed legislation, regarding the pilot project to the
8 legislature no later than twenty days prior to the convening of
9 the regular session of 2017.

10 SECTION 3. Section 321C-6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§321C-6[+] Office of language access; established.

13 [~~a~~] There is established within the department of health, for
14 administrative purposes only, the office of language access.

15 The head of the office shall be known as the executive director
16 of the office of language access. The executive director shall
17 be appointed by the governor without regard to chapter 76. The
18 executive director shall:

19 (1) Provide oversight, central coordination, and technical
20 assistance to state agencies in their implementation
21 of language access requirements under this chapter or
22 under any other law, regulation, or guidance;



- 1 (2) Provide technical assistance to covered entities in
- 2 their implementation of this chapter;
- 3 (3) Review and monitor each state agency's language access
- 4 plan for compliance with this chapter;
- 5 (4) Where reasonable access is not provided, endeavor to
- 6 eliminate the language access barrier using informal
- 7 methods [~~such as~~], including conference, conciliation,
- 8 mediation, or persuasion. Where the language access
- 9 barrier cannot be eliminated by informal methods, the
- 10 executive director shall submit a written report with
- 11 the executive director's opinion and recommendation to
- 12 the state agency or the covered entity. The executive
- 13 director may request the state agency or the covered
- 14 entity to notify the executive director, within a
- 15 specified time, of any action taken on the executive
- 16 director's recommendation;
- 17 (5) Consult with language access coordinators, the
- 18 language access advisory council, and state department
- 19 directors or their equivalent;
- 20 (6) Subject to section 321C-3, create, distribute to the
- 21 State, and make available to covered entities,
- 22 multilingual signage in the more frequently

1 encountered languages in the State, and other
2 languages as needed, informing individuals of their
3 right to free oral language services and inviting them
4 to identify themselves as persons needing services;

5 [and]

6 (7) Adopt rules pursuant to chapter 91 to address the
7 language needs of limited English proficient
8 persons[-]; and

9 (8) Administer a statewide language access resource center
10 that shall:

11 (A) Maintain a publicly available roster of language
12 interpreters and translators, listing their
13 qualifications and credentials based upon
14 guidelines established by the office of language
15 access in consultation with the language access
16 advisory council;

17 (B) Train state and state-funded agencies on how to
18 effectively obtain and utilize the services of
19 language interpreters and translators;

20 (C) Support the recruitment and retention of language
21 interpreters and translators providing services
22 to state and state-funded agencies;



- 1 (D) Provide, coordinate, and publicize training
- 2 opportunities to increase the number and
- 3 availability of qualified language interpreters
- 4 and translators and further develop their
- 5 language interpretation and translation skills;
- 6 and
- 7 (E) Work toward identifying or creating a process to
- 8 test and certify language interpreters and
- 9 translators and promote use of the process to
- 10 ensure the quality and accuracy of the language
- 11 interpretation and translation services."

12 SECTION 4. The executive director of the office of

13 language access shall have the authority to hire personnel

14 necessary to staff the statewide language access resource center

15 and to administer its multilingual website. The staff, at a

16 minimum, shall consist of one full-time project coordinator,

17 three full-time program specialists, and one full-time clerk.

18 To the extent possible, the executive director shall hire

19 bilingual personnel to staff the statewide language access

20 resource center and to administer its website.

21 SECTION 5. The executive director of the office of

22 language access shall consult with the office of information

1 management and technology in developing the multilingual website
2 pilot project to ensure that the project:

3 (1) Is compatible with the State's information technology
4 infrastructure;

5 (2) Leverages technology solutions to maximize staff
6 efforts;

7 (3) Meets current technology standards, including
8 providing the proper Unicode language support; and

9 (4) Provides the proper checks and balances to manage the
10 cultural sensitivities and expectations of the
11 website.

12 SECTION 6. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$170,000 or so much
14 thereof as may be necessary for fiscal year 2013-2014 and the
15 same sum or so much thereof as may be necessary for fiscal year
16 2014-2015 to establish a statewide language access resource
17 center within the office of language access to allow state
18 agencies and covered entities to provide interpretation and
19 translation services to limited English proficient individuals
20 in accordance with Hawaii's language access laws.

21 The sums appropriated shall be expended by the department
22 of health for the purposes of this Act.



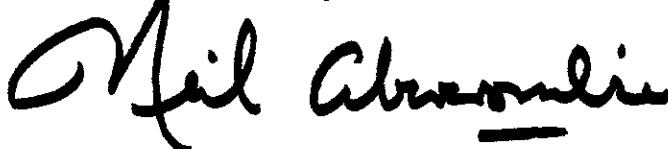
1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$80,000 or so much
3 thereof as may be necessary for fiscal year 2013-2014 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2014-2015 to establish a multilingual website pilot project to
6 enable limited English proficient individuals to obtain
7 information about government services in their own language.

8 The sums appropriated shall be expended by the department
9 of health for the purposes of this Act.

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on July 1, 2013.

APPROVED this 27 day of JUN , 2013



GOVERNOR OF THE STATE OF HAWAII

