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



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 language access resource center is to:



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

19           The establishment of multilingual websites for all state  
20 agencies may contribute greatly to the goal of providing limited  
21 English proficient individuals the ability to electronically  
22 access information about government services. This Act will



1 enable the office of language access to administer a pilot  
2 project to test the utility and feasibility of this idea since  
3 the office of language access is the state agency that is most  
4 directly involved in the promotion of language access.

5 This Act also appropriates funds needed to establish the  
6 language access resource center and the multilingual website  
7 pilot project within the office of language access.

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

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

17 (2) To the extent feasible, produce a multilingual website  
18 for use by the public for the top twelve limited  
19 English proficient groups in the State.

20 (b) The multilingual website pilot project shall end on  
21 June 30, 2016. The office of language access shall submit a  
22 report detailing findings and recommendations, including



1 proposed legislation, regarding the pilot project to the  
2 legislature no later than twenty days prior to the convening of  
3 the regular session of 2017.

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

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

7 [-(a)] There is established within the department of health, for  
8 administrative purposes only, the office of language access.  
9 The head of the office shall be known as the executive director  
10 of the office of language access. The executive director shall  
11 be appointed by the governor without regard to chapter 76. The  
12 executive director shall:

- 13 (1) Provide oversight, central coordination, and technical  
14 assistance to state agencies in their implementation  
15 of language access requirements under this chapter or  
16 under any other law, regulation, or guidance;
- 17 (2) Provide technical assistance to covered entities in  
18 their implementation of this chapter;
- 19 (3) Review and monitor each state agency's language access  
20 plan for compliance with this chapter;
- 21 (4) Where reasonable access is not provided, endeavor to  
22 eliminate the barrier using informal methods such as



1 conference, conciliation, mediation, or persuasion.

2 Where the language access barrier cannot be eliminated

3 by informal methods, the executive director shall

4 submit a written report with the executive director's

5 opinion and recommendation to the state agency or the

6 covered entity. The executive director may request

7 the state agency or the covered entity to notify the

8 executive director, within a specified time, of any

9 action taken on the executive director's

10 recommendation;

11 (5) Consult with language access coordinators, the  
12 language access advisory council, and state department  
13 directors or their equivalent;

14 (6) Subject to section 321C-3, create, distribute to the  
15 State, and make available to covered entities  
16 multilingual signage in the more frequently  
17 encountered languages in the State, and other  
18 languages as needed, informing individuals of their  
19 right to free oral language services and inviting them  
20 to identify themselves as persons needing services;

21 [~~and~~]





- 1 (7) Adopt rules pursuant to chapter 91 to address the
- 2 language needs of limited English proficient
- 3 persons [-]; and
- 4 (8) Administer a statewide language access resource center
- 5 that will:
- 6 (A) Maintain a publicly available roster of language
- 7 interpreters and translators, listing any of
- 8 their qualifications and credentials;
- 9 (B) Train state and state-funded agencies on how to
- 10 effectively obtain and utilize the services of
- 11 language interpreters and translators;
- 12 (C) Support the recruitment and retention of language
- 13 interpreters and translators providing services
- 14 to state and state-funded agencies;
- 15 (D) Provide, coordinate, and publicize training
- 16 opportunities to increase the number and
- 17 availability of qualified interpreters and
- 18 translators and further develop their language
- 19 interpretation and translation skills; and
- 20 (E) Work toward identifying or creating a process to
- 21 test and certify language interpreters and
- 22 translators and promote use of the process to



1                   ensure the quality and accuracy of the language  
2                   interpretation and translation services."

3           SECTION 4. The executive director of the office of  
4 language access shall have the authority to hire personnel  
5 necessary to staff the language access resource center and to  
6 administer its multilingual website. Such staff shall, at the  
7 minimum, consist of one full-time project coordinator, three  
8 full-time program specialists, and one full-time clerk. All  
9 staff shall, as much as possible, be bilingual.

10           SECTION 5. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$400,000 or so much  
12 thereof as may be necessary for fiscal year 2014-2015 to  
13 establish a statewide language access resource center within the  
14 office of language access to allow state agencies and covered  
15 entities to provide interpretation and translation services to  
16 limited English proficient individuals in accordance with  
17 Hawaii's language access laws.

18           The sum appropriated shall be expended by the department of  
19 health for the purposes of this Act.

20           SECTION 6. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$190,000 or so much  
22 thereof as may be necessary for fiscal year 2014-2015 to



1 establish a multilingual website pilot project that aims to  
2 enable limited English proficient individuals to get information  
3 about government services in their own language.

4 The sum appropriated shall be expended by the department of  
5 health for the purposes of this Act.

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

8 SECTION 8. This Act shall take effect on July 1, 2013.

9



**Report Title:**

Language Access Resource Center; Multilingual Website Pilot  
Project; Appropriations

**Description:**

Establishes and provides appropriations for a statewide language  
access resource center and multilingual website pilot project to  
be administered by the office of language access. (SD1)

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not legislation or evidence of legislative intent.*

