

JAN 17 2013

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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 in 2005-  
3 2009, and estimates by the department of business, economic  
4 development, and tourism, almost 311,000 of Hawaii's 1,270,000  
5 people, or twenty-four per cent of Hawaii's population, speak a  
6 language other than English at home. This includes nearly  
7 260,000 persons who speak an Asian or Pacific Island language.  
8 According to the same studies, out of those who speak a language  
9 other than English at home, 140,791 are limited English  
10 proficient. According to recent statistics from the non-profit  
11 Immigration Policy Center, the research and policy arm of the  
12 American Immigration Council, about eighteen per cent of  
13 Hawaii's residents are foreign born, while fourteen per cent of  
14 Hawaii's children with immigrant parents are limited English  
15 proficient.

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



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

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

20       The language access law requires every state agency and any  
21 organization that receives state funding and provides services  
22 to the public to establish a language access plan on how they



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

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

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

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



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

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

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

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

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



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

20          The establishment of multilingual websites for all state  
21          agencies may contribute greatly to the goal of providing limited  
22          English proficient individuals the ability to electronically



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

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

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

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

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

21 (b) The multilingual website pilot project shall end on  
22 June 30, . The office of language access shall submit a



1 report detailing findings and recommendations, including  
2 proposed legislation, regarding the pilot project to the  
3 legislature no later than twenty days prior to the convening of  
4 the regular session of .

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

7 "[+]§321C-6[+] **Office of language access; established.**

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

- 14 (1) Provide oversight, central coordination, and technical  
15 assistance to state agencies in their implementation  
16 of language access requirements under this chapter or  
17 under any other law, regulation, or guidance;
- 18 (2) Provide technical assistance to covered entities in  
19 their implementation of this chapter;
- 20 (3) Review and monitor each state agency's language access  
21 plan for compliance with this chapter;



- 1           (4) Where reasonable access is not provided, endeavor to  
2           eliminate the barrier using informal methods such as  
3           conference, conciliation, mediation, or persuasion.  
4           Where the language access barrier cannot be eliminated  
5           by informal methods, the executive director shall  
6           submit a written report with the executive director's  
7           opinion and recommendation to the state agency or the  
8           covered entity. The executive director may request  
9           the state agency or the covered entity to notify the  
10          executive director, within a specified time, of any  
11          action taken on the executive director's  
12          recommendation;
- 13          (5) Consult with language access coordinators, the  
14          language access advisory council, and state department  
15          directors or their equivalent;
- 16          (6) Subject to section 321C-3, create, distribute to the  
17          State, and make available to covered entities  
18          multilingual signage in the more frequently  
19          encountered languages in the State, and other  
20          languages as needed, informing individuals of their  
21          right to free oral language services and inviting them





1 to identify themselves as persons needing services;

2 [~~and~~]

3 (7) Adopt rules pursuant to chapter 91 to address the

4 language needs of limited English proficient

5 persons[-]; and

6 (8) Administer a statewide language access resource center

7 that will:

8 (A) Maintain a publicly available roster of language

9 interpreters and translators, listing their

10 qualifications, certificates, certifications,

11 agency or affiliations, and other credentials;

12 (B) Train state and state-funded agencies on how to

13 effectively obtain and utilize the services of

14 language interpreters and translators;

15 (C) Support the recruitment and retention of language

16 interpreters and translators providing services

17 to state and state-funded agencies;

18 (D) Provide, coordinate, and publicize training

19 opportunities to increase the number and

20 availability of qualified interpreters and

21 translators and further develop their language

22 interpretation and translation skills; and



1           (E) Work toward identifying or creating a process to  
2           test and certify language interpreters and  
3           translators and promote use of the process to  
4           ensure the quality and accuracy of the language  
5           interpretation and translation services."

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

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

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



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

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

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

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

12

INTRODUCED BY: Enzanne Chun Clelland

*Yes change*

*[Signature]*

*Will Eyer*



# S.B. NO. 58

**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.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

