



GOV. MSG. NO. 625

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

April 8, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 8, 2008, the following bill was signed into law:

SB2395 SD2

A BILL FOR AN ACT RELATING TO LANGUAGE
ACCESS.
(ACT 008)

Sincerely,



LINDA LINGLE

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 "[+]§371-32[+] **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 any person, to purchase or
16 otherwise acquire any service for the purpose of rendering
17 services to the public.

18 "State" or "state agency" means the executive, legislative,
19 [~~and~~] or judicial branches of state government, including
20 departments, offices, commissions, boards, or other agencies
21 within the executive, legislative, or judicial branches.

22 "Vital documents" [+



1 ~~(1) Means~~ means printed documents that provide important
2 information necessary to access or participate in
3 services, programs, and activities [~~and~~

4 ~~(2) Includes but is~~ of a state agency or covered entity,
5 including, but not limited to applications, outreach
6 materials, and written notices of rights, denials,
7 losses, or decreases in benefits or services.

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

12 SECTION 2. 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 who has an interest in language access;
- 19 (11) One representative residing in the county of Kauai who
- 20 has an interest in language access;
- 21 (12) One representative residing in the county of Maui who
- 22 has an interest in language access;



1 (13) One representative residing in the city and county of
2 Honolulu who has an interest in language access;

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

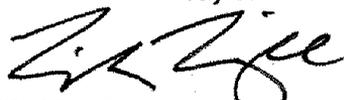
6 [~~(11)~~] (15) One representative from the disability and
7 communication access board, as an ex-officio member;
8 and

9 (16) The executive director, as ex-officio member."

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 8 day of APR , 2008



GOVERNOR OF THE STATE OF HAWAII



