

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE OFFICE OF LANGUAGE ACCESS.

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

1 SECTION 1. The legislature finds that language barriers
2 have imposed an increasing burden on government services in
3 recent years. Foreign-born individuals of Chinese, Filipino,
4 Vietnamese, Micronesian, and other ethnic descents do not always
5 arrive in Hawaii with the language skills needed to navigate
6 unfamiliar and sometimes difficult governmental organizations.
7 This barrier decreases government efficiency for clients
8 receiving services and increases manpower hours needed for
9 agencies to serve clients.

10 The legislature finds that the availability of translators
11 in government agencies would facilitate the delivery of services
12 and would increase the efficiency of state departments including
13 the judiciary, human services, health, labor, and others.

14 SECTION 2. Chapter 371, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§371- Language access translation bank. (a) The
2 office of language access shall establish a language access
3 translation bank that shall consist of a group of translators
4 and interpreters and shall be designed to meet the translation
5 and interpretation needs of residents of the State.

6 (b) The executive director of the office of language
7 access shall:

8 (1) Develop qualifications for translators and
9 interpreters with input from stakeholders,
10 professional translators, and interpreters, based on
11 recognized guidelines on professional translators and
12 interpreters;

13 (2) Hire and train, if necessary, translators and
14 interpreters that meet these qualifications and the
15 needs of departments that may request their services;

16 (3) Collect data on usage of translation services and
17 requests for services that may be useful in
18 prioritizing translation and interpretation
19 programming; and

20 (4) Collaborate with agencies and departments that may
21 provide services for people for whom language is a
22 barrier."



1 SECTION 3. Section 371-36, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]§371-36[~~f~~] **Executive director of the office of**
4 **language access; duties.** There is established within the
5 department of labor and industrial relations, for administrative
6 purposes only, an office of language access. The head of the
7 office shall be known as the executive director of the office of
8 language access, hereinafter referred to as executive director.

9 The executive director shall be appointed by the governor
10 without regard to chapter 76. The executive director shall:

11 (1) Provide oversight, central coordination, and technical
12 assistance to state agencies in their implementation
13 of language access requirements under this part or
14 under any other law, regulation, or guidance;

15 (2) Provide technical assistance to covered entities in
16 their implementation of this part;

17 (3) Review and monitor each state agency's language access
18 plan for compliance with this part;

19 (4) Where reasonable access is not provided, endeavor to
20 eliminate the barrier using informal methods such as
21 conference, conciliation, mediation, or persuasion.

22 Where the language access barrier cannot be eliminated



1 by informal methods, the executive director shall
2 submit a written report with the executive director's
3 opinion and recommendation to the state agency or the
4 covered entity. The executive director may request
5 the state agency or the covered entity to notify the
6 executive director, within a specified time, of any
7 action taken on the executive director's
8 recommendation;

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

12 (6) Subject to section 371-33, create, distribute to the
13 State, and make available to covered entities
14 multilingual signage in the more frequently
15 encountered languages in the State, and other
16 languages as needed, informing individuals of their
17 right to free oral language services and inviting them
18 to identify themselves as persons needing services;

19 [~~and~~]

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



1 (8) Maintain a group of translators in the five ethnic
 2 languages that are determined to be the most
 3 underserved by departments. The five ethnic languages
 4 shall be selected by reviewing each department's
 5 language access plan. The translators shall be
 6 available to each department upon request."

7 SECTION 4. There is appropriated out of the general
 8 revenues of the State of Hawaii the sum of \$ or so much
 9 thereof as may be necessary for fiscal year 2009-2010 and the
 10 same sum or so much thereof as may be necessary for fiscal year
 11 2010-2011 to establish and operate the language access
 12 translation bank.

13 The sums appropriated shall be expended by the department
 14 of labor and industrial relations for the purposes of this Act.

15 SECTION 5. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:

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Report Title:

Language Access; Translation Bank; Appropriation

Description:

Establishes the language access translation bank. Requires the office of language access to maintain a group of translators that shall be available to departments. Appropriates funds.

