



GOV. MSG. NO. 1362

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 7, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB814, without my approval and with the statement of objections relating to the measure.

SB814

RELATING TO ELECTRONIC INFORMATION
TECHNOLOGY ACCESSIBILITY FOR PERSONS
WITH LIMITED ENGLISH PROFICIENCY.

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 7, 2023

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 814

Honorable Members
Thirty-Second Legislature
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 814, entitled "A Bill for an Act Relating to Electronic Information Technology Accessibility for Persons with Limited English Proficiency."

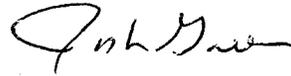
The purpose of this bill is to require the Office of Enterprise Technology, in consultation with the Office of Language Access and a working group comprised of stakeholders, to develop and publish, and periodically review and update, electronic information technology (IT) multilingual accessibility standards for State agencies. These standards shall require that all electronic information developed, purchased, used, or provided by a State agency must be made language accessible to persons with limited English proficiency. This bill also appropriates \$100,000 for one full-time equivalent program manager position for the Office of Enterprise Technology Services.

This bill is objectionable and cost prohibitive because the State uses almost 600 IT systems and the cost of compliance with this bill could reach hundreds of millions of dollars. The cost and effort required also would have a chilling effect on the modernization of State IT systems. State agencies already provide language access support for the State's public-facing systems and should be given the discretion to provide cost effective language access, such as providing access by using multilingual staff or written publications.

STATEMENT OF OBJECTIONS
SENATE BILL NO. 814
Page 2

For the foregoing reasons, I am returning Senate Bill No. 814 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Josh Green".

JOSH GREEN, M.D.
Governor of Hawai'i

A BILL FOR AN ACT

RELATING TO ELECTRONIC INFORMATION TECHNOLOGY ACCESSIBILITY FOR
PERSONS WITH LIMITED ENGLISH PROFICIENCY.

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

1 SECTION 1. In accordance with section 9 of article VII, of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in H.B. 300, H.D. 1, S.D. 1, C.D. 1,
5 and this Act will cause the state general fund expenditure
6 ceiling for fiscal year 2023-2024 to be exceeded by
7 \$1,063,867,367 or 11.0 per cent. This current declaration takes
8 into account general fund appropriations authorized for fiscal
9 year 2023-2024 in H.B. 300, H.D. 1, S.D. 1, C.D. 1, and this Act
10 only. The reasons for exceeding the general fund expenditure
11 ceiling are that:

- 12 (1) The appropriation made in this Act is necessary to
13 serve the public interest; and
14 (2) The appropriation made in this Act meets the needs
15 addressed by this Act.

16 SECTION 2. The legislature finds that all electronic
17 information technology developed, purchased, used, or provided



1 by a state entity must be made accessible to persons with
2 limited English proficiency as provided by title VI of the Civil
3 Rights Act of 1964 (42 U.S.C. 2000d); Executive Order No. 13166;
4 Executive Order No. 14031; and chapter 321C, Hawaii Revised
5 Statutes. Electronic information is rapidly replacing print
6 media, and all residents need access to technology to work and
7 participate fully in state programs, services, and activities.

8 The legislature further finds that uniform standards are
9 needed to ensure that state entities are proactively addressing
10 language access in communications, information technology
11 development, and technology procurement processes.

12 Accordingly, the purpose of this Act is to require the
13 office of enterprise technology services, in consultation with
14 the office of language access and a working group comprising
15 stakeholders, to develop and publish electronic information
16 technology standards for multilingual accessibility to be
17 implemented by all state entities.

18 SECTION 3. This Act may be cited as the Hawaii Electronic
19 Information Technology Multilingual Accessibility Act.

20 SECTION 4. (a) The office of enterprise technology
21 services shall develop and publish multilingual accessibility



1 standards, to be known as the Hawaii electronic information
2 technology multilingual accessibility standards, to be
3 implemented by all state agencies.

4 (b) The chief information officer, in consultation with
5 the office of language access, shall convene a working group to
6 assist in drafting the multilingual accessibility standards.
7 Representatives from state entities and other relevant
8 stakeholders, as determined by the chief information officer and
9 the office of language access, shall be invited by the chief
10 information officer to participate.

11 (c) The multilingual accessibility standards shall:

12 (1) Require that all electronic information developed,
13 purchased, used, or provided by a state entity be made
14 language accessible to persons with limited English
15 proficiency, as provided by title VI of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000d); Executive Order
17 No. 13166; Executive Order No. 14031; and chapter
18 321C, Hawaii Revised Statutes; and

19 (2) Include, at a minimum:

20 (A) Functional performance criteria and technical
21 requirements for multilingual accessibility;



1 (B) Recommendations for procurement language that can
2 be incorporated into existing state procurement
3 processes to conform to multilingual
4 accessibility standards; and

5 (C) Recommendations for planning, reporting,
6 monitoring, and enforcement processes to ensure
7 that state entities implement the multilingual
8 accessibility standards.

9 (d) No later than six months after the publication of the
10 multilingual accessibility standards, each state entity shall
11 review the standards and revise the entity's existing
12 procurement and development rules, policies, and procedures to
13 incorporate the standards.

14 (e) The multilingual accessibility standards shall apply
15 to:

16 (1) All electronic information technology developed,
17 purchased, used, or provided by a state entity; and

18 (2) All substantial modifications made by a state entity
19 to electronic information technology.

20 (f) The office of enterprise technology services, in
21 consultation with the office of language access, shall review



1 the multilingual accessibility standards every three years after
2 the date of initial publication, or more frequently if the chief
3 information officer deems it necessary, and amend the standards
4 to reflect advances or changes in electronic information
5 technology rules or superseding federal rules, regulations, and
6 guidance. The chief information officer, in consultation with
7 the office of language access, may form a working group
8 comprising stakeholders to assist with carrying out the review
9 and amendments. Within six months of the publication of any
10 amended multilingual accessibility standards, each state entity
11 shall review the amended standards and shall revise the entity's
12 existing procurement and development rules, policies, and
13 procedures to incorporate the amended standards accordingly.

14 (g) As used in this Act:

15 "Accessibility" means the ability of a limited English
16 proficient person to receive, use, and manipulate data and
17 operate controls included in electronic information technology
18 in a manner equivalent to that of an individual who is English
19 proficient.

20 "Electronic information technology" means electronic
21 information, software, systems, and equipment used in the



1 creation, manipulation, storage, display, or transmission of
2 data, as defined in the electronic information technology
3 standards for multilingual accessibility.

4 "Limited English proficient" means an individual who, on
5 account of national origin, does not speak English as the
6 person's primary language and self identifies as having a
7 limited ability to read, write, speak, or understand the English
8 language.

9 "State entity" means the executive, legislative, and
10 judicial branches of the State, including its departments,
11 divisions, and offices; public bodies; public elementary,
12 secondary, and post-secondary schools; and the University of
13 Hawaii.

14 SECTION 5. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$100,000 or so much
16 thereof as may be necessary for fiscal year 2023-2024 to
17 establish one full-time equivalent (1.00 FTE) permanent program
18 manager position for the purposes of this Act.

19 The sum appropriated shall be expended by the office of
20 enterprise technology services for the purposes of this Act.

21 SECTION 6. This Act shall take effect on July 1, 2023.



S.B. NO. 814
S.D. 2
H.D. 2
C.D. 1

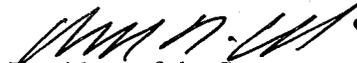
APPROVED this day of , 2023

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: MAY 04 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 814, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: **MAY 04 2023**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives