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# 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.



**Report Title:**

Electronic Information Technology; Accessibility; Multilingual; Limited English Proficiency; Standards; Office of Enterprise Technology Services; Office of Language Access; Working Group; Procurement; Appropriation; Expenditure Ceiling

**Description:**

Requires the Office of Enterprise Technology Services, in consultation with the Office of Language Access and a working group comprising stakeholders, to develop and publish, and periodically review and update, electronic information technology multilingual accessibility standards to be implemented by all state entities. Appropriates funds for one full-time equivalent (1.00 FTE) position. (CD1)

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

