

JAN 19 2024

A BILL FOR AN ACT

RELATED TO ELECTRONIC INFORMATION TECHNOLOGY.

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

1 SECTION 1. The legislature finds that the Lahaina
2 community faces many challenges in the aftermath of the
3 August 8, 2023, Maui wildfire. With its unique demographic
4 composition, Lahaina witnessed specific difficulties during the
5 crisis due to language barriers. Notably, thirty-two per cent
6 of Lahaina's 9,118 residents are foreign-born, a statistically
7 significant difference compared to the statewide average of 18.8
8 per cent. Furthermore, thirty-six per cent of individuals aged
9 five years and older in Lahaina speak a language other than
10 English at home, a significant difference compared to the 25.9
11 per cent statewide average.

12 The legislature further finds that electronic information
13 technology developed, purchased, used, modified, or provided by
14 a state entity must be made accessible to persons with limited
15 English proficiency as provided by Title VI of the Civil Rights
16 Act of 1964 (42 U.S.C. 2000d); Executive Order No. 13166;
17 Executive Order No. 14031; and chapter 321C, Hawaii Revised



1 Statutes. Electronic information is rapidly replacing print
2 media, and all residents need access to technology to work and
3 participate fully in state programs, services, and activities.

4 The legislature also finds that Lahaina, a community
5 significantly affected by the August 8, 2023, Maui wildfire,
6 faces challenges in receiving timely and accurate information
7 and assistance due to a language barrier.

8 The purpose of this Act is to address language barriers and
9 ensure equitable access to information and assistance for all
10 residents, especially those with limited English proficiency.

11 SECTION 2. Section 27-43, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§27-43 Office of enterprise technology services; chief**
14 **information officer; information technology steering committee;**
15 **establishment; responsibilities.** (a) There is established
16 within the department of accounting and general services the
17 office of enterprise technology services, which shall be headed
18 by a full-time chief information officer to organize, manage,
19 and oversee statewide information technology governance. The
20 chief information officer shall be appointed by the governor as



1 provided in section 26-34. The chief information officer shall
2 report directly to the governor and shall:

3 (1) Develop, implement, and manage statewide information
4 technology governance;

5 (2) Develop, implement, and manage the state information
6 technology strategic plans;

7 (3) Develop and implement statewide technology standards;

8 (4) Work with each executive branch department and agency
9 to develop and maintain its respective multi-year
10 information technology strategic and tactical plans
11 and road maps that are part of the State's overall
12 information technology strategic plans, road maps, and
13 directions;

14 (5) Coordinate each executive branch department and
15 agency's information technology budget request,
16 forecast, and procurement purchase to ensure
17 compliance with the department or agency's strategic
18 plan and road map and with the office of enterprise
19 technology services' information technology governance
20 processes and enterprise architecture policies and
21 standards, including policies and standards for



- 1 systems, services, hardware, software, and security
2 management;
- 3 (6) Report annually to the governor and the legislature on
4 the status and implementation of the state information
5 technology strategic plan;
- 6 (7) Update the state information technology strategic plan
7 every four years;
- 8 (8) Perform other necessary or desirable functions to
9 facilitate the intent of this section;
- 10 (9) Employ persons exempt from chapters 76 and 89;
- 11 (10) Provide centralized computer information management
12 and processing services, coordination in the use of
13 all information processing equipment, software,
14 facilities, and services in the executive branch of
15 the State, and consultation and support services in
16 the use of information processing and management
17 technologies to improve the efficiency, effectiveness,
18 and productivity of state government programs;
- 19 (11) Establish, coordinate, and manage a program to provide
20 a means for public access to public information and
21 develop and operate an information network in



1 conjunction with overall plans for establishing a
2 communication backbone for state government; and

3 (12) Adopt rules, pursuant to chapter 91, necessary for the
4 purposes of this part.

5 (b) There is established an information technology
6 steering committee to assist the chief information officer in
7 developing the State's information technology standards and
8 policies, including but not limited to:

9 (1) Assisting the chief information officer in developing
10 and implementing the state information technology
11 strategic plans;

12 (2) Assessing executive branch departments' progress in
13 meeting the objectives defined in the state
14 information technology strategic plans and identifying
15 best practices for shared or consolidated services;

16 (3) Ensuring technology projects are selected based on
17 their potential impact and risk to the State, as well
18 as their strategic value;

19 (4) Ensuring that executive branch departments maintain
20 sufficient tools to assess the value and benefits of
21 technology initiatives;



1 (5) Assisting the chief information officer in developing
2 state information technology standards and policies;
3 and

4 (6) Clarifying the roles, responsibilities, and authority
5 of the office of enterprise technology services,
6 specifically as it relates to its statewide duties.

7 The information technology steering committee shall consist
8 of thirteen members, with four members to be appointed by the
9 senate president, four members to be appointed by the speaker of
10 the house of representatives, one member to be appointed by the
11 chief justice, one member to be appointed by the governor, one
12 member to be appointed by the superintendent of education, and
13 one member to be appointed by the president of the University of
14 Hawaii, and may include representatives from executive branch
15 departments, the legislature, and private individuals. The
16 chief information officer shall serve as an ex officio member
17 and as the chair of the committee. The committee shall select a
18 vice chair from among its members. Each member shall be
19 appointed for four-year terms; provided that each member shall
20 hold office until reappointed by the member's respective



1 appointing authority at the end of the member's term or until
2 the member's successor is appointed.

3 (c) There is established within the department of
4 accounting and general services a special fund to be known as
5 the shared services technology special fund to be administered
6 and expended by the chief information officer for the purposes
7 of this subsection. Three per cent of the receipts collected
8 from special funds pursuant to section 36-27 shall be deposited
9 into the shared services technology special fund. Any law to
10 the contrary notwithstanding, the moneys in the fund shall be
11 used to fund the operations of the chief information officer and
12 the information technology steering committee, including the
13 employment and training of staff and any other activities deemed
14 necessary by the chief information officer to carry out the
15 purposes of this section.

16 (d) The chief information officer and the comptroller may
17 raise funds to defray administrative costs and may accept
18 donations of money and personal property on behalf of the
19 information technology steering committee; provided that all
20 donations accepted from private sources shall be expended in the
21 manner prescribed by the contributor, and all moneys received



1 shall be deposited into the information technology trust
2 account. The chief information officer may also directly
3 receive donated personal services and personal property for
4 which funding is not required.

5 (e) The chief information officer shall present an annual
6 report of the office of enterprise technology services to the
7 information technology steering committee for public comment and
8 shall thereafter, but no later than twenty days prior to the
9 convening of each regular session of the legislature, submit the
10 annual report to the governor and legislature. The annual
11 report shall include updates on the activities and programs
12 under the authority of the chief information officer and the
13 information technology steering committee, and the expenditures
14 of all moneys received from all sources and deposited into the
15 information technology trust account and the shared services
16 technology special fund.

17 (f) The chief information officer shall submit the updated
18 state information technology strategic plan, revised pursuant to
19 subsection (a)(7), to the governor and the legislature no later
20 than twenty days prior to the convening of every fourth regular
21 session of the legislature; provided that the chief information



1 officer shall submit the first updated state information
2 technology strategic plan to the governor and the legislature no
3 later than twenty days prior to the convening of the regular
4 session of 2021.

5 (g) The office of enterprise technology shall develop
6 multilingual accessibility standards, in consultation with the
7 office of language access, to provide technical guidance to
8 state entities related to public access to vital information and
9 documents. These multilingual accessibility standards shall:

- 10 (1) Encourage state entities to implement language
11 accessibility cost-effectively, taking into
12 consideration the unique challenges and circumstances
13 of each entity;
- 14 (2) Include functional performance criteria and technical
15 requirements for multilingual accessibility standards;
- 16 (3) Provide recommendations for procurement language that
17 can be incorporated into existing state procurement
18 processes to conform to multilingual accessibility
19 standards;
- 20 (4) Offer other guidance for planning, reporting, and
21 monitoring to ensure that state entities implement the



1 multilingual accessibility standards without impeding
2 modernization efforts; and
3 (5) Apply to electronic information technology developed,
4 purchased, used, modified, or provided by a state
5 entity to assure access to language services as
6 required by state and federal law, rules, and
7 regulations.

8 The office of enterprise technology services, in consultation
9 with the office of language access, shall review the
10 multilingual accessibility standards every three years or more
11 frequently if the chief information officer deems it necessary,
12 and amend the standards to reflect advances or changes in
13 electronic information technology rules or superseding federal
14 rules, regulations, and guidance.

15 (h) For the purposes of this section:
16 "Access and accessibility" means to be informed of,
17 participate in, and benefit from the services, programs, and
18 activities offered by a state entity.

19 "Limited English proficient" means an individual who, on
20 account of national origin, does not speak English as the
21 person's primary language and self-identifies as having a



1 limited ability to read, write, speak, or understand the English
2 language.

3 "State entity" means the executive, legislative, or
4 judicial branches of state government, departments, offices,
5 commissions, boards, or other agencies of the executive,
6 legislative, or judicial branches."

7 SECTION 3. In accordance with section 9 of article VII of
8 the Hawaii State Constitution and sections 37-91 and 37-93,
9 Hawaii Revised Statutes, the legislature has determined that the
10 appropriations contained in Act 164, Regular Session of 2023,
11 and this Act will cause the state general fund expenditure
12 ceiling for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. This current declaration takes
14 into account general fund appropriations authorized for fiscal
15 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
16 only. The reasons for exceeding the general fund expenditure
17 ceiling are that:

- 18 (1) The appropriation made in this Act is necessary to
19 serve the public interest; and
20 (2) The appropriation made in this Act meets the needs
21 addressed by this Act.



1 SECTION 4. 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 2024-2025 to
4 establish one full-time equivalent (1.00 FTE) permanent program
5 manager position for the office of information technology.

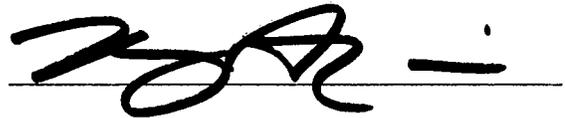
6 The sum appropriated shall be expended by the department of
7 accounting and general services for the purposes of this Act.

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2024.

10

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'J. A. I.', is written over a horizontal line.

S.B. NO. 2782

Report Title:

Filipino Caucus; Office of Enterprise Technology Services;
English Interpretations; Expenditure Ceiling; Appropriation

Description:

Requires the Office of Enterprise Technology to develop multilingual accessibility standards. Appropriates funds to establish one full-time position to develop multilingual accessibility standards within the Office of Enterprise Technology Services. Declares that the general fund expenditure ceiling is exceeded.

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

