

ACT 8

S.B. NO. 2395

A Bill for an Act Relating to Language Access.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 371-32, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]~~**§371-32**~~[H]~~ **Definitions.** Whenever used in this part, unless a different meaning clearly appears from the context:

~~["Access or participate"]~~ “Access” or “participate” means to be informed of, participate in, and benefit from the services, programs, and activities offered by the State and covered entities.

“Covered entity” means a person or organization receiving state financial assistance, including grants, purchase-of-service contracts, or any other arrangement by which the State provides or otherwise makes available assistance in the form of funds to the person or organization for the purpose of rendering services ~~[on behalf of the State.]~~ to the public. It shall not include procurement contracts, state insurance or guaranty contracts, licenses, tax credits, or loan guarantees to private businesses of general concern that do not render services on behalf of the State.

“Language” means human speech or the expression of ideas by written characters and includes systems used by nations, people, or other distinct communities.

“Limited English proficient” means individuals who, on account of national origin, do not speak English as their primary language and who identify themselves ~~[as]~~ having a limited ability to read, write, speak, or understand the English language.

“Oral language services” means the free provision of oral information necessary to enable limited English proficient persons to access or participate in services, programs, or activities ~~[-]~~ of a state agency or covered entity.

“Purchase-of-service contract” means any and all types of formal written agreements, regardless of what they may be called, between the State and any person, to purchase or otherwise acquire any service for the purpose of rendering services to the public.

“State” or “state agency” means the executive, legislative, ~~[and]~~ or judicial branches of state government, including departments, offices, commissions, boards, or other agencies within the executive, legislative, or judicial branches.

“Vital documents”~~[-]~~:

- (1) ~~Means~~ means printed documents that provide important information necessary to access or participate in services, programs, and activities~~[-]~~; and
- (2) ~~Includes but is~~ of a state agency or covered entity, including, but not limited to applications, outreach materials, and written notices of rights, denials, losses, or decreases in benefits or services.

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

SECTION 2. Section 371-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established the language access advisory council within the department of labor and industrial relations for administrative purposes. The council shall consist of the following members to be appointed by the governor:

- (1) One representative from the state government;
- (2) One representative from a covered entity;

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- (3) One bilingual case management worker, or an individual who is or has been employed by a state-funded immigrant service agency or program;
- (4) One representative of an advocacy organization that provides services to limited English proficient persons;
- (5) One member from the limited English proficient population who has an interest in the provision of oral language services;
- (6) One representative of the University of Hawaii department of language and linguistics who provides professional training in interpretation and translation;
- (7) One representative of a Hawaiian language advocacy organization;
- (8) One representative of a professional interpreter's organization;
- (9) One representative of a bilingual referral service or program;
- (10) One representative residing in the county of Hawaii who has an interest in language access;
- (11) One representative residing in the county of Kauai who has an interest in language access;
- (12) One representative residing in the county of Maui who has an interest in language access;
- (13) One representative residing in the city and county of Honolulu who has an interest in language access;
- ~~[(14)]~~ (14) The executive director of the Hawaii civil rights commission or authorized representative[-and], as ex-officio member;
- ~~[(15)]~~ (15) One representative from the disability and communication access board, as an ex-officio member; and
- (16) The executive director, as ex-officio member."

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

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

(Approved April 8, 2008.)