

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 382

A bill to facilitate access to state services by individuals with limited English proficiency; to provide for the powers and duties of certain state governmental officers and entities; and to provide for biennial reports concerning meaningful language access.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act may be cited as the "meaningful language
2 access to state services act".

3 (2) It is the intent of the legislature that in implementing
4 this act each covered entity be guided by federal Executive Order
5 No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000), and related
6 implementing provisions of federal law, regulation, and guidance in
7 providing language access services, whether or not the covered
8 entity receives federal funding.

1 (3) As used in this act:

2 (a) "Covered entity" means a state department, agency, or
3 entity.

4 (b) "Limited English proficiency" means the inability to
5 understand or to effectively express oneself in spoken or written
6 English as a result of one's national origin and the individual has
7 not developed fluency in the English language.

8 (c) "Meaningful language access" means the ability to receive
9 information and to participate in and benefit from public services
10 offered by a covered entity.

11 (d) "Office of global Michigan" means that term as defined in
12 the statewide meaningful language access coordination act.

13 (e) "Oral language services" includes various methods to
14 provide verbal information and interpretation, such as staff
15 interpreters, bilingual staff, telephone interpreter programs,
16 televideo interpretation services, and private interpreter
17 programs.

18 (f) "Vital documents" means printed or electronic documents
19 that provide important information necessary to access or
20 participate in services, programs, and activities of a covered
21 entity, including, but not limited to, applications, outreach
22 materials, and written notices of rights, denials, losses, or
23 decreases in benefits or services.

24 Sec. 2. Each covered entity shall take reasonable steps to
25 provide meaningful language access to public services for
26 individuals with limited English proficiency. Reasonable steps
27 include all of the following:

28 (a) Providing oral language services for individuals with
29 limited English proficiency through face-to-face, in-house or

1 telephonic oral language services. Oral language services provided
2 under this act must be provided by individuals and through means
3 with demonstrated competency in the appropriate language. Oral
4 language services provided by a relative, friend, or bystander do
5 not meet the requirements of this act and do not substitute for the
6 duty to provide access to oral language services. However, the
7 individual with limited English proficiency may choose to use an
8 interpreter of the individual's choice, at the individual's
9 expense, in place of or as a supplement to the oral language
10 services the covered entity is required to provide.

11 (b) Having available sufficient, appropriate oral language
12 services to provide meaningful language access, based on reliable
13 data documenting the proportion of individuals with limited English
14 proficiency eligible to be served or encountered by the agency and
15 the frequency of encounters within the geographic area served, and
16 taking into consideration the nature and importance of the program,
17 activity, or service provided.

18 (c) Translating vital documents ordinarily provided to the
19 public into all of the following languages and providing those
20 translated documents to local offices as necessary:

21 (i) Every language spoken by a population with limited English
22 proficiency that, based on reliable data, constitutes 3% or more of
23 the overall population within the geographic area of the covered
24 entity.

25 (ii) Every language spoken by a population with limited English
26 proficiency that, based on reliable data, constitutes either of the
27 following:

28 (A) 3% or more of those served by a local office of a covered
29 entity.

1 (B) Even if less than 3%, 500 or more of those served by a
2 local office of a covered entity. Local offices are encouraged but
3 not required to translate vital documents into other languages for
4 populations of less than the 3% or 500 thresholds described in this
5 subparagraph, based on knowledge of the local community served.

6 (d) Designating a language access liaison who will report to
7 the officer or employee designated by the office of global Michigan
8 as responsible for statewide language access coordination.

9 (e) Any additional means necessary to achieve meaningful
10 language access to public services.

11 Sec. 3. A covered entity shall not charge individuals with
12 limited English proficiency for the use of oral language services
13 or translation.

14 Sec. 4. Not less than every 2 years, each covered entity shall
15 develop and submit to the office of global Michigan a report with
16 information and plans concerning implementation of meaningful
17 language access to its services. The report must include, but is
18 not limited to, all of the following:

19 (a) The number of bilingual staff who are available to
20 facilitate meaningful language access and the languages they
21 facilitate.

22 (b) The number of bilingual staff determined to be needed for
23 each language to provide meaningful language access for the
24 population with limited English proficiency it serves.

25 (c) A plan to address any insufficiency in its ability to
26 provide meaningful language access.

27 (d) A list of vital documents that it has had translated and
28 the language of the translation.

29 (e) Designation of an employee as its language access

1 coordinator.

2 (f) A staff training plan related to meaningful language
3 access. The staff training plan must include specific information
4 regarding implementation, including the specific types of language
5 services available and how the covered entity will do all of the
6 following:

7 (i) Obtain language services internally or from vendors.

8 (ii) Respond to callers with limited English proficiency.

9 (iii) Respond to written communications from individuals with
10 limited English proficiency.

11 (iv) Respond to individuals with limited English proficiency
12 who have in-person contact with staff.

13 (v) Ensure competency of interpreters and translation
14 services.

15 (vi) Collect preferred language data for all unique public
16 encounters.

17 (vii) Indicate limited English proficiency status in data and
18 information systems.

19 (viii) Communicate information to the language access
20 coordinator about perceived changes in language services needed by
21 the population served and when that information will be
22 communicated.

23 (g) A plan to increase public awareness of the services
24 provided to facilitate meaningful language access.

25 Enacting section 1. This act takes effect 90 days after the
26 date it is enacted into law.

27 Enacting section 2. This act does not take effect unless House
28 Bill No. 4720 of the 102nd Legislature is enacted into law.