

HOUSE BILL NO. 4721

June 08, 2023, Introduced by Reps. Fitzgerald, Puri, Churches, McKinney, Wilson, MacDonell, Hope, Rheingans and Aiyash and referred to the Committee on Government Operations.

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 equal language access.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) As used in this act:

4 (a) "Covered entity" means a state department, agency, or

1 entity.

2 (b) "Equal language access" means the ability to receive
3 information and to participate in and benefit from public services
4 offered by a covered entity at a level equal to English-proficient
5 individuals.

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

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

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

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

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

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

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

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

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

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

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

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

29 (B) Even if less than 3%, 500 or more of those served by a

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

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

8 (e) Any additional means necessary to achieve equal language
9 access to public services.

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

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

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

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

23 (c) A plan to address any insufficiency in its ability to
24 provide equal language access.

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

27 (e) Designation of an employee as its language access
28 coordinator.

29 (f) A staff training plan related to equal language access.

1 The staff training plan must include specific information regarding
2 implementation, including the specific types of language services
3 available and how the covered entity will do all of the following:

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

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

6 (iii) Respond to written communications from individuals with
7 limited English proficiency.

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

10 (v) Ensure competency of interpreters and translation
11 services.

12 (vi) Collect preferred language data for all unique public
13 encounters.

14 (vii) Indicate limited English proficiency status in data and
15 information systems.

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

20 (g) A plan to increase public awareness of the services
21 provided to facilitate equal language access.

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

24 Enacting section 2. It is the intent of the legislature that
25 in implementing this act each covered entity be guided by federal
26 Executive Order No. 13166, 65 Fed. Reg. 50121 (Aug. 11, 2000), and
27 related implementing provisions of federal law, regulation, and
28 guidance in providing language access services, whether or not the
29 covered entity receives federal funding.

1 Enacting section 3. This act does not take effect unless
2 Senate Bill No. ____ or House Bill No. 4720 (request no. 00689'23)
3 of the 102nd Legislature is enacted into law.