

# HOUSE BILL NO. 5446

October 20, 2021, Introduced by Reps. Cavanagh, Camilleri, Garza, Weiss, Aiyash, Hammoud, Puri, Morse, Manoogian, Pohutsky, Young, Rogers, Ellison, Scott, Brenda Carter, Haadsma, Rabhi, Hood, Cynthia Johnson, Brabec and Yancey 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; to provide for biennial reports concerning equal language access; and to establish a process for submitting complaints and obtaining remedies for lack of equal language access.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1. (1) This act shall be known and may be cited as the
- 2       "equal language access to state services act".
- 3       (2) As used in this act:

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

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

7 (c) "Limited English proficiency" means the inability to  
8 understand or to effectively express oneself in spoken or written  
9 English because the individual's primary language is not English  
10 and the individual has not developed fluency in the English  
11 language.

12 (d) "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 (e) "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 oral  
29 language services. Oral language services provided under this act

1 must be provided by individuals and through means with demonstrated  
2 competency in the appropriate language. Oral language services  
3 provided by a relative, friend, or bystander do not meet the  
4 requirements of this act and do not substitute for the duty to  
5 provide access to oral language services. However, the individual  
6 with limited English proficiency may choose to use an interpreter  
7 of his or her choice, at his or her expense, in place of or as a  
8 supplement to the oral language services the covered entity is  
9 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 any language spoken by a population with limited  
19 English proficiency that constitutes at least 3% of the overall  
20 population within the geographic area or by 1,000 or more people  
21 served by a local office of a state entity, based on any reliable  
22 data, and providing those translated documents to local offices as  
23 necessary.

24 (d) Any additional means necessary to achieve equal language  
25 access to public services.

26 Sec. 3. A covered entity shall not charge individuals with  
27 limited English proficiency for the use of oral language services  
28 or translation.

29 Sec. 4. Every 2 years, each covered entity shall develop and

1 submit to the department of civil rights a report with information  
2 and plans concerning implementation of equal language access to its  
3 services. The report must include all of the following:

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

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

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

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

13 (e) Designation of an employee as its language access  
14 coordinator.

15 (f) A staff training plan related to equal language access.  
16 The staff training plan must include specific information regarding  
17 implementation, including the specific types of language services  
18 available and how the covered entity will do all of the following:

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

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

21 (iii) Respond to written communications from individuals with  
22 limited English proficiency.

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

25 (v) Ensure competency of interpreters and translation  
26 services.

27 (vi) Indicate limited English proficiency status in data and  
28 information systems.

29 (vii) Communicate information to the language access

1 coordinator about perceived changes in language services needed by  
2 the population served and when that information will be  
3 communicated.

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

6 Sec. 5. The department of civil rights shall do both of the  
7 following:

8 (a) Create a complaint form and a process for members of the  
9 public to use to report and pursue a remedy for instances of  
10 noncompliance with this act.

11 (b) Designate a language access liaison to work with covered  
12 entities to train staff, develop resources, and facilitate  
13 compliance with this act.

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

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