

By Mr. Fitzgerald of Boston, petition of Kevin W. Fitzgerald, Barbara E. Gray and John E. McDonough for legislation to establish a bureau of interpreter services within the Executive Office for Administration and Finance. State Administration.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT TO CREATE A BUREAU OF INTERPRETER SERVICES WITHIN EXECUTIVE OFFICE OF ADMINISTRATION & FINANCE; TO REQUIRE PROFESSIONAL INTERPRETER SERVICES IN THE PROVISION OF CERTAIN VITAL SERVICES; AND TO CREATE OFFICES OF CULTURAL & LINGUISTIC MINORITY AFFAIRS IN CERTAIN STATE AGENCIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 7 of the General Laws is hereby  
2 amended by inserting after section 51, as appearing in the 1992  
3 Official Edition, the following caption and sections:—

**INTERPRETER SERVICES.**

5 Section 52. There shall be within the executive office for  
6 administration and finance a bureau of interpreter services under  
7 the direction of an administrator of interpreter services, hereafter  
8 the administrator, who shall be appointed by the secretary and  
9 subject to removal by him for cause. Said administrator shall be a  
10 person with substantial experience as a foreign language inter-  
11 preter and be skilled in administration. He shall be authorized,  
12 subject to appropriation, to hire such other personnel, including  
13 without limitation, interpreters, trainers and clerical personnel, as  
14 may be necessary to carry out the functions of the bureau as set  
15 forth in section fifty-three.

16 Section 53. The bureau of interpreter services shall carry out  
17 the following functions:

18 (a) Encourage the provision of professional interpreter services  
19 by public agencies, their contracted vendors and non-government  
20 entities which provide essential services to the public, where a  
21 significant portion of that public includes non-English speakers.  
22 For the purposes of this and the following section a non-English  
23 speaker is a person who cannot speak or understand, or has diffi-  
24 culty speaking or understanding, the English language, because  
25 he uses only or primarily a spoken language other than English.  
26 The bureau shall carry out this function by coordinating and con-  
27 sulting with agencies and entities, providing technical assistance,  
28 counseling and help and by carrying out the other functions set  
29 forth below.

30 (b) Certify, or contract for the certifying of, professional inter-  
31 preters for use by agencies and entities and maintain a central  
32 listing of interpreters certified.

33 (c) Provide, or contract for the provision of, training for bilin-  
34 gual people wishing to become certified professional interpreters.

35 (d) In connection with subsections (b) and (c), have power to  
36 designate or create one or more non-profit organizations to carry  
37 out the certifying or training functions. Said non-profit organiza-  
38 tions may receive contributions from outside sources, including  
39 from private and public foundations.

40 (e) Require compliance with relevant rules of professional  
41 conduct and codes of ethics.

42 (f) Adopt, after notice and public hearing pursuant to section  
43 two of chapter thirty A, regulations for carrying out the functions  
44 of the bureau and for implementing the mandates set forth in sec-  
45 tion fifty-four, including, without limitation, the dividing of the  
46 entire commonwealth into hospital service areas, the population  
47 of each of which a single hospital, or a group of hospitals, shall  
48 be expected to serve for the purposes of sections fifty-two  
49 through fifty-four of this chapter; the determining (and every five  
50 years or more frequently thereafter revising the determination) of  
51 the percentage of people within each such area whose native or  
52 primary language is a particular language that is not English;  
53 upon a proper showing, modifying the triggering percentages set  
54 forth in subsections (a) and (b) of section fifty-four; and creating  
55 a simple and effective complaint and remedial procedure for non-  
56 English speakers who are denied the interpreter services to which  
57 they are entitled.

58 (g) Enforce the mandates set forth in section fifty-four,  
59 bringing any substantial or persistent violations to the attention of  
60 the attorney general, who shall have authority to seek in the supe-  
61 rior court appropriate orders enforcing compliance.

62 (h) Make an annual report to the governor and the general court  
63 on the state of interpreter services to populations in need in the  
64 commonwealth, including therein legislative recommendations,  
65 with particular attention to whether or not to expand the listing of  
66 agencies and entities in section fifty-four.

67 Section 54. It is the legislative intent that state agencies and  
68 other providers of essential care and services to the general  
69 public, when providing such services in the areas of the common-  
70 wealth where there are significant numbers of people whose pri-  
71 mary language is not English, do so with the assistance of compe-  
72 tent, professional interpreter services. Accordingly, the following  
73 public agencies and private entities shall be required to furnish  
74 competent, professional interpreter services to non-English  
75 speakers in their dealings with the public, to the extent set forth  
76 below:

77 (a)(l) The department of employment and training, established  
78 by sections nine I through nine N of chapter twenty-three, for  
79 every non-English speaker who is a party to an unemployment  
80 compensation hearing under the provisions of section thirty-nine  
81 of chapter one hundred and fifty-one A and for every non-English  
82 speaker who appears or makes a claim at a local claims office, if  
83 the native or primary language of such non-English speaker is the  
84 native or primary language of a triggering percentage of one-half  
85 of one percent of all persons who made claims in such office in  
86 the preceding calendar year.

87 (b)(l) Every hospital, as defined in section thirty-one of chapter  
88 six A, with respect to its emergency room services and such other  
89 essential services as the bureau of interpreter services by regula-  
90 tion may determine, for every non-English speaker who is a  
91 patient or seeks appropriate care and treatment if the native or  
92 primary language of such non-English speaker is the native or pri-  
93 mary language of a triggering percentage of five percent of the  
94 population which said hospital is expected to serve. The reason-  
95 able cost of complying with this section shall be a charge within  
96 the meaning of section thirty-one of said chapter six A.

1 SECTION 2. Chapter 15 of the General Laws is hereby  
2 amended by inserting after section 6C, as appearing in the 1992  
3 Official Edition, the following section:—

4 Section 6D. There shall be within the department an office of  
5 cultural and linguistic minority affairs. Said office shall compile  
6 such information with regard to cultural and linguistic minority  
7 populations as is directly and materially relevant to the delivery  
8 of services and provision of programs to cultural and linguistic  
9 minorities and shall serve as a resource regarding such minorities  
10 to the commissioner. The commissioner shall appoint a director of  
11 such office and employ, subject to appropriation, such other per-  
12 sonnel as may be necessary for carrying out the functions of the  
13 office.

1 SECTION 3. Section 4 of chapter 17 of the General Laws, as  
2 appearing in the 1992 Official Edition, is hereby amended by  
3 adding after the fifth paragraph the following paragraph:—

4 There shall be within the department an office of cultural and  
5 linguistic minority affairs. Said office shall compile such informa-  
6 tion with regard to cultural and linguistic minority populations as  
7 is directly and materially relevant to the delivery of services and  
8 provision of programs to cultural and linguistic minorities and  
9 shall serve as a resource regarding such minorities to the commis-  
10 sioner. The commissioner shall appoint a director of such office  
11 and employ, subject to appropriations, such other personnel as  
12 may be necessary for carrying out the functions of the office.

1 SECTION 4. Section 5 of chapter 18 of the General Laws, as  
2 appearing in the 1992 Official Edition, is hereby amended by  
3 inserting after the first paragraph, the following paragraph:—

4 There shall be within the department an office of cultural and  
5 linguistic minority affairs. Said office shall compile such informa-  
6 tion with regard to cultural and linguistic minority populations as  
7 is directly and materially relevant to the delivery of services and  
8 provision of programs to cultural and linguistic minorities and  
9 shall serve as a resource regarding such minorities to the commis-  
10 sioner. The commissioner shall appoint a director of such office  
11 and employ, subject to appropriation, such other personnel as may  
12 be necessary for carrying out the functions of the office.

1 SECTION 5. Chapter 18A of the General Laws is hereby  
2 amended by inserting after section 8, as appearing in the 1992  
3 Official Edition, the following section:—

4 Section 8A. There shall be within the department an office of  
5 cultural and linguistic minority affairs. Said office shall compile  
6 such information with regard to cultural and linguistic minority  
7 populations as is directly and materially relevant to the delivery  
8 of services and provision of programs to cultural and linguistic  
9 minorities and shall serve as a resource regarding such minorities  
10 to the commissioner. The commissioner shall appoint a director of  
11 such office and employ, subject to appropriation, such other per-  
12 sonnel as may be necessary for carrying out the functions of the  
13 office.

1 SECTION 6. Chapter 18B of the General Laws is hereby  
2 amended by inserting after section 10, as appearing in the 1992  
3 Official Edition, the following section:—

4 Section 10A. There shall be within the department an office of  
5 cultural and linguistic minority affairs. Said office shall compile  
6 such information with regard to cultural and linguistic minority  
7 populations as is directly and materially relevant to the delivery  
8 of services and provision of programs to cultural and linguistic  
9 minorities and shall serve as a resource regarding such minorities  
10 to the commissioner. The commissioner shall appoint a director of  
11 such office and employ, subject to appropriation, such other per-  
12 sonnel as may be necessary for carrying out the functions of the  
13 office.

1 SECTION 7. Chapter 19 of the General Laws is hereby  
2 amended by inserting after section 5, as appearing in the 1992  
3 Official Edition, a new section as follows:—

4 Section 5A. There shall be within the department an office of  
5 cultural and linguistic minority affairs. Said office shall compile  
6 such information with regard to cultural and linguistic minority  
7 populations as is directly and materially relevant to the delivery  
8 of services and provision of programs to cultural and linguistic  
9 minorities and shall serve as a resource regarding such minorities  
10 to the commissioner. The commissioner shall appoint a director of  
11 such office and employ, subject to appropriation, such other per-  
12 sonnel as may be necessary for carrying out the functions of the  
13 office.

1 SECTION 8. Chapter 19B of the General Laws is hereby  
2 amended by inserting after section 5, as appearing in the 1992  
3 Official Edition, the following new section:—

4 Section 5A. There shall be within the department an office of  
5 cultural and linguistic minority affairs. Said office shall compile  
6 such information with regard to cultural and linguistic minority  
7 populations as is directly and materially relevant to the delivery  
8 of services and provision of programs to cultural and linguistic  
9 minorities and shall serve as a resource regarding such minorities  
10 to the commissioner. The commissioner shall appoint a director of  
11 such office and employ, subject to appropriation, such other per-  
12 sonnel as may be necessary for carrying out the functions of the  
13 office.

1 SECTION 9. Section 9K of chapter 23 of the General Laws, as  
2 appearing in the 1992 Official Edition, is hereby amended by  
3 adding after the first paragraph the following paragraph:—

4 There shall be within the department an office of cultural and  
5 linguistic minority affairs. Said office shall compile such informa-  
6 tion with regard to cultural and linguistic minority populations as  
7 is directly and materially relevant to the delivery of services and  
8 provision of programs to cultural and linguistic minorities and  
9 shall serve as a resource regarding such minorities to the commis-  
10 sioner. The commissioner shall appoint a director of such office  
11 and employ, subject to appropriation, such other personnel as may  
12 be necessary for carrying out the functions of the office.

1 SECTION 10. Section 3 of chapter 28A, as appearing in  
2 the 1992 Official Edition, is hereby amended by inserting after  
3 the third paragraph the following paragraph:—

4 There shall be within the office a section on cultural and  
5 linguistic minority affairs. Said section shall compile such infor-  
6 mation with regard to cultural and linguistic minority populations  
7 as is directly and materially relevant to the delivery of services  
8 and provision of programs to cultural and linguistic minorities  
9 and shall serve as a resource regarding such minorities to the  
10 director. The director shall appoint a chief of such section and  
11 employ, subject to appropriation, such other personnel as may be  
12 necessary for carrying out the functions of the section.

1 SECTION 11. Chapter 214 of the General Laws is hereby  
2 amended by inserting after section 3B, as appearing in the 1992  
3 Official Edition, the following section:—

4 Section 3C. Any non-English speaker who is denied effective  
5 services by reason of not having made available to him the ser-  
6 vices of a competent professional interpreter in his dealings with  
7 any public agency or private entity mandated by section fifty-four  
8 of chapter seven to provide such interpreter services, or the  
9 attorney general after notice pursuant to section fifty-three of  
10 such chapter, shall have a right of action against such public  
11 agency or private entity for declaratory or injunctive relief. A  
12 non-English speaker bringing such action shall not be required to  
13 exhaust administrative remedies and may be awarded his damages  
14 for any actual harm suffered but at least two hundred and fifty  
15 dollars minimum damages for each violation, together with such  
16 costs and attorney's fees as may be incurred in such action. Such  
17 action shall be brought within three years of any such violation.

1 SECTION 12. This Act shall take effect on January 1, 1997,  
2 except that subdivision (a)(1) of section 54 of chapter 7, as inserted  
3 by section 1 of this Act, shall take effect on July 1, 1997, and  
4 subdivision (b)(1) of said section shall take effect on July 1, 1998.

