

By Mr. King of Boston, petition of Melvin H. King and Saundra Graham for legislation to require state agencies and all recipients of state funds to provide bilingual assistance. State Administration.

## **The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT REQUIRING STATE AGENCIES AND ALL RECIPIENTS OF STATE FUNDS TO PROVIDE BILINGUAL ASSISTANCE.

*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. No later than sixty (60) days following the date of  
2 enactment of this act, the Commissioner of each state agency shall  
3 submit to the Secretary of the Commonwealth the results of a  
4 survey showing the bilingual capability of the agency. Said survey  
5 shall list the name of each bilingual person, list the languages  
6 spoken, the degree or linguistic proficiency (e.g. the degree of  
7 ability to read, write, speak and understand each language), and  
8 list the the position and office location of each bilingual person.  
9 Said survey shall also estimate the number of persons who speak a  
10 language other than English who a) reside in the geographic service  
11 area b) are potential beneficiaries of the services provided by said  
12 agency in each geographic service area, and c) received services of  
13 said agency in each geographic service area of the preceding five  
14 fiscal years.

1 SECTION 2. No later than ninety (90) days following the date  
2 of enactment of this act, the Commissioner of each state agency  
3 shall submit to the Secretary of the Commonwealth a plan with  
4 goals and timetables demonstrating how the agency will have  
5 bilingual capability in each gerographic service area where at least  
6 .05% of the total number of potential beneficiaries speak a lan-  
7 guage other than English as identified by the results of the survey  
8 conducted pursuant to Section 1.

1 SECTION 3. No later than ninety (90) days following the day  
2 of enactment of this act, the Commissioner of each state agency  
3 shall submit a copy of each official form, pamphlet, poster, etc.  
4 that may be sent or provided to a beneficiary translated into each  
5 language other than English spoken by at least .05% of the poten-  
6 tial beneficiaries identified by the results of the survey conducted  
7 pursuant to Section 1.

1 SECTION 4. No later than ninety (90) days following the date  
2 of enactment of this act, the Commissioner of each state agency  
3 shall submit to the Secretary of the Commonwealth proposed  
4 regulations which require that all contracts entered into by the  
5 agency for the provision of services, where at least .05% of the  
6 potential beneficiaries in each geographic service area speak a  
7 language other than English as identified by the results of the  
8 survey conducted pursuant to Section 1, will require that the  
9 provider of the service demonstrate how bilingual capability will be  
10 provided. Said regulations shall also include procedures, consist-  
11 ent with procedural due process requirements of adequate notice  
12 and opportunity for hearing, to be utilized by the agency to termi-  
13 nate and/or not renew service contracts for failure to comply with  
14 bilingual capability requirements of this section.

1 SECTION 5. The Secretary of the Commonwealth shall pub-  
2 lish the results of the surveys submitted pursuant to Section 1 for a  
3 period of public comment which shall last for at least thirty (30)  
4 days. The Secretary shall notify the Commissioner of each state  
5 agency of the accuracy of the survey, of whatever modifications  
6 based on his independent analysis, and shall publish the same. The  
7 Secretary shall certify the results of the survey with whatever  
8 modifications he has made within thirty (30) days after the period  
9 for public comment has expired.

1 SECTION 6. The Secretary of the Commonwealth shall certify  
2 the plan with goals and timetables submitted by the Commissioner  
3 of each state agency pursuant to Section 2 within thirty (30) days of  
4 its receipt. The Secretary shall review the plan with whatever  
5 independent resources are reasonably available to him.

1 SECTION 7. The Secretary of the Commonwealth shall certify  
2 the accuracy of the translations of the official forms, pamphlets,  
3 posters, etc. submitted to him by the Commissioner of each state  
4 agency to Section 2 within thirty (30) days of their receipt. The  
5 Secretary shall review said translations with whatever independent  
6 resources are reasonably available to him.

1 SECTION 8. The Secretary of the Commonwealth shall certify  
2 the regulations submitted by the Commissioner of each state agen-  
3 cy pursuant to Section 4 within thirty (30) days of their receipt. The  
4 Secretary shall review said regulations with whatever independent  
5 resources are reasonably available to him.

