

By: Shapleigh

S.B. No. 1587

A BILL TO BE ENTITLED

AN ACT

1
2 relating to ensuring that a contractor with the Health and Human
3 Services Commission or with a health and human services agency that
4 will communicate with the public in performing the contract will
5 provide quality services to both English-speaking and
6 Spanish-speaking residents of this state.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter A, Chapter 531, Government Code, is
9 amended by adding Section 531.019 to read as follows:

10 Sec. 531.019. COMMUNICATION IN ENGLISH AND SPANISH BY
11 CONTRACTOR. (a) Each contract with the commission or a health and
12 human services agency that will involve written or oral
13 communication with the public by the contractor must include a
14 provision requiring the contractor to provide the communication in
15 English to persons who are fluent in English and in Spanish to
16 persons who are fluent in Spanish but not English. Each person who
17 seeks to enter into a contract described by this subsection shall
18 include in the bid or other applicable expression of interest for
19 the contract a proposal for providing the communication in a way
20 that under the circumstances of the contract will best fulfill the
21 language requirement.

22 (b) In determining which bid or other applicable expression
23 of interest offers the best value, the commission or a health and
24 human services agency, as applicable, shall evaluate the extent to

1 which the proposal for providing communications in English and in
2 Spanish will provide meaningful access to the services provided by
3 or through the contractor for persons who are fluent in English and
4 for persons who are fluent in Spanish but not English.

5 (c) In determining the extent to which a proposal will
6 provide meaningful access under Subsection (b), the agency shall
7 consider:

8 (1) the number or proportion of Spanish-speaking
9 persons of limited English proficiency in the agency's eligible
10 service population;

11 (2) the frequency with which Spanish-speaking persons
12 of limited English proficiency seek information regarding the
13 agency's programs;

14 (3) the importance of the services provided by the
15 agency's programs; and

16 (4) the resources available to the agency.

17 (d) The agency must avoid selecting a contractor that the
18 agency reasonably believes will:

19 (1) provide information in Spanish that is limited in
20 scope;

21 (2) unreasonably delay the provision of information in
22 Spanish; or

23 (3) provide program information, including forms,
24 notices, and correspondence, in English only.

25 SECTION 2. (a) In this section, "commission" and "health
26 and human services agencies" have the meanings assigned by Section
27 531.001, Government Code.

1 (b) The changes in law made by this Act to the contracting
2 procedures of the commission and health and human services agencies
3 apply only to a contract for which the commission or a health and
4 human services agency first advertises or otherwise solicits bids,
5 proposals, offers, or qualifications, as applicable, on or after
6 September 1, 2007.

7 (c) A contract for which the commission or a health and
8 human services agency first advertised or otherwise solicited bids,
9 proposals, offers, or qualifications, as applicable, before
10 September 1, 2007, is governed by the law as it existed immediately
11 before the effective date of this Act, and that law is continued in
12 effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2007.