
A BILL FOR AN ACT

RELATING TO DISCRIMINATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds and declares that the
2 development and maintenance of a free and effective democratic
3 society depends on the right and ability of its citizens and
4 residents to communicate with their government and the right and
5 ability of the government to communicate with its citizens and
6 residents.

7 The legislature further finds and declares that a
8 substantial number of people who live, work, and pay taxes in
9 this state are unable to effectively communicate with their
10 government because they do not speak or write English at all, or
11 their English language skills are limited. The legislature
12 further finds and declares that state and local agency employees
13 are frequently unable to communicate with persons requiring
14 their services because of this language barrier. As a
15 consequence, a substantial number of people are presently being
16 denied rights and benefits to which they would otherwise be
17 entitled.



1 The purpose of this Act is to provide for effective and
2 timely communication between all levels of government in this
3 state and the people of this state who may be precluded from
4 benefiting from public services because of a language barrier.

5 SECTION 2. Section 368-1.5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§368-1.5 Programs and activities receiving state**

8 **financial assistance.** (a) No otherwise qualified individual in
9 the State shall, solely by reason of his or her disability, be
10 excluded from the participation in, be denied the benefits of,
11 or be subjected to discrimination by state or county agencies,
12 or [~~under~~] by any program or activity receiving state or county
13 financial assistance.

14 (b) No otherwise qualified individual in the State shall,
15 solely by reason of the individual's inability to adequately
16 understand others or communicate in spoken or written English,
17 be excluded from participation in, denied the benefits of, or
18 subjected to discrimination by any state or county agency, or by
19 any program or activity receiving state or county financial
20 assistance.

21 [~~(b)~~] (c) As used in this section[, ~~the term "disability"~~]:



1 "Disability" means the state of having a physical or mental
 2 impairment which substantially limits one or more major life
 3 activities, having a record of such an impairment, or being
 4 regarded as having such an impairment.

5 [~~(c)~~ ~~As used in this section, "state financial~~
 6 ~~assistance"~~] "State or county financial assistance" means
 7 grants, purchase-of-service contracts, or any other arrangement
 8 by which the State or county provides or otherwise makes
 9 available assistance in the form of funds to an entity for the
 10 purpose of rendering services on behalf of the State~~(-)~~ or the
 11 county. It does not include procurement contracts, state
 12 insurance or guaranty contracts, licenses, tax credits, or loan
 13 guarantees to private businesses of general concern that do not
 14 render services on behalf of the State or county."

15 SECTION 3. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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HB 2779

Report Title:

Civil rights; Inability to speak English

Description:

Makes it a civil rights violation to unlawfully discriminate against an individual preventing the individual from receiving state or county benefits for the sole reason that the individual cannot use English proficiently. Also prohibits county agencies or programs and activities receiving county financial assistance from discriminating against an individual because of the individual's disability.

