

---

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



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

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

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



1        "Disability" means the state of having a physical or mental  
2 impairment [~~which~~] that substantially limits one or more major  
3 life 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 on January 1, 2096.



**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. (HB2779 HD1)

