
A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

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

6 The legislature further finds that a significant number of
7 persons who live, work, and pay taxes in this State are unable
8 to effectively communicate with their government, because of an
9 inability to speak or write English or because it is not their
10 primary language. Because of a language barrier, state and
11 county employees are frequently unable to communicate with these
12 persons who need government services. As a consequence, a
13 substantial number of persons are presently being denied rights
14 and benefits to which they would otherwise be entitled.

15 The intent of this Act is to provide for effectively and
16 timely communication between government agencies and members of
17 the public who are precluded from utilizing public services
18 because of language barriers.



1 The purpose of this Act is to prohibit civil rights
2 discrimination against limited or non-English proficient
3 persons.

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

6 "**§368-1.5 Programs and activities receiving state**

7 **financial assistance.** (a) No otherwise qualified individual in
8 the State shall, solely by reason of [~~his or her~~]:

9 (1) A disability~~[,]~~; or

10 (2) A lack of proficiency in English, be excluded from the
11 participation in, be denied the benefits of, or be
12 subjected to discrimination by state agencies, or
13 under any program or activity receiving state or
14 county financial assistance.

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

16 "Disability" means the state of having a physical or mental
17 impairment which substantially limits one or more major life
18 activities, having a record of such an impairment, or being
19 regarded as having such an impairment.

20 "A lack of proficiency in English" means an individual is
21 unable to adequately understand or communicate in spoken or
22 written English.



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

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Civil Rights; Language Discrimination

Description:

Prohibits discrimination against persons with a lack of proficiency in English.

