

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2778
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2778, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS,"

begs leave to report as follows:

The purpose of this bill is to ensure and improve access to state and county government agencies to people who may experience language barriers because they may not speak or understand English.

Specifically, this bill improves access to local government bodies by:

- (1) Providing that the Department of Labor and Industrial Relations (DLIR) shall provide oversight, central coordination, and technical assistance to agencies covered under this bill in its implementation of the provisions of this part to ensure that the provision of services covered by entities meets acceptable standards of translation or interpretation;
- (2) Requiring that agencies covered under this bill shall establish a plan for oral and written language access as provided by administrative rules adopted by DLIR pursuant to Chapter 91, Hawaii Revised Statutes (HRS);



- (3) Establishing and funding the position of a Language Access Director within DLIR to coordinate and supervise activities established by this bill and funding the Director's office and staff; and
- (4) Creating the Language Access Advisory Council (Council) to advise the Language Access Director and provide community input on:
 - (A) Implementation and compliance of state and county agencies in their provision of language access services; and
 - (B) The quality and adequacy of various language access services provided by state and county agencies.

DLIR, Na Loio, the Domestic Violence Clearinghouse and Legal Hotline, Hawaii Interpreter Action Network, American Cancer Society Hawaii Pacific, Inc., Kokua Kalihi Valley, United Filipino Council of Hawaii, Catholic Charities Hawaii, and numerous concerned individuals supported this bill. The Department of Health, Judiciary, and Hawaii Civil Rights Commission supported the intent of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this bill by:

- (1) Amending section 368-1.5, HRS, to permit persons denied language accessible services by the state, counties, and service providers receiving state or county funding, to file a complaint with the Hawaii Civil Rights Commission;
- (2) Clarifying that the term "covered entity" applies to state government agencies;
- (3) Providing that no information shall be disclosed that identifies an individual;
- (4) Requiring DLIR to adopt rules pursuant to Chapter 91, HRS, through which a covered entity shall develop plans for language access;
- (5) Clarifying that the provisions of the bill apply to boards as well as other entities;



- (6) Requiring the Language Access Director to submit a report to the Governor and the Legislature no later than 20 days prior to the convening of each Regular Session, beginning with the Regular Session of 2007;
- (7) Changing the effective date to July 1, 2006; and
- (8) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2778, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2778, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SYLVIA LUKE, Chair



