

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 2914
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Transportation and Government Operations and Labor, to which was referred S.B. No. 2914 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL RIGHTS,"

beg leave to report as follows:

The purpose of this measure is to prohibit a state agency or a program or activity that receives state or county funds from excluding from participation, denying benefits to, or discriminating against a person with a lack of proficiency in English.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, the Department of Health, Hawaii Civil Rights Commission, Na Loio, Domestic Violence Clearinghouse and Legal Hotline, United Filipino Council of Hawaii, American Cancer Society, Kokua Kalihi Valley Comprehensive Health Center, Catholic Charities Hawaii, Inter-Agency Council for Immigrant Services, Nursing Advocates and Mentors, Inc., Filipino Social Workers of Hawaii, Asian American Network for Cancer Awareness, Research, and Training, Filipino Coalition for Solidarity, Gumil Hawaii, Filipino Women's Business Association, Sakada Foundation, Ilokos Norte Aid Association, Laoag City Circle of Hawaii, Filipino Women's Civic Club, Philippine Nurses Association - Hawaii, Oahu Filipino Community Council, and sixty-nine individuals.



Your Committees find that substantial numbers of people who live, work, and pay taxes in this State are unable to communicate effectively with their government, either because they do not speak or write English, or because their primary language is not English. Likewise, employees of state and local government agencies are often unable to communicate with these individuals who require their services. Consequently, a significant portion of our population is essentially denied the rights and benefits which they would otherwise receive.

The issue of access to state services for persons of limited English proficiency is not new in Hawaii. In order to provide access to services, a two-prong approach is necessary. First, an affirmative commitment of funds and resources must be made to plan, develop, and implement policies and systems in the executive branch to provide meaningful access to services. Second, enforcement provisions must be enacted making it a violation of state law to deny or fail to provide access to services based on limited English proficiency, with jurisdiction in the Hawaii Civil Rights Commission. Together these approaches would reflect the State's commitment to providing meaningful access to services for limited-English-proficiency individuals.

It is the intent of your Committees to provide effective and timely communication between all levels of government and individuals who are precluded from using public services due to language barriers.

Accordingly, your Committees have amended this measure by:

- (1) Inserting language to create a new part within chapter 368, HRS, that:
 - (A) Requires a covered entity, as defined in the new part, to:
 - (i) Provide timely oral language services to persons with limited or no English proficiency who seek access to services of the covered entity;
 - (ii) Inform the public of the language services;
 - (iii) Collect data on and determine the language services needed;



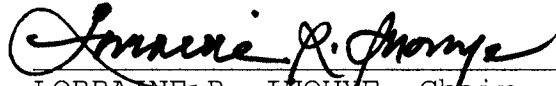
- (iv) Provide timely translations of vital documents into any non-English language spoken by a person of a limited or no English proficiency population of a specified size;
 - (v) Post multilingual signs in all offices where services are provided to inform individuals of their right to free language assistance services; and
 - (vi) Establish a plan for language access through administrative rules with the language access director, the language access advisory council, and the entity's coordinator for language access;
- (B) Exempts the Legislature, commission, departments, or other covered entities to which the part applies from translating meeting notices, agendas, or minutes from meetings or hearings;
 - (C) Requires the department of labor and industrial relations to provide oversight, coordinate, and assist covered entities in complying with the law;
 - (D) Establishes a language access director position to coordinate and supervise activities under the part; and
 - (E) Establishes a language access advisory council to serve in an advisory capacity to the language access director; and
- (2) Inserting a blank appropriation to hire and maintain an office of language access director and maintain a language access advisory council.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2914, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2914, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Government Operations and
Labor,


BRIAN KANNO, Chair


LORRAINE R. INOUE, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Labor
(Bills and Resolutions)

Measure:* SB 2914	Committee Referral: TGO / LBR, JHW	Date: 2/14/06		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KANNO, Brian (C)	✓			
IHARA, Jr., Les (VC)				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam			✓	
TOTAL	2		1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Do not list more than one measure per Record of Votes.

