

Honolulu, Hawaii
Feb 8, 2008

RE: H.B. No. 2575
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 2575 entitled:

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

begs leave to report as follows:

The purpose of this bill is to continue to enhance access to government services for persons with limited English-language proficiency by:

- (1) Clarifying several definitions within Hawaii's language access law;
- (2) Adding the definitions of "purchase-of-service contract" and "written language services" to Hawaii's language access law;
- (3) Requiring certain entities to:
 - (A) File a language access plan with the Office of Language Access (OLA); and
 - (B) Designate a language access coordinator;and
- (4) Expanding the Language Access Advisory Council (LAAC) from 11 members to 15 members.



The Congress of Visayan Organizations and Judiciary testified in support of this bill. OLA supported the intent of this measure. The Hawaii Civil Rights Commission (HCRC) and Na Loio-Immigrant Rights and Public Interest Legal Center (Na Loio) supported parts of the measure but opposed and had serious concerns regarding other parts of the measure.

Persons who do not speak English as a primary language compose a significant portion of Hawaii's population. However, many individuals with limited English proficiency sometimes have difficulty obtaining services from state agencies because of their limited ability with the English language. As a result of this need, the Legislature passed legislation that was enacted as Act 290, Session Laws of Hawaii 2006, which began to address the language access needs of limited English proficient persons.

However, your Committee understands the concerns raised by HCRC and Na Loio regarding the jurisdiction of OLA over non-profit organizations and the unintended, negative impact the requirement for non-profit organizations to submit language access plans and designate language access coordinators may have on the non-profit organization.

Your Committee finds that we must strive to continue to ensure that all residents of Hawaii, including non-English speakers and limited-English speakers, enjoy full access to and participation in the life of our community and that the establishment of a language access bank would go a long way toward achieving this goal.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that a "purchase-of-service contract" includes formal written agreements between the State and any person and not just another legal entity;
- (2) Removing the Office of Hawaiian Affairs as a branch of the state government under the definition of "State" or "State agency";
- (3) Deleting language that required covered entities to file a language access plan with OLA and designate a language access coordinator;



- (4) Specifying that the four additional LAAC members have an interest in language access;
- (5) Clarifying that one of the ex-officio LAAC members is the Executive Director of OLA;
- (6) Inserting an appropriation of \$189,500 for the establishment of a language access bank within the Department of Labor and Industrial Relations to ensure meaningful access by limited English proficient persons to state-funded services; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2575, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2575, H.D. 1, and be referred to the Committee on Human Services & Housing.

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



ALEX M. SONSON, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

234-08

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: HB 2575	Committee Referral: LAB, HSH, FIN	Date: 02/05/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	Y			
2. NAKASONE, Bob (VC)				X
3. EVANS, Cindy	X			
4. HAR, Sharon E.	Y			
5. LEE, Marilyn B.	X			
6. LUKE, Sylvia	Y			
7. McKELVEY, Angus L.K.	X			
8. NISHIMOTO, Scott Y.	X			
9. SOUKI, Joseph M.	Y			
10. TAKAMINE, Dwight Y.	X			
11. TAKUMI, Roy M.	Y			
12. MEYER, Colleen Rose				X
13. PINE, Kymberly Marcos	X			
TOTAL (13)	11	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				