

STAND. COM. REP. NO. 3470

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 1762
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Human Services and Government Operations,
to which was referred H.B. No. 1762, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Executive Director of the Office of Language Access to submit an annual report to the Governor and Legislature on the compliance of state agencies and certain other entities with state and federal language access laws; complaints of noncompliance, if any; resolution of the complaints; and recommendations on how to enhance and promote language access; and
- (2) Appropriate funds to establish three full-time equivalent (3.0 FTE) Limited English Proficiency Language Coordinator positions in the Office of Language Access.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, Department of Labor and Industrial Relations - Office of Community Services, Department of Human Services, Hawaii Coalition for Immigrant Rights, Hawai'i Friends of Civil Rights, Common Cause Hawaii,



Catholic Charities Hawai'i, Hawai'i Children's Action Network Speaks!, Refugee Advocacy Lab, The Legal Clinic, Pacific Gateway Center, and six individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Office of Language Access, Department of Commerce and Consumer Affairs, Department of Defense - Hawai'i Emergency Management Agency, Department of Budget and Finance, and one individual.

Your Committees find that one out of nine persons living in Hawaii has limited proficiency in English. This limitation often impedes those person's access to important benefits and services, including access to health care and other public benefits; essential information during public health emergencies, pandemics, or natural disasters; and access to earned benefits, including unemployment benefits and workers' compensation.

Chapter 321C, Hawaii Revised Statutes, was enacted for the purpose of affirmatively addressing the language access needs of limited English proficient persons defined as individuals who, on account of national origin, do not speak English as their primary language and self identify as having a limited ability to read, write, speak, or understand the English language. These principles are guided by Executive Order No. 13166 and succeeding provisions of federal law, regulation, or guidance. Under chapter 321C, state agencies and covered entities are required to take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons.

The Office of Language Access was established under section 321C-6, Hawaii Revised Statutes, to provide oversight, central coordination, and technical assistance to state agencies in their implementation of language access requirements. However, existing law does not require the Office to file reports with the Governor or the Legislature on the status of state agencies' implementation of language access requirements. The reporting requirement under this measure will ensure that state agencies and other entities are in compliance with the state and federal language access laws. The establishment of permanent Limited English Proficiency Language Coordinator positions will facilitate the implementation and delivery of each state agency's language access plans.



Your Committees note the testimony of the Office of Language Access, stating that its existing office space cannot accommodate three more positions and requesting that it be allowed to utilize the funding for the establishment of one full-time equivalent (1.0 FTE) Limited English Proficiency Language Coordinator position and to cover the Office's operating expenses for purposes of this measure.

Accordingly, your Committees have amended this measure by:

- (1) Making an appropriation of an unspecified amount to fund:
 - (A) The establishment of one full-time equivalent (1.0 FTE) Limited English Proficiency Language Coordinator position in the Office of Language Access;
 - (B) The operating expenses of the Office of Language Access to collaborate with all state departments to ensure compliance with all state and federal language access laws; and
 - (C) The development of a comprehensive statewide plan to increase language access by the Office of Language Access; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1762, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1762, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Government Operations,



SHARON MORIWAKI, Chair

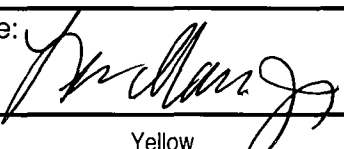


JOY A. SAN BUENAVENTURA, Chair



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Thirty-First Legislature
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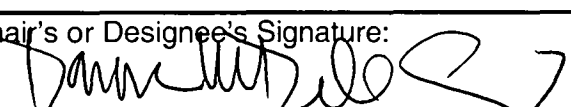
Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1762 HD1	HMS/GVD, WAM	3/22/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<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	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	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	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* HB1762, HD1	Committee Referral: HMS/GVO, WAM	Date: 03/22/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <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	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHANG, Stanley				/
GABBARD, Mike	/			
FEVELLA, Kurt				/
TOTAL	3			/
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				

*Only one measure per Record of Votes