

Honolulu, Hawaii

April 28, 2006

RE: H.B. No. 2778
H.D. 2
S.D. 2
C.D. 1

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

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

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2778, H.D. 2, S.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to require the State and covered entities to provide assistance to limited English proficient persons who are eligible for certain state-provided or state-funded programs. Among other things, this measure:

- (1) Requires the State and covered entities that render services on behalf of the State to ensure meaningful access to services by providing oral and written language services to limited English proficient persons;
- (2) Establishes a Language Access Director position and provides duties and responsibilities;

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- (3) Establishes a Language Access Advisory Council (Advisory Council) to advise the Language Access Director; and
- (4) Appropriates general revenues to staff and maintain positions for the office of the Language Access Director and Advisory Council.

Persons who do not speak English as a primary language comprise a significant portion of Hawaii's population. Many of these individuals contribute to our economy, educate their children in our schools, and make valuable contributions to the life of our state. However, many individuals with limited English proficiency sometimes have difficulty obtaining services from state agencies because of their limited ability in the English language. Your Committee on Conference finds that we must strive 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.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that a "covered entity" includes persons receiving state financial assistance including grants or other arrangements by which services are rendered on behalf of the State;
- (2) Clarifying that "vital documents" means printed documents that provide "important" rather than just "relevant" information necessary to participate in services, programs, and activities;
- (3) Specifying that each state agency and all covered entities shall take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient persons;
- (4) Specifying that each state agency and all covered entities shall provide competent, timely oral language services to limited English proficient persons who seek to access services, programs, or activities;
- (5) Specifying that each state agency and all covered entities shall provide written translation of vital documents to limited English proficient persons who seek to access services, programs, or activities under certain circumstances;



- (6) Requiring each state agency and covered entity to establish a plan for language access;
- (7) Establishing an Office of Language Access within the Department of Labor and Industrial Relations (DLIR) that is headed by an executive director to be known as the Executive Director of the Office of Language Access (Executive Director);
- (8) Establishing the duties of the Executive Director;
- (9) Requiring that each state agency's plan for language access be established in consultation with the Executive Director;
- (10) Requiring state agencies receiving federal financial assistance to file an initial language access plan with the Executive Director no later than July 1, 2007;
- (11) Requiring the language access coordinator of each state agency to implement their language access plan in consultation with the Executive Director;
- (12) Including the Executive Director as a member of the Advisory Council;
- (13) Clarifying that the Advisory Council shall serve in an advisory capacity to the Executive Director;
- (14) Stipulating that the Executive Director submit a written report annually to the Governor and Legislature no later than 20 days prior to the convening of each regular session;
- (15) Inserting an appropriation of \$440,000 for the purposes of staffing and maintaining positions at DLIR for the Office of the Executive Director and Advisory Council;
- (16) Inserting a title of "Language Access" for the new part;
- (17) Deleting reference to establishing a salary for the Executive Director;
- (18) Changing its effective date from July 1, 2050, to July 1, 2006; and



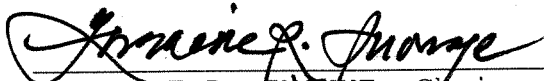
- (19) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2778, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2778, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

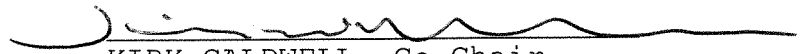
ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

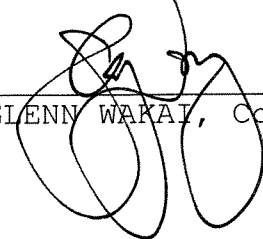

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