



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

The Honorable Brian T. Taniguchi, Chair

The Honorable Clayton Hee, Vice Chair

Monday, February 25, 2008, 10:00 a.m.

State Capitol, Conference Room 016

by

Debi Tulang-De Silva

Project Director, Office on Equality and Access to the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2395, S. D. 1, Relating to Language Access

Purpose: Clarifies definitions related to language access. Requires certain entities to file a language access plan and appoint a language access coordinator. Expands the language access advisory council from 11 to 15 members.

Judiciary's Position:

The Judiciary recommends passage of Senate Bill No. 2395, S. D. 1 and offers the following information in support of the measure.

Pursuant to enactment of Act 290 and codified as part of HRS §371 in 2006, each state agency and covered entity must take reasonable steps to ensure meaningful access to services, programs, and activities funded and provided by the State by limited English proficient ("LEP") persons. The language contained in Act 290 mirrors federal civil rights legal language based on Title VI of the Civil Rights Act of 1964, which protects LEP persons against national origin discrimination. Act 290 establishes both the Office of Language Access ("OLA") and the Language Access Advisory Council ("Council") to direct this process of creating more meaningful language access for LEP persons in Hawaii.

Senate Bill No. 2395, S. D. 1 essentially effects two changes: 1) it improves fundamental language in HRS 371 to be more clear and efficient; and 2) it establishes 4 new seats on the Council to better ensure representation of all 4 counties of Hawaii State. OLA and the Council



Senate Bill No. 2395, S. D. 1, Relating to Language Access
Monday, February 25, 2008
Page 2

have inherited the daunting mission of Act 290 and should be provided the adequate tools to achieve this mission. Passing House Bill No. 2575 better equips them to do so.

Thank you for the opportunity to testify on Senate Bill No. 2395, S. D. 1.

LINDA LINGLE
GOVERNOR



DARWIN L. D. CHING
DIRECTOR

COLLEEN Y. LaCLAIR
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.
EXECUTIVE DIRECTOR
OFFICE OF LANGUAGE ACCESS

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813
www.hawaii.gov/labor/ola
Phone: (808) 586-8730 / Fax: (808) 586-8733
Email: dlir.ola@hawaii.gov

TO: Honorable Brian T. Taniguchi, Chair
Honorable Clayton Hee, Vice Chair
Members of the Committee on Judiciary and Labor

FROM: Serafin "Jun" Colmenares, Executive Director, Office of Language Access

RE: **Testimony in Support of SB2395 SD1**
Committee on Judiciary and Labor
Hearing: February 25, 2008, 10:00 a.m., Room 016

The Office of Language Access (OLA) supports the intent of SB2395, which

- (1) Clarifies definitions related to language access;
- (2) Expands the Language Access Advisory Council to include members from each of the counties; and
- (3) Clarifies that ex officio members of the Council are the Executive Directors of the Hawaii Civil Rights Commission and of the Office of Language Access.

This measure is not part of the Governor's Administrative Bill Package.

OLA supports this measure which streamlines the language access law by clarifying definitions and by ensuring that the Council has statewide representation so that limited English proficient individuals in communities throughout the State can be heard.

PROPOSED AMENDMENTS

- (1) The definition of "State" should stay the same except to add "state agency" to the definition. State agency is used throughout the existing language access law provisions.

"State" or "state agency" means the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other agencies within the executive, legislative, or judicial branches.

- (2) Advisory Council Representatives from each of the counties should have an interest in language access. In addition, in order to address language access issues faced by persons with disabilities, the Council should include a member from the Disability and Communications Access Board.

SECTION 2. Section 371-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established the language access advisory council within the department of labor and industrial relations for administrative purposes. The council shall consist of the following members to be appointed by the governor:

- (1) One representative from the state government;
- (2) One representative from a covered entity;
- (3) One bilingual case management worker, or an individual who is or has been employed by a state-funded immigrant service agency or program;
- (4) One representative of an advocacy organization that provides services to limited English proficient persons;
- (5) One member from the limited English proficient population who has an interest in the provision of oral language services;
- (6) One representative of the University of Hawaii department of language and linguistics who provides professional training in interpretation and translation;
- (7) One representative of a Hawaiian language advocacy organization;
- (8) One representative of a professional interpreter's organization;
- (9) One representative of a bilingual referral service or program;
- (10) One representative residing in the county of Hawaii who has an interest in language access;
- (11) One representative residing in the county of Kauai who has an interest in language access;
- (12) One representative residing in the county of Maui who has an interest in language access;
- (13) One representative residing in the city and county of Oahu who has an interest in language access;
- (14) One representative from the disability and communication access board, as an ex-officio member;
- ~~[(10)]~~ (15) The executive director of the Hawaii civil rights commission or authorized representative ~~[+ and]~~, as ex-officio member; and
- ~~[(11)]~~ (16) The executive director of the office of language access, as an ex-officio member."

LATE

CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea HI 96701

To: Sen. Brian Taniguchi, Chair
Senate Committee on Judiciary and Labor

From: Margarita Hopkins
President

Date: February 25, 2008 Hearing
10:00 a.m., Room 016

Subject: Support of SB2395 SD1, Relating to Language Access

My name is Margarita Hopkins, President of the Congress of Visayan Organizations, a statewide umbrella representing 22 unit organizations of Filipinos of Visayan ancestry.

Honorable Chair, Vice-Chair, and members of the Senate Committee on Judiciary and Labor, I testify in strong support of SB2395 SD1 which clarifies definitions related to language access and expands the language access advisory council from 11 to 16 members.

We believe that the amendments proposed by this bill will strengthen Hawaii's language access law and will enable the Office of Language Access to be more effective in performing its functions to ensure compliance with the law and the provision of meaningful access to essential government services to limited English proficient individuals.

We therefore urge your committee to pass SB2395 SD1.

Thank you for this opportunity to testify.

**Hawaii Interpreter Action Network
c/o Hawaii Newspaper Guild
888 Mililani Street, Room 303, Honolulu, Hawaii 96813**

TO: Sen. Brian T. Taniguchi, Chair; Sen. Clayton Hee, Vice-chair
Senate Committee on Judiciary and Labor

FROM: M. Alohalani Boido, M. A., Chair
Legislative Action Committee, Hawaii Interpreter Action Network
Tel.: 946-2558, E-mail: boido@hawaii.edu

HEARING: February 25, 2008; :10 a.m., Rm. 016

RE: **SUPPORT WITH AMENDMENTS, SB 2395 SD 1,**
Relating to Language Access

I am Marcella Alohalani Boido, a Hawaii Judiciary certified court interpreter and a founding member of Hawaii Interpreter Action Network (HIAN). HIAN is dedicated to representing Hawaii's court interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions. I also sit on the OLA Advisory Council.

HIAN recommends amending Part I, Section 2 (a) (6). We suggest it be amended to allow for a teacher from any accredited institution of higher learning in Hawaii who provides training in Translation or Interpretation (T & I) of a spoken language, preferably someone who holds a nationally or internationally recognized professional-level certification or other credential as an interpreter or translator.

History When the first bill to create an office of language access came before the legislature, I, as a member of an organization of interpreters and translators, facilitated discussion between our organization and the coalition that brought that bill. We suggested that the bill include two more Council positions, which are currently described in Part I, Section (a), (6) and (8).

At the time, the Center for Interpretation and Translation Studies (CITS) had already imploded. All faculty had resigned. The College took back the positions, which had previously been filled by highly credentialed teachers who had been hired competitively at the international level.

Perhaps none of us in the interpreter and translator community thought that CITS would remain as it has, in long-term limbo. It is staffed by non-tenure track instructors, borrowed, with their positions, from other departments. None were hired competitively into their CITS positions. None holds a nationally recognized certification in translation or interpretation.

Today Nationwide, as states implement court interpreter and other certifications, there has been a proliferation of training programs aimed at preparing students for professional work as legal, community, and medical interpreters and translators. Most are taught by translators and interpreters who are certified or hold other high-level credentials in T & I. These programs, in both public and private institutions of higher learning, are in a variety of departments. They support certification, and they prepare students to take and pass certification tests.

The Hawaii Judiciary started court interpreter certification last year. We therefore expect and hope for similar professionally taught T & I programs to develop in Hawaii to meet the need for training.

We'd like to open up the "educator seat" on the Council to professional teachers of translation and interpretation, regardless of the accredited institution or department which employs them.

Please support SB 2395 SD 1, with this amendment. Thank you.