

HB 813



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
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April 3, 2009

TO: Honorable Suzanne Chun Oakland, Chair
Honorable Les Ihara, Jr., Vice Chair
Members of the Committee on Human Services

FROM: **Serafin P. Colmenares, Executive Director, Office of Language Access**

RE: **Testimony in Support of HB813 HD1**
Hearing: April 7, 2009, 1:30 p.m., Conference Room 016

I. OVERVIEW OF CURRENT PROPOSED LEGISLATION

HB813 HD1 proposes to establish a new holiday by designating a month as Language Access Month. A new section would be added to establish the month in Hawaii Revised Statutes, Chapter 8, Holidays. The month and any days within the month would not be construed as a state holiday or as state holidays. Under current state and federal laws, there is no existing statute that recognizes and designates a language access month or anything related. No funding is requested.

II. HB813 HD1

The Office of Language Access (OLA) supports HB813 HD1 and respectfully requests that September be designated as language access month.

According to the 2000 Census, Hawai'i ranks as fourth among states with the largest foreign born population, which is approximately 17.9%. As a result, Hawai'i is rich with cultural diversity amongst its residents. Along with this diversity, there exist language barriers for those who are not fluent in the English language - also known as persons with limited English proficiency (LEP).

The legislature recognized the existence of language barriers and was at the forefront on this issue in passing the language access law in 2006 to ensure equal access to state programs, services and activities for LEP persons. The law includes requiring state agencies to take reasonable steps to provide meaningful language services either through the oral language services of an interpreter or written language services in a translated document. The continued celebration of Language Access Month in September of each year will serve to foster and promote these language access activities in Hawai'i and inform the public of its existence, so that language access can be seen not as an extra but rather as a vital component in the state's provision of basic government services. At the same time, it is a celebration of Hawai'i's

diversity. September is a month when the community's focus and awareness returns to education as the new school year starts and can be celebrated along with other international days (e.g. September 21, United Nations International Day of Peace).

Thank you for this opportunity to testify.



HAWAI`I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 7, 2009
Rm. 016, 1:30 p.m.

To: The Honorable Suzanne Chun Oakland, Chair
Members of the Senate Committee on Human Services

From: Coral Wong Pietsch, Chair
and Commissioners of the Hawai`i Civil Rights Commission

Re: H.B. No. 813, H.D.1

The Hawai`i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai`i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC supports H.B. No. 813, H.D.1 which designates a month as "language access month". However, as stated in the original version of H.B. 813 the HCRC supports the designation of the month of September as language access month, and urges that the act take effect upon its approval.

Pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166, issued on August 11, 2000, the state is obligated to provide access to services to people with limited English proficiency (LEP). Access to state services for LEP persons is a serious issue in Hawai`i. According to the 2000 Census, approximately 17.9% of the state's population is foreign born and does not speak English as their first language. Language access was first litigated in the Mangrobang case, in which the state Department of Health entered into a stipulated judgment in a Title VI challenge to limited access for LEP persons. In 1993 the HCRC held a public hearing on discriminatory denials of services by state agencies and state funded

programs. The HCRC found that these agencies and programs were generally not providing bilingual services to the LEP public and that between 2,000 – 3,000 LEP persons were effectively denied access to these services. Since that time, the number of newly arrived immigrants has increased exponentially in Hawai'i as has the need for language accessible services.

In order to meet the state's obligation to provide access to services, in 2006 the legislature passed the language access law (H.R.S. § 371-31 to -37) and created the Office of Language Access (OLA) to ensure equal access to programs, services and activities for LEP persons. The law requires state agencies to take reasonable steps to provide meaningful language services either through the oral language services of an interpreter or written language services in a translated document.

The celebration of Language Access Month each September will foster and promote compliance with the language access law by informing the public of its existence and the continuing need for language access in Hawaii's diverse society, and emphasizing language access as an integral component in the state's provision of government services.

The HCRC therefore urges this Committee to pass this bill in its original version.



CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, HI 96701

TO: Sen. Suzanne Chun-Oakland
Chair, Senate Committee on Human Services

DATE OF HEARING: Tuesday, April 7, 2009
1:30 p.m., Room 016

SUBJECT: **Testimony in Strong Support of HB813 HD1**

Madame Chair, Vice-Chair, and members of the Senate Committee on Human Services. My name is **Margarita L. Hopkins, president of the Congress of Visayan Organizations, the statewide umbrella of Visayan organizations in Hawaii.**

I am testifying in strong support of HB813 HD1, Relating to Language Access Month in the State of Hawaii, and the designation of September as language access month effective this year 2009. Hawaii is a multilingual state. Many of our residents are limited English proficient and face difficulty gaining access to government services, programs and activities because of language barriers. There is a need to promote awareness of language access for government services and to emphasize the importance of and need for language access in Hawaii. Having a month designated for language access is one way of promoting public awareness and education about this important issue.

We therefore urge your committee to approve this bill with the recommended changes.

Thank you for the opportunity to testify.

Very truly yours,

MARGARITA HOPKINS
President



UNITED FILIPINO COUNCIL OF HAWAII

P.O. BOX 498, Honolulu, Hawaii 96809-0498

TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Senate Committee on Human Services

April 7, 2009, 1:30 p.m., Hawai'i State Legislature, Room 016

Measure Title: RELATING TO LANGUAGE ACCESS

RELATING TO LANGUAGE ACCESS

To: Sen. Suzanne Chun Oakland, Chair; Sen. Les Ihara, Vice-Chair; Sen. Josh Green, M.D. ;
Sen. Fred Hemmings

From: Eddie Agas, President, United Filipino Council of Hawaii

My name is Eddie Agas. I am the president of the United Filipino Council of Hawaii (UFCH). I submit this testimony to strongly support this bill on behalf of UFCH, an umbrella organization with member organizations from six islands. UFCH membership is comprised of nearly 5,000 individual members.

The worse our economy gets, the greater the need for community partnerships. Filipinos, along with many other ethnic groups with ties to their countries of origin, and the languages of their ancestors, have worked tirelessly with civil rights activists and the Hawai'i state legislature to ensure that government policies and services are accessible to all people through language access. Enactment of Act 290, Hawai'i's progressive language access law, was the first successful step taken after many attempts since the 1964 Civil Rights Act. This bill to observe Language Access Month offers another institutional step to raise awareness and take actions to implement this law.

Like many immigrant families, UFCH members know the benefits and rewards in society, as well as within families, of enduring inter-generational struggles when English is not their first language. We know the pain, and respect the struggles of the younger generations who want to recover their heritage languages, and of their elders, who have seen their ancestral tongue(s) disappear and replaced with alienation in only one generation in America. Language Access Month will foster family strength, inter-cultural communication, respect for differences, and unity to help one another, especially during times of crisis and sacrifice.

As President Barack Obama reminds us, "Our diversity defines us, not divides us." Thank you for hearing this bill. The simple act of passing this bill is the key to solve complex problems today and for generations to come. Your leadership is greatly appreciated.

Respectfully submitted,

Eddie Agas, President, United Filipino Council of Hawaii

Filipino American Citizens League

Jake Manegdeg, President
P. O. Box 270126 * Honolulu, Hawai'i 96827

TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Senate Committee on Human Services

April 7, 2009, 1:30 p.m.
Hawai'i State Legislature, Room 016

Measure Title: RELATING TO LANGUAGE ACCESS

Report Title: Holidays; Language Access Month

Description: Designates an unspecified month as Language Access Month to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawaii. (HB813 HD1)

To: Sen. Suzanne Chun Oakland, Chair
Sen. Les Ihara, Vice-Chair
Senate Human Services Committee Members
Sen. Josh Green, M.D. & Sen. Fred Hemmings

From: Jake Manegdeg, President, Filipino American Citizens League

My name is Jake Manegdeg. I am the president of the Filipino American Citizens League. The Filipino American Citizens League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

I submit this testimony to strongly support this bill. Even though Hawaii was successful in enacting a Language Access Law, much work is yet to be done to support our government to not only comply on paper with "plans", but to ensure that government officials and their staff have the commitment to implement the intent of the law, in spite of dwindling resources. No excuse is acceptable when it comes to providing access to government services, especially with regard to emergency preparedness.

Thank you for the chance to provide support for this bill. Your help in its passage is greatly appreciated.

Very Sincerely,

Jake Manegdeg
President
Filipino American Citizens League



TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Senate Committee on Human Services

April 7, 2009, 1:30 p.m.
Hawai'i State Legislature, Room 016

Measure Title: RELATING TO LANGUAGE ACCESS

Description: Designates an unspecified month as Language Access Month to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawaii. (HB813 HD1)

To: Sen. Suzanne Chun Oakland, Chair & Sen. Les Ihara, Vice-Chair
Senate Human Services Committee Members: Sen. Josh Green, M.D. & Sen. Fred Hemmings

From: **Charlene Cuaresma, MPH, President, Filipino Coalition For Solidarity**

My name is **Charlene Cuaresma. As president of the Filipino Coalition for Solidarity**, I want to express appreciation to you for hearing this important bill. Since its inception in 1990, the Coalition has represented more than 50 Filipino community leaders, whose aim is to work for social justice issues to empower Filipinos to make socially responsible contributions to Hawai'i and our global neighbors through education, advocacy, and social action.

I am submitting **testimony in strong support of this bill** to recognize the multi-lingual assets and multi-cultural climate of diversity that makes Hawai'i unique. Hawai'i leads the United States of America with the highest percentage of non-white people. The U.S. Census lists at least 25 categories of languages spoken in Hawai'i with a respective array of additional language sub-groups. Hawai'i ranks fourth in the nation for the greatest percentage of foreign-born residents by state. Filipinos comprised 61% of the State's immigrant groups, which is larger than all immigrant groups combined. According to the 2000 U.S. Census Bureau, 10 % of Filipinos were reported to be in linguistically isolated households in the Counties of Hawai'i, Honolulu and Kaua'i. Maui County reported 16% of linguistically isolated Filipino households. Filipinos reporting to be limited English proficient or speaks English less than very well were 16% in Hawai'i County, 23% in Honolulu County, 20% in Kaua'i County, and 30% in Maui County.

But all people in Hawai'i, whether English is their first language or not, will benefit from this proposed designation of September as Language Access Month. Language Access Month will encourage goodwill to help one another--from making friends with different people at school, work, and in the community; to the vital exchange of commerce in swap meets, shopping malls, or on the inter-net; to exchanging wedding vows with whomever one pleases; and most especially to providing access to government services.

We ask that our lawmakers pass this bill to protect everyone's civil rights to communicate and to be understood in the transactions of our daily lives in our Aloha State. Thank you for the opportunity to provide this testimony.

Respectfully,

Charlene Cuaresma, MPH
President, Filipino Coalition for Solidarity

Filipinos for Affirmative Action

3432 B-1 Kalia Street, Honolulu, HI 96819

TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Senate Committee on Human Services

April 7, 2009, 1:30 p.m.
Hawai'i State Legislature, Room 016

Measure Title: RELATING TO LANGUAGE ACCESS
Report Title: Holidays; Language Access Month
Description: Designates an unspecified month as Language Access Month to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawaii. (HB813 HD1)

To: Sen. Suzanne Chun Oakland, Chair
Sen. Les Ihara, Vice-Chair
Senate Human Services Committee Members
Sen. Josh Green, M.D. & Sen. Fred Hemmings

From: **Amy Agbayani, Co-Chair, Filipinos for Affirmative Action**

My name is Amy Agbayani. As Co-Chair of Filipinos for Affirmative Action, a proponent of civil rights, I **submit strong support for this bill**. This bill can foster strategic actions to raise community awareness, increase public and private sector knowledge of language access policies, and support government agencies to meet their mission and to build their capacity to provide language access for all.

Thank you for hearing this bill, and for the opportunity to provide testimony. Your consideration to pass this bill is greatly appreciated.

Respectfully submitted,

Amy Agbayani, Ph.D.
Co-Chair
Filipinos For Affirmative Action



Nursing Advocates & Mentors, Inc.

... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.

P.O. Box 2034 Aiea, HI 96701
E-mail: bramosrazon@aol.com

TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Bea Ramos-Razon, RN,
FACDONA
President

Tessie Oculito, RN
Vice President

D Jun Obaldo, RN, BSN
Corresponding Secretary

Au Curameng, RN, CM
Recording Secretary

Margie A. Berueda, RN, CM
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Erlinda Ferrer, RN, BSN

Estrella Guevarra, RN

Delmar Magno, RN, C

Edel Matias, RN, CM

Tielito Lyn Matias, RN, BSN

Brenda Monegas, RN

Oscar Querido, RN

Lucy Porte, RNC

Violeta Sadural, RN, BSN

Tina Salvador, RN, BSN, CNN

Ramon Sumibcay, CPT, AN

Senate Committee on Human Services

April 7, 2009, 1:30 p.m.

Hawai'i State Legislature, Room 016

Measure Title: RELATING TO LANGUAGE ACCESS

To: Sen. Suzanne Chun Oakland, Chair
Sen. Les Ihara, Vice-Chair
Senate Human Services Committee Members:
Sen. Josh Green, M.D. ; Sen. Fred Hemmings

From: **Beatrice Ramos-Razon, RN, FACDONA**
President, Nursing Advocates and Mentors, Inc. (NAMI)

My name is Beatrice Ramos Razon. As the founder and president of NAMI (Nursing Advocates & Mentors, Inc.), we are in strong support of this bill. NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people by addressing not only a statewide, but worldwide nursing shortage through the training and mentoring of foreign medical graduate nurses, many of whom come from underprivileged backgrounds, to pass Hawai'i's nurses board exams.

For the majority of our NAMI volunteer board of directors, volunteer nurse instructors, and mentors, English is not our first language. Designating the month of September as "language access month" to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawai'i is a vital step to protect all people's civil rights. As nurses, and as individuals who speak more than one language, we can appreciate the difficulties of building the capacity to communicate. Setting September as Language Access Month is a positive and doable way to promote collaborative partnerships to achieve language access for all who seek help from government agencies. But even more, the rewards of a diverse, culturally competent, and civil society are invaluable.

Thank you for hearing this bill. **Please vote yes.**

Sincerely,

Beatrice Ramos-Razon, RN, FACDONA
President, Nursing Advocates and Mentors, Inc.



OAHU FILIPINO COMMUNITY COUNCIL

P.O. Box 17531 • Honolulu • Hawaii 96817

Unit Organizations

Alliance of Residential
Carehome Administrators
Aloha Saguibsib Cultural
Foundation, Inc.
Annac ti Bado iti Hawaii
Annac ti Batac
Annac ti Caoayan 2002
Annak ti Kailokuan iti
America
Annak ti Sinait iti Hawaii
Asingan Organization of
Hawaii
Badoc-Pinili Aid
Association of Hawaii
Banna Association of
Hawaii
Bannatiran Association of
Hawaii
Batangas Association of
Hawaii
Bulacan Circle of Hawaii
Caballeros de Dimasalang
Cabugao Sons & Daughters
of Hawaii
Candonians of Hawaii
Caoayan ISAH
Cavitenians of Hawaii
Dingras Association of
Hawaii
Divine Word College
Alumni Association
FilAm Sports USA
Fil American Citizens
League
Filipino Business Women's
Club
Filipino Nurses Organization
of Hawaii
Filipino Women's Civic
Club
GUMIL Hawaii
GUMIL Oahu
Hawaii Filipino Women's
Club
Hawaii Council of Bilingual
Educators
ILAH
Ilocos Nortnerians of
America
INCAT Alumni Association
of Hawaii
International Filipino
Society of Hawaii
Kalayaan Phil.-Hi. Int.
La Union Circle of
Hawaii
Lingayen Gulf Club of
Hawaii

TESTIMONY IN STRONG SUPPORT OF HB 813 HD 1

Senate Committee on Human Services

April 7, 1:30 p.m. • Hawai'i State Capitol • Rm. 016

RELATING TO LANGUAGE ACCESS

To:

Sen. Suzanne Chun Oakland, Chair

Sen. Les Ihara, Vice-Chair

Senate Human Services Committee Members:

Sen. Josh Green, M.D. and Sen. Fred Hemmings

From:

Cirvalina Longboy, President

Oahu Filipino Community Council

My name is Cirvalina Longboy, president of the Oahu Filipino Community Council. OFCC is an umbrella organization that represents a network of non-profit civic groups with a unified vision to improve the lives of our Filipino communities.

I submit this testimony to strongly support this bill. OFCC leaders were staunch supporters in the passage of Act 290 in 2006. We are grateful to legislators who had the political will to see it enacted. Today, we are returning because while progress is being made toward government agencies and their contractors having a language access plan in their file cabinets, much more work lies ahead to actually provide access to government services to people whose first language is not English. For example, much work is needed to reach out and strengthen the leadership networks of Cambodian, Laotian and Thai farmers, who needed assistance to access Civil Defense resources during the ravages of rain in Waialua and Haleiwa last December. Language Access Month would promote community partnerships to move forward collaboratively, especially during the economic downturn in our State and in the nation. Thank you for hearing this important bill. OFCC encourages you to please vote yes.

Sincerely,

Cirvalina Longboy, President

Oahu Filipino Community Council

Unit Organizations

Magsingal Association of
Hawaii
Narvacan/San Antonio Club of
Hawaii
Nueva Vizcaya Association of
Hawaii
Pasuquinos Association of
Hawaii
Philippine Cultural Foundation
Philippine Nurses
Association of Hawaii
Piddig Association of Hawaii
Sanchez Mira Association of
Hawaii
San Manuel Pangasinan
Association of Hawaii
San Nicolaneos USA
San Nicolas Goodwill
Foundation
San Nicolas Teachers of
Hawaii
Santa Lucia Association of
Hawaii
Sarrat Association of Hawaii
Sarrat International Inc.
Sinait Nt. High School Alumni
of Hawaii
Solsona of Hawaii
Tarlac Mutual Club of Hawaii
TPCP
Kalihi Ballroom, Inc.
Sadiri ti San Nicolas iti Hawaii
Samar Leyte Association of
Hawaii
Sampaguita/Sunflower Club of
Hawaii
San Juan Association of
Hawaii
San Nicolas Nat. High
Santa Marians of Hawaii
School Alumni
Santa Nicolas Nat. High
School Bingao Annex
Tagalog Association of Oahu
United Bacarreneos of Hawaii
United Group of Home
Operators
United Pangasinan of Hawaii
United Urdaneta Club of
Hawaii
United Vintarinians of Hawaii
Vigan Association of Hawaii

Hawaii Immigrant Justice Center

(Formerly known as Na Loio)

Serving Hawaii's Immigrant Families and Children

TESTIMONY ON HOUSE BILL NO. 813 HD1: RELATING TO LANGUAGE ACCESS

Scheduled to be heard by HMS on Tuesday, 4/7/09 1:30 PM in Conference Room 016

The **Hawaii Immigrant Justice Center ("HIJC")**, formerly known as Na Loio, provides statewide free legal services, case management, community education, and advocacy in the public interest for indigent immigrants, refugees, and other vulnerable persons. The Justice Center supports the intent of House Bill No. 813 HD 1 and requests the month of September be designated as language access month to r, and reinstate the effective date to upon approval.

Between 1990 and 2000, the percentage of non-English speakers in Hawaii increased by more than three-quarters, from 14.7 percent to 26.1 percent. See FAIR.org, http://www.fairus.org/site/PageNavigator/facts/state_data_HI. In 2000, about 47.5% of all individuals who said they spoke a language other than English said they spoke English less than very well. *Id.*

A month dedicated to language access, as this bill proposes, will raise awareness. Such awareness is essential for ensuring that those who are limited English proficient continue to surmount barriers to basic needs. A month dedicated to language access will also demonstrate Hawai'i's continued sensitivity to and acceptance of different cultures in this diverse and rich State.

The Justice Center is well aware of the language barriers that prevent individuals who speak languages other than English to obtain basic, necessary services. Since 1983, the Justice Center has provided advice, referrals, and full case representation services for more than 13,000 individuals who speak more than 20 different languages. Many of these individuals do not speak English well, and must have access to essential government services. For these reasons, the Justice Center supports House Bill No.813 HD1.

Thank you for your time and opportunity to **provide testimony in support of this bill.**

Sincerely,

Robin H. Kobayashi
Chief Executive Officer

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

TO: Sen. Suzanne Chun Oakland, Chair; Sen. Les Ihara, Vice-chair
Senate Committee on Human Services

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

HEARING: April 7, 2009; 1:30 p.m., Conf. Rm. 016

RE: **SUPPORT, SB 312 HD 1, Relating to Language Access**

Sen. Chun Oakland, Sen. Ihara, and all the members of this Committee: thank you for hearing this bill.

I am **Marcella Alohalani Boido, M. A., a Hawaii Judiciary Certified Court Interpreter (Spanish & English), a founding member of Hawaii Interpreter Action Network (HIAN), and as of a few weeks ago, the HIAN President.**

HIAN represents the professionals who provide language access services in Hawaii. We are keenly aware of the need to increase awareness of the importance of language access. The Hawaii population includes a very large proportion of Limited-English Proficient residents. Their ability to access governmental, medical, and other services depends in great part on enhancing the awareness of service agencies of the legal and ethical need for language access.

This is a non-money bill. We strongly support it, and ask that you do the same.

Hawaii does need more awareness about the importance of language access. We hope that passing this bill will function to improve the situation for all.

Please support SB 312 HD1. Thank you.

As a citizen of Kaua'i and its representative to the Language Access Advisory Council, I ask for your support of HB 813 HD 1. We are in dire need of language access awareness as there are many Limited English Proficient residents in our county and throughout the state. It is of utmost importance that when they access government and other services, they do so with understanding and that the agencies supplying these services are aware of their language and legal responsibilities.

Thank you for your support.

Azi Turturici

Phone 808-241-4482