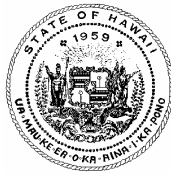


NEIL ABERCROMBIE  
GOVERNOR



BARBARA A. KRIEG  
DIRECTOR

LEILA A. KAGAWA  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

March 22, 2013

**TESTIMONY TO THE  
SENATE COMMITTEE ON WAYS AND MEANS**

For Hearing on Monday, March 25, 2013  
9:15 a.m., Conference Room 211

BY

BARBARA A. KRIEG  
DIRECTOR

**House Bill No. 266 HD 1 SD 1  
Relating to Language Access**

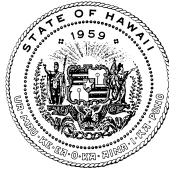
**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSON DAVID IGE AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide testimony on H.B. 266 HD 1 SD 1.

The purpose of H.B. 266 HD 1 SD 1 is to increase the accessibility to State of Hawaii Government services and information for those that have limited English proficiency by establishing a statewide Language Access Resource Center and multilingual website pilot project to be administered by the Office of Language Access.

The Department of Human Resources Development (DHRD) **supports** this bill provided that its passage does not adversely impact the priorities in the Executive Biennium Budget.



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: Sen. David Y. Ige, Chair  
Sen. Michelle N. Kidani, Vice Chair  
Senate Committee on Ways and Means

From: Serafin Colmenares Jr.  
Executive Director, Office of Language Access

Date: March, 23 2013, 9:15 a.m.  
State Capitol, Room 211

Re: Comments on H.B. No.266 H.D.1 S.D.1  
Relating to Language Access

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The Office of Language Access (“OLA”) appreciates the opportunity to offer comments on H.B. No. 266 H.D.1 S.D.1 Relating to Language Access. My name is Serafin Colmenares, Jr. and I am the Executive Director of OLA. **OLA strongly supports H.B. No. 266 H.D.1 S.D.1 with a few amendments** to reflect consensus language regarding the maintenance of a public roster of language interpreters and translators; and to remove the defective effective date of July 1, 2050.

H.B. No. 266 H.D.1 S.D.1 would create and provide appropriations for a Language Access Resource Center and a pilot multi-lingual website project within OLA to better serve the LEP population and assist state and state-funded agencies in complying with applicable federal and state language access laws.

### **SUGGESTED AMENDMENTS**

At the request of Senator Suzanne Chun-Oakland, Chair of the Senate Committee on Human Services, the lead Senate Committee on this bill, OLA met with the Language Access Advisory Council and the leadership of the Hawaii Interpreter Action Network to discuss possible amendments to address concerns regarding the public roster of language interpreters. Consensus was quickly reached on the following proposed amendments:

p.5, lines 2-3:

"The purpose of the statewide language access resource center is to: (1) Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials **based upon guidelines established by the office of language access in consultation with the language access advisory council**; . . . "

p.9, lines 6-8:

**"(A) Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials based upon guidelines established by the office of language access in consultation with the language access advisory council;"**

We also recommend that the effective date be made July 1, 2013.

## **BACKGROUND**

According to the United Census Bureau, American Community Survey Public Use Microdata Sample (PUMS) in 2009-2011 almost 24% of Hawaii's population speaks a language other than English at home; and approximately 151,187 residents of Hawaii are limited English proficient (LEP). According to the Immigration Policy Center of the American Immigration Council, approximately 18% of Hawaii's residents are foreign born, while 14% of Hawaii's children with immigrant parents are LEP.

Language barriers have prevented our LEP population from fully benefiting from essential government and government-funded services. These barriers have also prevented them from fully participating in and contributing to our community and living up to their potential.

To address this, the federal government, through Title VI of the 1964 Civil Rights Act, and President Clinton's Executive Order 13166, all federal agencies are directed to ensure that all programs receiving federal funds provide meaningful access to LEP persons. In 2006, the Hawaii State Legislature passed Act 290, (later re-codified by Act 201 Session Laws Hawaii 2012 into Hawaii Revised Statutes (H.R.S.) § 321C) which mirrored federal law, requiring that all state agencies and state-funded programs also provide meaningful access to services for LEP persons.

Over the years, since the inception of Hawaii's Language Access law and our office, OLA has identified three major challenges to agency compliance: (1) there is no comprehensive and centralized system or structure in Hawaii to identify qualified language interpreters and translators; (2) Hawaii has a dearth of competent language interpreters and translators available to assist LEP individuals – especially in certain languages; and (3) state agencies do not have multilingual websites that can help LEP persons access needed information in their own language.

As a point of fact, our office regularly receives calls from agencies and the public for information and referrals for available and qualified interpreters and translators – a function which we consistently serve but is not in our current legislative charge.

H.B. 266 H.D. 1 S.D.1, with our suggested amendments reflecting consensus language, would create a Language Access Resource Center that would (1) maintain a publicly available roster of interpreters and translators listing qualifications and credentials based upon guidelines established by OLA in consultation with the Language Access Advisory Council; (2) train agencies on how to obtain and utilize their services; (3) support interpreter and translator recruitment and retention; (4) assist in their training; and (5) work toward identifying, creating, and promoting a testing and certifying process for them. This bill would also enable OLA to administer a pilot project to test the utility and feasibility of establishing a multilingual website.

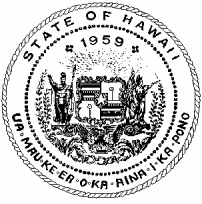
This bill would benefit agencies, interpreters, translators, and the LEP population alike since it addresses the problem of supply and demand of interpreters; increases and improves the number and quality of language service providers; and provides Hawaii's LEP population a better means to access state and state-funded services.

A language access resource center and multilingual website will also enable the state to provide better customer service and promote equity and citizen participation in government services and programs.

Moreover, since many of our state and state-funded agencies also receive federal funding, this bill would assist them in complying with *both* federal and state language access law.

When our office was established in 2007, we had a staff of six, including myself as Executive Director. In 2009, budget cuts eliminated all of OLA's support staff and the office was left to function with my position alone. In 2012, two staff positions were restored; however, our ability to fully execute the current statutory duties of the office is still severely compromised. While OLA wholly supports H.B. 266 H.D.1 S.D.1, with amendments, we ask the legislature to ensure that adequate funding be provided so that this office can not only fulfill its current statutory obligations, but also those presented by this bill.

Thank you for the opportunity to provide these comments.



**LATE**

# HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 25, 2013  
Rm. 211, 9:15 a.m.

To: The Honorable David Y. Ige, Chair  
Members of the Senate Committee on Ways and Means

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

## Comments on H.B. No. 266, H.D.1, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s 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. Art. I, Sec. 5. The HCRC is also an ex-officio member of the Language Access Advisory Council for the Office of Language Access (OLA).

The HCRC supports H.B. No. 266, H.D.1, S.D.1 provided that its passage does not replace or adversely impact priorities in the Executive Budget. H.B. No. 266, H.D.1, S.D.1 would establish a statewide language access resource center for state agencies and state-funded entities in OLA, and explores the feasibility of creating a multilingual website to provide online information about government services to limited English proficient (LEP) individuals. Language is a characteristic of national origin and ancestry. Denial of access to federal and state funded services for LEP individuals is unlawful national origin / ancestry discrimination, under Title VI of the Civil Rights Act of 1964 and HRS Chapter 321C.

OLA is responsible for oversight, central coordination, and technical assistance to state agencies in implementation of language access requirements. To date, OLA’s primary work has been in lending technical assistance to covered entities in developing language access plans required by law, and planning and organizing annual conferences on language access. OLA has not been able to offer state agencies the

resources needed to effectively provide interpreters and written translations required to implement their language access plans.

H.B. No. 266, H.D.1, S.D.1 provides an appropriation to provide OLA the resources needed to effectively establish a statewide language access resource center, so state agencies will not be left with just their own limited resources to address the challenges of providing required language access. The HCRC supports this measure, provided that its passage does not replace or adversely impact priorities in the Executive Budget.



CATHOLIC CHARITIES HAWAII

**TESTIMONY IN SUPPORT OF HB 266, HD1, SD1: Relating to Language Access**

TO: Senator David Y. Ige, Chair, Senator Michelle N. Kidani, Vice Chair,  
Members of the Committee on Ways and Means

FROM: Melba Bantay, Program Director, General Immigration Services

**Hearing: Monday, March 25, 2013, 9:15 am, Conference Room 211**

My name is Melba Bantay, Program Director of Catholic Charities Hawai'i's General Immigration Services. **Catholic Charities Hawai'i strongly supports HB 266.**

Catholic Charities Hawai'i has been providing services to immigrants and refugees for more than 30 years and has witnessed the struggles that our newly arrived neighbors go through to understand and navigate our system of government so that they can access the resources that they need. Language – the ability to speak, read and comprehend English is a major hurdle that many immigrants and refugees must overcome in order to successfully transition to life in Hawai'i.

Having a pool of qualified interpreters and translators would enable both public and private organizations to provide the necessary language access for available resources and services. In addition, having information available via website in multiple languages will support newly arrived immigrants and refugees to adjust successfully in our community.

Immigrants and refugees have been important contributing members of Hawai'i communities for more than 100 years. We cannot forget their sacrifices as workers in our plantations, when agriculture was our state's main industry. Today, immigrants and refugees continue to be a reliable workforce in Hawai'i hotels, restaurants, and other businesses that support our tourism industry. It is only right and just that these hard-working brothers and sisters of ours be provided the support they need to realize their dreams - to find new beginnings and provide better futures for themselves and their families. This bill will provide them that opportunity.

I ask for your support of HB 266. If you have any questions, please feel free to contact me at 527-4711 or via email at [mbantay@catholiccharitieshawaii.org](mailto:mbantay@catholiccharitieshawaii.org). Thank you for this opportunity to testify.





# CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, Hawaii 96701

To: Sen. David Y. Ige, Chair  
Sen. Michelle N. Kidani, Vice Chair  
Senate Committee on Ways and Means

From: Jane Clement, President

Date: March 25, 2013, 9:15 a.m.  
State Capitol, Room 211

Re: Testimony on H.B. No. 266, HD1, SD1  
Relating to Language Access

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Thank you for the opportunity to submit testimony in support of H.B. No. 266 HD1 SD1, Relating to Language Access.

My name is Jane Clement and I am the president of the Congress of Visayan Organizations (COVO), the umbrella of Visayan organizations in the state of Hawaii. COVO strongly supports this bill, which would establish a language access resource center and a multilingual website in the Office of Language Access, with the request that this bill be amended to reflect the version (SB58 SD2) that was passed in the Senate.

COVO has been very supportive of any opportunity that would promote and enhance language access in the State of Hawaii. We believe that establishing a language access resource center will not only lead to the growth and development of a badly-needed pool of qualified interpreters in the State but will also address the interpreter needs of State and state-funded agencies and the limited English proficient (LEP) population in general.

The establishment of a multilingual website will also enable LEP individuals to access information about government services and programs electronically and in their own language.

These twin proposals will lead to better customer service, promote equal access, and bring about greater participation by the LEP population in government services and programs.

We strongly urge the members of the committee to pass this bill.



**Hawaii Interpreter Action Network**  
**P. O. Box 236024**  
**Honolulu, Hawaii 96823-3519**

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TO: Sen. David Y. Ige, Chair; Sen. Michelle N. Kidani, Vice-Chair  
Members, Senate Committee on Ways & Means

FROM: M. Alohalani Boido, M. A., Chair, Legislative Action Committee,  
Hawaii Interpreter Action Network (HIAN)  
Hawaii Judiciary Certified Court Interpreter (Tier 4)  
Tel.: 946-2558, E-mail: boido@hawaii.edu

HEARING: March 25, 2013; 9:15 a.m., Conf. Rm. 211

RE: **SUPPORT with amendments, HB 266 HD1 SD1,**  
**Relating to Language Access**

Hawaii Interpreter Action Network (HIAN) is dedicated to representing Hawaii's interpreters. We work to elevate professional standards of competence and ethics, and to improve working conditions. If slightly reworded, HB 266 HD 1 SD 1 has the potential to be a major step forward. We are extremely happy that with the encouragement and support of Sen. Chun-Oakland, we have been able to meet with staff from the Hawaii State Office on Language Access and members of the Language Access Advisory Council and reach agreement on these proposed amendments.

On p. 5, lines 2-3:

"The purpose of the statewide language access resource center is to: (1) Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials **based upon guidelines established by the office of language access in consultation with the language access advisory council; ...**"

On p. 9, lines 6-8:

"(A) **Maintain a publicly available roster of language interpreters and translators, listing any of their qualifications and credentials based upon guidelines established by the office of language access in consultation with the language access advisory council;**"

**We ask you to pass HB 266 HD 1 SD 1 with these amendments. Thank you.**



## National Association of Judiciary Interpreters & Translators

1901 Pennsylvania Ave. N.W., Suite 804, Washington, D.C. 20006

Tel: 202-293-0342 · Fax: 202-293-0495 · [headquarters@najit.org](mailto:headquarters@najit.org)

· [www.najit.org](http://www.najit.org)

Sunday, March 24, 2013

Sen. David Y. Ige, Chair  
Sen. Michelle N. Kidani, Vice-Chair  
Hawai'i Senate Committee on Ways and Means  
Conference Room 211  
State Capitol  
415 South Beritania Street  
Honolulu, HI

Submitted via website

Re SUPPORT with amendments, HB 266 HD1, Relating to Language Access

Mr. Chair, Madame Vice-Chair, Hon. Members:

I write as chair of the Advocacy Committee of NAJIT, the National Association of Judiciary Interpreters and Translators. NAJIT's mission is to promote quality services in the field of legal interpreting and translating. Our members play a critical role in ensuring due process, equal protection, and equal access for non-English or limited English proficient (LEP) individuals who interact with the judicial system.

NAJIT is the largest American organization of judiciary interpreters and translators. Our aims include: the promotion of professional standards of performance and integrity for court and legal interpreters and translators; wider recognition for the profession of judiciary interpreting and translating; and the enunciation of positions on matters affecting the advancement and interest of the profession of court and legal interpreting as a whole. NAJIT's advocacy committee is charged with monitoring developments relating to legal interpreting and translating and advocating for appropriate standards and procedures.

We applaud the State of Hawaii for establishing the Office on Language Access (OLA), charged with oversight, coordination, and the provision of technical assistance to state agencies and non-profit entities throughout the state to comply with federal language access requirements. We note that a number of these organizations have submitted testimony in support of H 266, citing the need for the bill's proposal to create within OLA a Language Resource Center, intended to assist them in obtaining the services of *qualified* interpreters and translators to provide access to their services for Hawaii's numerous and highly diverse Limited English Proficient population.

As currently proposed in HB266, OLA's Language Access Center would provide this assistance through several measures which NAJIT supports, including that of maintaining "a publicly available roster of interpreters and translators." Our concern with the latter, however, was that, as described in the current version of HB266, this roster would list "any of their qualifications and credentials." We are pleased to hear that the Language Access

Advisory Committee (LAAC) and HIAN have reached an agreement to amend this language to “any of their qualifications and credentials based upon guidelines to be established by the office of language access in consultation with the language access advisory council.”

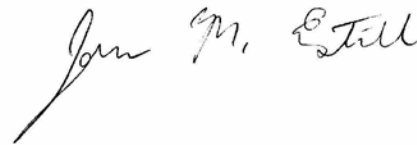
We understand that the Office of Language Access (OLA) will take into consideration the suggestions made in previous HIAN testimony, as well as those of the Language Access Advisory Council, in drawing up guidelines for inclusion in the roster of interpreters and translators and the listing of the qualifications and credentials.

Without such specific criteria, organizations and individuals seeking interpreters and translators will have difficulty in determining which of those listed on the roster have legitimate qualifications as proven by performance-based testing of the actual skills and knowledge required to provide reliable interpretation and translation. For example, a person who has a certificate of attendance for two-day workshop on Interpreting for Victims of Domestic Violence may or may not have the language ability and interpreting skills needed for this kind of work. Someone with a Ph.D. in French Literature may or may not have the legal vocabulary, the interpreting skills, and knowledge of ethics and courtroom protocol to interpret in court. A person with a law degree from a foreign university may or may not have sufficient knowledge of English to provide accurate translations of legal documents. Another problem is that there are private language service providers that assure clients that “all our interpreters and translators are certified,” based on little more than a casual perusal of the self-reported “qualifications” of the people they hire.

Entities such as state and federal judiciaries, certain national and international government agencies, and as nationally or internationally recognized professional organizations such as NAJIT and others described in the HIAN testimony have dedicated significant resources and expertise to the development of scientifically valid examinations for their certifications. It is significant to note that even prestigious universities such as the Monterrey Institute of International Studies do not award “certification” based on their Master’s Degree programs in Interpretation and Translation. In order to become “certified,” their graduates must pass the type of examination administered by the entities described above.

We urge your committee to recognize the importance of professional standards for interpreters and translators by passing HD266 SD1 with the amendments agreed to by HIAN and the Language Access Advisory Council.

Very truly yours,

A handwritten signature in black ink that reads "John M. Estill". The signature is written in a cursive style with a long, sweeping underline.

John M. Estill  
Chair, NAJIT Advocacy Committee



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [w9w@hotmail.com](mailto:w9w@hotmail.com)  
**Subject:** Submitted testimony for HB266 on Mar 25, 2013 09:15AM  
**Date:** Monday, March 25, 2013 4:45:24 AM

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HB266

Submitted on: 3/25/2013

Testimony for WAM on Mar 25, 2013 09:15AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
kurt	Individual	Oppose	No

Comments: English should be the official language of Hawaii. Why is the state spending untold millions of taxpayer dollars in interpreter fees and bilingual resources?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**Testimony for HB266 HD1 SD1**  
Relating to Language Access  
**Senate Committee on Ways and Means**  
Monday, March 25, 2013  
9:15 a.m.  
Capitol Room 211

Aloha e Chair Ige, Vice Chair Kidani, and Honorable Members of the Senate Committee on Ways and Means,

Thank you very much for hearing this measure, and for providing me with the opportunity to testify in **STRONG SUPPORT** of HB266 SD1.

Language access laws are nothing new; however, their substantive implementation has been long delayed. It should be noted that under both federal and state law, recipients of state and federal funds are required to take steps ensuring language access for members of the population they serve. Unfortunately, as a former employee under the Department of Land and Natural Resources for 3 years, I witnessed first-hand how the failure to follow through on developing and implementing a language access plan, as required by state law, has:

1. **Harmed our environment**, by the failure to disseminate environmental protection laws in any language other than English;
2. **Led to injustice**, by the imposition of criminal records on individuals who had no notice of natural resource laws that they were caught violating; and
3. **Resulted in the ongoing exclusion of many members of our community**, residents like you and I, who simply were not able to participate in important planning processes for our natural and cultural resources.

**I believe that this ongoing failure to address language access issues continues to further jeopardize the receipt of federal funds by not just the DLNR, but many other state agencies.** Based on the nonresponsiveness of the DLNR civil rights compliance officer to my repeated concerns throughout the past 3 years, I believe that these problems are prevalent throughout the executive branch of our state government. I speak in support of this measure that will provide one step forward in meaningfully providing the substantive access to justice and

civic participation that our laws purportedly assured many years ago that they would provide.

Promoting language access in general will:

1. **Enrich our community**, by allowing our multicultural communities to more fully contribute to our values, cultural awareness, and shared experiences;
2. **Strengthen our economy**, by providing jobs for interpreters as well as enabling their clients to contribute to our community with their full potential; and
3. **Make Hawai'i a safer and more wholesome place to live**, by ensuring that linguistically isolated and otherwise easily exploitable community members can know about and access the legal protections and services that our laws and policies seek to provide.

Accordingly I would like to voice my **STRONG SUPPORT** for this measure. Mahalo nui for the opportunity to testify.

Sincerely,

Wayne Tanaka  
Pauoa 96813