

HB 266, HD1

Measure Title: RELATING TO LANGUAGE ACCESS.

Report Title: Statewide Language Access Resource Center; Multilingual Website Pilot Project; Appropriations (\$)

Description: Establishes and provides appropriations for a Statewide Language Access Resource Center and Multilingual Website Pilot Project to be administered by the Office of Language Access. Effective July 1, 2050. Appropriations. (HB266 HD1)

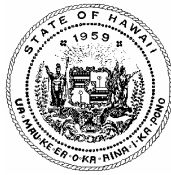
Companion: SB58

Package: Filipino

Current Referral: HMS, WAM

Introducer(s): AQUINO, AWANA, CABANILLA, CHEAPE, CULLEN, FALE, HANOHANO, MCKELVEY, MIZUNO, TOKIOKA, WARD, YAMANE, Ing

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 6, 2013

**TESTIMONY TO THE
SENATE COMMITTEE ON HUMAN SERVICES**

For Hearing on Tuesday, March 12, 2013
1:45 p.m., Conference Room 016

BY

BARBARA A. KRIEG
DIRECTOR

House Bill No. 266 HD 1
Relating to Language Access

WRITTEN TESTIMONY ONLY

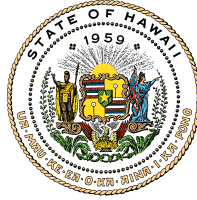
TO CHAIRPERSON SUZANNE CHUN OAKLAND AND MEMBERS OF THE
COMMITTEE:

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

The purpose of H.B. 266 HD 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.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
OFFICE OF INFORMATION MANAGEMENT & TECHNOLOGY

P.O. BOX 119, HONOLULU, HAWAII 96810-0119
www.hawaii.gov/oimt

**SANJEEV "SONNY"
BHAGOWALIA**
CHIEF INFORMATION
OFFICER

RANDY BALDEMOR
DEPUTY CHIEF INFORMATION
OFFICER – BUSINESS
TRANSFORMATION

KEONE KALI
DEPUTY CHIEF INFORMATION
OFFICER – OPERATIONS

TESTIMONY OF
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER
TO THE

SENATE COMMITTEE ON HUMAN SERVICES

Tuesday, March 12, 2013

1:45 p.m.

Conference Room 016

WRITTEN TESTIMONY ONLY

H.B. 266, H.D. 1

RELATING TO LANGUAGE ACCESS

Chair Chun Oakland, Vice Chair Green, and members of the committee, thank you for the opportunity to testify on H.B. 266, H.D. 1.

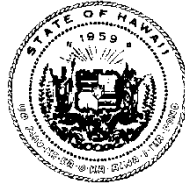
The Office of Information Management and Technology (OIMT) offers comments on H.B. 266, H.D. 1

Internationalization of website content controls and interfaces, which includes multiple language translation is an emerging best practice for government and technology. Open source technology exists to support internationalization measures, such as Google Translate. Although the accuracy of the translation is automated, it may not be as contextually accurate as human translation. Nevertheless, it is a step in the right direction. The State will benefit from internationalization of its outward facing communications.

OIMT respectfully requests that language be included in the measure to require the multilingual pilot website be developed in consultation with the CIO to ensure that it is compatible with the State's information technology infrastructure, leverages technology solutions to maximize staff efforts, meets current technology standards, including providing the proper Unicode language support, and provides the proper checks and balances to manage the cultural sensitivities and expectations of the website.

Thank you for the opportunity to testify on this matter.

NEIL ABERCROMBIE
GOVERNOR



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Hakim Ouansafi
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON HUMAN SERVICES

March 12, 2013 1:45 P.M.
Room 016, Hawaii State Capitol

In consideration of

**House Bill 266, House Draft 1
Relating to Language Access**

Honorable Chair Chun Oakland and Members of the Senate Committee on Human Services, thank you for the opportunity to provide you with comments regarding House Bill (H.B.) 266, House Draft (HD) 1, relating to Language Access.

The Hawaii Public Housing Authority (HPHA) supports the enactment of this measure, which establishes and provides appropriations for a statewide language access resource center and multilingual website pilot project to be administered by the Office of Language Access, provided that its passage does not adversely impact the priorities indicated in the Executive Biennium Budget.

The HPHA, along with numerous other state agencies, is required by both federal and state law to take reasonable steps to ensure meaningful access to services, programs, and activities by limited English proficient (LEP) persons. The HPHA services many LEP clients, and takes various measures to provide these services, including hiring and using bilingual staff, contracting with professional interpreters either directly or through an agency, and providing written translations of documents when necessary.

Unfortunately, due to the large number of different languages spoken by HPHA LEP clients, the agency sometimes finds it difficult to find qualified interpreters that are available at the place and time they are needed. This is especially difficult on the neighbor islands, where resources are scarce. When an interpreter in a foreign language is requested, the agency must sometimes call on embassies, churches, and other community groups to find one. In addition, because there are no certification requirements for interpreters, quality of services may vary by interpreter. Furthermore,

Hawaii Public Housing Authority

March 12, 2013

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given the language barrier, it is very difficult for the agency to know whether the service that was provided is adequate.

A language access resource center, such as the one proposed in this bill, would provide the agency with more resources to provide meaningful language access services, such as listings of qualified interpreters and translators, training opportunities to increase the number of qualified interpreters, and testing of interpreters to ensure quality control.

The HPHA appreciates the opportunity to provide the Senate Committee on Human Services with the agency's position regarding H.B. 266 HD1. We respectfully request the Committee to pass this measure favorably, and we thank you very much for your dedicated support.

NEIL ABERCROMIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.
EXECUTIVE DIRECTOR

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. Suzanne Chun-Oakland, Chair
Sen. Josh Green, Vice Chair
Senate Committee on Human Services

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

Date: March 12, 2013, 1:45 p.m.
State Capitol, Room 016

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

The Office of Language Access (“OLA”) appreciates the opportunity to testify on H.B. 266 H.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. 266 H.D.1 with a few amendments** to ensure that our office has adequate funding to execute these new duties; and to improve and clarify its administrative authority.

H.B. 266 H.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. The original effective date of this bill was July 1, 2013, but has been changed to July 1, 2050 to encourage further discussion. If this committee supports an effective date of July 1, 2013, as originally intended, we ask that adequate appropriations also be made for fiscal years 2013-2014 and 2014-2015, as has been done in the companion measure – SB58 S.D. 2.

SUGGESTED AMENDMENTS

- Page 6, lines 18-19: "for use by the public for the **[top]** twelve **largest** limited English proficient groups in the state of Hawaii." *(To eliminate ambiguity as to what “top” means.)*

- Page 6, line 20- page 7, line 3: "The multilingual website pilot project shall end on June 30, [—] **2017**. The office of language access shall submit a report detailing findings and recommendations, including proposed legislation, regarding the pilot project to the legislature no later than twenty days prior to the convening of the regular session of [—] **2017** ." *(To ensure that the report to the legislature is given while the website is still operative.)*
- Page 10, Section 4, lines 6-: " . . . [~~Such~~] **The** staff [~~shall~~], at the minimum, **shall** consist of one full-time project coordinator, three full-time program specialists, and one full-time clerk. [~~All staff shall, as much as possible, be bilingual.~~] **To the extent possible, the executive director shall hire bilingual personnel to staff the language access resource center and to administer its website.** " *(To mirror amendments made to the companion measure, S.B.58 S.D.2, which clarify the mandate to hire bilingual staff.)*
- Page 10, lines 10-12: "Section 5. There is appropriated out of the general revenues of the State of Hawaii the sum of **\$400,000** or so much thereof as may be necessary **annually** for fiscal [~~year~~] **years 2013-2014 and** 2014-2015 to . . ." *(To ensure adequate funding, should the bill go into effect on July 1, 2013, as originally intended.)*
- Page 10, lines 20-22: "Section 6. There is appropriated out of the general revenues of the State of Hawaii the sum of **\$190,000** or so much thereof as may be necessary **annually** for fiscal [~~year~~] **years 2013-2014 and** 2014-2015 to . . ." *(To ensure adequate funding, should the bill go into effect on July 1, 2013, as originally intended.)*

We also appreciate previous testimony from the State Office of Information Management and Technology (OIMT) and its request that language be included to require the multilingual website be developed in consultation with OIMT's Chief Information Officer. We do not object to such an amendment and would like to note our intention of consulting with that office, regardless of whether statutory language is provided to that effect.

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, with technical amendments and adequate funding, would create a Language Access Resource Center that would (1) maintain a publicly available roster of interpreters and translators with their qualifications and credentials; (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, 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.

ADDRESSING STAKEHOLDER CONCERN

In its testimony on earlier drafts of this bill, the Hawaii Interpreter Action Network (HIAN), through Alohalani Boido, its President, raised a few concerns and suggested a number of amendments.

State Liability

HIAN previously testified that state liability is one of its chief concerns and as a principal rationale for its suggested amendments. We note that Hawaii's Language Access law does not authorize a private cause of action. Although a number of administrative complaint processes have been instituted within federal and state agencies, a private party does not have the right to sue, in court, the State of Hawaii (or OLA) for its failure to provide language access services – let alone legally challenge the *quality* of those services. This is supported by relatively recent federal case law, Alexander v. Sandoval, 532 U.S. 275 (2001).

Types of Interpreter-Translator Credentials Listed on Roster

HIAN seeks to include amendments to ensure that only certain credentials are provided on the publicly available roster of interpreters and translators by limiting this to “certifications” and “licenses.” While this will certainly benefit those language service providers who are able to obtain such certifications and licenses in their respective languages, and who can therefore justifiably charge more for their services, there are several providers who cannot obtain such credentials because certification and licensure do not exist in their language. This is particularly true for some languages of lesser diffusion for which services are in high demand in this state.

Much also depends on the agencies' resources, and the degree of expertise needed for a given job. Agencies could benefit greatly from knowing about other relevant qualifications. For example, a trained interpreter with credentials in housing counseling and familiar with that area of government service may be more desirable to certain agencies than someone who may charge more because they have a health care interpreter certification.

We therefore prefer the current language so the more nuanced policy decisions can be made over time by the Office of Language Access, in consultation with agencies and the Language Access Advisory Council, which includes representatives from the interpreter and translator professions. Our support for this bill partially rests in our hope that the roster will be able to help agencies link up with the provider that is best suited for the job – not only to a limited scope of providers and their skills.

We also stress that OLA's role in producing a publicly available roster would merely be to fill a demonstrated need for information – to bridge the gap between supply and demand and assist those seeking language services and give them the ability to connect with those who can provide it. OLA is not charged with verifying or authenticating the information that interpreters and translators provide. To make this clear, OLA intends to include on the roster a disclaimer

stating that it is not legally responsible for the representations made by the language service providers and reflected on the roster; nor for the quality of their services. Whether it's necessary to amend this bill to include language to this effect in statute, we defer to the wisdom of the legislature.

The current language regarding the roster will also allow OLA, in consultation with its language access advisory council, to determine the best, most helpful, efficient, and responsible way to present information relating to the interpreters and translators on that list. With the assistance of OIMT and the advent of various technological web-based features, we can highlight those credentials and qualifications that our office determines to be most important and relevant to the language service providers' skills, abilities, and experience. However, we'd like to avoid statutory language that would be unduly restrictive; and strays from the administrative direction OLA may ultimately choose to take.

It is also important to understand that under this bill, OLA would not only be publishing a roster, but would also train agencies on how to effectively obtain and utilize the services of interpreters and translators; as well as provide, coordinate and publicize further training opportunities for the interpreters and translators. Many of HIAN's concerns would be addressed through these other functions.

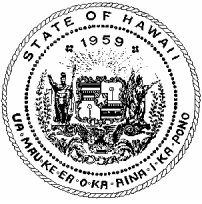
Contrary to HIAN's contentions that the current language relating to the roster would create a "doomsday"-type scenario, we note that the status quo is much worse. Agencies feel they have few resources and often rely on those they merely perceive as competent enough to interpret or translate their services. They may be friends or family members of the LEP individuals, or bilingual staff with no interpreter training whatsoever. This bill, especially if regarded in its totality, will greatly enhance the provision of language services in our linguistically-diverse state.

Identifying or Creating a Process to Test and Certify Interpreters and Translators

HIAN also seeks to make more "precise" the language relating to the eventual testing and certification process the language access resource center would undergo. OLA believes the current language is preferable as it is general enough to allow OLA the latitude and flexibility to consider what process would work best for the state. While HIAN's vision may certainly correspond with the eventual process that OLA identifies or creates, HIAN's language on this matter may be too vague and/or restrictive.

Many of the terms they suggest are also ambiguous. If used, the terms "scientifically valid" and "legally defensible" would have to be agreed upon and defined in statute. The legislature must determine what scientific standards should apply. Moreover, since there is no private cause of action for violations of language access, there is no need for a "legally defensible" process. The current language presumes that these decisions will be made over time – which would take research, discussion, and collaboration, as is intended.

Thank you for the opportunity to provide this testimony.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 12, 2013
Rm. 016, 1:45 p.m.

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

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

Re: H.B. No. 266, H.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, provided that its passage does not replace or adversely impact priorities in the Executive Budget. H.B. No. 266, H.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, 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.

OFFICE OF LANGUAGE ACCESS (OLA)
ADVISORY COUNCIL

Date: March 8, 2013

TO: The Senate Committee on Human Services, Senator Suzanne Chun Oakland- Chair and Committee Members

FROM: Dominic Inocelda, OLA Advisory Council Chair and Members

RE: **In Support of HB266 HD1, Relating to Language Access**

At the Office of Language Access Advisory Council meeting on February 13, 2013, the advisory council discussed HB 266, Relating to Language Access and voted to **support HB266.**

The Advisory Council fully agrees that the need to further identify, train, develop, and improve the quantity and quality of interpreters and translators in Hawaii is vitally needed to make language access a reality for Hawaii's limited and non-English speaking people. The 2010 census data reported that of the foreign born population in Hawaii, 120,793 persons were limited English proficient speakers. This is a 12.7 percent increase from the 2000 census data of 107,205 foreign born persons who were limited English speakers.

Members have expressed varying views of how this common goal is to be accomplished and have offered necessary and vital input that helps the Office of Language Access to promote an accountable and responsible plan and program implementation.

Thank you for the opportunity to voice our **support of HB266, HD1.**

ata American Translators Association

225 Reinekers Lane
Suite 590
Alexandria, VA 22314 USA
Tel +1-703-683-6100
Fax +1-703-683-6122
www.atanet.org

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair, Members, Senate Committee on Human Services
FROM: Dorothee Racette, CT, President, American Translators Association
HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016
RE: **SUPPORT with amendments, HB 266 HD1, Relating to Language Access**

The American Translators Association is a professional association founded to advance the translation and interpreting professions and foster the professional development of individual translators and interpreters. Its 11,000 members in more than 90 countries include translators, interpreters, teachers, project managers, web and software developers, language company owners, hospitals, universities, and government agencies. ATA offers a certification exam to translators in 26 language combinations. Becoming ATA certified allows translators to document their abilities objectively in a specific language combination. ATA publishes a directory of its members indicating which members have passed its certification examination.

If reworded, HB 266 HD 1 Section 3(8)(A) has the potential to be a major step forward. At present, it is regressive, deceptive, and harmful.

ATA suggests that Section (3)(8) be amended as follows:

(A) Maintain a publicly available roster of language interpreters and translators, listing any certifications and/or licenses ~~their qualifications and credentials~~;

(E) Work toward official statewide recognition of nationally and internationally recognized professional credentials for interpreters and translators.

To have a public roster of unscreened, alleged bilinguals would be detrimental to the very individuals this roster is intended to serve. We are not aware of any government entity in the U.S. publishing a roster of interpreters and translators *unless* the individuals on the roster have first met objective, test-based standards. Self-reporting of abilities and credentials is simply not reliable.

The “twin professions” of interpreting and translation only recognize those credentials based on passing a performance test of the skills necessary to carry out the tasks according to a minimum standard.

Recognized certifications/accreditations include:

1. Tests administered by a state, national, or international entity, such as federal or state courts
2. Tests administered by a nationally recognized professional organization, such as the American Translators Association (ATA) or the National Association of Judiciary Interpreters and Translators (NAJIT).
3. Tests for healthcare interpreters include the Certification Commission for Healthcare Interpreters (CCHI) and the National Board of Certification for Medical Interpreters (NBCMI). Both the CCHI and NBCMI tests have been approved by the National Commission for Certifying Agencies.

Passing this bill as it is currently worded will discredit those translators and interpreters who have proven their ability through objective performance-based testing.

Please support HB 266 HD 1, with our proposed amendments. Thank you.



CATHOLIC CHARITIES HAWAII

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

TO: Senator Suzanne Chun Oakland, Chair, Senator Josh Green, Vice Chair,
and Members, Committee on Human Services

FROM: Melba Bantay, Program Director, General Immigration Services

Hearing: Tuesday, March 12, 2013, 1:45 pm, Conference Room 016

Chair Chun Oakland, Vice Chair Green, and Members, Committee on Human Services:

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

Catholic Charities Hawaii 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 Hawaii.

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 Hawaii 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 Hawaii 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. Senate Bill 58 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. Thank you for this opportunity to testify.





CONGRESS OF VISAYAN ORGANIZATIONS

99-1325 Aiea Heights Drive, Aiea, Hawaii 96701

To: Sen. Suzanne Chun Oakland, Chair
Sen. Josh Green, Vice Chair
Senate Committee on Human Services

From: Jane Clement, President

Date: March 12, 2013, 1:45 p.m.
State Capitol, Room 016

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

Thank you for the opportunity to submit testimony in support of H.B. No. 266 HD1, 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, with amendments.

HAWAII FILIPINO LAWYERS ASSOCIATION

Harbor Center, 98-029 Hekaha Street, Suite 15, Aiea, Hawai'i 96701-4917

Telephone: (808) 230-4297, Facsimile: (808) 488-5663

E-mail: hifilaw808@gmail.com
hifilaw.com

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Sean Baz
Leslie Patacil-Chinn
(Immediate Past President)

Will Tungol
Jessica Domingo
Sergio Alcubilla
(FLSA Student Representative)

To: Sen. Suzanne Chun-Oakland, Chair
Sen. Josh Green, Vice Chair
Senate Committee on Human Services

From: Hawaii Filipino Lawyers Association

Date: March 12, 2013, 1:45 p.m.
State Capitol, Room 016

Re: Testimony in Support of H.B. 266 H.D.1. Relating to Language Access

The Hawai'i Filipino Lawyers Association ("HFLA") is an organization largely comprised of Hawaii-licensed attorneys and other legal professionals of Filipino ancestry. We seek to foster professional development; provide legal advocacy; and engage in community outreach.

HFLA supports House Bill 266 H.D.1., which would establish a statewide language access resource center and a multilingual website pilot project within the State Office of Language Access ("OLA").

We support this bill as it is an important step to ensuring that our state and state-funded agencies comply with their legal obligations under Title VI of the Civil Rights Act of 1964 and Hawaii's Language Access Law under Hawaii Revised Statutes Chapter 321C.

Because language is linked to national origin and ancestry, denial of language access to federal and state funded services is illegal under state and federal civil rights law.

This bill would better enable OLA to offer resources to state and state-funded agencies so that they may effectively implement the language access plans they are mandated to establish; provide oral interpreters for services; and produce written translations of vital documents. It would also greatly improve language access to government services through a publicly available multi-lingual website.

In our linguistically and culturally diverse state, it is important to ensure that our government is equipped to execute the laws we enact to ensure meaningful language access to government and government-funded services.

Thank you for the opportunity to provide this testimony in support.

Sincerely,
HAWAI'I FILIPINO LAWYERS ASSOCIATION



By: SHYLA FUKUSHIMA
Its: President

TO: Sen. Suzanne Chun-Oakland, Chair

Sen. Josh Green, MD, Vice-Chair

Members, Senate Committee on Human Services

FROM: Bernadine P. Lim

Hawaii Judiciary Tagalog Interpreter (Tier 2)

Tel. : 808-7322910, E-mail: bplnissi21@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

RE: SUPPORT with amendments, HB 266 HD 1, Relating to Language Access

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill.

I am Bernadine P. Lim, a Tagalog Interpreter, Tier 2 in the Hawaii Judiciary Registry.

Since 2008 , I was able to interpret a few cases for Employment Security Appeals Referees Office (ESARO) and once for the Victim Witness Kokua Services (Department of the Prosecuting Attorney). I have not received interpreting assignments from other government agencies and non-profit organizations.

Just like some of my fellow court interpreters, I took and completed last year the 40-hours training of "THE COMMUNITY INTERPRETER" conducted by Cross-Cultural Communications and sponsored by the Office of Language Access (OLA). To this date, I have not been contacted to do medical, educational and other community interpretation.

I learned from two recent conferences on language access, that there is a real great need and requirement for government entities to effectively assist limited English proficient (LEP) people through interpreters and translators. I believe this important issue can be readily and adequately addressed if the present long list of available and already qualified interpreters from the Judiciary Registry be given opportunities to serve. In my opinion, there is no dearth of interpreters and translators. My colleagues and I are more than willing and able to perform the job, if only we will be utilized.

I support efforts to enlist more interpreters and translators only after proper training and testing are conducted to render right and professional service to LEP people.

Please pass HB 266HD 1 with the amendments suggested by HIAN. Thank you!

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Candy Kit Yee Choi , Cantonese Interpreter
Hawaii Judiciary Court Interpreter (Tier 1)
Associate Healthcare Interpreter™
Tel.: 429-2028 (cell), E-mail: candychoi68@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill.

I am Candy Kit Yee Choi, a full time legal and healthcare interpreter. I have been interpreting for many years. My name and contact information are on the Hawaii Judiciary Registry.

In 2010 I became one of the first two healthcare interpreters in Hawaii to receive a credential as an Associate Healthcare Interpreter™ from the Certification Commission for Healthcare Interpreters (CCHI). When CCHI has an oral exam in Cantonese, I will be eligible to take it. To earn my Associate Healthcare Interpreter™ credential, I had to present documentary proof of at least 40 hours of healthcare interpreter training, and pass a written test on “...the most critical knowledge related to managing an interpreted encounter, healthcare terminology, interacting with other healthcare professionals, preparing for an interpreting encounter, and cultural responsiveness required of a healthcare interpreter.” I am the only Cantonese interpreter in Hawaii with this credential.

I get calls periodically from Executive Branch agencies directly: Workmen's Compensation at DLIR, DOE for IEP meetings, etc.

I have to turn them down because they always call last minute, such as with one or two days notice, or even on the same day! Also there are calls from agencies such as the DOE, from schools in Waipahu, Kaneohe, Kailua, Ewa Beach, Mililani, North Shore. These schools are far away, no one wants to go. I am not surprised that they can't find anyone because of the distance, short notice and also, low pay. With traffic conditions nowadays on Oahu and high gas prices, even if I am free, I am not willing to take the jobs either. I am a full time interpreter, I schedule my work in advance, usually 2-3 months ahead, or at least two weeks in advance. I can't sit around to wait for the jobs to come same day or last minute.

The way they are booking interpreters has problems. I feel they only want "someone" but not the qualified ones. They can't find anybody because they book so late and do not think in advance. They know the appointment/clients and schedule in advance, with all the people who attend the meeting/conference, but they left out the interpreter's schedule. I have to turn down a lot of last minute jobs. My schedule is fully booked at least one-two months in advance. If you want more than one hour, I don't have openings. I have been training the people/agencies who want me to interpret to book me on the same day they know the time of the meeting. For example: DOE IEP meeting, I have been scheduling 2-3 months ahead of time, because they know when is the deadline for the IEP meetings, and it involves a lot of people in the meeting (sometimes 6-10 different teachers and specialists, etc.)

I do not believe that there is a dearth of interpreters. The way interpreters are contracted needs to change. There are competent people available, but we are not being utilized correctly.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Chou L.Tanhchaleun, Hawaii Judiciary Certified Court Interpreter
Tier 4 in Laotian (Certified), Tier 2 in Thai
Tel.: 808-486-7882, E-mail: aieamom@hotmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for your interest in these issues.

In 2007, I passed the court interpreter certification test in Lao. I am also Tier 2 in Thai. Since January 2008, my name and contact information have been published on the Hawaii Judiciary Registry.

I used to work as almost the only Laotian and Thai interpreter for local non-profit language service provider agencies. I had many assignments to hospitals, schools, private doctors' offices, welfare, Legal Aid Society, Domestic Violence, etc. However, the rate of pay was very low. It is especially low considering that Lao is a Language of Lesser Diffusion.

When I left those agencies in November 2012, I noticed that the offices that need services for their Lao- or Thai-speaking clients are now seeking interpreter services through mainland companies which provide telephonic interpretation. Sometimes, the agency provides NO INTERPRETER SERVICE at all.

I would like to keep everything local. I'm available. My contact information is public. Executive Branch and other agencies could contact me directly, but they don't.

In contrast, the Office of the U. S. Attorney flies me to the Mainland to work.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Edmund S. Calaycay, Jr.
Hawaii Judiciary Certified Ilokano Court Interpreter (Tier 4)
Tel.: 808-497-0091 E-mail: edjrcalaycay@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill.

I have been on the court list as a Certified Court Interpreter (Tier 4) in Ilokano and a Tier 2 Tagalog court interpreter since the start of the Judiciary certification program in 2007. I'm a member of the American Translators Association since 2008. I'm an independent contractor and do not have any other employment aside from interpreting and translating.

I also worked for a non-profit agency for some time, accepting assignments for hospitals, clinics, schools, and other community-related settings. The low pay made me stop accepting jobs from them. From that time on, which was around two years ago, I haven't done any interpreting in medical and educational settings. I interpreted a few times for DLIR (3-4) and the Prosecutors Office (twice). An agency within the Executive Branch does call me regularly. I stopped accepting jobs from them since the processing for service payment is very untimely/late. I interpreted for DHS once in an administrative hearing. Other than these "once in a blue moon" assignments, I have never interpreted for any other state or county agencies.

No medical services providers have contracted me, and neither have any of the non-profits that service immigrants. I am especially troubled that medical service providers do not contract me, because before my health situation prevented it, I was a physical therapist and taught at a university in the Philippines. I would love to interpret in medical settings.

I am surprised that I am not being contracted, because a) I am the first and only certified Ilokano interpreter in the nation, and b) Ilokano and Tagalog languages are in high demand in all areas of services here in Hawaii. I feel that my services both in interpreting and translating are not being utilized fully by government and other agencies.

Publishing a roster of any one who wants to claim to be an interpreter and translator will not affect my income, because government and other agencies are already not contracting me. My concern is about the quality of services that these unscreened, untested people might provide.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Elias Sandy, B. S. (Social Sciences)
Chuukese Interpreter, Hawaii Judiciary Tier 1 (Registered)
Tel.: 690-5225 (cellular)

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for taking the time to look into these issues.

Since 2010, I have been working as a Chuukese court interpreter. My name and contact information are published on the Hawaii Judiciary Registry.

Those of us who are on the Judiciary Registry had to go through training, and pass tests on Written English and Ethics. I have also taken additional workshops.

So far, only three Executive Branch agencies have ever called me for work. DLIR and DHS have called me several times. Two public schools have called me as well. No other Executive Branch agencies have ever contacted me. From the county, only the Office of the Prosecutor has ever contacted me. None of the non-profits that serve immigrants has ever contacted me. None of the hospitals, clinics, or medical offices has ever contacted me.

I am available for work. Chuukese, my language, is really needed in Hawaii. Any government office, non-profit, or medical services provider is welcome to contract me directly.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Elizabeth Schick
Hawaii Judiciary Certified Court Interpreter (Tier 3)
Tel.: (808) 640-6120 E-mail: erschick@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill. I have been on the list as a Spanish Interpreter for several years and in 2010 I foolishly thought I could return to a profession that provided me with a comfortable living when I was a resident of California. Instead, what I discovered in the 2 courts closest to me was the regular use of interpreters who a) were not on the list as certified, b) didn't actually speak Spanish with any degree of fluency much less knowledge of legal terminology.

I expected that the payment of a large sum of money - \$350 at the time - to pass a test, that placed me on a higher tier than those able to speak English and attend a 2 day class (in English) would at least guarantee me some steady work in the courts. After a year of working once a month, and seeing people without any type of credential actually bumping me out of the jobs in court, I was very dispirited. Last year, the clerk of the Kealahou Ct. called once on the day he needed my services and I was unavailable. He hung up, telling me I couldn't say he never called me. It was the only time I was called in 2012. I was in the Circuit Court approximately 10 times last year to brush up my skills on my own and always observed non registered Spanish speakers acting as interpreters.

Language Access in this state needs to be strengthened not weakened. It is important that at least as relates to the Judicial System, that people receive equal protection under the law. The present system for registering interpreters has been a dismal failure since anyone can register as an interpreter of a language, take a 2 day orientation, pass a(n) (English) test regarding the orientation and be registered as an interpreter without ever providing any proof that they actually speak the language! These are the tier 1 interpreters that were primarily used in the courts on the Big Island before 2012. Perhaps they are still used there.

Presently, the actual language proficiency test costs \$450. The Federal Interpreter Exam costs \$175. There's absolutely no incentive to take that costly exam when it will not result in work. I'm so discouraged by the way the certification system has failed those of us who are professional interpreters and anxious to work. We need to keep our skills in shape and not dust them off for that once a year call. I am leaving Hawaii this week and moving to the Mainland because I cannot survive working as an interpreter on less than \$15,000/year. I support this bill but someone needs to take a long hard look at the professional interpreters who have been here trying to work, trying to make a go of it and ask themselves why the present list, and the test as it stands, have been utter failures.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: frncsmont@gmail.com
Subject: Submitted testimony for HB266 on Mar 12, 2013 13:45PM
Date: Sunday, March 10, 2013 3:07:25 PM

HB266

Submitted on: 3/10/2013

Testimony for HMS on Mar 12, 2013 13:45PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Francisco Montes	Individual	Support	No

Comments: I am a Hawaii State Judiciary Certified Court Interpreter on Maui. I support this bill and the creation of a state-wide listing of interpreters, but it is very important that interpreters on that listing meet minimum standards of competency. As a Certified professional interpreter I ask that you amend the bill to require that persons applying to be on that list have passed state or national tests of competency. The list should also identify interpreters by levels of competency, such as the tier system that the Judiciary uses. Thank you for hearing this bill and considering my testimony.

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

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Gail Y. F. Ma, M.A., Cantonese and Mandarin Interpreter
Hawaii Judiciary Court Interpreter (Tier 1)
Tel.: 808-561-3905, E-mail: gailhorse@yahoo.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill.

I have worked as a Cantonese and Mandarin interpreter in courts and other settings for over a decade. I have been on the Judiciary's list at Tier 1 for both Cantonese and Mandarin for a number of years. I was contacted by a couple of Executive Branch agencies for interpreting assignments only two or three times throughout the years. I was never contacted by any non-profit organizations that serve immigrants or the communities with special language needs.

As evidenced by the relatively high number of Cantonese and Mandarin interpreters on the Judiciary's current list, which is around 20 for each of these languages, there is not "a dearth of interpreters" in these two languages. We just aren't being called.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Joann Han
Hawaii Judiciary Korean Court Interpreter, Tier 1
Tel.: (808) 282-1115, E-mail: sadako702@yahoo.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee,
thank you for hearing this bill.

I am a Korean court and medical interpreter. I have been a Korean interpreter
for a local non-profit language services agency for over twenty years. During that
time, they sent me to jobs at the Departments of Education, Health, Human
Services, and Labor, the Honolulu Police Department, Hawaii Immigrant Justice
Center, Domestic Violence Clearing House, the Sexual Assault Treatment Center,
and hospitals on Oahu.

I have not been called directly by any Executive Branch agency for any job. I do
not believe there is a dearth of interpreters. There are competent people
available, but they are not being used.

Please pass HB 266 HD 1 with the amendments suggested by HIAN.

Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Josephine Muritok Albert, Chuukese Interpreter & Translator
Hawaii Judiciary Court Interpreter (Tier 1)

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill. I am Josephine Muritok Alberts, a Chuukese interpreter and translator. I work in both legal and healthcare settings.

Since 2001, I have been working for the Hawaii Judiciary helping the Chuukese with LEP here in Hawaii. I had to take a mini- workshop on the ethical responsibilities of interpreters and also passed a written test of English and Ethics in order for my name to be listed on the Hawaii Judiciary Interpreters list. The mini- workshop on ethical responsibilities was short but very helpful for someone like me who comes from a community-based community/culture. Ethically and logically, I would have tried to avoid doing some of the things mentioned in the Code of Ethics, just because they were against my own personal values.

Having them listed as guidelines for interpreters has made my job easier and has given me the courage to divert from the common Chuukese cultural expectations. It is such guidelines that keep our personal and community relations in good standing. That is what is important to keep in mind before you start making changes. I also had to spend many hours researching and studying to be updated and to improve my skills as an interpreter. When the Hawaii Judiciary started its certification program I also went through that 16-hour training and took the tests necessary to have my name listed again on the HJI list. Besides the Judiciary trainings, I have also taken other trainings/workshops and tests to improve my knowledge and skills as an interpreter. Recently, I graduated from the OLA-sponsored March 2012 “The Community Interpreter” training, which is 40 hours long.

My name has been listed on Hawaii Judiciary list since 2001 but the majority, over 98%, of my assignments were through referrals, not utilization of that list. Having a list that has no merit with names of people who have no prior trainings and background checks would definitely present problems, not only for the state, but also for the Chuukese community as a whole.

The state is trying to solve a simple problem that has already available solutions, making itself vulnerable, and also putting the Chuukese community at risk by neglecting Hawaii's responsibility to ensure quality interpreters are available to LEP individuals here. Ensuring equal access does not mean having more unqualified "interpreters" available. Having unqualified "interpreters" it is in itself a lack of equal access. Anything less than quality is not equal.

Hence the system is neglectfully violating LEP equal rights to justice and services. I would like to also bring to the community's attention the fact that I do travel out-of-state for court assignments. Again, those assignments are through referrals, not the Judiciary list. Why do the courts on the mainland do this? Well, those of us that have gone through trainings and working for the Judiciary do understand the importance of investing in quality interpreters. Most if not all mainland court interpreters are either present or former trained interpreters. I have asked the court officers why fly in someone from out of state instead of looking for interpreters locally. Their answer has always been because we cannot just take anyone off the streets and plug them into the system without the proper training and testing. Being exposed to some of the mainland judiciary standards, I can honestly tell you that Hawaii is not even close to half of their standards.

It would be wiser to heed to the advice of those who have mastered the art of interpretation and do have respectable and professional knowledge of this profession. Once again, the state is trying to solve a problem that has already available solutions, and will only create more problems. If anything, the state should encourage and require the different agencies to use only interpreters that have already gone through the proper trainings and testing to be doing interpretation in the state of Hawaii. *The problem is not a lack of available trained and qualified interpreters but rather lack of qualified/trained interpreters willing to work for free for months without pay, or pay which is far too low, or both.* The problem is really with the state not utilizing its available resources.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Lolita A. Quibol, Tagalog Interpreter
Hawaii State Judiciary Court Interpreter (Tier 2)
Tel.: 808-3685415; E-mail: laquibol@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill.

I have been on the court list as a Tier 2 Tagalog court interpreter since November of 2009 (one of the only six Tier 2 Tagalog interpreters on the list). All Tier 2 interpreters have passed a test of interpreting skills.

I'm an independent contractor and have been doing translating/interpreting part time. That is, if I get a call or e-mail for a job. My interpreting jobs are almost always from court, and there aren't a lot. The truth is, I seldom or never get a call at all for interpreting jobs from other agencies.

Despite this situation, I still adhere to the standard and Code of Ethics that the State Judiciary is requiring. It's not only my time and my effort, but it also costs money from our own pocket to be able to pass all the requirements. This is an important process that benefits not only me as an interpreter but also the institution/agency.

Knowing how to speak another language beside English is not enough qualification for you to be able to interpret or translate. There are a lot who can speak another language but only a few can interpret or/and translate. The difference comes from the training we took and the exam that we passed.

So PLEASE pass HB 266 HD 1 with the amendments suggested by HIAN. You will not only do something good for the profession and the institutions who need us, but also for the people who will use our services. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

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

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, Members of this Committee, thank you for your attention to these issues. I am submitting this testimony as an individual.

In December 2007, I passed my court interpreter certification test. My name was first listed on the Judiciary's published Registry in January 2008. From then until now, I have been contacted by only one Executive Branch agency, DLIR, to interpret for a few cases. From the county, only the Office of the Prosecutor has ever called me, starting last year. No hospital, clinic, or medical office has called me. None of the non-profits which serve immigrants has ever contracted me.

We do not lack competent Spanish interpreters in Hawaii. We are being underutilized.

Without confronting the reality of their knowledge and skills by taking professional tests, people do not develop. Putting people on a public roster without testing them first does not help them or anyone else. Only the confrontation with reality that occurs when one takes a test makes it possible to see one's own weaknesses and devise a study plan to correct them. I remember vividly what it was like to go through this process. Now that I have studied for and passed my professional exams, I have a much more humble and realistic self-image than I had when I started out.

As currently worded, HB 266 HD 1 is an anti-standards bill. That is the opposite of what Hawaii needs. It will not help LEP individuals nor the competent, ethical interpreters and translators who would like to serve them and this state.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Mindy Emmons, M. A.
Hawaii Judiciary Certified Court Interpreter (Tier 6)
Tel.: 808-245-9936, E-mail: mindyemmons@hawaii.rr.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this
Committee, thank you for hearing this bill.

I am a certified Spanish court interpreter and an American Translators
Association Certified Spanish-to-English translator. I have been on the
Judiciary's list at Tier 6 (the highest possible tier) since the Judiciary's
certification program began in 2007. Since I am a freelancer and do not
have any other employment, I am available to interpret at any time.

I have been called only once by an Executive Branch agency for an
interpreting assignment. When I stated my fee, which is the same fee
paid by the Judiciary, I was not hired for the assignment.

I do not believe that there is a dearth of interpreters. There are
competent people available, but we are not being utilized.

Please pass HB 266 HD 1 with the amendments suggested by HIAN.

Thank you.

TO: Sen. Suzanne Chun-Oakland, Chair; Sen. Josh Green, M.D., Vice-Chair
Members, Senate Committee on Human Services

FROM: Thomas A. Steele, U.S. Department of State Foreign Service (retired)
Hawaii Judiciary Registered Japanese-English Court Interpreter (Tier 1)
Tel.: (808) 782-5585 E-mail: globalmobile.tom@gmail.com

HEARING: March 12, 2013, 1:45 p.m., Conf. Rm. 016

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

Chair Sen. Chun-Oakland, Vice-chair Sen. Green, members of this Committee, thank you for hearing this bill. I am a retired U.S. Department of State career Foreign Service officer. My Department of State rating in the Japanese language is Speaking: 4+/Reading: 4+, on a scale of 0 to 5 where 5 represents an educated native speaker of Japanese.

After moving to Hawaii, I wanted to put my Japanese experience to use in a way that also contributed to the community, and so I enrolled as a court interpreter with the Hawaii State Judiciary, completing all the requirements of the court's Office of Equality and Access to the Courts (OEAC). Those requirements included confirmation of language ability as well as a criminal background check. In addition, the qualifications included passing a test on the ethics court interpreters must adhere to, which apply equally well in general community interpreting.

Having passed all those requirements in 2010, I am included on the list of qualified Japanese-English interpreters published by the judiciary. Since that time, I have been called on by the courts only once to interpret (which I could not do since I was already involved in interpreting for a U.S. Navy court martial at Pearl Harbor which involved Japanese witnesses). On a couple of occasions the Public Defenders Office has selected my name from that list to interpret, and on a few occasions I have been called on by the Department of Labor's Employment Security Appeals Referees' Office (ESARO). Otherwise I have not been approached by any office in the state Executive Branch. All other interpreting work I have received here has been through private agencies' reference to that list of qualified interpreters or through word-of-mouth introductions by other professional interpreters or translators.

Given that experience, I have trouble agreeing that there is a dearth of qualified interpreters and translators here. OEAC in particular has gone to great lengths to ensure that information on qualified interpreters is available both to the Hawaii State Government and to the general public.

I do not wish to take up more of this Committee's valuable time, but I would like to commend to your attention the detailed information and references offered in testimony by Alohalani Boido, Chair of the Legislative Action Committee for the Hawaii Interpreter Action Network (HIAN) and herself a certified interpreter for the Hawaii Judiciary. In particular, I second her remarks on the importance of requiring clear and appropriate qualifications for interpreters, to serve the best interests of clients, the qualified interpreters themselves, and the community as a whole.

Please pass HB 266 HD 1 with the amendments suggested by HIAN. Thank you.