



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
OFFICE OF LANGUAGE ACCESS  
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SERAFIN P. COLMENARES, JR.  
EXECUTIVE DIRECTOR

To: Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair  
House Committee on Health

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

Date: January 24, 2014, 9 a.m.  
State Capitol, Room 329

Re: Testimony on H.B. 1749  
Relating to Language Access

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The Office of Language Access (“OLA”) appreciates the opportunity to testify in support of H.B. 1749 Relating to Language Access. My name is Serafin Colmenares, Jr. and I am the Executive Director of OLA. **OLA strongly supports H.B. 1749** which provides the resources needed by our office to function as intended when Hawaii’s Language Access law was established by statute in 2006.

Title VI of the Civil Rights Act of 1964 prohibits discrimination by government agencies that receive federal funds on the basis of national origin, race and color. If an agency is found in violation of Title VI, that agency may lose its federal funding. The obligations of federal agencies directly flow to the state and local agencies they fund. Because a great proportion of our state and local agencies and non-profits receive federal funding, they are obligated to follow federal law on language access, or risk losing federal funding.

Executive Order 13166 by President Clinton in 2000 specifically reinforced and emphasized the nondiscrimination provisions of Title VI and directed federal agencies to develop and implement a system by which limited English proficient (LEP) persons may meaningfully access an agency’s services.

Hawaii’s language access law directly reflects the principles and directives of Title VI, requiring the same of state agencies and those agencies receiving state funds.

When Act 290 (SLH2006) created OLA, our staff of six was able to provide much needed services and guidance to state agencies as they worked toward compliance with not only state language access law, but with federal regulations as well. When the 2009 Reduction-In-Force brought OLA’s staff down to one, so too did the degree of compliance with both federal and state law.

Although we received enough funds to restore two of the five lost positions, we still lack manpower particularly for purposes of providing technical assistance and compliance monitoring.

In the last few years, we have seen a marked increase in compliance monitoring from civil rights divisions of various federal agencies. Needless to say, there is much work for our office to do to assist our state in meeting its obligations to provide language access – a civil right on both the state and federal level.

We respectfully ask that this legislature dedicate the resources necessary so that we may work proactively with our agencies to address our state’s responsibility to meet its legal civil rights obligations; and avoid costly penalties and expense in so-called “voluntary compliance” or lost federal funding.

Most of all, we seek the staffing resources so that OLA can help our state-agencies do the right thing and ensure meaningful language access for all.

We respectfully request that your committee pass this measure with appropriations of \$130,000 in Section 2 to establish the three “lost” positions within OLA (two program specialists and a clerk) so that we may assist state and state-funded agencies in implementing the requirements of Hawaii’s language access law, and, in turn, greatly improve compliance with federal law as well.

OLA appreciates this committee for its commitment to language access and for the opportunity to provide this testimony.