

HB 1943 HD 1

Measure Title: RELATING TO LANGUAGE ACCESS.

Report Title: Office of Language Access; Program Specialist Positions; Appropriation (\$)

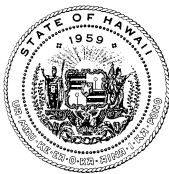
Description: Appropriates funds for the establishment of two full-time equivalent (2.00 FTE) permanent program specialist positions within the office of language access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law. (HB1943 HD1)

Companion: [SB2511](#)

Package: Filipino Caucus

Current Referral: CPH, WAM

Introducer(s): AQUINO, BELATTI, CACHOLA, CULLEN, DECOITE, HOLT, LOPRESTI, MIZUNO, NAKASHIMA, YAMANE, San Buenaventura



STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813

March 12, 2018

To: The Honorable Senator Rosalyn H. Baker, Chair
The Honorable Senator Jill N. Tokuda, Vice Chair
Senate Committee on Commerce, Consumer Protection, and Health

From: Aphirak Bamrungruan, Executive Director

Subject: **HB 1943, HD 1 – RELATING TO LANGUAGE ACCESS**

Hearing: Thursday, March 15, 2018, 9:30 AM
Conference Room 229, State Capitol

Agency's Position: The Office of Language Access (OLA) supports the intent of the measure, provided that the measure's passage does not replace or adversely impact priorities in the Governor's Executive Budget Request.

Purpose and Justification: The purpose of the measure is to appropriate funds for the establishment of two full-time equivalent (2.00 FTE) permanent program specialist positions within the Office of Language Access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law.

Hawaii is one of the most culturally diverse states and has one of the highest proportions of non-English speakers in the nation. According to the U.S. Census Bureau, 2012-2016 American Community Survey (ACS) 5-year estimates, the total population in the state of Hawaii was 1,413,673. An estimate of 25.7% or 339,539 of Hawaii residents, 5 years and older, speak a language other than English at home. Of those, 166,949 or 12.6% indicated that they speak English "less than very well."

English proficiency (or lack of) has strong impacts on people's economic and social activities, health literacy and wellness, access to education, employment, and important public assistance, benefits, programs and services. In 2006, the Hawaii State Legislature passed the Hawaii Language Access Law (Codified under Hawaii Revised Statutes 321C) and OLA was established in 2007 to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the

executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies (including the counties). In 2013, Act 217, Session Laws of Hawaii 2013, gave OLA further responsibilities to establish and operate a Language Access Resource Center.

Under the Hawaii Language Access Law, OLA's task is to provide highly specialized technical assistance and to coordinate resources to reduce the burden of implementing language access obligations. OLA is charged with providing oversight, central coordination, and technical assistance to all state and state-funded agencies in their implementation of language access compliance – a civil right under both state and federal law.

OLA began with six positions but lost five positions in 2009 due to the Reduction-In-Force. In 2012, OLA received enough funds to restore two of the five lost positions and has been operating with only three authorized full-time equivalent positions until the present time. The lack of personnel has limited OLA's ability to fully perform its mandated functions. Additional staffing will enable OLA to better assist state agencies in complying with language access laws and performing its statutorily mandated compliance and technical assistance functions.

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



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

Thursday, March 15, 2018 9:30 AM
State Capitol, Conference Room 229

By
Debi Tulang-DeSilva
Program Director
Office of Equality and Access to the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1943, House Draft 1 Relating to Language Access.

Purpose: Appropriates funds for the establishment of two full-time equivalent (2.00 FTE) permanent program specialist positions within the office of language access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law. (HB1943 HD1)

Judiciary's Position:

The Judiciary supports House Bill No. 1943, House Draft 1.

This measure appropriates funds for the establishment of two full-time permanent positions within the Office of Language Access (OLA) to assist state agencies and state-funded agencies in implementing the requirements of Hawai‘i’s language access law. The Judiciary recognizes that many people who require or receive Judiciary services may not be able to meaningfully participate due to limited English proficiency (LEP). Thus, the Judiciary has prioritized its resources over the years to enhance the language access services it provides for LEP court customers. Through its Office on Equality and Access to the Courts, the Judiciary is committed to providing meaningful access to court processes and services to persons with LEP. Since its establishment, the OLA has been extremely supportive of the Judiciary’s efforts to promote language access and has been a valuable collaborative partner on many language access

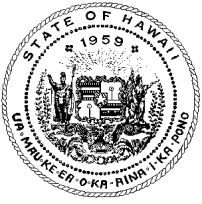


House Bill No. 1943, House Draft 1 Relating to Language Access
Senate Committee on Commerce, Consumer Protection, and Health
Thursday, March 15, 2018, 9:30 AM
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projects. In order to sustain the assistance and support that the OLA provides the Judiciary and numerous other state agencies, the Judiciary supports the passage of House Bill No. 1943, HD1.

We appreciate the Legislature's action to support efforts that promote access to justice and respectfully request your support of House Bill No. 1943, HD 1.

Thank you for the opportunity to provide testimony on this measure.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 15, 2018
Rm. 229, 9:30 a.m.

To: The Honorable Rosalyn H. Baker, Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

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

H.B. No. 1943, 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. 1943, H.D.1, which provides for establishment of two permanent full-time positions in OLA, with an appropriation to fund those new positions. The HCRC supports this measure, provided that its passage does not impact the priorities detailed in the Governor’s Executive Budget.

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 H.R.S. 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. In this work, OLA’s capacity has been severely limited by under-staffing.

H.B. No. 1943, H.D. 1, expands OLA's capacity by establishing two new positions in OLA, with an appropriation. The HCRC supports this measure, provided that its passage does not impact the priorities detailed in the Governor's Executive Budget.

HB-1943-HD-1

Submitted on: 3/13/2018 8:35:49 AM

Testimony for CPH on 3/15/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Serafin Colmenares	Testifying on behalf of State Health Planning and Development Agency	Support	No

Comments:

In behalf of the State Health Planning and Development Agency, I am submitting testimony in support of HB1943. The Office of Language Access needs additional staffing to enable it to support state and state-funded agencies meet the requirements of Hawaii's language access law. Please pass this legislation.

HB-1943-HD-1

Submitted on: 3/14/2018 4:38:05 AM

Testimony for CPH on 3/15/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

Ryan H. Engle
Board President

Angela Kuo Min
Executive Director



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**TESTIMONY IN SUPPORT OF H.B. No. 1943
RELATING TO LANGUAGE ACCESS**

**Committee on Commerce, Consumer Protection, and Health
Thursday, March 15, 2018 9:30 a.m.
Conference Room 229**

CHAIR ROSALYN H. BAKER, VICE CHAIR TOKUDA, AND MEMBERS OF THE
COMMITTEE:

Volunteer Legal Services Hawaii supports the passage of H.B. No. 1943 and the recommendation to appropriate funds relating to the Office of Language Access.

In the last thirty-six years, Volunteer Legal Services Hawaii has provided legal assistance to the low- and moderate- income community of Hawaii; many who identify themselves as English not being their first language and/or being limited in English proficiency. Our office recognizes the needs for interpreter and translator resources to continue serving the multi-ethnic and multi-cultural community of Hawaii, and to provide all residents of Hawaii meaningful access to justice.

I support H.B. No. 1943 to increase staff at the Office of Language Access. Thank you.

Sincerely,

Angela Kuo Min
Executive Director



TESTIMONY IN SUPPORT OF HB1943 hd1 RELATING TO LANGUAGE ACCESS
SUBMITTED BY AMY AGBAYANI, CHAIR FILIPINA ADVOCACY NETWORK (FAN)

Chair Baker, Vice Chair Tokuda and members of the committee.

Filipina Advocacy Network (FAN) strongly supports HB 1943 hd1 providing two positions for the Office of Language Access. The Hawai'i State Legislature passed legislation establishing the Office of Language access to ensure access to state-funded services for persons with limited English proficiency. This important agency is under-funded and cannot effectively implement its mandate without additional resources. Language access to state services is a critical government responsibility and a civil right. The Office of Language Access is the state agency that can help other state agencies provide appropriate language assistance that will benefit our community in multiple ways. Non-discrimination, equal access, appreciation of diversity and need for inclusion are the basis for funding OLA.

Obtaining government information and access to state services should be available to all persons in the state. Although not the same, limited English speakers encounter similar problems and need similar programs available to deaf and hard of hearing individuals. Our recent problem with the incorrect missile alert warning highlights the needs of individuals who are unable to read or understand English messages. At this time, there is inadequate communication protocols to warn our multilingual communities of hurricanes and other natural disasters.

“According to the American Community Survey data collected for five years from 2010 to 2014, around one-in-four people aged 5 and older during the period spoke a language other than English at home in Hawaii. Speaking a non-English language at home does not mean that the person cannot speak English. About half of the non-English speakers at home were fluent English speakers describing their English speaking ability as “very well”, while another 30 percent rated their English speaking ability as “well”. However, 19 percent of the non-English speakers in Hawaii, or about 62,000 people, spoke English “not well” or “not at all”. At the household level, 6.3 percent of total households in Hawaii, or about 28,400 households, had no one aged 14 and older who could speak English very well in the household. “
Hawai'i has a significant percentage of people in all counties who are unable or have only a limited ability to read, write, speak or understand English. Without language assistance, these residents face barriers to government information and services and unable to fully participate in the economy and community activities.”

A large percentage of persons in Hawai'i do not speak English or have difficulty using English. For example, 40 percent of persons of Vietnamese ethnicity and 35 percent of persons of Chinese ethnicity have either limited ability or are unable to speak English. Among Filipino ethnic groups, 26 percent of Ilocanos are not fluent in English and 15 percent of Pacific Islanders have limited English proficiency.

Non-English language speaking at home was more prevalent in Honolulu County than in the neighbor island counties. The proportion of non-English

speakers was highest in Honolulu County at 28 percent and lowest in Hawaii County at 19 percent. Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home in Hawaii. Speakers of these three languages made up about half of non-English speakers at home in Hawaii.

See these reports for more information on language use in Hawai'i:

http://dbedt.hawaii.gov/economic/reports_studies/non-english-speaking-population-in-hawaii/

http://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf

Maraming salamat po for your consideration and support to members of our community who need language assistance for state services. OLA needs these two positions to effectively meet its objectives and mandate.



CATHOLIC CHARITIES HAWAII

TO: Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair
Committee on Commerce, Consumer Protection, and Health

FROM: Terrence L. Walsh, Jr., President & Chief Executive Officer

DATE: Thursday, March 15, 2018 (9:30 a.m., Conf. Room 229)

RE: **IN SUPPORT OF HB 1943, HD 1, Relating to Language Access**

Catholic Charities Hawai'i (CCH) supports HB 1943, HD1, Relating to Language Access, to appropriate funds for two (2) full-time equivalent permanent positions within the Office of Language Access.

CCH recognizes the excellent and important work that OLA does to ensure that individuals with Limited English Proficiency are able to access information and resources. OLA plays a vital role in supporting state agencies and their contracted providers, like CCH, to meet the Federal and State requirements for language access.

This bill will add two full-time permanent program specialist positions so that the office may successfully carry out its important role in promoting language accessibility, improving the understanding of laws related to language access, responding to complaints about lack of language accessibility for limited English proficient individuals, and providing support for covered entitled with the development and implementation of language access plans.

For more information or questions, please feel free to email Melba Bantay, Program Director and member of the OLA Advisory Board, at melba.bantay@catholiccharitieshawaii.org or via phone at 527-4711.

Thank you for this opportunity to provide testimony in support of HB 1943, HD1.





TINALAK FILIPINO EDUCATION COUNCIL

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Jill N. Tokuda, Vice Chair

Hawai'i State Capitol, Conference Room 229
March 15, 2018, 9:30 am

To: Chair Rosalyn H. Baker, Vice Chair Jill N. Tokuda and Senate Committee on
Commerce, Consumer Protection and Health

From: Tinalak Filipino Education Council

Subject: **Support for HB1943, Relating to Language Access**

The Tinalak Filipino Education Council was established in 2012 to serve as an advisory council to the Dean of the University of Hawai'i, Manoa College of Education. We are composed of the COE's tenure track Filipino faculty and doctoral students. Our mission is to recruit and retain Filipino educators and to foster Filipino culture and linguistic diversity in education.

We support HB1943, for the establishment of two full-time equivalent (2.00 FTE) permanent program specialist positions within the Office of Language Access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law and Title VI of the Civil Rights Act of 1964.

About 1 in 4 of Hawai'i residents speak a language other than English at home and about 1 in 8 indicated that they speak English "less than very well." In terms of our Multilingual/English learner (EL) students, the most home languages spoken are Filipino (Tagalog, Ilokano, Pampangan, etc) at 30%. With this statistic, we have a vested interest in providing the necessary language services for our multilingual Filipino families who have limited English proficiency. This would help state agencies like the HIDOE better serve the needs of our families.

Thank you for the opportunity to testify.

HB-1943-HD-1

Submitted on: 3/14/2018 3:16:05 PM

Testimony for CPH on 3/15/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii Filipino Lawyers Association	Testifying for Hawaii Filipino Lawyers Association	Support	No

Comments:

RE: HB1943 HD1 Relating to Language Access

Hrg: March 15, 2018, 9:30

Chair Baker and members of the CPH Committee:

Our organization, the Hawaii Filipino Lawyers Association, is in support of this bill. Hawaii has one of the largest immigrant population in relation to the overall state population among the 50 states. Almost one out of five household has a Limited English Proficiency (LEP) adults as head of that household. The Office of Language Access is tasked with assisting the state agencies in providing services and complying with federal laws for those agencies receiving federal funds. However, because the OLA is understaffed (only a staff of 3 including the executive director and his secretary), it has been unable to fully assist in providing full pledged services to the state agencies. Giving the office additional staff will enable OLA to provide prompt advice to the state agencies and ensure that the LEP members of the public is provided language access to understand the services that they are applying for.

We ask that you act favorably in passing this bill out of the CPH Committee.

HB-1943-HD-1

Submitted on: 3/12/2018 7:38:42 AM

Testimony for CPH on 3/15/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebeca Zamora	Individual	Support	No

Comments:

HB-1943-HD-1

Submitted on: 3/12/2018 6:44:47 PM

Testimony for CPH on 3/15/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pat McManaman	Individual	Support	No

Comments:

March 12, 2018

To: Senator Rosalyn H. Baker, Chair

Senator Jill N. Tokuda, Vice-Chair

From: Pat McManaman

Testimony in Support of H.B. 1943

As early as 1974, the United States Supreme Court held that failing to take reasonable steps to ensure meaningful access to services for Limited English Proficient (LEP) persons is a form of national origin discrimination prohibited by Title VI of the Civil Rights Act of 1964. See, *Lau v. Nichols*, 414 U.S. 563 (1974). Executive Order 13166, which was issued in 2000, further emphasized the application of Title VI to language access discrimination and required all entities receiving federal funding to provide meaningful access to LEP persons.

Despite the clear mandates of federal law, Hawaii has been cited repeatedly by the Department of Justice and the federal court for its failure to take reasonable steps to ensure meaningful access to services by LEP persons (Department of Human Services, Consent Decree, 2008; Department of Transportation, *FACE v. DOT*, United States District Court for the District of Hawaii, 2015; and Hawaii Judiciary, Technical Assistance Agreement, 2015).

The 2006 creation of the Office of Language Access (OLA) by this Legislature was bold step that reaffirmed Hawaii's commitment to civil rights and inclusive access to services regardless of national origin. OLA remains committed to this vision. Without adequate resources and positions, however, it is unable to fulfill its legislative mandate to provide technical assistance to State entities and to assure compliance with federal and State language access laws.

I urge the Legislature to fully fund OLA. In the absence of full funding, we are inviting reoccurring complaints and costly litigation and place at risk our standing as a welcoming, inclusive State.

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair
Members of the House Committee on Finance

From: Maria Cristina Arsuaga, B. A., Federally Certified Spanish Court
Interpreter, State of Hawaii Judiciary Certified Master Interpreter,
Tier 6

Re: HB 1943, HDI – Relating to Language Access

Hearing: Thursday, March 15, 2018 at 9:30 a.m. in Conference Room 229

Chair Luke, Vice Chair Cullen and Members of the House Committee on Finance:

I was recently appointed to serve on the Language Access Advisory Council (LAAC.) However, this testimony is being submitted in my private/personal capacity as a Spanish interpreter.

I am writing in support of House Bill No. 1943, which appropriates funds for the establishment of two full-time positions at the Office of Language Access to assist state agencies and state-funded agencies in implementing the requirements of Hawaii's language access law.

The OLA is seeking to replace the positions that were cut due to budgetary constraints. Given the growing number of LEPs in Hawaii, it is more important than ever for the OLA to be given the necessary resources to operate more effectively and fully carry out its duties.

Thank you for the opportunity to testify in support of HB 1943.

HAWAII INTERPRETER ACTION NETWORK

P.O. Box 236024
Honolulu, Hawaii 96823-3519

hawaii.interpreters@gmail.com

To: Chair, Sen. Rosalyn H. Baker; Vice-chair, Sen. Jill N. Tokuda
Members, Senate Committee on Commerce, Consumer Protection, and Health

From: Marcella Alohalani Boido, M.A.
Hawaii Judiciary Certified Spanish Court Interpreter, Tier 4
President, Hawaii Interpreter Action Network

Re: HB 1943 HD 1, **SUPPORT**

Date: Thursday, March 15, 2018, 9:30 a.m., Room 229

Chair Baker, Vice-Chair Tokuda, and Committee Members: Thank you for hearing HB 1943 HD 1. This measure is important to continue the process of improving language access in Hawaii. Hawaii needs to do this both to comply with state and federal law, and out of a simple sense of justice and compassion for our people and guests.

Please notice that I did not limit myself to immigrants. We do have Limited-English Proficient (LEP) people needing services who are speakers of an indigenous or other language found in US territories. Hawaiians from Niihau still speak Hawaiian, and we now have a generation coming up for whom Hawaiian is a first language. We also have people from Puerto Rico and Guam, which as I'm sure all of you know, are US territories.

Hawaii's guests, i.e., tourists, also sometimes need an interpreter, or a written translation. People who travel to Hawaii to get married may need some documents translated before the Department of Health will issue them a marriage license. Newly arrived residents may need documents translated to obtain a driver's license. Many of these folks need interpreters to access these and other government services. We also have medical tourism, particularly from Japan.

Hawaii Interpreter Action Network (HIAN) is a professional association of interpreters and translators. Since 2002, we have worked to advance standards of performance and ethics, and to improve conditions of work and pay in Hawaii. Our members interpret for and provide written translations to government offices, medical facilities, private individuals, and conferences.

From the first effort in the middle 1990s to create the Hawaii State Office on Language Access (OLA), via a bill that was crafted by Bill Hoshijo, until many years later, in 2006, when the bill to

create OLA passed, with Patricia McManaman as the main lobbyist, I have personally testified in support of these efforts to improve language access in Hawaii.

OLA first opened its doors in 2007 under the leadership of Dr. Serafin "Jun" Colmenares, Jr., Ph.D. At that time, OLA had a staff of six (6) people.

From 2007 to 2013, I was appointed as a member of the Language Access Advisory Council as the representative from a professional association of interpreters. HIAN appreciates that this Committee recently gave its approval to Cristina Arsuaga (GM 547) for that position.

In 2009, all staff except for Dr. Colmenares had to leave. We owe it to Dr. Colmenares, big time, that he kept the doors open. We also owe it to Ms. Gail P. McGarvey, OLA's Secretary. She continued to come to work as a volunteer several days a week. Jun and Gail will always have my deep appreciation and respect for keeping OLA going under extremely adverse conditions.

Eventually, in 2012, Gail was re-hired, and Rebecca "Becky" Gardner was able to join the team as OLA's Legal Analyst. (See: <http://health.hawaii.gov/ola/about-us/> for current staff.)

However, **OLA is still severely understaffed in relationship to its purpose and obligations.** As OLA's current Executive Director, Aphirak "AP" Bamrungruan, JD, has so carefully and eloquently explained in his previous testimony, Hawaii needs a more fully functional Office of Language Access. The Legislature has given OLA additional responsibilities, but to date, no additional staff to carry them out. That is untenable. It is crippling to Hawaii's efforts to be more inclusive of our LEP residents and guests, and to comply with applicable laws.

My thanks go to the Filipino Caucus for introducing this bill. Our Hawaii history of inclusion and community integration is one we can be proud of. It was a struggle to achieve this, and took a lot of effort and sacrifice over a long period of time. Hawaii should honor its history of having created a tremendously multi-racial and multi-cultural society. No matter our flaws and problems, we are still way ahead of a lot of other places.

Our homeboy, in great part the product of this environment, did us proud. Now, as his birthplace, and to honor our history, we need to keep our heads on our shoulders in the current storm of anti-immigrant feeling and rhetoric. We need to continue working towards our Hawaii vision of a good society.

Aphirak "AP" Bamrungruan is a sincere advocate for language access. Current OLA staff are terrific. Now, OLA needs more "hands on deck," so that Hawaii can continue to sail toward a more equitable future.

Respectfully, HIAN asks that you please pass and fund HB 1943 HD 1. *Mahalo*, and thank you.