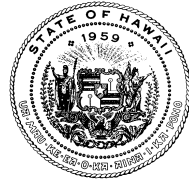


DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS

1177 Alakea Street, Room B-100
Honolulu, HI 96801-3378
doh.ola@doh.hawaii.gov

APHIRAK BAMRUNGRUAN
EXECUTIVE DIRECTOR

**Testimony COMMENTING on HB 1762 HD1
RELATING TO LANGUAGE ACCESS**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

SENATOR SHARON Y. MORIWAKI, CHAIR
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Hearing Date: 3/22/2022

Room Number: Via Videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Supplemental Budget Request.

3 **Agency Testimony:** The Office of Language Access (OLA) appreciates the intent of this
4 measure, provided the measure's passage does not replace or adversely impact priorities in the
5 Governor's Executive Supplemental Budget Request. We offer the following comments and
6 proposed amendments.

7 This measure would require the executive director of OLA to submit an annual report to the
8 governor and legislature on compliance, complaints, resolution of complaints, and
9 recommendations to enhance and promote language access. It also appropriates funds to
10 establish three Limited English Proficiency (LEP) language coordinator positions in OLA.

11 English proficiency, or the lack thereof, has a significant impact on individuals' economic and
12 social activities, health literacy, and wellness. It limits access to education, employment, and
13 important public assistance such as benefits, programs, and services. Under Chapter 321C,
14 Hawaii Revised Statutes (HRS), OLA's task is to provide highly specialized technical assistance
15 and to coordinate resources to reduce the burden of implementing language access obligations.
16 OLA is charged with providing oversight, central coordination, and technical assistance to all

1 state and state-funded agencies in their implementation of language access, which is a civil right
2 under both state and federal law.

3 OLA has no objection to submitting an annual report with information related to compliance,
4 complaints, resolution of complaints, and recommendations to enhance and promote language
5 access as outlined under Chapter 321C, HRS.

6 Section 3 would establish three full-time equivalent (3.00 FTE) permanent language access
7 coordinator positions within OLA. While additional staffing would enable OLA to better assist
8 state agencies in complying with language access laws, OLA would not be able to practically
9 accommodate three additional positions at this time due to current space limitations. OLA is
10 currently operating with five full-time staff and occupies just 523 square feet of office space in
11 the basement of the Keoni Ana building. Adding three additional staff would necessitate
12 incurring additional cost to relocate OLA.

13 For the aforementioned reason, OLA respectfully requests an amendment of three full-time
14 equivalent (3.00 FTE) permanent language access coordinator positions within OLA to one full-
15 time equivalent (1.00 FTE) permanent language access coordinator position. In lieu of two
16 additional full-time (2.00 FTE) positions, OLA respectfully requests the option to substitute
17 operating resources for these two positions to increase the statewide capacity of qualified
18 interpreters and translators and to aid in developing a comprehensive and coordinated statewide
19 plan for language access implementation.

20 The proposed amendments would maintain the same level of funding that would be appropriated
21 to OLA but would more efficiently meet the State's language access needs at the present time.

22 **Offered Amendments:** OLA respectfully requests Section 3 of this measure be amended to read
23 as follows:

24 "SECTION 3. There is appropriated out of the general
25 revenues of the State of Hawaii the sum of \$ 210,000.00 or so
26 much thereof as may be necessary for fiscal year 2022-2023 for

1 the establishment of one full-time (1.00 FTE) permanent Language
2 Access Coordinator position and the operating resources to the
3 Office of Language Access to coordinate and collaborate with all
4 state departments to ensure compliance with all state and
5 federal language access laws.

6 The sum appropriated shall be expended by the office of language
7 access for the purposes of this Act.”

8 Thank you for the opportunity to testify on this measure.



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hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of HB1762 HD1
RELATING TO LANGUAGE ACCESS**

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 3/22/2022

Dear Committee Members,

We write to SUPPORT **HB1762 HD1**. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i.

One out of nine persons in Hawai`i have limited English proficiency (LEP),¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees,

¹ *The State of Hawaii Data Book: A Statistical Abstract 2019*, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf

² *Id.*

³ Examples include: Hawai`i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai`i Office of Elections, United States District Court for



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refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai'i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai'i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Additional staff and resources appropriated to OLA will improve language access.

State agencies that provide essential information and services (including providing public-facing information on emergency and life-threatening situations) must be accessible to LEP persons.

Transportation, FACE v. DOT, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement, Department of Justice (2015); and Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31. ⁵ Civil Rights

Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021),

<https://www.hicir.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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hicoalitionforimmigrantrights@gmail.com

OLA should develop a comprehensive organizational state plan for language access, including capacity building for language proficiency testing and interpretation and translation costs.

This is critical for our public health, safety, and economy. Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai'i, making up 22% of all business income in the state.⁷ Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Additional resources for OLA will allow OLA to mitigate language access issues within the state, diminishing language access barriers and allowing our economy and workforce to strengthen. This will foster a safer and healthier community.

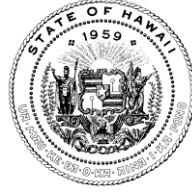
We fully SUPPORT **HB1762 HD1**. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai'i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai'i Coalition for Immigrant Rights

⁶New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷*Id.* at 23.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Phone Number: 586-2850
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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committees on Human Services and Government Operations
Tuesday, March 22, 2022
3:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 1762 H.D.1, RELATING TO LANGUAGE ACCESS**

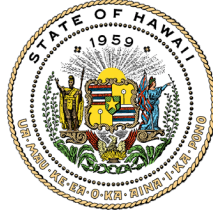
Chair San Buenaventura, Chair Moriwaki, and Members of the Committees:

My name is Catherine P. Awakuni Colón, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department appreciates the intent of this bill and supports the revisions to the bill reflected in the House Draft 1 (HD1).

The HD1 requires the executive director of the office of language access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access, and appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the OLA.

The Department believes that the appropriation to the OLA set forth in the HD1 will better enable that agency to provide uniform guidance across all state agencies and assist agencies on an as-needed basis regarding specific language access questions.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1762, HD1
RELATING TO LANGUAGE ACCESS

BEFORE THE SENATE COMMITTEES ON
HUMAN SERVICES AND GOVERNMENT OPERATIONS
BY

Luke P. Meyers
Administrator, Hawaii'i Emergency Management Agency (HI-EMA)

MARCH 22, 2022

Aloha Chairs San Buenaventura and Moriwaki, Vice-Chairs Ihara and Dela Cruz, and Members of the Committee:

Thank you for the opportunity to submit testimony to provide **COMMENTS** on HB 1762, HD1.

House Bill 1762, HD1 requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. Appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the office of language access.

Limited English Proficiency (LEP) is a barrier that directly impacts one in nine persons living in Hawai'i. This barrier creates limitations for the LEP population to access lifesaving and property-protecting information in the event of natural and human-caused emergencies and disasters. Communication to those impacted during incidents is among the biggest challenges facing emergency managers; building capability and capacity prior to an incident is greatly needed and a best practice among the emergency management profession.

Recent incidents, including the COVID-19 pandemic have thrown into sharp relief the vital need for the Hawaii'i Emergency Management Agency's (HI-EMA) to quickly communicate emergency information to a large portion of the population.

The newly created language access coordinator positions would benefit the HI-EMA and provide valuable support to emergency management

spokespersons' efforts to identify and improve ways to communicate with the LEP population on how to prepare for, mitigate against, respond to, and recover from emergencies and disasters.

The HI-EMA takes no position on the reporting elements of this bill, deferring to the office of language access, but is in support of its other provisions provided it does not interfere with the Governor's budget priorities.

Thank you for the opportunity to provide comments on House Bill 1762, HD1.

Luke P. Meyers: Luke.P.Meyers@hawaii.gov; 808-733-4300



HAWAI'I FRIENDS OF CIVIL RIGHTS

March 20, 2022

TO: **COMMITTEE ON HUMAN SERVICES**
Senator Joy A. San Buenaventura, Chair

COMMITTEE ON GOVERNMENT OPERATIONS
Senator Sharon Y. Moriwaki, Chair

FROM: Amy Agbayani, Co-Chair & Pat McManaman, Co-Chair

SUBJECT: **HB1762, HD1 - RELATING TO LANGUAGE ACCESS**

HEARING: March 22, 2022 at 3:00 PM
Conference Room 329 & Via Videoconference, State Capitol

The **Hawai'i Friends of Civil Rights** stands in **Strong Support of HB1762, HD1**. Today, Hawai'i is home to more than a quarter of a million immigrants who make up 18% of Hawai'i's population. Within this population, 348,130 or one in four persons speaks English at home. Of this cohort, one in nine Hawai'i residents or 161,055 persons is limited English proficient (LEP) having reported speaking English "less than very well."¹

Language is a clear and profound barrier for many of these New Americans. Many recently arrived asylees, refugees, or family-based immigrants work two to three jobs, often below minimum wage, leaving little or no time for language studies. Additionally, the collateral costs of attending language classes such as transportation fees, child care, and tuition are often beyond the reach of many immigrants. Yet, virtually all immigrants want to learn English. They want better jobs. They want to succeed. And they want their children to succeed.

¹ Department of Business, Economic Development & Tourism, State Data Book (2019), <https://dbedt.hawaii.gov/blog/20-16/>, (accessed 2/5/2022).

Section 2. This provision strengthens the Office of Language Access's (OLA) ability to assure compliance with an array of federal and state language laws. It requires OLA's executive director to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. The community hopes these annual reports will promote stronger executive and legislative oversight and trigger greater compliance with federal and state language access laws.²

Hawai'i has been sanctioned repeatedly by the federal court, federal offices for civil rights (including the Department of Justice), and the Hawai'i Civil Rights Commission for its failure to provide language access services to LEP persons.³ More recently, the Department of Labor and Industrial Relations (DLIR) was cited by the U.S. Department of Labor (DOL) for its failure to provide language access services. On September 20, 2021, the DLIR entered into a comprehensive Settlement Agreement with DOL.

Additionally, on April 30, 2021, the National Health Law Program filed a complaint against the Hawai'i Department of Health (DOH) and 17 other states for failing to provide COVID-19 services to LEP individuals. Specifically, the complaint alleges that the DOH failed to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.

Section 3. We recommend that this section be amended to add 1.00 full-time, permanent language access coordinator position and \$135,000 in supplemental funding for capacity building of qualified interpreters and translators, language access proficiency testing, and the

² Federal authorities include Title IV of the Civil Rights Act of 1966, 42 U.S.C. §§2000d to 2000d7; Executive Order 13166 issued by President Clinton on August 11, 2000, *Improving Access to Services for Persons with Limited English Proficiency*, 3 C.F.R. 13166 (2000); and *Lau v. Nichols*, 414 U.S. 563 (1974). In 2006, the Hawai'i Legislature affirmed the State's commitment to civil rights and inclusive access to services regardless of national origin through the creation of the Office of Language Access (OLA). Hawai'i Revised Statutes, §321-C.

³ Hawai'i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai'i Office of Elections, United States District Court for the District of Hawai'i, Settlement Agreement (2010); Hawai'i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai'i Department of Transportation, FACE v. DOT, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement, Department of Justice (2015); Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

development of a comprehensive state plan for language access that includes enterprise-level digital solutions for state departments and agencies.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON HUMAN SERVICES AND GOVERNMENT
OPERATIONS
ON
HOUSE BILL NO. 1762, H.D. 1

March 22, 2022
3:00 p.m.
Room 225 and Videoconference

RELATING TO LANGUAGE ACCESS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1762, H.D. 1:

- Amends Chapter 321C, HRS, to require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access.
- Appropriates an unspecified amount of general funds in FY 23 to OLA for the establishment of 3.00 full-time equivalent Limited English Proficiency Language Coordinator positions.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
www.labor.hawaii.gov

March 22, 2022

To: The Honorable Joy A. San Buenaventura, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Human Services

The Honorable Sharon Y. Moriwaki, Chair,
The Honorable Donovan M. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Tuesday, March 22, 2022
Time: 3:00 p.m.
Place: Conference Room 225, State Capitol

From: Anne Perreira-Eustaquio, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. 1762 HD1 RELATING TO LANGUAGE ACCESS

The DLIR supports HB1762 HD1 that requires the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Legislature and provides three additional staff to OLA, provided that it does not conflict with the priorities identified in the Governor's Executive Supplemental Budget request.

During the interim between the 2021 and 2022 Legislatures, the DLIR convened a Working Group pursuant to HCR169 to improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community. The report¹ detailed the absolutely vital role that immigrants, especially those with Limited English Proficiency (LEP), play in Hawaii's economy, workforce and community. However, despite immigrants' integral contributions, foreign-born residents still encounter significant barriers to full integration into Hawai'i as they encounter barriers across a variety of domains, including legal, language, financial, citizenship, and cultural literacy ones, amongst others. Therefore, the Working Group identified bolstering the state's language access law and provision of language access resources as another important component to addressing current immigrant needs in accessing state services.

Requiring OLA to annually report to the Legislature will furnish the Legislature with crucial, timely information on the status of the State's efforts to enhance and promote language access. Strengthening OLA's ability to help assure compliance with state and federal language access laws will help the agency effectuate implementation and delivery of state agencies' language access plans.

¹ <http://labor.hawaii.gov/wp-content/uploads/2021/12/HCR169-Report20211200.pdf>

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LIEUTENANT GOVERNOR



ANNE E. PERREIRA-EUSTAQUIO
DIRECTOR

JOANN A. VIDINHAR
DEPUTY DIRECTOR

JOVANIE DOMINGO DELA CRUZ
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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Phone: (808) 586-8675 / Fax: (808) 586-8685
Email: dlir.ocs@hawaii.gov

IN REPLY, REFER TO:
OCS 22.1069

March 18, 2022

To: The Honorable Joy A. San Buenaventura, Chair,
The Honorable Les Ihara, Jr., Vice Chair, and
Members of the Senate Committee on Human Services

The Honorable Sharon Y. Moriwaki, Chair,
The Honorable Donovan M. Dela Cruz, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Tuesday, March 22, 2022
Time: 3:00 p.m.
Place: Conference Room 225 & Via Videoconference

From: Jovanie Domingo Dela Cruz, Executive Director
DLIR – Office of Community Services

Position: Support

Re: H.B. 1762 HD 1– RELATING TO LANGUAGE ACCESS

I. OVERVIEW OF PROPOSED LEGISLATION

H.B. 1762, HD 1, would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. The bill would also appropriate for FY 2022-2023 an unspecified sum to establish 3 Limited English Proficiency language coordinator positions “to work with all state departments and agencies to ensure compliance with all state and federal language access laws.” Each of these 3 positions would be 1 FTE.

II. CURRENT LAW

Currently, the statute that establishes the Office of Language Access, HRS Chapter 321C, does not require the Executive Director of OLA to submit annual reports to the Governor or the Legislature, nor is there currently a statutory requirement or funding to establish 3 Limited

English Proficiency language coordinator positions to work with all state departments and agencies to ensure compliance with all state and federal language access laws. These would be new positions.

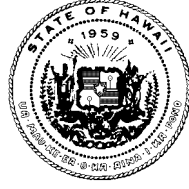
III. COMMENTS ON THE PRESENT BILL

The Office of Community Services (OCS) is pleased to support this bill, which would assist two of OCS's core constituencies, namely immigrants and refugees. OCS was created by the Legislature by Act 305, SLH 1985, codified as Chapter 371K, Hawaii Revised Statutes. The mission of OCS is to eliminate the causes and conditions of poverty for economically disadvantaged persons, immigrants, and refugees in the State of Hawaii, by facilitating and enhancing the development, delivery, and coordination of effective programs for these persons and communities to enable them to achieve and maintain greater economic self-sufficiency and integration into Hawaii's society.

Having OLA provide annual reports would be very helpful to keep all of us who serve the immigrant community in Hawaii apprised of new developments and new activities. We look forward to enhanced coordination with OLA, and to the opportunity to interact with the new Language Access coordinators.

As always, we look forward to helping the Legislature and our sister agencies in any way that we reasonably can. Thank you very much for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 21, 2022

TO: The Honorable Joy A. San Buenaventura, Chair
Senate Committee on Human Services

The Honorable Senator Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations

FROM: Cathy Betts, Director

SUBJECT: **HB 1762 HD1 – RELATING TO LANGUAGE ACCESS.**

Hearing: March 22, 2022, 3:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this measure and defers to the Office of Language Access (OLA) and other impacted departments.

PURPOSE: The purpose of this measure requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access. Appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the office of language access. Effective 7/1/2060.
(HD1)

The HD1 amended the measure by,

- (1) Appropriating funds to establish three Limited English Proficiency Language Coordinator positions in the Office of Language Access to work with all state departments and agencies, rather than establishing separate coordinator positions

- in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawaii Emergency Management Agency;
- (2) Changing the effective date to July 1, 2060, to encourage further discussion; and
 - (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS provides benefits and services to one in three residents in Hawaii. DHS strives to encourage self-sufficiency and supports the well-being of individuals, families, and Hawaii's communities through its major benefit programs that provide financial assistance, Supplemental Nutrition Assistance Program (SNAP), medical insurance coverage through Med-QUEST, vocational rehabilitation services, and protective services for children and vulnerable adults.

DHS is committed to removing language barriers that may prohibit qualified residents from fully participating in DHS programs that lead to self-sufficiency and improved well-being. The LEP coordinator is essential to the department's LEP program. State and federal laws require DHS and other government entities to maintain language access services for Hawaii's culturally diverse population regarding all public benefits and services. In addition, all entities receiving federal funds are subject to provisions of Title VI of the Civil Rights Act of 1964, 42 USC 2000d, et seq. (Title VI), that prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance and must provide meaningful access to services.

The LEP coordinator position requires knowledge of the needs of both oral and written communication of Hawaii's diverse LEP client population, federal and state laws and regulations, public administration policies and principles, utilization of information systems and related technologies, and effective communication and presentation techniques.

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

Statement Before The
**SENATE COMMITTEE ON HUMAN SERVICES
AND
SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

Tuesday, March 22, 2022

3:00 PM

Via Video Conference and Conference Room 225

in consideration of
**HB 1762, HD1
RELATING TO LANGUAGE ACCESS.**

Chairs SAN BUENAVENTURA and MORIWAKI, Vice Chairs IHARA and DELA CRUA, and Members of the Senate Human Services and Government Operations Committees

Common Cause Hawaii supports of HB 1762, HD1, which (1) requires the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access and (2) appropriates funds to establish three full-time equivalent (3.0 FTE) limited English proficiency language coordinator positions in the office of language access.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy - one that works for everyone.

The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022). The April 2016 DBEDT Research and Economic Analysis Division report on Non-English Speaking Population in Hawaii indicates that non-English speakers at home in Hawaii increased by 44% from 1980 to 2014. See https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf at Executive Summary (retrieved Jan. 31, 2022).

For limited English proficient residents of Hawaii to be able to fully engage with our government and participate in our democratic society, it is imperative that we know where the barriers are in government and how to address them. HB 1762, HD1 will work to achieve this end.

For these reasons, Common Cause Hawaii comments in support of HB 1762, HD1. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



CATHOLIC CHARITIES HAWAII

TO: Senator Joy A. San Buenaventura, Chair Senator Sharon Y. Moriwaki, Chair
Senator Les Ihara, Jr., Vice Chair Senator Donovan M. Dela Cruz, Vice Chair
Committee on Human Services Committee on Government Operations

FROM: Rob Van Tassell, President and CEO

DATE: Tuesday, March 22, 2022 (3 p.m., Conference Rm. 225 & Videoconference)

RE: **IN SUPPORT OF HB 1762, HD1, Relating to Language Access**

CCH supports HB 1762, HD1, which would require the Executive Director of the Office of Language Access (OLA) to submit an annual report to the Governor and Legislature, and appropriates funds to establish limited English proficiency language coordinator positions in specific State departments.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been serving people in need in the State of Hawaii since 1947. Our agency serves limited English proficient clients across all of our 40+ programs. We sought information on COVID safety and health for our elderly LEP clients to help them keep safe during the height of the pandemic. This information was slow to be provided in languages other than English. We tried to assist LEP clients who lost jobs or work hours and were trying to file for Unemployment. The challenges of online filing, combined with lack of language access made this extremely difficult for them. Some of them have still not received any Unemployment Compensation.

Language access was particularly important during the COVID pandemic, when already limited English as a Second Language (ESL) programs were temporarily closed, leaving LEP individuals with no alternatives to improve their English communication. Even CCH's ESL class was only able to continue on a Zoom platform, which not all students were able to access. This limited means to improve their English skills came at a time when the need for COVID information and resources was critical for everyone, including LEP residents.

Requiring State departments and agencies to provide information to the Office of Language Access on how they are ensuring compliance with language access requirements will provide the transparency that is needed to improve accountability on a regular, annual, basis.

Catholic Charities Hawai'i asks for your support of HB 1762, HD1. This bill will help improve compliance with Federal and State language access laws. Limited English proficient members of our community deserve equitable access to the benefits and services to which they are entitled.

For more information or questions, please feel free to email Diane Terada, Division Administrator, at diane.terada@catholiccharitieshawaii.org or call her via phone at (808) 527-4702.

Thank you for this opportunity to provide testimony.





Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senate Committees on Human Services and on Government Operations

Re: **HB 1762, HD1 – Relating to Language Access**

Hawai'i State Capitol, Conference Room 225 & Videoconference

March 22, 2022, 3:00 PM

Dear Chairs San Buenaventura and Moriwaki, Vice Chairs Ihara and Dela Cruz, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in SUPPORT of HB 1762, HD1, relating to language access. This bill would require the executive director of the office of language access to submit an annual report to the governor and legislature on enhancing and promoting language access, as well as appropriate funds to establish three limited English proficiency language coordinator positions in the office of language access.

During the past two years of the pandemic, non-profit organizations like ours have worked hard to help limited English proficiency (LEP) families access the federal pandemic relief benefits that they qualify for. We focused mostly on outreach to parents who qualify for Pandemic EBT (food purchasing funds when keiki are missing out on free or reduced price school meals due to COVID school closures) and the enhanced Child Tax Credit.

While working on this outreach, we learned that our state departments lack resources to provide meaningful language access, as well as that the federal government and national advocacy organizations do not provide translations of outreach materials and applications¹ in many of the languages that are the most spoken by LEP students in Hawai'i² – such as Ilocano, Marshallese, and Chuukese. While private funders were willing to support our outreach work in these languages, those funds were provided as one-time only pandemic relief grants.

As one of the states with the highest portion of foreign-born residents,³ combined with the lack of existing resources for translations of government documents and outreach materials into many of the languages that are spoken most here, Hawai'i arguably needs to devote more resources to ensure language access to our government services than most other states. That's why this bill so important.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo

Director of Research and Economic Policy

¹ United States Department of Agriculture Food and Nutrition Service, <https://www.fns.usda.gov/cn/translated-applications>

² Hawai'i Data Exchange Partnership, https://hawaiiidxp.org/quick_data/datastory/el

³ Statista, <https://www.statista.com/statistics/312701/percentage-of-population-foreign-born-in-the-us-by-state/>

HB-1762-HD-1

Submitted on: 3/17/2022 10:22:01 AM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Genevieve Kessler	Testifying for Refugee Advocacy Lab	Support	Written Testimony Only

Comments:

Thank you to Chair Buenaventura and Members of the Senate Committee on Human Services for the opportunity to submit testimony in support of HB 1762 Relating to Language Access, which recognizes the contributions of all Hawaii residents regardless of their language proficiency and develops accountability measures to ensure that all Hawaiians can access state services, benefits, and public health information. I write today on behalf of the Refugee Advocacy Lab, an initiative hosted at Refugees International and co-founded with the International Refugee Assistance Project (IRAP), International Rescue Committee (IRC), and Refugee Congress. We collaborate with a wide range of partners who power our work. Our mission is to grow the diverse constituency for U.S. leadership on refugee protection. We do so by building partnerships, supporting inclusive policies, and developing communications products for the common good. On behalf of the Lab, I ask you to support and advance this measure.

Here in the United States, 21 million people are Limited English Proficient (LEP) – meaning they are not fluent in English. Across the country, states are advancing language access policies that ensure state residents can fully integrate into their new lives. The strongest policies are: 1) inclusive and ensure access for all LEP individuals; 2) comprehensive; 3) impactful, with a clear implementation and enforcement mechanism, and 4) accountable through data collection. This measure not only establishes standards of accessibility, but also accountability by the agencies to report on their efforts annually.

Across the country, states are advancing language policies to ensure that English-learning residents can fully integrate into their new lives. Such comprehensive policy as we see in this measure is a model example for other states, and we thank the sponsor and cosponsors for their thoughtfulness in crafting this measure. On behalf of the Refugee Advocacy Lab, we ask the members of this committee to please advance HB 1762 and create an ever more welcoming community for the English Language Learners of the great state of Hawaii!



March 20, 2022

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Senator Les Ihara, Jr., Vice Chair

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COMMITTEE ON GOVERNMENT SERVICES
Senator Sharon Y. Moriwaki, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: March 22, 2022, 3:00 pm
Via Videoconference; Conference Room 225

**Testimony in Support of House Bill 1762, HD 1
Relating to Language Access**

Chairs San Buenaventura and Moriwaki; Vice-Chairs Ihara and Dela Cruz; and Members of the Committee:

The Legal Clinic (“TLC”) submits this testimony in support of HB 1762, HD 1, which would require the executive director of the office of language access to submit an annual report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access; and would appropriate funds to establish limited English proficiency language coordinator positions in the departments of commerce and consumer affairs, health, and agriculture, and the Hawai'i emergency management agency.

TLC provides legal services to Hawai'i's low- and moderate- income immigrant community. In the course of our work, we encounter on a daily basis the difficulties that a significant portion of our immigrant community faces in virtually all aspects of their public lives. This can range from the mundane, such as accessing public transportation, to the dire, such as obtaining health care and public benefits like unemployment insurance. Passage of House Bill 1762, HD 1, would be an important step in helping overcome these difficulties by assuring compliance with federal and state laws, which require the provision of language services to those who lack proficiency in the English language.

Nearly one in five Hawai'i residents is an immigrant. According to the 2020 Census, immigrants (those born outside the United States) make up 19.3% of our population (273,012 of our residents). This is a significantly higher proportion than for the United States as whole, where immigrants comprise 13.7% of the total U.S. population. Moreover, according to the 2020 State of Hawai'i Data Book, 354,344 of our residents, or 27% of our population, speak a language other than English at home. And, over 158,100, or 45% of that portion of our population, speak English “less than ‘very well’.”

This growing segment of our population has a civil right to language access. This is guaranteed them by both federal law (Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (2000)) and state law (Chapter 321C, Hawai'i Revised Statutes). As such, they are entitled to language services, such as for interpretation and translation, in order to ensure meaningful access to government services, programs and activities.

Unfortunately, Hawai'i has not fulfilled its obligations to the those with limited English proficiency. This was most recently evidenced by the U.S. Department of Labor's recent consent decree with the State's Department of Labor and Industrial Relations compelling it to provide required language access services in its unemployment insurance program.

Moreover, there are good reasons beyond legal compulsion for the State to provide language services to our immigrant community and, additionally, to do all that it can to strengthen the immigrant community because of the key role it plays in Hawai'i's economy. This was recently underscored in a report by New American Economy, "Immigrants and Migrants in Hawai'i, Essential Contributors to the State's Workforce and Economy," released in May 2021. Among its key findings were:

- **Immigrants are vital to industries and occupations that are essential to Hawai'i's economy.** Despite making up 18 percent of Hawai'i's population, immigrants accounted for nearly 40 percent of agricultural workers, and 33 percent of the workers in the tourism, entertainment, and hospitality industry. Within specific industries, immigrants are playing critical roles in certain occupations, accounting for 68 percent of housekeeping workers, over half of all chefs and head cooks, 47 percent of all nursing assistants, and 20 percent of all physicians.
- **Immigrants make significant economic contributions to Hawai'i's economy.** Alongside the \$1.55 billion that immigrants paid in federal taxes and \$874 million in state and local taxes, immigrants contributed \$780 million to Social Security and \$195 million to Medicare in 2018. After taxes, immigrants in the state had a spending power of \$5.8 billion, and contributed over \$17.5 billion to Hawai'i's GDP.
- **Immigrants are creating jobs in Hawai'i.** In 2018, immigrants accounted for over a quarter of all entrepreneurs in the state, making them 24.4 percent more likely to be entrepreneurs than their U.S.-born counterparts.

https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf

A recent New York Times analysis of new census data further emphasizes the need to support our immigrant community and develop its potential. That analysis shows that population growth fell to an historically low 0.1 percent. However, while the decline occurred in both the number of immigrants arriving in the U.S. and the number of births in excess of death, "[i]mmigration, even at reduced levels, is for the first time making up a majority of population growth." In fact, as of December 2021, immigrants made up the highest portion of our population (14.1%) since the record high reached in 1890 (14.8%). The analysis further noted that, "The movement of the

baby boom generation out of the labor force amid a plummeting birthrate has put into sharper relief the need to reverse the decline in new immigration.” (The problem of declining population is exacerbated in Hawai’i, where we face the additional concern of residents leaving “for less expensive pastures.” (*Hawaii’s Population Drain Outpaces Most States — Again*, Hawai’i Civil Beat, January 5, 2022, <https://www.civilbeat.org/2022/01/hawaiis-population-drain-outpaces-most-states-again/>.) Despite this clear need to support the immigrant community, the Times analysis concluded that, “it will take bold political moves to harness the economic benefits of the existing foreign-born population.” (*Amid Slowdown, Immigration Is Driving U.S. Population Growth*, The New York Times, February 5, 2022, <https://www.nytimes.com/2022/02/05/us/immigration-census-population.html>.)

While not quite a “bold move,” passage of HB 1762, HD 1, would be an important step toward addressing the immediate problem of the lack of language access services and hopefully be part of a broader movement to enhance the ability fully to realize the potential offered by our more recently arrived immigrant community.

We urge you to pass HB 1762, HD 1, out of committee.

Thank you.



Corey Park
President, Board of Directors
The Legal Clinic



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hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of HB1762 HD1
RELATING TO LANGUAGE ACCESS**

COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON GOVERNMENT OPERATIONS

Senator Sharon Y. Moriwaki, Chair

Senator Donovan M. Dela Cruz, Vice Chair

Hearing Date: 3/22/2022

Dear Committee Members,

We write to SUPPORT **HB1762 HD1**. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i.

One out of nine persons in Hawai`i have limited English proficiency (LEP),¹ a clear and profound barrier that many are unable to change due to the exorbitant costs of language studies that the majority who are working and supporting families cannot afford. That is at least 161,055 people in our community unable to access essential information, necessary benefits, and earned benefits.² They are struggling on an everyday basis due to these language barriers.

The problem is exacerbated by the lack of compliance within government entities. The laws requiring language access for these individuals have already been in place for many decades. Nonetheless, Hawai`i has an extensive history of repeated sanctions by the federal court, federal offices for civil rights, and the Hawai`i Civil Rights Commission for its failure to provide language access services to LEP persons.³ These failures to provide what is required to asylees,

¹ *The State of Hawaii Data Book: A Statistical Abstract 2019*, Department of Business, Economic Development & Tourism, at 81 (Sept. 2020), https://files.hawaii.gov/dbedt/economic/databook/db2019/DB2019_final_rev09-2020.pdf.

² *Id.*

³ Examples include: Hawai`i Department of Human Services, Consent Decree, Department of Health and Human Services (2008); Hawai`i Office of Elections, United States District Court for the District of Hawai`i, Settlement Agreement (2010); Hawai`i Department of Labor and Industrial Relations, Settlement Agreement (2014); Hawai`i Department of



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refugees, and other immigrants have been broadcasted on the news and gave rise to multiple lawsuits. Some of these suits were brought due to specific Departments neglecting to provide COVID-19 services or information relating to LEP persons.

For example, on September 20, 2021, the U.S. Department of Labor (DOL) and the Hawai'i Department of Labor and Industrial Relations Unemployment Insurance Division (DLIR/UI) entered into a language access Settlement Agreement compelling DLIR/UI to come into compliance.⁴ Most recently, the National Health Law Program filed a language access complaint against Hawai'i and 17 other states, alleging failure to provide interpreters in its contact tracing program for most of 2020, failed to translate testing information related to LEP persons, and often published inaccurately translated materials.⁵

These lawsuits magnify how failure to provide language access services endangers the health and well-being of *all* people in our community.

Transparency through annual reports will ensure necessary compliance.

Requiring submission of a report to the governor and legislature on compliance, complaints, resolution of complaints, and recommendations to enhance and promote language access will facilitate needed accountability, encourage a more efficient community, and improve Hawai'i's standard of living.

Due to these repeated sanctions and failure to afford language access compliance, transparency on who is upholding their duty to follow the law is necessary. Passing legislation to require the Office of Language Access to submit an annual report to the Governor and Legislature will help facilitate obligatory accountability. The Governor and Legislature should be made aware of any lack of legal compliance from these reports—rather than from already-filed lawsuits—so that steps can be taken to prevent further legal action that can be very costly for the state.

Additional staff and resources appropriated to OLA will improve language access.

State agencies that provide essential information and services (including providing public-facing information on emergency and life-threatening situations) must be accessible to LEP persons.

Transportation, *FACE v. DOT*, United States District Court for the District of Hawai'i Settlement Agreement (2015); Hawai'i Judiciary, Technical Assistance Agreement, Department of Justice (2015); and Hawai'i Public Housing Authority, Settlement Agreement, Hawai'i Civil Rights Commission (2016).

⁴ Specifically, the settlement compelled compliance with the non-discrimination provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C. §3248, Title VI of Civil Rights Act of 1964, and the DOL's regulations implementing Title VI at 29 C.F.R. part 31.

⁵ Civil Rights Complaint Filed over Discriminatory Provision of COVID-19 Services to Persons with Limited English Proficiency, National Health Law Program (Apr. 30, 2021), <https://healthlaw.org/news/civil-rights-complaint-filed-over-discriminatory-provision-of-covid-19-services-to-persons-with-limited-english-proficiency/>.



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OLA should develop a comprehensive organizational state plan for language access, including capacity building for language proficiency testing and interpretation and translation costs.

This is critical for our public health, safety, and economy. Immigrants account for nearly 40% of agricultural workers, 33% of the workers in the tourism, entertainment, and hospitality industry, and 47% of all nursing assistants.⁶ Furthermore, there are 18,000 immigrant entrepreneurs across Hawai`i, making up 22% of all business income in the state.⁷ Failing to ensure a percentage of those in our community are safe and healthy imperils everyone, not just LEP persons and their families. Additional resources for OLA will allow OLA to mitigate language access issues within the state, diminishing language access barriers and allowing our economy and workforce to strengthen. This will foster a safer and healthier community.

We fully SUPPORT **HB1762 HD1**. Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights

Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

⁶ New American Economy, *Immigrants and Migrants in Hawai`i* (May 2021), at 13, https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/05/NAE_Hawaii_V7_FINAL.pdf.

⁷ *Id.* at 23.

HB-1762-HD-1

Submitted on: 3/21/2022 11:55:49 AM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terrina Wong	Testifying for Pacific Gateway Center	Support	Written Testimony Only

Comments:

Pacific Gateway Center strongly supports HB 1762. The Limited English proficient represents one out of 9 persons in our State who experience barriers to equal access to programs, opportunities, justice, and pertinent information for their well-being to which they are entitled by law and by a caring and concerned community.

HB-1762-HD-1

Submitted on: 3/18/2022 11:13:55 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy MacPherson	Individual	Support	Written Testimony Only

Comments:

Aloha members of the Senate Committees on Human Services and Government Operations,

I am in strong support of HB1762 HD1. Language access is crucial, especially here in Hawai`i with all of the different languages that are spoken. People need to be able to both communicate and receive important communication in their own languages!

Mahalo for your consideration.

HB-1762-HD-1

Submitted on: 3/16/2022 10:34:52 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Members of the HMS and GVO Committees,

I write to SUPPORT HB1762 HD1, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai`i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai`i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As a public health professional working with foreign-born immigrants and refugees, language access is of tantamount importance to ensuring not only individual and community health, but also population health.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy.

Thank you for your support and consideration,

Thaddeus Pham (he/him)

Testimony in SUPPORT of HB1762 HD1, RELATING TO LANGUAGE ACCESS

Hearing Date: 3/22/2022

Dear Committee Members,

I write to SUPPORT HB 1762, which 1) requires the Office of Language Access to submit an annual report to the Governor and Legislature and 2) appropriates funds to establish limited English proficiency language coordinator positions in the Departments of Commerce and Consumer Affairs, Health, and Agriculture, and the Hawai'i Emergency Management Agency. This bill will enable greater assurance of necessary compliance with state and federal language access laws.

Compliance with language access laws and regulations is essential for Hawai'i, where one out of nine persons have limited English proficiency. Problems with language access have long been present and were exacerbated with COVID-19. As the English Learners program coordinator at Waipahu High School, I have heard of many examples of families having difficulty with understanding COVID-19 information, including when to keep their children home from school and the importance of quarantining when symptomatic or after a positive test. Over the course of the pandemic, families have also asked for help with unemployment applications, EBT benefits, section 8 applications, in addition to numerous announcements about school. It is clear that language access is a health, economic, and educational issue for families and students in my school community.

This bill offers an important step toward solving this problem. It allows for transparency on who is following the law and creates centralized administration for successful and efficient language access. This is crucial so that all members of the community can obtain essential resources to which they are entitled, strengthening our workforce and economy. We have a legal, moral, and ethical obligation to ensure that all members of our community can thrive and achieve their potential.

I fully SUPPORT HB 1762.

Thank you for your support and consideration,

Jeremiah Brown
Waialua, HI

HB-1762-HD-1

Submitted on: 3/21/2022 10:03:43 AM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerald Ohta	Individual	Support	Written Testimony Only

Comments:

Support increasing resources in all agencies including the office of language access. Agency specific help will allow resources to be tailored to its activities and publics/consumers/clients.

HB-1762-HD-1

Submitted on: 3/16/2022 7:43:39 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This is another made up Job just to pay someone off. For somebodys Help During there Campain.

The people of Hawaii are not Stupied We know whats Going on and WE Want it to Stop Right NOW!!!

HB-1762-HD-1

Submitted on: 3/21/2022 3:16:03 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Villamor Agpaoa	Individual	Comments	Written Testimony Only

Comments:

Adequate and easily obtainable language access is vital to Hawaii because of it's diverse demographic and multi-cultural population. As a professional linguist (Iloko language interpreter and translator), it becomes more and more evident each day how detrimental it would be if language access services were not provided to Iloko speakers. Filipino's make up a significant portion of Hawaii's immigrant population, and in large companies make up a significant portion of their labor force. Many of them are Limited English Proficient (LEP) and have difficulty and without language access services they are not able to communicate concerns to their employers resulting in poor morale and affecting job performance. Many other LEP individuals have difficulty completing essential activities because of the language barrier, such as medical appointments, school related correspondence (for parents with school-age children), employment related correspondence and services (workers compensation benefits, disability benefits, medical benefits), communicating with essential services like medical insurance, legal services, etc. Without an interpreter or translator, many immigrants are discouraged from taking advantage of services that are normally readily available to English proficient individuals. Many are also take advantaged of because of their limited understanding of English, resulting in being cheated and possibly leading to poverty or even real physical danger. Many others may not receive the correct medical treatment because they are not able to communicate their health circumstances to their doctor, thus resulting in illness or even death. As a professional that deals with Language Access, I see the benefit in increasing language access services to LEP individuals and better compliance in the state and federal levels, not only for the Ilokano speakers that I deal with, but all immigrants that may need interpretation and translation services. I see the relief in the eyes and hear it in the voices of the individuals I provide interpretation services for... they have someone they can trust to effectively, efficiently and accurately express what they want to say in English.

HB-1762-HD-1

Submitted on: 3/21/2022 3:00:34 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Agnes Malate	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Senate Committee on Human Services and Senate Committee on Government Operations:

My name is Agnes Malate and I am writing in strong support of HB 1762, HD1 to require the executive director of the Officer of Language Access to submit an annual report to the Governor and Legislature regarding complaints, resolution of complaints, and recommendations to enhance and promote language access. The report will provide critical information on the needs of the community and ways to ensure that government services can be accessed by all and limited proficiency in English is not a barrier. I also support additional resources that would strengthen the efforts of the Office Of Language Access.

Thank you for this opportunity to provide testimony.

LATE

HB-1762-HD-1

Submitted on: 3/21/2022 10:12:25 PM

Testimony for HMS on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
E. Lam	Individual	Support	Written Testimony Only

Comments:

I support HB 1762 HD 1. This bill will move us forward in the right direction to improve language access for all, which is crucial to the well-being of our diverse communities.

Mahalo for your consideration.