



STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA

February 8, 2023

To: The Honorable Angus L.K. McKelvey, Chair,
The Honorable Mike Gabbard, Vice Chair, and
Members of the Senate Committee on Government Operations

Date: Thursday, February 9, 2023

Time: 3:00 p.m.

Place: Conference Room 225 & Videoconference, State Capitol

From: Jade T. Butay, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. 811 RELATING TO DEMOGRAPHIC DATA

I. OVERVIEW OF PROPOSED LEGISLATION

The DLIR **supports the intent** of this measure and offers comments, including the necessity of a substantial appropriation of general funds to effectuate the measure's purpose.

SB811 proposes to amend Chapter 27, Hawaii Revised Statutes (HRS), by adding a new section, requiring any state agency which collects demographic data as to ancestry or ethnic origin shall use separate collection categories and tabulations when it comes to: Native Hawaiians, each of the major Asian groups, including but not limited to Chinese, Filipino, Indo-Chinese, Japanese, and Korean; and each of the other major Pacific islander groups, including but not limited to Micronesian, Samoan, and Tongan. The agency shall disaggregate data consistent with federal standards and shall be required to publish such data.

II. COMMENTS ON THE SENATE BILL

The DLIR supports the intent of this measure and offers comments as to how the legislative purpose can be achieved within the statutory disclosure provisions contained in Chapter 383, HRS and federal law, and within cost or resource restrictions.

To comply with federal requirements as a federal grant recipient, the Unemployment Insurance (UI) Division is required to ask claimants for their demographic data but cannot compel the claimants to provide the data—except where the information is necessary to determine eligibility for UI benefits.

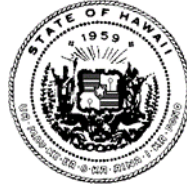
Section 303(A)(1), of the Social Security Act (SSA), requires as a condition of a state receiving grants for the administration of its UI law, that State law provide for:

“Such methods of administration... as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.”

The U.S. Department of Labor (U.S. DOL) has long interpreted methods of administration to require the use of Federal grant funds be used to assure the proper and prompt delivery of UI services to claimants and employers. Thus, any action that does not take into account the service delivery needs of the UI program, is not a "method of administration" consistent with Section 303(a) (1), SSA and would not be an allowable cost under the federal grant for administration.

Should this proposal be enacted, the additional expenses associated with modifying the current UI application beyond what is currently programmed would not be viewed as a method of administration consistent with the USDOL interpretation. Thus, reimbursement in the form a general funds appropriation (several millions) would be necessary to achieve the legislative purpose.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 8, 2023

TO: The Honorable Senator Angus L.K. McKelvey, Chair
Senate Committee on Government Operations

The Honorable Senator Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

FROM: Cathy Betts, Director

SUBJECT: **SB 811 – RELATING TO DEMOGRAPHIC DATA.**

Hearing: February 9, 2023, 3:00 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and defers to other impacted Departments.

PURPOSE: The bill's purpose is to facilitate the proper collection and reporting of demographic data by requiring data disaggregation consistent with federal standards and requiring publication of the data. Effective upon approval.

DHS supports the intent of this measure to disaggregate data related to Asian Americans, Native Hawaiians, and other Pacific Islanders in a standard or uniform manner to make the information available to the public for targeted policy and program development and to maintain government accountability and transparency.

DHS strives to collect all pertinent client information, including racial and ethnic data, based on self-reporting. Self-reporting is considered the best practice for collecting racial and ethnic data from the people we serve. DHS has disaggregated fields for both racial and ethnic

data. To make the demographic data meaningful to better understand the needs of specific ethnic groups, the data governance, including data standards, must first be established for all state agencies to follow for uniformity. In addition, in Hawaii, many households are of mixed race and ethnicity. This diversity complicates the data extract and summary of how to present the extracted data. Without the standards, there is a high likelihood that the data report may be skewed.

The work to develop state data governance is ongoing through several efforts. DHS actively participates in these efforts. For example, Senate Concurrent Resolution 5 (SCR5), Session Laws of Hawaii (SLH) 2021, formed a Task Force on 21st Century Data Governance, led by the Office of Hawaiian Affairs and consisting of several state agencies, including the Chief Information Officer of the Office of the Enterprise Technology Services. The purpose of the SCR5 was to facilitate effective and efficient fact-based policymaking in the 21st century by developing procedures and agreements for improving data collection, processing, retention, governance, and sharing for Native Hawaiians, Pacific Islanders, and other relevant demographics and to submit a report on findings based on surveys, interviews, and collections of the procedures and agreements to the Legislature.

Another effort to note is Act 167, SLH 2022, Relating to Government Data. The purpose of Act 167 is to establish within the office of enterprise technology services a chief data officer and a data task force to develop, implement, and manage statewide data policies, procedures, and standards. The chief data officer is responsible for leading the effort to develop, implement, and manage statewide data policies, procedures, and standards under section 27-44.3, Hawaii Revised Statutes, and to facilitate data sharing across state agencies. The task force is to begin this year.

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

JOSH GREEN, M.D.
GOVERNOR



KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/09/2023
Time: 03:00 PM
Location: CR 225 & Videoconference
Committee: Senate Government
Operations

Department: Education
Person Testifying: Keith T. Hayashi, Superintendent of Education
Title of Bill: SB 0811 RELATING TO DEMOGRAPHIC DATA.
Purpose of Bill: Requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

Department's Position:

The Hawaii State Department of Education (Department) offers comments on SB 811.

Consistently disaggregating race data for collection, analysis, and evaluation aids in shaping programs and policies to advance more equitable outcomes for all communities in the State.

The Department currently disaggregates data for federal reports that include Asian, Native Hawaiian, and Pacific Islanders as separate categories. Additionally, the Department further disaggregates Asian into 'Asian (excluding Filipino)' and 'Filipino' in federal school accountability reporting, as required by federal guidelines.

The Department collects more granular, disaggregated categories of ethnicity via a student information system. However, public reporting of student-level data must adhere to the federal Family Educational Rights and Privacy Act (FERPA) which protects the privacy of student education records. Further disaggregation of subgroups, as proposed, may result in an increase of non-reportable data for a complex area, school, and/or grade level.

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



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Government Operations
Thursday, February 9, 2023, at 3:00 p.m.

By

Debora Halbert, Vice President for Academic Strategy
University of Hawai'i System

SB 811 – RELATING TO DEMOGRAPHIC DATA

Chair McKelvey, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 811, relating to demographic data. The University of Hawai'i (UH) recognizes and celebrates the diversity of cultures and languages previously coalesced together in federal reporting under the category of "Asian American and Pacific Islander." UH fully supports the legislature's intent to catalyze meaningful representation of our population relating to Asian American, Native Hawaiian, and other Pacific Islander ethnic groups. Indeed, UH has been engaged in these efforts for decades in order to properly distinguish and support the diverse cultures present in its student body, staff, and faculty.

UH is in compliance with federal regulations on ethnicity and race data collection for both students and employees. UH also currently disaggregates race and ethnicity data for Asian American, Native Hawaiian, and other Pacific Islander groups even more thoroughly than called for in this bill. In terms of student data, UH deploys ten (10) distinct categories of Asian ethnicities and eight (8) distinct categories of Pacific Islanders, including Native Hawaiians. Demographic reporting practices for UH employees are very similar, with one exception being that Chamorro and Guamanian are combined into a single category.

UH believes it would be helpful for the legislature to include language in the bill that enables the reporting of people of mixed race/ethnicity and considers the question of prioritization. For example, UH has a matrix that sets reporting categories in which the Native Hawaiian designation is the top priority and supersedes all other races and ethnicities in its demographic reporting. The same matrix indicates, for example, that someone who identifies as both Tongan and Samoan should be reported as "Mixed Pacific Islander" and someone who identifies as both Japanese and Chinese should be reported as "Mixed Asian." Finally, while SB 811 references the term "Indo-Chinese," UH separates out those ethnicities in greater detail (e.g., Laotian, Vietnamese).

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



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hicoalitionforimmigrantrights@gmail.com

Testimony in SUPPORT of SB811
RELATING TO DEMOGRAPHIC DATA
COMMITTEE ON GOVERNMENT OPERATIONS
Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Hearing Date: February 9th, 2023

Dear Chair McKelvey, Vice Chair Gabbard, and Members of the Committee,

The Hawai'i Coalition for Immigrant Rights (HCIR) is in **STRONG SUPPORT** of SB811, which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

SB811 seeks to address a critical issue facing Asian American, Native Hawaiian, and Pacific Islander communities in the State. It recognizes that these communities are diverse and require different approaches to address their unique social, educational, health, and economic challenges.

Currently, the bill requires state agencies, boards, and commissions that collect demographic data to use separate collection categories and tabulations for Native Hawaiian, Asian, and Pacific Islander Groups. This ensures that data is collected in a way that accurately represents the diversity of these communities. It also requires that the data be made publicly available for it to be used to create targeted programs that address the specific needs of these communities.

While our firm desire is that every state agency, board, and commission adopt and utilize good data governance procedures- we recognize that this transition will take time and additional training and funding. As such, we do not want to discourage these agencies and departments from collecting any ethnic or racial data to avoid reporting. We also recognize that several departments are already pioneering data disaggregation and deserve to have their work recognized and elevated. As such, we are suggesting a few amendments to the bill to help smooth the transition and incorporate the stakeholders that have been working diligently on this issue.

HCIR suggests incorporating some elements from H.C.R.175 Recognizing the Importance of 21st Century Data Governance for Fact-Based Policymaking that have yet to come to fruition.

Suggested Amendments:

P. 3 Line 11-14 "The purpose of this Act is to ascertain the current status of demographic data collection and reporting; to increase and improve the collection and reporting of demographic



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data for Asian Americans, Native Hawaiians, and Pacific Islanders; and to facilitate timely reporting of demographic data to the public.”

P. 4 Line 4 “~~Indo~~-Chinese” delete “Indo” before the word Chinese.

P. 4 Section 3, Line 8 “~~Micronesian~~” and add “Chamorro, Samoan, Tongan, Fijian, Tahitian, Marshallese, Chuukese, Kosraean, Pohnpeian, Yapese, Palauan/Belauan, Nauruan, Kiribati” for clarity's sake.

P. 4 Section C Line 19 Amend “~~State agencies, boards and commissions shall make any demographic data collected pursuant to this section publicly available, subject to all applicable state and federal laws regarding personal identifying information, by posting the data on the internet web site of the agency on or before July 1, 2024, and annually thereafter.~~” to “The Department of Health, Department of Labor and Industrial Relations, Department of Human Services, and county police departments shall compile and share existing disaggregated data on Native Hawaiians, Pacific Islanders (Chamorro, Samoan, Tongan, Fijian, Tahitian, Marshallese, Chuukese, Kosraean, Pohnpeian, Yapese, Palauan/Belauan, Nauruan, Kiribati), and Asians (Filipino, Japanese, Chinese, Korean, Vietnamese, and other major Asian groups) with the Office of Hawaiian Affairs, the Office of Health Equity, and the general public in an expeditious manner; and mandates the Department of Health, Department of Labor and Industrial Relations, Department of Human Services, and county police departments to work with the Office of Hawaiian Affairs, the Native Hawaiian & Pacific Islander Hawaii COVID19 Response, Recovery, and Resilience Team, Pilipino Underrepresented Scholars Organization (PUSO), and the Governor’s Office of Health Equity to develop procedures and agreements for improving data collection, processing, retention, governance, and sharing with respect to Native Hawaiians, Pacific Islanders, Filipinos, and other relevant demographics, and report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.”

P. 5 Section C Line 4 Add “This ACT also directs the Governor to establish a Task Force on twenty-first Century Data Governance, consisting of the Director of the Office of Planning, Chief Information Officer of the Office of Enterprise Technology Services, Chief Executive Officer of the Office of Hawaiian Affairs, the Director of the Office of Health Equity or their designated representatives, and other relevant members to be identified by the Task Force, to assess the current data collection, processing, retention, and sharing procedures, needs, and challenges across state agencies and submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.”

SB811 is crucial in playing a significant role in addressing the diverse challenges faced by Asian American, Native Hawaiian, and Pacific Islander communities by requiring accurate data



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collection, analysis, and dissemination to ensure that these communities receive the support and resources they need to thrive.

Thank you for your support and consideration,

A handwritten signature in black ink, appearing to read "Liza Ryan Gill".

Liza Ryan Gill

Coordinator/Refounder

Hawai'i Coalition for Immigrant Rights

SB-811

Submitted on: 2/5/2023 11:15:32 AM

Testimony for GVO on 2/9/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------------------------|---------------------------|------------------------|
| Mary K Ochs | Testifying for Hawai'i Workers Center | Support | Written Testimony Only |

Comments:

The Hawai'i Workers Center strongly supports SB811.

SB-811

Submitted on: 2/3/2023 12:48:10 PM

Testimony for GVO on 2/9/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Cindy Nawilis | Individual | Comments | Written Testimony Only |

Comments:

Dear Chair McKelvey, Vice Chair Gabbard, and other Committee Members,

Thank you for reviewing my comments on SB811, a bill that requires state agencies to disaggregate data consistent with federal standards and requires publication of the data. While I support the general intent of the bill, the proposed amendments to Chapter 27, Hawaii Revised Statutes, as it is currently drafted, need improvements.

One of the ethnic categories listed in the current draft is "Indo-Chinese" which is a term that is outdated and could be problematic for some people. The term "Indo-China" is closely associated with the region that was occupied by French colonial rule. The same region is now more commonly referenced as Mainland Southeast Asia.

Moreover, since other ethnic categories are listed by country (ie. Filipino, Chinese, Korean), it makes more sense to remove "Indo-Chinese" and replace it with ethnic categories from specific countries (Vietnam, Thailand, etc.) to make the data more consistent.

Thank you for your time and consideration.

Sincerely,

Cindy Nawilis

SB-811

Submitted on: 2/5/2023 4:24:05 PM

Testimony for GVO on 2/9/2023 3:00:00 PM

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

Comments:

Dear Chair McKelvey, Vice Chair Gabbard, and other Committee Members

As a public health professional and a concerned citizen, I am writing in support of SB811, which requires state agencies to disaggregate data consistent with federal standards and requires publication of the data.

As we saw during the early COVID-19 pandemic, lack of data disaggregation can mask health disparities of communities, thereby making the public health response more challenging (<https://www.cdc.gov/mmwr/volumes/70/wr/mm7037a1.htm>). SB811 seeks to address this critical issue which affects Asian American, Native Hawaiian, and Pacific Islander communities that make up the majority of the State. It recognizes that these communities are diverse and require different approaches to address their unique social, educational, health, and economic challenges.

To ensure that the bill makes the most meaningful impact, I recommend the following amendment of the bill:

Please change the ethnic category listed in the current draft from "Indo-Chinese" which is a term that is outdated and could be problematic for some people. The term "Indo-China" is closely associated with the region that was occupied by French colonial rule. The same region is now more commonly referenced as Mainland Southeast Asia. Since other ethnic categories are listed by country (ie. Filipino, Chinese, Korean), it makes more sense to remove "Indo-Chinese" and replace it with ethnic categories from specific countries (Vietnam, Thailand, etc.) to make the data more consistent.

Thank you for your time and consideration.

Thaddeus Pham (he/him)

TESTIMONY IN SUPPORT OF SENATE BILL 811 WITH AMENDMENTS

Thursday, February 9, 2023, at 3:00 PM
Conference Room 225 & Videoconference

To: The Honorable Angus L.K. McKelvey, Chair
The Honorable Mike Gabbard, Vice Chair
Members of the Committee on Government Operations

From: The Hawai'i Friends of Civil Rights
Co-Chairs Amy Agbayani and Pat McManaman

The Hawai'i Friends of Civil Rights works to achieve equity, justice, inclusion, uphold civil rights, and eliminate discrimination. We stand in **Strong Support of Senate Bill 811 with Suggested Amendments.**

Senate Bill 811 is a critical step to assuring equitable access to government services, programs, and benefits for all Hawai'i residents. Without good data, government is unable to make good policies to address critical needs including health care, social services, disaster and emergency assistance, workforce development, and other services critical to Hawai'i's people. Good granular data also strengthens the state's ability to leverage federal grants and other funding opportunities.

We Recommend that Section 2 (a) page 3, line 20 be amended to include "department, agency, board, or commission...."

We Recommend that Section 2 (a) page 4, lines 3-8 be amended to use separate collection categories as follows:

- (1) Native Hawaiians
- (2) Each major Asian group, including but not limited to Chinese, Filipino, ~~Indo-Chinese~~, Japanese, ~~and~~ Korean, and Vietnamese
- (3) Each other major Pacific island group, including but not limited to ~~Micronesian~~ Chuukese, Guamanian or Chamorro, Samoan, Marshallese, or Tongan;

Except for “Guamanian or Chamorro,” the census for these ethnic groups exceeds 1,000 persons across the state. “Guamanian or Chamorro” persons are added in recognition of their status as U.S. citizens and Pacific Islanders. The Indo-Chinese and Micronesian categories do not reflect specific linguistic or cultural groups and are deleted.

We Recommend that Section 2 (b) at lines 11-12 be amended to read, “included in every ~~demographic~~ report referencing ~~on~~ ancestry or ethnic origins by a state department, agency, board, or commission” This will change will address community concerns that a “demographic” report may be narrowly interpreted by state entities and defeat the intended purpose of the bill. We also added “department” to the list of reporting entities.

Thank you for the opportunity to testify on this measure.

SB-811

Submitted on: 2/8/2023 12:41:45 PM

Testimony for GVO on 2/9/2023 3:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-----------------------------|---------------------|---------------------------|---------------------------|
| Mildred Macugay Asuncion | Individual | Support | Written Testimony Only |

Comments:

I strongly support this bill relating to requiring state agencies to disaggregate data consistent with federal standards and publication of the data. The organizations I'm affiliated with would truly benefit from the data to deliver appropriate support to the communities we serve.

Feb 8, 2023

SENATE BILL 811: Relating to Demographic Data

Testimony in Support of SB 811

Submitted by: Noemi A. C. Tsamous
2039 Haiki Pl
Honolulu, HI 96822

To The Honorable Angus L.K. McKelvey, Chair The Honorable Mike Gabbard, Vice Chair
Members of the Committee on Government Operations:

My name is Noemi A. C. Tsamous and I am student pursuing a Masters in Public Health at the University of Hawai'i at Manoa. I am testifying in strong support of SB 811.

Senate Bill 811 is a critical step to ensuring equitable access to government services, programs, and benefits for all Hawai'i residents. Health disparities and inequities can only be eliminated if there is high-quality information by which to track immediate problems and underlying social determinants, as well as to guide the design and application of culturally specific medical and public health approaches.

I respectfully request your support of Senate Bill No. 811: Relating to Demographic Data.

LATE

SB-811

Submitted on: 2/8/2023 3:00:25 PM

Testimony for GVO on 2/9/2023 3:00:00 PM

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

Comments:

TESTIMONY IN SUPPORT SENATE Bill 811 WITH AMENDMENT

February 9, 2023, 3:00 pm

Hawai`i State Legislature

Hawai`i State Capitol, Conference Room 229

To: Chair Angus L. K. McKelvey

Vice-Chair Mike Gabbard

From: Agnes Malate, PhD

armalate@yahoo.com

My name is Agnes Malate and I am in full support of Senate Bill 811 relating to the disaggregation of data consistent with federal standards with suggested amendments.

During the pandemic I have been working to assist the Filipino community and others who have been disproportionately impacted by the pandemic in my various roles as the co-chair of FilCom CARES, president of Ethnic Education Hawai'i, and director of the University of Hawai'i at Mānoa Health Careers Opportunity Program. The bill is crucial to addressing the

health and well-being of families and ensuring equitable access to government program, services, and benefits. Good data is necessary to

I propose the following amendments:

Section 2 (a) page 3, line 20 be to "department..."

Section 2 (a) page 4, lines 3-8 be amended to use separate

collection categories as follows:

(1) Native Hawaiians

(2) Each major Asian group, including but not limited to Chinese, Filipino, Indo-Chinese, Japanese, and Korean, and Vietnamese

(3) Each other major Pacific island group, including but not limited to ~~Micronesian~~ Chuukese, Guamanian or Chamorro, Samoan, Marshallese, Kosraen, or Tongan;

Thank you for this opportunity to provide testimony.