

Honolulu, Hawaii

MAR 1 - 2019

RE: S.B. No. 642  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 642, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF HAWAI'I,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Insert article thirteen of the United Nations Declaration on the Rights of Indigenous Peoples into the Hawaii Revised Statutes;
- (2) Require that Hawaiian be used for public acts and transactions;
- (3) Direct the Office of Language Access to provide services to Hawaiian language speakers;
- (4) Require the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English;
- (5) Require that 'okina and kahakō be used, when appropriate, in documents prepared by or for state or county agencies or officials, with certain exceptions; and



- (6) Amend existing law so that any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of 'okina and kahakō, except those specifically designed for the benefit of native speakers of Hawaiian, shall be void.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Hawaiian Affairs Caucus of the Democratic Party of Hawaii, Maunakea Observatories, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Kamehameha Schools, and two individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies, petitions containing over two hundred signatures, and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that article XV, section 4, of the Constitution of the State of Hawai'i establishes Hawaiian as an official language of the State. Your Committee further finds that, at the Hawai'i State Constitutional Convention in 1978, the Committee on Hawaiian Affairs proposed that amendment in the state constitution "in order to give full recognition and honor to the rich cultural inheritance that Hawaiians have given to all ethnic groups of this State."

Your Committee additionally finds that in 2007, the United Nations adopted the United Nations Declaration on the Rights of Indigenous Peoples and that in 2011, the United States became a signatory on the Declaration. This measure will promote the use of the Hawaiian language and encourage the State of Hawai'i to put Hawaiian language on the same level as English, as well as codify article thirteen of the United Nation's Declaration on the Rights of Indigenous Peoples.

Your Committee has amended this measure by:

- (1) Clarifying that the Legislature acknowledges rather than asserts the rights of Native Hawaiians; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 642, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



