
A BILL FOR AN ACT

RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF
HAWAI'I.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 MAHELE 1. Ma ka 'Aha 'Elele Hana Kumukānāwai o Hawai'i i ka
2 makahiki 1978, ua ho'olale ke Kōmike Kuleana Hawai'i he ho'ololi
3 'ōlelo pāku'i i ho'opa'a 'ia ma ka Paukū XV, §4 o ke Kumukānāwai o
4 ka Moku'āina 'o Hawai'i, 'o ka 'ōlelo Hawai'i, he 'ōlelo kūhelu o ka
5 Moku'āina 'o Hawai'i. Ua mana'o ke Kōmike he pono ka lilo 'ana o
6 ka 'ōlelo Hawai'i i 'ōlelo kūhelu o Hawai'i i mea e ho'ohanohano
7 pono ai i ka mo'omeheu 'ōiwi o Hawai'i i ili mai i nā lāhui a pau
8 o Hawai'i nei.

9 Eia hou, ho'omaopopo ka 'Aha'ōlelo, ke ho'oikaika nei nā
10 aupuni o nā 'āina 'ē i nā pono o nā lāhui 'ōiwi ma 'ō a 'ō o ka
11 honua. I ka makahiki 2007, ua 'āpono 'ia ka Hō'ike no nā Pono o
12 nā Lāhui 'ōiwi e ka 'Aha Aupuni Hui Pū 'Ia. I ka makahiki 2011, ua
13 pūlima ka Pelekikena o 'Amelika Hui Pū 'Ia i ia Hō'ike. Ma kēia
14 pila, ho'opa'a 'ia ka mahele 13 o ia hō'ike ma nā 'ōlelo Kūpa'a
15 Ho'oponopono Hou 'ia o Hawai'i.



1 Pālua nā kumu o kēia kānāwai. 'O ka mua, he ho'oiikaika kēia
2 i ka ho'ohana 'ia o ka 'ōlelo Hawai'i. 'O ka lua, he paipai kēia i
3 ka Moku'āina 'o Hawai'i e kau i ka 'ōlelo Hawai'i ma ka pae like o
4 ka 'ōlelo Pelekānia e like me ka mana'o i kau ai ka mahele 1-13 o
5 ke Kumukānāwai o Hawai'i ma ka makahiki 1978.

6 MAHELE 2. E ho'ololi 'ia ka Mahele 1-13 o nā 'ōlelo Kūpa'a
7 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

8 "§1-13 Official languages. (a) In recognition of the
9 United Nations Declaration on the Rights of Indigenous Peoples,
10 the legislature asserts that Native Hawaiians have the right to
11 revitalize, use, develop, and transmit to future generations
12 their histories, language, oral traditions, philosophies,
13 writing systems, and literatures, and to designate and retain
14 their own names for communities, places, and persons.

15 The State shall take effective measures to ensure that this
16 right is protected and also to ensure that Native Hawaiians and
17 others can understand and be understood in political, legal, and
18 administrative proceedings in the Hawaiian language, where
19 necessary, through the provision of interpretation or by other
20 appropriate means.



1 (b) English and Hawaiian are the official languages of
2 Hawaii. Whenever there is found to exist any radical and
3 irreconcilable difference between the English and Hawaiian
4 version of any of the laws of the State, the English version
5 shall be held binding[-]; provided that if the law in question
6 was originally drafted in Hawaiian and the English version was
7 translated based on the Hawaiian version, the Hawaiian language
8 version shall be held binding. Hawaiian shall [not] be required
9 for public acts and transactions."

10 MAHELE 3. E ho'ololi 'ia ka Mahele 1-13.5 o nā 'Ōlelo Kūpa'a
11 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

12 "[+]§1-13.5[+] **Hawaiian language; spelling.** (a) [Maerens
13 ~~and glottal stops may~~] 'Okina and kahakō shall be used in the
14 spelling of words or terms in the Hawaiian language, when
15 appropriate, in documents prepared by or for state or county
16 agencies or officials[-], except when the Hawaiian text is by
17 and for the benefit of native speakers of Hawaiian; provided
18 that any document submitted to state or county agencies or
19 officials by members of the general public shall not require the
20 use of 'okina and kahakō. Any rule, order, policy, or other act,
21 official or otherwise, that prohibits or discourages the use of



1 these symbols shall be void[-], except for those specifically
2 designed for the benefit of native speakers of Hawaiian.

3 (b) 'Okina are known in English as glottal stops and shall
4 be represented as a left single quotation mark. Kahakō elongate
5 vowel sounds and shall be represented as a macron over a vowel."

6 MAHELE 4. E ho'ololi 'ia ka Mahele 321C-1 o nā 'Ōlelo Kūpa'a
7 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

8 " [†]§321C-1[†] **General purpose; purpose of the office of**
9 **language access.** The Hawaiian language is the indigenous
10 language of Hawaii. Article XV, section 4, of the state
11 constitution recognizes Hawaiian as an official state language.
12 To better uphold this constitutional mandate and facilitate the
13 rejuvenation and realization of Hawaiian as an official language
14 of Hawaii, state and county agencies must provide Hawaiian
15 language speakers with the equal opportunity to transact
16 government business and access government services.

17 [~~Many individuals living in Hawaii read, write, speak, and~~
18 ~~understand English. There]~~ In addition, there are many
19 individuals[~~, however,~~] in Hawaii who are limited English
20 proficient. Language for limited English proficient persons can
21 be a barrier to accessing important benefits or services,



1 understanding and exercising important rights, complying with
2 applicable responsibilities, or understanding other information
3 provided by state-funded programs and activities.

4 The purpose of this chapter is to affirmatively address, on
5 account of national origin, the language access needs of limited
6 English proficient persons[-] and of Hawaiian language speakers.

7 It is the intent of the legislature that these services be
8 guided by Executive Order No. 13166 and succeeding provisions of
9 federal law, regulation, or guidance.

10 The purpose of the office of language access is to address
11 the language access needs of limited English proficient persons
12 and of Hawaiian language speakers and ensure meaningful access
13 to services, programs, and activities offered by the executive,
14 legislative, and judicial branches of state government,
15 including departments, offices, commissions, boards, or other
16 agencies, and all covered entities, for limited English
17 proficient persons[-] and Hawaiian language speakers."

18 MAHELE 5. E ho'ololi 'ia ka Mahele 321C-2 ma o ka paku'i 'ana
19 i wehewehe 'ana hou e ho'okomo pono 'ia a e heluhelu 'ia penei:



1 "Hawaiian language speaker" means an individual who speaks
2 Hawaiian with enough proficiency to read, write, speak, or
3 understand the Hawaiian language."

4 MAHELE 6. E ho'ololi 'ia ka Mahele 321C-3 o nā 'Ōlelo Kūpa'a
5 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

6 "[+]§321C-3[+] Oral and written language services. (a)
7 Each state agency and all covered entities shall take reasonable
8 steps to ensure meaningful access to services, programs, and
9 activities by limited English proficient persons[~~, which~~] and
10 Hawaiian language speakers. Limited English proficient persons
11 will be determined by a totality of circumstances, including the
12 following factors:

- 13 (1) The number or proportion of limited English proficient
14 persons served or encountered in the eligible service
15 population;
- 16 (2) The frequency with which limited English proficient
17 persons come in contact with the services, programs,
18 or activities;
- 19 (3) The nature and importance of the services, programs,
20 or activities; and



1 (4) The resources available to the State or covered entity
2 and the costs.

3 (b) Subject to subsection (a), each state agency and
4 covered entity shall provide competent, timely oral language
5 services to limited English proficient persons and Hawaiian
6 language speakers who seek to access services, programs, or
7 activities.

8 (c) Subject to subsection (a), each state agency and
9 covered entity shall provide written translations of vital
10 documents to limited English proficient persons and Hawaiian
11 language speakers who seek to access services, programs, or
12 activities, as follows:

13 (1) Written translations of vital documents for Hawaiian
14 language speakers and each eligible limited English
15 proficient group that constitutes five per cent or one
16 thousand, whichever is less, of the population of
17 persons eligible to be served or likely to be affected
18 or encountered; or

19 (2) If there are fewer than fifty persons in a limited
20 English proficient group that reaches the five per
21 cent threshold in paragraph (1), written notice in the



1 primary language to the limited English proficient
 2 language group of the right to receive competent oral
 3 interpretation of those written materials, free of
 4 cost.

5 (d) To the extent that the State requires additional
 6 personnel to provide language services based on the
 7 determination set forth in this section, the State shall hire
 8 qualified personnel who are bilingual to fill existing, budgeted
 9 vacant public contact positions."

10 MAHELE 7. 'O nā mea kāpae 'ia, aia i loko o nā kahaapo
 11 kihikihi a ua kahawaena 'ia. 'O nā mea hou, ua kahalalo 'ia.

12 MAHELE 8. E ka'a ana kēia kōnāwai ma kona 'āpono 'ia.

13 (English Translation)

14 SECTION 1. At the Hawai'i State Constitutional Convention
 15 in 1978, the committee on Hawaiian affairs proposed the
 16 constitutional amendment that is now enshrined in article XV,
 17 section 4, of the Hawai'i State Constitution, establishing
 18 Hawaiian as an official language of the State of Hawai'i. The
 19 committee felt it necessary to include this amendment in the
 20 constitution "in order to give full recognition and honor to the



1 rich cultural inheritance that Hawaiians have given to all
2 ethnic groups of this State."

3 The legislature further recognizes its contribution to the
4 growing international movement for the protection of the rights
5 of the world's indigenous peoples through passage of this Act.
6 In 2007, the United Nations adopted the United Nations
7 Declaration on the Rights of Indigenous Peoples. In 2011, the
8 United States became signatory on the Declaration. In this Act,
9 article thirteen of the United Nation's Declaration is codified
10 into the Hawai'i Revised Statutes.

11 The purpose of this Act is to promote the use of the
12 Hawaiian language and encourage the State of Hawai'i to put
13 Hawaiian language on the same level as English as intended
14 pursuant to section 1-13, Hawai'i Revised Statutes.

15 SECTION 2. Section 1-13, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§1-13 Official languages.** (a) In recognition of the
18 United Nations Declaration on the Rights of Indigenous Peoples,
19 the legislature asserts that Native Hawaiians have the right to
20 revitalize, use, develop, and transmit to future generations
21 their histories, language, oral traditions, philosophies,



1 writing systems, and literatures, and to designate and retain
2 their own names for communities, places, and persons.

3 The State shall take effective measures to ensure that this
4 right is protected and also to ensure that Native Hawaiians and
5 others can understand and be understood in political, legal, and
6 administrative proceedings in the Hawaiian language, where
7 necessary, through the provision of interpretation or by other
8 appropriate means.

9 (b) English and Hawaiian are the official languages of
10 Hawaii. Whenever there is found to exist any radical and
11 irreconcilable difference between the English and Hawaiian
12 version of any of the laws of the State, the English version
13 shall be held binding[-]; provided that if the law in question
14 was originally drafted in Hawaiian and the English version was
15 translated based on the Hawaiian version, the Hawaiian language
16 version shall be held binding. Hawaiian shall [nøt] be required
17 for public acts and transactions."

18 SECTION 3. Section 1-13.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§1-13.5[+] **Hawaiian language; spelling.** (a) [Macrons
21 ~~and glottal stops may]~~ ‘Okina and kahakō shall be used in the



1 spelling of words or terms in the Hawaiian language, when
2 appropriate, in documents prepared by or for state or county
3 agencies or officials[-], except when the Hawaiian text is by
4 and for the benefit of native speakers of Hawaiian; provided
5 that any document submitted to state or county agencies or
6 officials by members of the general public shall not require the
7 use of 'okina and kahakō. Any rule, order, policy, or other act,
8 official or otherwise, that prohibits or discourages the use of
9 these symbols shall be void[-], except for those specifically
10 designed for the benefit of native speakers of Hawaiian.

11 (b) 'Okina are known in English as glottal stops and shall
12 be represented as a left single quotation mark. Kahakō elongate
13 vowel sounds and shall be represented as a macron over a vowel."

14 SECTION 4. Section 321C-1, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§321C-1[+] **General purpose; purpose of the office of**
17 **language access.** The Hawaiian language is the indigenous
18 language of Hawaii. Article XV, section 4, of the state
19 constitution recognizes Hawaiian as an official state language.
20 To better uphold this constitutional mandate and facilitate the
21 rejuvenation and realization of Hawaiian as an official language



1 of Hawaii, state and county agencies must provide Hawaiian
2 language speakers with the equal opportunity to transact
3 government business and access government services.

4 ~~[Many individuals living in Hawaii read, write, speak, and~~
5 ~~understand English. There]~~ In addition, there are many
6 individuals ~~[, however,]~~ in Hawaii who are limited English
7 proficient. Language for limited English proficient persons can
8 be a barrier to accessing important benefits or services,
9 understanding and exercising important rights, complying with
10 applicable responsibilities, or understanding other information
11 provided by state-funded programs and activities.

12 The purpose of this chapter is to affirmatively address, on
13 account of national origin, the language access needs of limited
14 English proficient persons ~~[-]~~ and of Hawaiian language speakers.
15 It is the intent of the legislature that these services be
16 guided by Executive Order No. 13166 and succeeding provisions of
17 federal law, regulation, or guidance.

18 The purpose of the office of language access is to address
19 the language access needs of limited English proficient persons
20 and of Hawaiian language speakers and ensure meaningful access
21 to services, programs, and activities offered by the executive,



1 legislative, and judicial branches of state government,
2 including departments, offices, commissions, boards, or other
3 agencies, and all covered entities, for limited English
4 proficient persons[-] and Hawaiian language speakers."

5 SECTION 5. Section 321C-2, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Hawaiian language speaker" means an individual who speaks
9 Hawaiian with enough proficiency to read, write, speak, or
10 understand the Hawaiian language."

11 SECTION 6. Section 321C-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§321C-3[+] **Oral and written language services.** (a)
14 Each state agency and all covered entities shall take reasonable
15 steps to ensure meaningful access to services, programs, and
16 activities by limited English proficient persons[~~, which~~] and
17 Hawaiian language speakers. Limited English proficient persons
18 will be determined by a totality of circumstances, including the
19 following factors:



1 (1) The number or proportion of limited English proficient
2 persons served or encountered in the eligible service
3 population;

4 (2) The frequency with which limited English proficient
5 persons come in contact with the services, programs,
6 or activities;

7 (3) The nature and importance of the services, programs,
8 or activities; and

9 (4) The resources available to the State or covered entity
10 and the costs.

11 (b) Subject to subsection (a), each state agency and
12 covered entity shall provide competent, timely oral language
13 services to limited English proficient persons and Hawaiian
14 language speakers who seek to access services, programs, or
15 activities.

16 (c) Subject to subsection (a), each state agency and
17 covered entity shall provide written translations of vital
18 documents to limited English proficient persons and Hawaiian
19 language speakers who seek to access services, programs, or
20 activities, as follows:



1 (1) Written translations of vital documents for Hawaiian
2 language speakers and each eligible limited English
3 proficient group that constitutes five per cent or one
4 thousand, whichever is less, of the population of
5 persons eligible to be served or likely to be affected
6 or encountered; or

7 (2) If there are fewer than fifty persons in a limited
8 English proficient group that reaches the five per
9 cent threshold in paragraph (1), written notice in the
10 primary language to the limited English proficient
11 language group of the right to receive competent oral
12 interpretation of those written materials, free of
13 cost.

14 (d) To the extent that the State requires additional
15 personnel to provide language services based on the
16 determination set forth in this section, the State shall hire
17 qualified personnel who are bilingual to fill existing, budgeted
18 vacant public contact positions."

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Hawaiian Language; State Law; Public Documents; Office of Language Access; Hawaiian Diacritical Marks

Description:

Inserts article thirteen of the United Nations Declaration on the Rights of Indigenous Peoples into the Hawaii Revised Statutes. Requires that Hawaiian be used for public acts and transactions. Directs the office of language access to provide services to Hawaiian language speakers. Requires the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English. Requires that 'okina and kahakō be used, when appropriate, in documents prepared by or for state or county agencies or officials, with certain exceptions. Amends 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. (SD1)

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