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# A BILL FOR AN ACT

RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF  
HAWAII.

**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'ōikaika 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 acknowledges that Native Hawaiians have the  
11 right to revitalize, use, develop, and transmit to future  
12 generations their histories, language, oral traditions,  
13 philosophies, writing systems, and literatures, and to designate  
14 and retain 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) [~~Macrons~~  
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 pāku'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 ma o ka ho'ololi 'ana i nā mahele  
6 lalo 'o (a), (b), a me (c) penei:

7        "(a) Each state agency and all covered entities shall take  
8 reasonable steps to ensure meaningful access to services,  
9 programs, and activities by limited English proficient persons [~~7~~  
10 ~~which~~] and Hawaiian language speakers. Limited English  
11 proficient persons will be determined by a totality of  
12 circumstances, including the 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 MAHELE 7. 'O nā mea kāpae 'ia, aia i loko o nā kahaapo  
6 kihikihi a ua kahawaena 'ia. 'O nā mea hou, ua kahalalo 'ia.

7 MAHELE 8. E ka'a ana kēia kānāwai ma kona 'āpono 'ia.

8 (English Translation)

9 SECTION 1. At the Hawai'i State Constitutional Convention  
10 in 1978, the committee on Hawaiian affairs proposed the  
11 constitutional amendment that is now enshrined in article XV,  
12 section 4, of the Hawai'i State Constitution, establishing  
13 Hawaiian as an official language of the State of Hawai'i. The  
14 committee felt it necessary to include this amendment in the  
15 constitution "in order to give full recognition and honor to the  
16 rich cultural inheritance that Hawaiians have given to all  
17 ethnic groups of this State."

18 The legislature further recognizes its contribution to the  
19 growing international movement for the protection of the rights  
20 of the world's indigenous peoples through passage of this Act.  
21 In 2007, the United Nations adopted the United Nations





1 Declaration on the Rights of Indigenous Peoples. In 2011, the  
2 United States became signatory on the Declaration. In this Act,  
3 article thirteen of the United Nation's Declaration is codified  
4 into the Hawai'i Revised Statutes.

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

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

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

18 The State shall take effective measures to ensure that this  
19 right is protected and also to ensure that Native Hawaiians and  
20 others can understand and be understood in political, legal, and  
21 administrative proceedings in the Hawaiian language, where



1 necessary, through the provision of interpretation or by other  
2 appropriate means.

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

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

14       "~~[f]~~§1-13.5~~[f]~~ **Hawaiian language; spelling.** (a) ~~[Macrons~~  
15 ~~and glottal stops may]~~ 'Okina and kahakō shall be used in the  
16 spelling of words or terms in the Hawaiian language, when  
17 appropriate, in documents prepared by or for state or county  
18 agencies or officials~~[-]~~, except when the Hawaiian text is by  
19 and for the benefit of native speakers of Hawaiian; provided  
20 that any document submitted to state or county agencies or  
21 officials by members of the general public shall not require the



1 use of 'okina and kahakō. Any rule, order, policy, or other act,  
2 official or otherwise, that prohibits or discourages the use of  
3 these symbols shall be void[-], except for those specifically  
4 designed for the benefit of native speakers of Hawaiian.

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

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

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

19 ~~[Many individuals living in Hawaii read, write, speak, and~~  
20 ~~understand English. There]~~ In addition, there are many  
21 individuals[, however,] in Hawaii who are limited English



1 proficient. Language for limited English proficient persons can  
2 be a barrier to accessing important benefits or services,  
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4 applicable responsibilities, or understanding other information  
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7 account of national origin, the language access needs of limited  
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9 It is the intent of the legislature that these services be  
10 guided by Executive Order No. 13166 and succeeding provisions of  
11 federal law, regulation, or guidance.

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



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

4 "Hawaiian language speaker" means an individual who speaks  
5 Hawaiian with enough proficiency to read, write, speak, or  
6 understand the Hawaiian language."

7 SECTION 6. Section 321C-3, Hawaii Revised Statutes, is  
8 amended by amending subsections (a), (b), and (c) to read as  
9 follows:

10 "(a) Each state agency and all covered entities shall take  
11 reasonable steps to ensure meaningful access to services,  
12 programs, and activities by limited English proficient persons [~~7~~  
13 ~~which~~] and Hawaiian language speakers. Limited English  
14 proficient persons will be determined by a totality of  
15 circumstances, including the following factors:

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

19 (2) The frequency with which limited English proficient  
20 persons come in contact with the services, programs,  
21 or activities;



1           (3) The nature and importance of the services, programs,  
2                    or activities; and

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

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

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

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



1           (2) If there are fewer than fifty persons in a limited  
2           English proficient group that reaches the five per  
3           cent threshold in paragraph (1), written notice in the  
4           primary language to the limited English proficient  
5           language group of the right to receive competent oral  
6           interpretation of those written materials, free of  
7           cost."

8           SECTION 7. Statutory material to be repealed is bracketed  
9           and stricken. New statutory material is underscored.

10          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. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

