

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE HAWAIIAN LANGUAGE.

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

PART I

1

2 MAHELE 1. 'O ka 'ōlelo Hawai'i ka 'ōlelo 'ōiwi o ka lāhui
3 Hawai'i.

4 'Oiai ua 'ōlelo mau 'ia ka 'ōlelo Hawai'i o ka 'āina e nā kupa
5 o ke aupuni Hawai'i, ua hele a 'ane halapohe ka 'ōlelo 'ana i ua
6 'ōlelo la ma ka hiki 'ana aku i ka makahiki 1980 a ua koe wale
7 mai ma kahi o ke 50 mau mānaleo o ka 'ōlelo e ola nei ma lalo o
8 ka piha makahiki he 18. 'O kekahi kumu o ka emi nui o ka 'ōlelo
9 Hawai'i 'o ia nō ke kānāwai o ka makahiki 1896 i ho'onohe i ka
10 'ōlelo pelekania 'o ia wale nō ka 'ōlelo o ke kula. Eia na'e ka
11 hopena, ua ho'opāpā 'ia ka 'ōlelo 'ana, ke heluhelu 'ana, ke kākau
12 'ana a me ke a'o 'ana i ka 'ōlelo Hawai'i ma nā kula aupuni.

13 I mea e ho'ōla a'e ai i ka 'ōlelo Hawai'i, ua ho'olana 'ia aku
14 la kekahi mau hāpai kānāwai ho'ōla 'ōlelo Hawai'i a me nā hana
15 huliamaahi e ho'oūlu a'e i ka 'ōlelo Hawai'i e like me ka 'aukahi



1 Pūnana Leo, ka papahana Kula Kaiapuni o ke Ke'ena Ho'ona'auao, a
2 me nā papahana 'ōlelo Hawai'i ma ke Kula Nui 'o Hawai'i.

3 Eia kekahi, ma ka makahiki 1978, ua pāku'i ho'ololi 'ia iho
4 ka Palapala Kumukānāwai o ka Moku'āina 'o Hawai'i me ka ho'ololi
5 'ōlelo pāku'i e hō'ōia'i'o aku i ke kūlana o ka 'ōlelo Hawai'i he
6 'ōlelo kūhelu i like kona kūlana me ka 'ōlelo pelekania--'o lāua
7 nā 'ōlelo kūhelu o ka moku'āina.

8 Eia hou kekahi, ua ho'olaha a ho'ohanahanao 'ia a'e la ka
9 'ōlelo Hawai'i ma loko o 'elua mau palapala kūkala ko'iko'i e ke
10 kia'āina ma nā makahiki o nā 1990. Ma ka makahiki 1995, ua
11 ho'opuka 'ia aku la kekahi palapala kūkala mai ke ke'ena kia'āina
12 mai a ua kākau 'ia mai ia ma nā 'ōlelo kūhelu 'elua o ka 'āina,
13 Hawai'i me ka Pelekania, 'o ka mahina 'o Pepeluali 1995 ka "Mahina
14 'ōlelo Hawai'i ma Hawai'i Nei." Ua koi aku kēia palapala kūkala i
15 ka lehulehu e komo aku, komo mai i nā hanana 'ōlelo Hawai'i like
16 'ole i mālama 'ia ma ka mahina o Pepeluali. 'O nā hanana Hawai'i
17 i mālama 'ia ma Pepeluali ka Lā 'Ohana, ka Lā Kūkahekahe, a me ka
18 'Ahamele 'o Ho'omau ma O'ahu.

19 Ma ka makahiki 1996, ua kūkala 'ia kekahi palapala kuahaua e
20 ke kia'āina e nānā i ka makahiki 1996 'o ia ka "Makahiki o ka



1 'Ōlelo Hawai'i" i mea e ho'omana'o ai i ka hala 'ana o haneli mau
2 makahiki ma hope o ke kânāwai 1896 'o ia kânāwai ho'opāpā 'olelo
3 kūpuna ma nā kula o Hawai'i nei.

4 'Oiai ua holomua nō kēia 'aukahi ho'ōla 'olelo Hawai'i ma loko
5 o kēia mau makahiki he 30 i hala iho nei, he pono nō ho'i ka
6 ho'onui 'ana i nā kânaka 'olelo Hawai'i i mea e ho'olaupa'i 'ia ai a
7 ola nō ka 'olelo Hawai'i.

8 'O ke kumuhana o kēia kânāwai ka ho'onoho pono 'ana mai i ka
9 mahina o Pepeluali 'o ia ka "Mahina 'Ōlelo Hawai'i" a lilo ia i
10 mea e ho'omaika'i a e paipai a'e mau ai i ka 'olelo 'ana i ka
11 'olelo Hawai'i.

12 MAHELE 2. Mokuna 8, Nā 'Ōlelo Kūpa'a O Hawai'i, ua
13 ho'oponopono 'ia me ka ho'opāku'i 'ana i mahele hou e ho'onoho
14 kūpono a e heluhelu 'ia ana penei:

15 "§8- Mahina 'Ōlelo Hawai'i. E 'ike mau a e kapa 'ia ana
16 a'e ka mahina 'o Pepeluali 'o ia ka "Mahina 'Ōlelo Hawai'i" i mea e
17 ho'omaika'i a e paipai aku ai i ka 'olelo 'ana o ua 'olelo
18 makuahine nei lā. 'A'ole e kū ana kēia mahina i kapa 'ia ka
19 "Mahina 'Ōlelo Hawai'i" i lānui o ka Moku'āina o Hawai'i.



1 'Ōlelo Hawai'i Month. The month of February shall be known
2 and designated as "'Ōlelo Hawai'i Month" to celebrate and
3 encourage the use of Hawaiian language. This month is not and
4 shall not be construed as a state holiday."

5 (English translation of PART I)

6 SECTION 1. 'Ōlelo Hawai'i, or the Hawaiian language, is the
7 native language of the Native Hawaiian people.

8 While once spoken throughout Hawai'i by Native Hawaiians and
9 foreigners alike, 'Ōlelo Hawai'i was considered to be nearly
10 extinct by the 1980s, when fewer than fifty fluent speakers
11 under the age of eighteen were left. A major reason for the
12 deterioration of the Hawaiian language was an 1896 law that
13 required English instruction in Hawai'i schools. In practice,
14 this law functioned to "ban" students from speaking 'Ōlelo
15 Hawai'i at their schools.

16 To save the Hawaiian language, a number of historic
17 initiatives were launched, including 'Aha Pūnana Leo's Hawaiian
18 language immersion preschools, the department of education's
19 Hawaiian language immersion program, and the Hawaiian language
20 programs of the University of Hawai'i system.



1 In addition, in 1978, the Hawai'i constitution was amended
2 to recognize the Hawaiian language as one of the two official
3 languages of the State.

4 Furthermore, several important gubernatorial proclamations
5 on 'Ōlelo Hawai'i were issued in the 1990s. In 1994 and 1995,
6 gubernatorial proclamations, written in both Hawaiian and
7 English, were issued recognizing February 1994 and February 1995
8 as "Hawaiian Language Month in Hawaii." The proclamations urged
9 people to participate in the Hawaiian language activities held
10 in February. Hawaiian language events held in February at that
11 time included Lā 'Ohana, Lā Kūkahekahe, and O'ahu's Ho'omau
12 concert.

13 The following year, another gubernatorial proclamation was
14 issued that recognized 1996 as "Year of the Hawaiian Language"
15 in observance of a century passing since the enactment of the
16 1896 law that prohibited speaking Hawaiian language in Hawai'i
17 schools.

18 While the Hawaiian language revitalization movement has
19 made major strides in the last thirty years, for 'Ōlelo Hawai'i
20 to not just survive, but to also thrive, more people need to
21 speak Hawaiian.



1 The purpose of this part is to designate the month of
2 February as "'Ōlelo Hawai'i Month" to celebrate and encourage the
3 use of Hawaiian language.

4 SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended
5 by adding a new section to be appropriately designated and to
6 read as follows:

7 "§8- Mahina 'Ōlelo Hawai'i. E 'ike mau a e kapa 'ia ana
8 a'e ka mahina 'o Pepeluai 'o ia ka "Mahina 'Ōlelo Hawai'i" i mea e
9 ho'omaika'i a e paipai aku ai i ka 'ōlelo 'ana o ua 'ōlelo
10 makuahine nei lā. 'A'ole e kū ana kēia mahina i kapa 'ia ka
11 "Mahina 'Ōlelo Hawai'i" i lānui o ka Moku'āina o Hawai'i.

12 'Ōlelo Hawai'i Month. The month of February shall be known
13 and designated as "'Ōlelo Hawai'i Month" to celebrate and
14 encourage the use of Hawaiian language. This month is not and
15 shall not be construed as a state holiday."

16 PART II

17 MAHELE 3. Ke hō'ōia nei ka 'aha'ōlelo kau kānāwai o ka
18 Moku'āina o Hawai'i nei ua 'ae 'ia ma ke Kumukānāwai o ka Moku'āina
19 o Hawai'i ka mālama 'ana mai a me ka paipai 'ana ho'i i ka 'ike a
20 me ka nohona Kanaka, ka mo'olelo, a me ka 'ōlelo 'ōiwi o Hawai'i.



1 Ma loko o ka ha'awina X, paukū 4, 'ōlelo 'ia penei, "e paipai ka
2 Moku'āina i ke a'ō 'ana i ka 'ike a me ka nohona Kanaka, ka
3 mo'olelo a me ka 'ōlelo 'ōiwi o Hawai'i." A ma loko o ka ha'awina
4 XII, paukū 7, 'ōlelo 'ia penei, "ke hō'ōia hou nei ka Moku'āina e
5 mālama a ho'omalua 'ia nā kuleana a me nā pono a pau, i hana
6 kuluma 'ia no ke ola pono o ka noho 'ana, nā 'ano o ka nohona a me
7 ka ho'omana i pa'a mau i nā Kanaka ke ahupua'a, 'o lākou he mamō
8 na nā Kanaka maoli i noho ma ka pae 'āina o Hawai'i nei ma mua o
9 ka makahiki 1778, a koe kekahi kuleana o ka Moku'āina e
10 ho'oponopono i ia mau kuleana a me nā pono." 'Oiai ua 'ike 'ia he
11 pili pono ka 'ōlelo e ola ana i ka ho'omau 'ia ana o ke 'ano o ka
12 nohona o ka po'e kōnaka, ma ka ha'awina XV, paukū 4 ke ho'āmana
13 'ia nei 'elua mau 'ōlelo kūhelu o ka moku'āina o Hawai'i, 'oia ho'i
14 ka 'ōlelo Hawai'i a me ka 'ōlelo Pelekania.

15 Ma hope mai o ka makahiki 1978, ua hō'ōia hou 'ia e ka
16 Moku'āina 'o ka 'ōlelo Hawai'i kekahi o nā 'ōlelo kūhelu, a ua
17 kāko'o ka 'aha'ōlelo i nā hana e ho'okomo i ka 'ōlelo Hawai'i ma nā
18 palapala 'oihana o ka moku'āina, nā kuni, a me nā hō'ailona. Ua
19 mālama ka Moku'āina i ke koi 'ia a me ka pela pololei 'ia i ia mau
20 kākau 'ana no ka lehulehu. I kēia mau lā 'o ka ho'ohana pono 'ana



1 i ke kahakō a me ka 'okina he mea ia e hō'ike i ka mālama maika'i
2 'ia o ka 'ōlelo 'ōiwi o kēia mau mokupuni, a he mea nō ho'i ia e
3 ho'okō pono ai i ka mana'o a me ke kumu o ke kumukānāwai o ka
4 moku'āina.

5 'O ke kumu o kēia Kānāwai 'oia ho'i ka mālama 'ana ma lalo o
6 ka mana o ke kumukānāwai ka 'ōlelo Hawai'i, a me ka 'ike a me ka
7 nohona Kanaka ma o ke koi 'ana e ho'ohana 'ia nā inoa Hawai'i a me
8 ka 'ōlelo Hawai'i 'ano pololei loa a kūpono ma nā palapala, nā
9 po'oinoaleka, nā hō'ailona, a me nā kuni, i ka wā e hana mua 'ia,
10 ka hana hou 'ia, a i 'ole ka pa'i hou 'ana.

11 (English translation of MAHELE 3)

12 SECTION 3. The legislature finds that the Constitution of
13 the State of Hawai'i provides for the preservation and promotion
14 of native Hawaiian culture, history, and language. Article X,
15 section 4, of the Hawaii State Constitution provides that "[t]he
16 State shall promote the study of Hawaiian culture, history and
17 language." Article XII, section 7, of the Hawaii State
18 Constitution provides that "[t]he State reaffirms and shall
19 protect all rights, customarily and traditionally exercised for
20 subsistence, cultural and religious purposes and possessed by



1 ahupua'a tenants who are descendants of native Hawaiians who
2 inhabited the Hawaiian Islands prior to 1778, subject to the
3 right of the State to regulate such rights." Because
4 maintaining a living language is an integral component of
5 preserving a culture, article XV, section 4, of the Hawaii State
6 Constitution establishes that English and Hawaiian are the
7 official languages of Hawai'i.

8 Since 1978, the State has reaffirmed Hawaiian as one of its
9 official languages, and the legislature has supported efforts to
10 incorporate the Hawaiian language into official state writings,
11 emblems, and signs. The State has ensured that these public
12 inscriptions are mandatory, accurate, and spelled correctly.
13 The use of proper Hawaiian macrons and glottal stops not only
14 shows the deserved respect for the native language of these
15 islands, but also fully comports with the intent and purpose of
16 the state constitution.

17 Section 1-13, Hawaii Revised Statutes, provides that
18 English and Hawaiian are the official languages of Hawai'i.
19 Despite the statutory recognition of the Hawaiian language as an
20 official language of this State, the governor vetoed House Bill
21 No. 1984, S.D. 1, C.D. 1, Regular Session of 2012, relating to



1 Hawaiian language, which would have strengthened the recognition
2 and furthered the usage of Hawaiian in official documents. The
3 veto message indicates concerns about possible misspellings and
4 misinterpretation of Hawaiian words and their effect on official
5 documents.

6 The governor also indicated separately that the state
7 departments and agencies would administratively implement the
8 usage of Hawaiian words in official documents without the
9 necessity of a statutory mandate. However, the legislature is
10 concerned that this administrative initiative has not occurred.

11 The intent of this part is not to require that bills and
12 other official documents be written in Hawaiian as well as
13 English; rather, if documents and letterheads prepared by or for
14 state or county agencies or officials contain Hawaiian names and
15 words, this Act requires that the Hawaiian names and words be
16 written in accurate, appropriate, and authentic Hawaiian.

17 The purpose of this part is to ensure the constitutionally
18 and ethically mandated preservation of the Hawaiian language and
19 culture by requiring all newly created, replaced, or reprinted
20 state and county documents, letterheads, symbols, and emblems to



1 contain accurate, appropriate, and authentic Hawaiian names and
2 language only if Hawaiian words are included.

3 SECTION 4. Section 1-13, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§1-13 Official languages.** English and Hawaiian are the
6 official languages of Hawaii. Whenever there is found to exist
7 any radical and irreconcilable difference between the English
8 and Hawaiian version of any of the laws of the State, the
9 English version shall be held binding. Hawaiian shall not be
10 required for public acts and transactions[-]; provided that if
11 Hawaiian words or names are included in such documents, then
12 section 1-13.5 shall apply."

13 SECTION 5. Section 1-13.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~[+] §1-13.5 [{}]~~ **Hawaiian language; spelling.** [~~Macrons and~~
16 ~~glottal stops may be used in the spelling of words or terms in~~
17 ~~the Hawaiian language in]~~ (a) Effective January 1, 2020, all
18 documents and letterheads prepared by or for state or county
19 agencies or officials[-], to the extent that the documents and
20 letterheads contain Hawaiian language words or names, shall
21 include accurate, appropriate, and authentic Hawaiian names and



1 words, including proper Hawaiian spelling and punctuation,
2 including but not limited to macrons and glottal stops that
3 punctuate the English word to which they relate; provided that
4 any revision to conform any document or letterhead existing on
5 or before January 1, 2020, to the requirements of this section,
6 may be implemented when the document or letterhead requires
7 replacement or reprinting, or otherwise requires revision. Any
8 rule, order, policy, or other act, official or otherwise, that
9 prohibits or discourages the use of [~~these symbols~~] accurate,
10 appropriate, and authentic Hawaiian names and words, as required
11 by this section, shall be void.

12 (b) Hawaiian names and words shall be deemed accurate,
13 appropriate, and authentic when printed in conformance with:

14 (1) "Hawaiian Dictionary: Hawaiian-English, English-
15 Hawaiian", by Mary Kawena Pukui and Samuel H. Elbert,
16 University of Hawai'i Press, copyright 1986;

17 (2) "Māmaka Kaiāo: A Modern Hawaiian Vocabulary",
18 developed by the Kōmike Hua'ōlelo, the Hawaiian Lexicon
19 Committee; or



1 (3) "Place Names of Hawaii", by Mary Kawena Pukui, Samuel
2 H. Elbert, and Esther T. Mookini, University of Hawai'i
3 Press, copyright 1974.

4 (c) Any Hawaiian names and words that are misspelled or
5 incorrectly punctuated within a document or letterhead subject
6 to this section shall not be deemed to invalidate the document
7 or render it unenforceable. No cause of action shall arise
8 against the State, any county, or any state or county agency,
9 official, or employee for any Hawaiian names and words that are
10 misspelled or incorrectly punctuated."

11 SECTION 6. Section 5-6.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~§~~5-6.5~~§~~ State language. (a) The Hawaiian language
14 is the native language of [~~Hawaii~~] Hawai'i and [~~may~~], effective
15 January 1, 2020, shall be used on all emblems and symbols
16 representative of the State, its departments, agencies, and
17 political subdivisions[-]; provided that for emblems and symbols
18 existing on January 1, 2020, conformance with this section may
19 be delayed until a replacement for the emblem or symbol
20 otherwise is required.



S.B. NO. 701

1 (b) The Hawaiian language as used on all emblems and
2 symbols shall conform to the requirements of section 1-13.5(b).

3 (c) This section shall not be construed to require that
4 the full text of bills and other official documents be written
5 in Hawaiian."

PART III

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

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

10

INTRODUCED BY:

J. Kalani English

~~AND~~ Dr. Keith Jones

Kal Nhoon

Amely H. Bell

[Signature]

Kurt Fendley

Mike Hubbard



S.B. NO. 701

Report Title:

Hawaiian Language; Month; February; Public Documents;
Letterhead; Symbols

Description:

Designates the month of February as "Ōlelo Hawai'i Month" to celebrate and encourage the use of Hawaiian language. Requires all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation. Establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. Clarifies that the full text of bills and other official documents are not required to be written in Hawaiian and that misspelled or incorrectly punctuated Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

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

