

JAN 22 2021

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 SECTION 1. The legislature finds that at the
2 Constitutional Convention of Hawai'i of 1978, the committee on
3 Hawaiian affairs proposed the constitutional amendment that is
4 now enshrined in article XV, section 4 of the Hawai'i State
5 Constitution, which establishes Hawaiian as an official language
6 of the State of Hawai'i. The committee felt it necessary to
7 include this amendment in the constitution "in order to give
8 full recognition and honor to the rich cultural inheritance that
9 Hawaiians have given to all ethnic groups of the State."

10 The legislature further recognizes its contribution to the
11 growing international movement for the protection of the rights
12 of the world's indigenous peoples through passage of this Act.
13 In 2007, the United Nations adopted the United Nations
14 Declaration on the Rights of Indigenous Peoples. In 2011, the
15 United States became signatory on the Declaration. Article 13
16 of the Declaration states:



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1 "1. Indigenous peoples have the right to revitalize, use,
2 develop and transmit to future generations their
3 histories, languages, oral traditions, philosophies,
4 writing systems and literatures, and to designate and
5 retain their own names for communities, places and
6 persons.

7 2. States shall take effective measures to ensure that
8 this right is protected and also to ensure that
9 indigenous peoples can understand and be understood in
10 political, legal and administrative proceedings, where
11 necessary through the provision of interpretation or
12 by other appropriate means."

13 Accordingly, the purpose of this Act is to require that the
14 Hawaiian version of a law be held binding if the law in question
15 was originally drafted in Hawaiian and then translated into
16 English.

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

19 "**§1-13 Official languages.** English and Hawaiian are the
20 official languages of Hawaii. Whenever there is found to exist
21 any radical and irreconcilable difference between the English



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1 and Hawaiian version of any of the laws of the State, the
2 English version shall be held binding[-]; provided that if the
3 law in question was originally drafted in Hawaiian and the
4 English version was translated based on the Hawaiian version,
5 the Hawaiian version shall be held binding. Hawaiian shall not
6 be required for public acts and transactions."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



S.B. NO. 211

Report Title:

Hawaiian Language; State Law; Public Documents

Description:

Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English.

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