

JAN 22 2021

A BILL FOR AN ACT

RELATING TO HAWAIIAN LANGUAGE.

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

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



1 'ia nei 'elua mau 'ōlelo kūhelu o ka moku'āina o Hawai'i, 'oia ho'i
2 ka 'ōlelo Hawai'i a me ka 'ōlelo Pelekania.

3 Ma hope mai o ka makahiki 1978, ua hō'ōia hou 'ia e ka
4 Moku'āina 'o ka 'ōlelo Hawai'i kekahi o nā 'ōlelo kūhelu, a ua
5 kāko'o ka 'aha'ōlelo i nā hana e ho'okomo i ka 'ōlelo Hawai'i ma nā
6 palapala 'oihana o ka moku'āina, nā kuni, a me nā hō'ailona. Ua
7 mālama ka Moku'āina i ke koi 'ia a me ka pela pololei 'ia i ia mau
8 kākau 'ana no ka lehulehu. I kēia mau lā 'o ka ho'ohana pono 'ana
9 i ke kahakō a me ka 'okina he mea ia e hō'ike i ka mālama maika'i
10 'ia o ka 'ōlelo 'ōiwi o kēia mau mokupuni, a he mea nō ho'i ia e
11 ho'okō pono ai i ka mana'o a me ke kumu o ke kumukānāwai o ka
12 moku'āina.

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

19 SECTION 1. The legislature finds that the Constitution of
20 the State of Hawai'i provides for the preservation and promotion



1 of native Hawaiian culture, history, and language. Article X,
2 section 4, of the Hawaii State Constitution provides that "[t]he
3 State shall promote the study of Hawaiian culture, history and
4 language." Article XII, section 7, of the Hawaii State
5 Constitution provides that "[t]he State reaffirms and shall
6 protect all rights, customarily and traditionally exercised for
7 subsistence, cultural and religious purposes and possessed by
8 ahupua'a tenants who are descendants of native Hawaiians who
9 inhabited the Hawaiian Islands prior to 1778, subject to the
10 right of the State to regulate such rights." Because
11 maintaining a living language is an integral component of
12 preserving a culture, article XV, section 4, of the Hawaii State
13 Constitution establishes that English and Hawaiian are the
14 official languages of Hawai'i.

15 Since 1978, the State has reaffirmed Hawaiian as one of its
16 official languages, and the legislature has supported efforts to
17 incorporate the Hawaiian language into official state writings,
18 emblems, and signs. The State has ensured that these public
19 inscriptions are mandatory, accurate, and spelled correctly.
20 The use of proper Hawaiian macrons and glottal stops not only
21 shows the deserved respect for the native language of these



1 islands, but also fully comports with the intent and purpose of
2 the state constitution.

3 Section 1-13, Hawaii Revised Statutes, provides that
4 English and Hawaiian are the official languages of Hawai'i.
5 Despite the statutory recognition of the Hawaiian language as an
6 official language of this State, the governor vetoed House Bill
7 No. 1984, S.D. 1, C.D. 1, Regular Session of 2012, relating to
8 Hawaiian language, which would have strengthened the recognition
9 and furthered the usage of Hawaiian in official documents. The
10 veto message indicates concerns about possible misspellings and
11 misinterpretation of Hawaiian words and their effect on official
12 documents.

13 The governor also indicated separately that the state
14 departments and agencies would administratively implement the
15 usage of Hawaiian words in official documents without the
16 necessity of a statutory mandate. However, the legislature is
17 concerned that this administrative initiative has not occurred.

18 The intent of this part is not to require that bills and
19 other official documents be written in Hawaiian as well as
20 English; rather, if documents and letterheads prepared by or for
21 state or county agencies or officials contain Hawaiian names and



1 words, this Act requires that the Hawaiian names and words be
2 written in accurate, appropriate, and authentic Hawaiian.

3 The purpose of this part is to ensure the constitutionally
4 and ethically mandated preservation of the Hawaiian language and
5 culture by requiring all newly created, replaced, or reprinted
6 state and county documents, letterheads, symbols, and emblems to
7 contain accurate, appropriate, and authentic Hawaiian names and
8 language only if Hawaiian words are included.

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

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

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



1 " ~~[f] §1-13.5 [f]~~ Hawaiian language; spelling. ~~[Macrons and~~
2 ~~glottal stops may be used in the spelling of words or terms in~~
3 ~~the Hawaiian language in]~~ (a) Effective January 1, 2022, all
4 documents and letterheads prepared by or for state or county
5 agencies or officials[-], to the extent that the documents and
6 letterheads contain Hawaiian language words or names, shall
7 include accurate, appropriate, and authentic Hawaiian names and
8 words, including proper Hawaiian spelling and punctuation,
9 including but not limited to macrons and glottal stops that
10 punctuate the English word to which they relate; provided that
11 any revision to conform any document or letterhead existing on
12 or before January 1, 2022, to the requirements of this section,
13 may be implemented when the document or letterhead requires
14 replacement or reprinting, or otherwise requires revision. Any
15 rule, order, policy, or other act, official or otherwise, that
16 prohibits or discourages the use of ~~[these symbols]~~ accurate,
17 appropriate, and authentic Hawaiian names and words, as required
18 by this section, shall be void.

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



- 1 (1) "Hawaiian Dictionary: Hawaiian-English, English-
- 2 Hawaiian", by Mary Kawena Pukui and Samuel H. Elbert,
- 3 University of Hawai'i Press, copyright 1986;
- 4 (2) "Māmaka Kaiāo: A Modern Hawaiian Vocabulary",
- 5 developed by the Kōmike Hua'ōlelo, the Hawaiian Lexicon
- 6 Committee; or
- 7 (3) "Place Names of Hawaii", by Mary Kawena Pukui, Samuel
- 8 H. Elbert, and Esther T. Mookini, University of Hawai'i
- 9 Press, copyright 1974.

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

17 SECTION 4. Section 5-6.5, Hawaii Revised Statutes, is
 18 amended to read as follows:

19 "[+]§5-6.5[+] **State language.** (a) The Hawaiian language
 20 is the native language of [Hawaii] Hawai'i and [may], effective
 21 January 1, 2022, shall be used on all emblems and symbols



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1 representative of the State, its departments, agencies and
2 political subdivisions[-]; provided that for emblems and symbols
3 existing prior to January 1, 2022, conformance with this section
4 may be delayed until a replacement for the emblem or symbol
5 otherwise is required.

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

8 (c) This section shall not be construed to require that
9 the full text of legislative bills and other official documents
10 to be written in Hawaiian."

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

14

INTRODUCED BY:

J. Kalani Egler



Report Title:

Hawaiian Language; Public Documents; Letterheads; Symbols

Description:

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.

