

JAN 20 2023

A BILL FOR AN ACT

RELATING TO SUPPORT FOR TRADITIONAL NATIVE SPEAKERS OF HAWAIIAN.

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

1 SECTION 1. The legislature finds that, during the
2 twentieth century, the political agenda set forth by the new
3 government order of 1900 minimized the value of the Hawaiian
4 language and its function in society under the new order and
5 ceased public support of Hawaiian language for education, public
6 services, and use in all areas of daily life across Hawaii.
7 This severely decreased the number of Hawaiian language speakers
8 and readers to the point where, in 1948, the last Hawaiian
9 language newspaper that was commercially sold closed due to lack
10 of readership, thus severely hampering the possibility for
11 further development of the language for the modern era. Over
12 the next few decades, the number of Hawaiian language speakers
13 declined and almost became extinct since 1948, and in the 1980s
14 when there were fewer than fifty fluent speakers under eighteen
15 years of age, according to Ka Wai Ola - The Living Water of OHA,
16 the monthly newspaper of the office of Hawaiian affairs.



1 The legislature also finds that, due in part to the growth
2 of Hawaiian immersion schools since the mid-1980s, the number of
3 Hawaiian language speakers and readers has increased to an
4 estimated eighteen thousand according to a 2016 report by the
5 research economic analysis division of the department of
6 business, economic, development, and tourism.

7 The legislature further finds that, while the growth in the
8 number of Hawaiian language speakers and readers should be
9 applauded, this growth has provided an opportunity to
10 accommodate its speakers, their linguistic backgrounds, and the
11 types of support needed to maintain fluency. Also, while there
12 has been a regular native-speaker presence at the University of
13 Hawaii at Manoa campus for decades as resource staff, native
14 speakers have been absent from nearly all classrooms in Hawaii,
15 minimizing their influence to create new speakers. Had native
16 speakers been at the helm of Hawaiian language maintenance,
17 planning, modeling, and teaching, much of the newly invented
18 Hawaiian language of today by new speakers would not have
19 evolved and new speakers would sound and think like native
20 speakers.



1 The legislature finds that families of Niihau, who live on
2 Niihau and Kauai, have maintained the language of their
3 ancestors and are now the only true community of Hawaiian
4 language native speakers left in the world, inclusive of kupuna,
5 adults, and children, who use Hawaiian as their primary
6 language. As a community, they have never lost the Hawaiian
7 language. This sets them apart from learners in schools and
8 classrooms of the Hawaiian Islands whose primary language is
9 English or another language, where native-speaker communities no
10 longer exist.

11 The legislature believes that the function of Hawaiian
12 immersion schools and mainstream classrooms is to retrieve a
13 language that for their participants is new to them, and to add
14 to the language by inventing new terms and ways of expression
15 that are foreign to Niihau speakers.

16 The purpose of this Act is to clarify the type of support
17 needed for native speakers of all islands who have never lost
18 the Hawaiian language in their families and to appropriate funds
19 to support the perpetuation of that language with regard to the
20 provision of public services and notices to native speakers in



1 the language and orthography they understand best as described
2 by them.

3 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is
4 amended by adding a new section to part II, subpart B, to be
5 appropriately designated and to read as follows:

6 "§302A- Hawaiian language. For purposes of this
7 chapter, the Hawaiian language shall be recognized as the sole
8 indigenous language of the Hawaiian islands, as recognized in
9 the Constitution of the State of Hawaii as an official language,
10 and any public school may offer a course in Hawaiian language.
11 Hawaiian language speakers currently consist of native speakers
12 whose families have never lost the language and new speakers who
13 have come to learn the language either from native speakers or
14 through classroom study. A student who successfully completes a
15 course in Hawaiian language shall be entitled to receive credit
16 for that course toward satisfaction of a world language
17 requirement of the public school."

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

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



1 any radical and irreconcilable difference between the English
2 and Hawaiian version of any of the laws of the State, the
3 English version shall be held binding. Hawaiian shall not be
4 required for public acts and transactions[-]; provided that
5 every effort shall be made to accommodate Hawaiian speakers,
6 both native speakers and new speakers in their respective
7 varieties and orthographies by translating public documents,
8 notices, and medical records to Hawaiian and by providing
9 interpreters for social and legal services in a version of
10 Hawaiian best suited for native speakers, such as Niihau
11 community members, and new speakers, respectively.

12 For the purposes of this section, "Hawaiian" means the
13 language of native speakers who come from an unbroken lineage of
14 the speakers of the language spoken prior to 1778 in the islands
15 referenced in section 2 of the Organic Act."

16 SECTION 4. Section 302A-101, Hawaii Revised Statutes, is
17 amended by adding three new definitions to be appropriately
18 inserted and to read as follows:

19 "Hawaiian language" means the language of native speakers
20 who come from an unbroken lineage of the speakers of the



1 language spoken prior to 1778 in the islands referenced in
2 section 2 of the Organic Act.

3 "Native speakers" means speakers of the Hawaiian language
4 who come from an unbroken lineage of primary speakers of the
5 Hawaiian language and children of new speakers whose language is
6 that of their new speakers' parents.

7 "New speakers" means speakers whose first language is
8 something other than Hawaiian who have come to learn Hawaiian
9 later in life to a level of proficiency comparable to that of
10 competent native speakers, whether from instruction by native
11 speakers or classroom- or self-study not from native speakers."

12 SECTION 5. (a) The public charter school commission, in
13 consultation with native speakers, shall conduct a study on the
14 Hawaiian language, including the variety of the Hawaiian
15 language spoken on Niihau and any other Hawaiian language known
16 to have been perpetuated since 1777 in the Hawaiian archipelago.

17 (b) No later than twenty days prior to the regular session
18 of 2024, the public charter school commission shall publish
19 educational and community resource materials for native speakers
20 of the Hawaiian language.



1 (c) In conducting the study required by subsection (a) and
2 publishing the materials required by subsection (b), the state
3 public charter school commission shall collaborate with the
4 college of education of the University of Hawaii and conduct
5 community consultation with parents and kupuna that are Hawaiian
6 language speakers to determine the most appropriate use of
7 Hawaiian language in schools and the community.

8 (d) No later than twenty days prior to the regular session
9 of 2024, the state public charter school commission shall submit
10 a report to the legislature on its findings of the study on the
11 Hawaiian language required by subsection (a) and the extent to
12 which it consulted with the college of education of the
13 University of Hawaii and the community pursuant to
14 subsection (c).

15 For purposes of this section:

16 "Hawaiian language" means the language of native speakers
17 who come from an unbroken lineage of the speakers of the
18 language spoken prior to 1778 in the islands referenced in
19 section 2 of the Organic Act.

20 "Native speakers" means speakers of the Hawaiian language
21 who come from an unbroken lineage of primary speakers of the



1 Hawaiian language and children of new speakers whose language is
2 that of their new speakers' parents.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$50,000 or so much
5 thereof as may be necessary for fiscal year 2023-2024 for the
6 state public charter school commission (program ID EDN 612) to
7 conduct the study, publish the materials, consult, and draft the
8 report as required by section 5 of this Act.

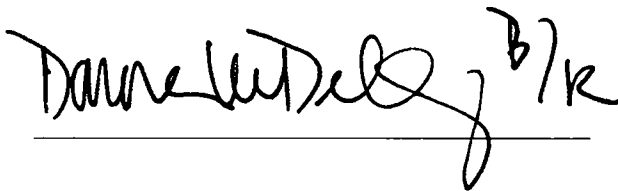
9 The sum appropriated shall be expended by the public
10 charter school commission for the purposes of this Act.

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

13 SECTION 8. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:



A handwritten signature in black ink, appearing to read 'Danne Utterberg' followed by 'B/R' in the upper right corner. The signature is written over a horizontal line that serves as a signature line.



S.B. NO. 392

Report Title:

Hawaiian Language; State Official Languages; DOE; State Public Charter School Commission; University of Hawaii; Appropriations

Description:

Defines the term Hawaiian language with regard to Hawaii's official languages and requires that every effort shall be made to accommodate Hawaiian speakers and readers. Authorizes Department of Education schools to offer Hawaiian language as the sole indigenous language of the Hawaiian Islands. Appropriates funds to the State Public Charter School Commission to study the Hawaiian language and for the publication of educational resource materials for native speakers of the Hawaiian language. Appropriates funds.

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