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# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN LANGUAGE.

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

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

10           The legislature further finds that passage of this Act  
11 would contribute to the growing international movement for the  
12 protection of the rights of the world's indigenous peoples. In  
13 2007, the United Nations adopted the United Nations Declaration  
14 on the Rights of Indigenous Peoples. In 2010, the United States  
15 became a supporter of the Declaration. Article 13 of the  
16 Declaration states:



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:

14 (1) Require that whenever there is a difference between  
15 the English and Hawaii version of law that is material  
16 to its interpretation, priority shall be given to the  
17 language that aligns with the intent of the  
18 legislature as evidenced by legislative history,  
19 context, and purpose; and

20 (2) Clarify that Hawaiian shall not be required for public  
21 acts and transactions, but is welcomed.



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

3 "~~§1-13 Official languages.~~ English and Hawaiian [~~are~~]  
4 shall be the official languages of Hawaii. Whenever there is  
5 ~~[found to exist any radical and irreconcilable difference~~  
6 ~~between the English and Hawaiian version of any of the laws of~~  
7 ~~the State, the English version shall be held binding.] a~~  
8 difference between the English and Hawaiian versions of a law  
9 that is material to its interpretation, priority shall be given  
10 to the language that aligns with the intent of the legislature  
11 as evidenced by legislative history, context, and purpose.  
12 Hawaiian shall not be required for public acts and  
13 transactions~~[+]~~, but is welcomed."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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



S.B. NO. 2314  
S.D. 1

**Report Title:**

Hawaiian Language; State Law; Public Documents

**Description:**

Requires that whenever there is a difference between the English and Hawaii version of law that is material to its interpretation, priority shall be given to the language that aligns with the intent of the legislature as evidenced by legislative history, context, and purpose. Clarifies that Hawaiian shall not be required for public acts and transactions, but is welcomed. (SD1)

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