



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2009**

ON THE FOLLOWING MEASURE:

H.B. NO. 1666, RELATING TO THE HAWAIIAN LANGUAGE.

BEFORE THE:

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Wednesday, February 18, 2009 **TIME:** 9:10 AM

LOCATION: State Capitol, Room 329

TESTIFIER(S): Mark J. Bennett, Attorney General
or John P. Deller, Deputy Attorney General

Chair Carroll and Members of the Committee:

The Department of the Attorney General provides these comments regarding a legal problem in this bill.

This bill would require that the Hawaiian language be used, as well as the English language, in all "documents" of the State and counties.

The problem is that the bill does not define "document," and it may be overly broad by including the term. "Document" as used in discovery proceedings in litigation often means virtually any written record, including correspondence, memoranda, notes, minutes, contracts, etc. It would be impractical to translate all such material into both state languages. We recommend, therefore, that the measure be applied to letterheads, symbols, and emblems, but that it not apply to "documents."

In addition, the bill at page 2, line 18, would apply to materials "prepared by or for state or county agencies or officials . . ." The term "or for" is unclear and should be deleted.

We respectfully ask the Committee to amend this bill to remedy the problem before passing this bill.

Representative D. Mele Carroll, Chair
Representative Maile S.L. Shimabukuro, Vice Chair
Committee on Hawaiian Affairs

House of Representatives of the State of Hawai'i

Lance D. Collins, Esq.

Wednesday, February 18, 2009

Support of HB No. 1666, Relating to the Hawaiian Language

My name is Lance D. Collins. I am an attorney in private practice on the island of Maui and testify on my own behalf. I have a Master's degree in Indigenous Politics from the University of Hawai'i and am a Ph.D. candidate of Political Science.

I support this bill. As the number of fluent Hawaiian speakers has begun again to increase after a century of decline and as the ease with which current and emerging desktop publishing technology allows seamless typesetting, there is no reason why the orthographic conventions of the written Hawaiian language cannot be supported by the state and county governments.

Since many Hawaiian language speakers learn Hawaiian as their second language, the orthographic conventions aid learners of the Hawaiian language on the accurate pronunciations of the spoken language. This is the most significant benefit of requiring the proper conventional uses of the glottal stop and macron in written government documents.

It also provides a symbolic gesture of the state government's support of Hawaiian as an official language of Hawai'i.

Thank you for this opportunity to provide testimony on this measure.
Mahalo.