

JAN 18 2013

A BILL FOR AN ACT

RELATING TO HAWAIIAN LANGUAGE.

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

1 PART I

2 MAHELE 1. 'O ka 'ōlelo Hawai'i ka 'ōlelo 'ōiwi o ka lāhui
3 Hawai'i.

4 'Oiai ua 'ōlelo mau 'ia ka 'ōlelo Hawai'i o ka 'āina e nā kupa
5 o ke aupuni Hawai'i, ua hele a 'ane halapohe ka 'ōlelo 'ana i ua
6 'ōlelo la ma ka hiki 'ana aku i ka makahiki 1980 a ua koe wale
7 mai ma kahi o ke 50 mau mānaleo o ka 'ōlelo e ola nei ma lalo o
8 ka piha makahiki he 18. 'O kekahi kumu o ka emi nui o ka 'ōlelo
9 Hawai'i 'o ia nō ke kānāwai o ka makahiki 1896 i ho'ono ho i ka
10 'ōlelo pelekania 'o ia wale nō ka 'ōlelo o ke kula. Eia na'e ka
11 hopena, ua ho'opāpā 'ia ka 'ōlelo 'ana, ke heluhelu 'ana, ke kākau
12 'ana a me ke a'o 'ana i ka 'ōlelo Hawai'i ma nā kula aupuni.

13 I mea e ho'ōla a'e ai i ka 'ōlelo Hawai'i, ua ho'olana 'ia aku
14 la kekahi mau hāpai kānāwai ho'ōla 'ōlelo Hawai'i a me nā hana
15 huliamaahi e ho'oūlu a'e i ka 'ōlelo Hawai'i e like me ka 'aukahi
16 Pūnana Leo, ka papahana Kula Kaiapuni o ke Ke'ena Ho'ona'auao, a
17 me nā papahana 'ōlelo Hawai'i ma ke Kula Nui 'o Hawai'i.



1 Eia kekahi, ma ka makahiki 1978, ua pāku'i ho'ololi 'ia iho
2 ka Palapala Kumukānāwai o ka Moku'āina 'o Hawai'i me ka ho'ololi
3 'ōlelo pāku'i e hō'oiā'i'o aku i ke kūlana o ka 'ōlelo Hawai'i he
4 'ōlelo kūhelu i like kona kūlana me ka 'ōlelo pelekania--'o lāua
5 nā 'ōlelo kūhelu o ka moku'āina.

6 Eia hou kekahi, ua ho'olaha a ho'ohanahanao 'ia a'e la ka
7 'ōlelo Hawai'i ma loko o 'elua mau palapala kūkala ko'iko'i e ke
8 kia'āina ma nā makahiki o nā 1990. Ma ka makahiki 1995, ua
9 ho'opuka 'ia aku la kekahi palapala kūkala mai ke ke'ena kia'āina
10 mai a ua kākau 'ia mai ia ma nā 'ōlelo kūhelu 'elua o ka 'āina,
11 Hawai'i me ka Pelekania, 'o ka mahina 'o Pepeluali 1995 ka "Mahina
12 'ōlelo Hawai'i ma Hawai'i Nei." Ua koi aku kēia palapala kūkala i
13 ka lehulehu e komo aku, komo mai i nā hanana 'ōlelo Hawai'i like
14 'ole i mālama 'ia ma ka mahina o Pepeluali. 'O nā hanana Hawai'i
15 i mālama 'ia ma Pepeluali ka Lā 'Ohana, ka Lā Kūkahekahe, a me ka
16 'Ahamele 'o Ho'omau ma O'ahu.

17 Ma ka makahiki 1996, ua kūkala 'ia kekahi palapala kuahaua e
18 ke kia'āina e nānā i ka makahiki 1996 'o ia ka "Makahiki o ka
19 'ōlelo Hawai'i" i mea e ho'omana'o ai i ka hala 'ana o haneli mau
20 makahiki ma hope o ke kānāwai 1896 'o ia kānāwai ho'opāpā 'ōlelo
21 kūpuna ma nā kula o Hawai'i nei.



1 'Oiai ua holomua nō kēia 'aukahi ho'ōla 'ōlelo Hawai'i ma loko
 2 o kēia mau makahiki he 30 i hala iho nei, he pono nō ho'i ka
 3 ho'onui 'ana i nā kānaka 'ōlelo Hawai'i i mea e ho'olaupa'i 'ia ai a
 4 ola nō ka 'ōlelo Hawai'i.

5 'O ke kumuhana o kēia kānāwai ka ho'onoho pono 'ana mai i ka
 6 mahina o Pepeluali 'o ia ka "Mahina 'ōlelo Hawai'i" a lilo ia i
 7 mea e ho'omaika'i a e paipai a'e mau ai i ka 'ōlelo 'ana i ka
 8 'ōlelo Hawai'i.

9 MAHELE 2. Mokuna 8, Nā 'ōlelo Kūpa'a O Hawai'i, ua
 10 ho'oponopono 'ia me ka ho'opāku'i 'ana i mahele hou e ho'onoho
 11 kūpono a e heluhelu 'ia ana penei:

12 "§8- Mahina 'ōlelo Hawai'i. E 'ike mau a e kapa 'ia ana
 13 a'e ka mahina 'o Pepeluali 'o ia ka "Mahina 'ōlelo Hawai'i" i mea e
 14 ho'omaika'i a e paipai aku ai i ka 'ōlelo 'ana o ua 'ōlelo
 15 makuahine nei lā. 'A'ole e kū ana kēia mahina i kapa 'ia ka
 16 "Mahina 'ōlelo Hawai'i" i lānui o ka Moku'āina o Hawai'i.

17 'ōlelo Hawai'i Month. The month of February shall be known
 18 and designated as "'ōlelo Hawai'i Month" to celebrate and
 19 encourage the use of Hawaiian language. This month is not and
 20 shall not be construed as a state holiday."

21 (English translation of PART I)



1 SECTION 1. 'Ōlelo Hawai'i, or the Hawaiian language, is the
2 native language of the Native Hawaiian people.

3 While once spoken throughout Hawai'i by Native Hawaiians and
4 foreigners alike, 'Ōlelo Hawai'i was considered to be nearly
5 extinct by the 1980s, when fewer than fifty fluent speakers
6 under the age of eighteen were left. A major reason for the
7 deterioration of the Hawaiian language was an 1896 law that
8 required English instruction in Hawai'i schools. In practice,
9 this law functioned to "ban" students from speaking 'Ōlelo
10 Hawai'i at their schools.

11 To save the Hawaiian language, a number of historic
12 initiatives were launched, including 'Aha Pūnana Leo's Hawaiian
13 language immersion preschools, the department of education's
14 Hawaiian language immersion program, and the Hawaiian language
15 programs of the University of Hawai'i system.

16 In addition, in 1978, the Hawai'i constitution was amended
17 to recognize the Hawaiian language as one of the two official
18 languages of the State.

19 Furthermore, several important gubernatorial proclamations
20 on 'Ōlelo Hawai'i were issued in the 1990s. In 1994 and 1995,
21 gubernatorial proclamations, written in both Hawaiian and



1 English, were issued recognizing February 1994 and February 1995
2 as "Hawaiian Language Month in Hawaii." The proclamations urged
3 people to participate in the Hawaiian language activities held
4 in February. Hawaiian language events held in February at that
5 time included Lā 'Ohana, Lā Kūkahekahe, and O'ahu's Ho'omau
6 concert.

7 The following year, another gubernatorial proclamation was
8 issued that recognized 1996 as "Year of the Hawaiian Language"
9 in observance of a century passing since the enactment of the
10 1896 law that prohibited speaking Hawaiian language in Hawai'i
11 schools.

12 While the Hawaiian language revitalization movement has
13 made major strides in the last thirty years, for 'Ōlelo Hawai'i
14 to not just survive, but to also thrive, more people need to
15 speak Hawaiian.

16 The purpose of this part is to designate the month of
17 February as "'Ōlelo Hawai'i Month" to celebrate and encourage the
18 use of Hawaiian language.

19 SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended
20 by adding a new section to be appropriately designated and to
21 read as follows:



1 na nā Kanaka maoli i noho ma ka pae 'āina o Hawai'i nei ma mua o
2 ka makahiki 1778, a koe kekahi kuleana o ka Moku'āina e
3 ho'oponopono i ia mau kuleana a me nā pono." 'Oiai ua 'ike 'ia he
4 pili pono ka 'ōlelo e ola ana i ka ho'omau 'ia ana o ke 'ano o ka
5 nohona o ka po'e kānaka, ma ka ha'awina XV, paukū 4 ke ho'āmana
6 'ia nei 'elua mau 'ōlelo kūhelu o ka moku'āina o Hawai'i, 'oia ho'i
7 ka 'ōlelo Hawai'i a me ka 'ōlelo Pelekania.

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

18 'O ke kumu o kēia Kānāwai 'oia ho'i ka mālama 'ana ma lalo o
19 ka mana o ke kumukānāwai ka 'ōlelo Hawai'i, a me ka 'ike a me ka
20 nohona Kanaka ma o ke koi 'ana e ho'ohana 'ia nā inoa Hawai'i a me
21 ka 'ōlelo Hawai'i 'ano pololei loa a kūpono ma nā palapala, nā



1 po'oinoaleka, nā hō'ailona, a me nā kuni, i ka wā e hana mua 'ia,
2 ka hana hou 'ia, a i 'ole ka pa'i hou 'ana.

3 (English translation of PAUKŪ 3)

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

20 Since 1978, the State has reaffirmed Hawaiian as one of its
21 official languages, and the legislature has supported efforts to
22 incorporate the Hawaiian language into official state writings,



1 emblems, and signs. The State has ensured that these public
2 inscriptions are mandatory, accurate, and spelled correctly.
3 The use of proper Hawaiian macrons and glottal stops not only
4 shows the deserved respect for the native language of these
5 islands, but also fully comports with the intent and purpose of
6 the state constitution.

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

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



1 The intent of this part is not to require that bills and
2 other official documents be written in Hawaiian as well as
3 English; rather, if documents and letterheads prepared by or for
4 state or county agencies or officials contain Hawaiian names and
5 words, this Act requires that the Hawaiian names and words be
6 written in accurate, appropriate, and authentic Hawaiian.

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

13 SECTION 4. Section 1-13, Hawaii Revised Statutes, is
14 amended to read as follows:

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



1 SECTION 5. Section 1-13.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[†]~~§1-13.5~~[†]~~ **Hawaiian language; spelling.** [~~Macrons and~~
4 ~~glottal stops may be used in the spelling of words or terms in~~
5 ~~the Hawaiian language in]~~ (a) Effective January 1, 2014, all
6 documents and letterheads prepared by or for state or county
7 agencies or officials[-], to the extent that the documents and
8 letterheads contain Hawaiian language words or names, shall
9 include accurate, appropriate, and authentic Hawaiian names and
10 words, including proper Hawaiian spelling and punctuation,
11 including but not limited to macrons and glottal stops that
12 punctuate the English word to which they relate; provided that
13 any revision to conform any document or letterhead existing on
14 or before January 1, 2014, to the requirements of this section,
15 may be implemented when the document or letterhead requires
16 replacement or reprinting, or otherwise requires revision. Any
17 rule, order, policy, or other act, official or otherwise, that
18 prohibits or discourages the use of [~~these symbols~~] accurate,
19 appropriate, and authentic Hawaiian names and words, as required
20 by this section, shall be void.

21 (b) Hawaiian names and words shall be deemed accurate,
22 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 Kaiao: 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 6. Section 5-6.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "~~[H]~~§5-6.5~~[H]~~ **State language.** (a) The Hawaiian language
20 is the native language of ~~[Hawaii]~~ Hawai'i and ~~[may]~~, effective
21 January 1, 2014, shall be used on all emblems and symbols
22 representative of the State, its departments, agencies, and



1 political subdivisions[-]; provided that for emblems and symbols
2 existing on January 1, 2014, conformance with this section may
3 be delayed until a replacement for the emblem or symbol
4 otherwise is required.

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

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

10 PART III

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 upon its approval.

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INTRODUCED BY:

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Report Title:

Hawaiian Language; Month; February; Public Documents;
Letterhead; Symbols

Description:

Designates the month of February as "Ōlelo Hawai'i Month" to celebrate and encourage the use of Hawaiian language. Requires that all letterheads, documents, symbols, and emblems of the State and other political subdivisions include accurate and appropriate Hawaiian names and language. 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.

