

# SB 236

Measure Title: RELATING TO THE HAWAIIAN LANGUAGE.

Report Title: Hawaiian Language; Public Documents; Letterhead; Symbols; Emblems

Description: Requires that all letterheads, documents, symbols, and emblems of the State and counties 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. Takes effect 1/1/2014.

Companion:

Package: None

Current Referral: THA, WAM

Introducer(s): GALUTERIA, Baker, Kahele, Keith-Agaran, Kidani, Ruderman, Solomon

<u>Sort by Date</u>		Status Text
1/18/2013	S	Introduced.
1/18/2013	S	Passed First Reading.
1/22/2013	S	Referred to THA, WAM.
1/28/2013	S	The committee(s) on THA has scheduled a public hearing on 02-06-13 2:45PM in conference room 224.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS**

**SB 0236, Relating to the Hawaiian Language**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Director of Health**

**February 6, 2013**

1 **Department's Position:** The Department of Health concurs with the intent of SB 0236 but will need \$1  
2 million in additional funds to update our birth, death and marriage records to insure proper spelling and  
3 punctuation of Hawaiian names by January 1, 2015.

4 **Fiscal Implications:** The Department of Health's developer of the electronic database estimated in  
5 2012 that it will cost more than \$1 million to implement the requirements of SB 0236. We are  
6 proposing to raise our certified copy fees to cover the costs of incorporating diacritical marks in birth,  
7 death and marriage registration systems for all future events, but need an additional \$1 million to add  
8 diacritical marks to Hawaiian names on birth, death and marriage records that were recorded prior to  
9 January 1, 2015 that will be requested by those who need the records for Hawaiian entitlements.

10 **Purpose and Justification:** The Department of Health is confident that we will be in conformance with  
11 the requirements of proper spelling and punctuation of Hawaiian names on our birth, marriage and death  
12 certificates for all our future events by January 1, 2015. However, we will not be able to meet the  
13 punctuation requirements for birth, marriage and death records dating back as far as 1850. When we  
14 computerized these records needed for Hawaiian entitlements, the technology to capture Hawaiian

1 diacritical marks were very limited. The technology now exist and the IT experts estimate we will need  
2 \$1 million to add Hawaiian diacritical marks on or birth, marriage and death records.

3

4 We concur with the intent of SB 0236 but need funds to update our old records to conform to the bill's  
5 requirements.



**SB236**  
**RELATING TO HAWAIIAN LANGUAGE**  
Senate Committee on Tourism and Hawaiian Affairs

February 6, 2013

2:45 p.m.

Room 224

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The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB236, which requires that all letterheads, documents, symbols, and emblems of the State and its political subdivisions include accurate and appropriate Hawaiian names and language.

The use of accurate and appropriate Hawaiian names and language, as required by SB236, would have a negligible financial impact on the State because corrections would only have to occur when the document, letterhead, symbol or emblem requires replacement or reprinting, or otherwise requires revision. Therefore, the cost of this action is far outweighed by the benefit of reflecting the appropriate level of respect and recognition that should be directed towards one of the two official languages of the state.

We request that the bill be amended to address an issue raised to us by a beneficiary. This beneficiary, who has connections to Ni‘ihau, has concerns that the bill’s language resources used to determine the accurate spelling of Hawaiian words – listed in lines 1-9 on page 12 of the bill – are too limited and would not necessarily reflect the correct spelling of the Ni‘ihau dialect.

OHA respectfully requests that the Committee amend SB236 to address this concern and then **PASS** the bill. Mahalo for the opportunity to testify on this important measure.



## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai`i 96807

Testimony of President Soulee Stroud

### **SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS**

### **SB 236 RELATING TO THE HAWAIIAN LANGUAGE**

Wednesday; February 6, 2013; 2:45pm; Room 224

Aloha Chairman Galuteria, Vice-chair Keith-Agaran and members of the committee. The Association of Hawaiian Civic Clubs supports this bill.

The Association of Hawaiian Civic Clubs (AHCC) is currently comprised of sixty nine component member clubs in Hawaii and fifteen states on the continent. The first civic club was organized in 1918 by Prince Kuhio and a group of prominent Hawaiian men when Kuhio was a Delegate to the US Congress. Kuhio recognized the need for Native Hawaiians to become more involved in the passage of the Hawaiian Homes Act then before the Congress, and to further become engaged in the intricacies of federal and local government.

However, we also strive to preserve and protect the Hawaiian culture, and a major concern over the years has been the loss of the Hawaiian language. There was a time in the distant past when civic club meetings were conducted in Hawaiian, but that diminished gradually with the loss of native speaking generations. In recent years, however, our young civic club members are proudly doing their best bring us back to our language roots as we attempt to incorporate olelo Hawaii into our meetings whenever possible.

We support this measure just as we have other Hawaiian language measures, and will do our share to assist in its success.

Thank you for the opportunity to testify.

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

**SB236**

Submitted on: 2/5/2013

Testimony for THA on Feb 6, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Annie Au Hoon, President	Kewalo Hawaiian Homestead Community Association	Support	No

## Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**SB236**

Submitted on: 2/4/2013

Testimony for THA on Feb 6, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kamakana Aquino	Individual	Support	No

Comments: Hawaiian language is an official language of Hawai'i, equal to that of English language and should be given the equal resources to adequately support 'ōlelo Hawai'i.

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**SB236**

Submitted on: 2/5/2013

Testimony for THA on Feb 6, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Crystal Kia Paul	Individual	Support	No

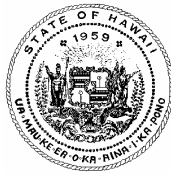
Comments: Yes to SB 236!

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NEIL ABERCROMBIE  
GOVERNOR



BARBARA A. KRIEG  
DIRECTOR

LEILA A. KAGAWA  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT**  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

February 5, 2013

TESTIMONY TO THE  
SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS

For Hearing on Wednesday, February 6, 2013  
2:45 p.m., Conference Room 224

BY

BARBARA A. KRIEG  
DIRECTOR

**Senate Bill No. 236**  
**Relating to the Hawaiian Language**

**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSON GALUTERIA, AND MEMBERS OF THE COMMITTEES:

One purpose of S.B. 236 is to require that all letterheads, documents, symbols, and emblems of the State and counties include accurate and appropriate Hawaiian names and language.

The Department of Human Resources Development (DHRD) **respectfully opposes** this bill.

DHRD recognizes that there is great value in the bill's intent. However, the fiscal impact of having all of our public documents and forms translated in-part or in total into Hawaiian would be cost prohibitive.

Thank you for the opportunity to testify in opposition to S.B. 236.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2013**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 236, RELATING TO THE HAWAIIAN LANGUAGE.

**BEFORE THE:**

SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 6, 2013 **TIME:** 2:45 p.m.

**LOCATION:** State Capitol, Room 224

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General

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Chair Galuteria and Members of the Committee:

The Department of the Attorney General submits this testimony to address the concerns the Department raised and the Governor cited, when a similarly worded bill, H.B. No. 1984 was being considered by the Legislature and was vetoed by the Governor last year.

The purpose of this bill is to assure that Hawaiian names and words included in documents, letterhead, emblems, and symbols prepared by or for state and county agencies and officials, are correctly spelled, punctuated, and diacritically marked.

To respond specifically to the concerns raised by both the Department and the Governor about H.B. No. 1984 last year, an additional subsection (c) should be added to the amendment to section 1-13.5, HRS, made in section 2 of the bill, to make clear that a misspelled or incorrectly punctuated or diacritically marked Hawaiian name or word in a document or letterhead will not invalidate or limit the enforceability of the provisions of the document. We recommend that the subsection (c) that is added be worded as follows:

(c) A Hawaiian name or word within a document or letterhead subject to this section that is misspelled, or incorrectly punctuated or diacritically marked shall not be deemed to invalidate the document or render its provisions unenforceable. No cause of action shall arise against the State, a county, or any state or county agency, official, or employee for any Hawaiian name or word that is misspelled or incorrectly punctuated or diacritically marked.

In addition to pointing out that the consequences of incorrectly spelling, punctuating, or diacritically marking a Hawaiian name or word needs to be clearly stated, in vetoing H.B. No. 1984, Governor Abercrombie expressed concern that the Legislature had not fully appreciated

nor addressed how much time and resources would either have to be added, or redirected away from existing duties and responsibilities, to properly implement that bill. In the Statement of Objections to H.B. No. 1984, the Governor wrote:

The bill has laudable . . . goals. However, the bill is so broad that it does not take into account the number of instances that Hawaiian words, particularly place names, are included in the myriad of documents state and county agencies type, print, or handwrite every day. Nor does the bill adequately address the resources required to assure that all Hawaiian words are spelled, punctuated, and diacritically marked correctly.

While these are not legal concerns, we would be remiss if we did not point out that the Governor cited them as a second reason for vetoing H.B. No 1984.