

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO HAWAIIAN AS AN OFFICIAL LANGUAGE OF THE STATE OF  
HAWAI'I.

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

1           MAHELE 1. Ma ka 'Aha 'Elele Hana Kumukānāwai o Hawai'i i ka  
2 makahiki 1978, ua ho'olale ke Kōmike Kuleana Hawai'i he ho'ololi  
3 'ōlelo pāku'i i ho'opa'a 'ia ma ka Paukū XV, §4 o ke Kumukānāwai o  
4 ka Moku'āina 'o Hawai'i, 'o ka 'ōlelo Hawai'i, he 'ōlelo kūhelu o ka  
5 Moku'āina 'o Hawai'i. Ua mana'o ke Kōmike he pono ka lilo 'ana o  
6 ka 'ōlelo Hawai'i i 'ōlelo kūhelu o Hawai'i i mea e ho'ohanohano  
7 pono ai i ka mo'omeheu 'ōiwi o Hawai'i i ili mai i nā lāhui a pau  
8 o Hawai'i nei.

9           Eia hou, ho'omaopopo ka 'Aha'ōlelo, ke ho'oikaika nei nā  
10 aupuni o nā 'āina 'ē i nā pono o nā lāhui 'ōiwi ma 'ō a 'ō o ka  
11 honua. I ka makahiki 2007, ua 'āpono 'ia ka Hō'ike no nā Pono o  
12 nā Lāhui 'ōiwi e ka 'Aha Aupuni Hui Pū 'Ia. I ka makahiki 2011, ua  
13 pūlima ka Pelekikena o 'Amelika Hui Pū 'Ia i ia Hō'ike. Ma ka  
14 paukū 13 o ka Hō'ike, 'ōlelo 'ia:

15           "1. Indigenous peoples have the right to revitalize, use,  
16           develop and transmit to future generations their



1 histories, languages, oral traditions, philosophies,  
2 writing systems and literatures, and to designate and  
3 retain their own names for communities, places and  
4 persons.

5 2. States shall take effective measures to ensure that  
6 this right is protected and also to ensure that  
7 indigenous peoples can understand and be understood in  
8 political, legal and administrative proceedings, where  
9 necessary through the provision of interpretation or  
10 by other appropriate means."

11 MAHELE 2. E ho'ololi 'ia ka Mahele 1-13 o nā 'Ōlelo Kūpa'a  
12 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

13 "§1-13 Official languages. English and Hawaiian are the  
14 official languages of Hawaii. Whenever there is found to exist  
15 any radical and irreconcilable difference between the English  
16 and Hawaiian version of any of the laws of the State, the  
17 English version shall be held binding[-]; provided that if the  
18 law in question was originally drafted in Hawaiian and the  
19 English version was translated based on the Hawaiian version,  
20 the Hawaiian version shall be held binding. Hawaiian shall not  
21 be required for public acts and transactions."



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1 MAHELE 3. E ho'ololi 'ia ka Mahele 1-13.5 o nā 'Ōlelo Kūpa'a  
2 Ho'oponopono Hou 'Ia o Hawai'i e heluhelu 'ia penei:

3 "§1-13.5 Hawaiian language; spelling. [~~Macrons and~~  
4 ~~glottal stops may~~] (a) 'Okina and kahakō shall be used in the  
5 spelling of words or terms in the Hawaiian language, when  
6 appropriate, in documents prepared by or for state or county  
7 agencies or officials[-]; provided that any document submitted  
8 to state or county agencies or officials by members of the  
9 general public shall not require the use of 'okina and kahakō.  
10 Any rule, order, policy, or other act, official or otherwise,  
11 that prohibits or discourages the use of these symbols shall be  
12 void.

13 (b) An 'okina, or glottal stop, shall be represented as a  
14 left single quotation mark. A kahakō elongates vowel sounds and  
15 shall be represented as a macron over a vowel."

16 MAHELE 4. 'O nā mea kāpae 'ia, aia i loko o nā kahaapo  
17 kihikihi a ua kahawaena 'ia. 'O nā mea hou, ua kahalalo 'ia.

18 MAHELE 5. E ka'a ana kēia kānāwai ma kona 'āpono 'ia.

19 (English Translation)

20 SECTION 1. The legislature finds that at the  
21 Constitutional Convention of Hawai'i of 1978, the committee on



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1 Hawaiian affairs proposed the constitutional amendment that is  
2 now enshrined in article XV, section 4 of the Hawai'i State  
3 Constitution, which establishes Hawaiian as an official language  
4 of the State of Hawai'i. The committee felt it necessary to  
5 include this amendment in the constitution "in order to give  
6 full recognition and honor to the rich cultural inheritance that  
7 Hawaiians have given to all ethnic groups of the State."

8 The legislature further recognizes its contribution to the  
9 growing international movement for the protection of the rights  
10 of the world's indigenous peoples through passage of this Act.  
11 In 2007, the United Nations adopted the United Nations  
12 Declaration on the Rights of Indigenous Peoples. In 2011, the  
13 United States became signatory on the Declaration. Article 13  
14 of the Declaration states:

15 "1. Indigenous peoples have the right to revitalize, use,  
16 develop and transmit to future generations their  
17 histories, languages, oral traditions, philosophies,  
18 writing systems and literatures, and to designate and  
19 retain their own names for communities, places and  
20 persons.



1           2. States shall take effective measures to ensure that  
2           this right is protected and also to ensure that  
3           indigenous peoples can understand and be understood in  
4           political, legal and administrative proceedings, where  
5           necessary through the provision of interpretation or  
6           by other appropriate means."

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

9           "**§1-13 Official languages.** English and Hawaiian are the  
10 official languages of Hawaii. Whenever there is found to exist  
11 any radical and irreconcilable difference between the English  
12 and Hawaiian version of any of the laws of the State, the  
13 English version shall be held binding[-]; provided that if the  
14 law in question was originally drafted in Hawaiian and the  
15 English version was translated based on the Hawaiian version,  
16 the Hawaiian version shall be held binding. Hawaiian shall not  
17 be required for public acts and transactions."

18           SECTION 3. Section 1-13.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20           "~~[†]§1-13.5 [†]~~ **Hawaiian language; spelling.** [~~Macrons and~~  
21 ~~glottal stops may]~~ (a) 'Okina and kahakō shall be used in the



1 spelling of words or terms in the Hawaiian language, when  
 2 appropriate, in documents prepared by or for state or county  
 3 agencies or officials[-]; provided that any document submitted  
 4 to state or county agencies or officials by members of the  
 5 general public shall not require the use of 'okina and kahakō.  
 6 Any rule, order, policy, or other act, official or otherwise,  
 7 that prohibits or discourages the use of these symbols shall be  
 8 void.

9 (b) An 'okina, or glottal stop, shall be represented as a  
 10 left single quotation mark. A kahakō elongates vowel sounds and  
 11 shall be represented as a macron over a vowel."

12 SECTION 4. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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*[Handwritten Signature]*

INTRODUCED BY:

*Kal Rhoak*  
*[Handwritten Signature]*  
*[Handwritten Signature]*



# S.B. NO. 195

**Report Title:**

Hawaiian Language; State Law; Public Documents

**Description:**

Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian and then translated into English. Requires that 'okina and kahakō be used, when appropriate, in documents prepared by or for state or county agencies or officials.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

