



SB711
RELATING TO HAWAIIAN LANGUAGE
Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo

Pepeluali 24, 2021

9:31 a.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB711, which requires that all newly created, replaced, or reprinted state and county documents, letterheads, symbols, and emblems contain accurate, appropriate, and authentic Hawaiian names and language usage.

Although once spoken throughout Hawai‘i by Native Hawaiians and foreigners alike, ‘Ōlelo Hawai‘i was thought to be nearly extinct by the 1980s, when fewer than 50 fluent speakers under the age of 18 were left. A major reason for the deterioration of the Hawaiian language was an 1896 law that required English instruction in Hawai‘i schools, which functioned to ban the speaking of the Hawaiian language by keiki, and contributed to the further loss of the language among adults and in home environments.

Fortunately, great strides have been made over recent decades, to bring about a renaissance of the Hawaiian language. In 1978, the Hawai‘i Constitution was amended to recognize the Hawaiian language as an official language of the State along with English, making Hawai‘i the first state in the union to recognize its native language as an official state language. Subsequent efforts and programs such as ‘Aha Pūnana Leo’s Hawaiian language immersion pre-schools, the Department of Education’s Ka Papahana Kaiapuni Hawaiian language immersion program, and the Hawaiian language programs of the University of Hawai‘i system have since helped to substantially revitalize ‘Ōlelo Hawai‘i in the Hawaiian Islands.

However, although there is much momentum in the revitalization of the Hawaiian language, for ‘Ōlelo Hawai‘i to thrive, rather than simply survive, its usage must be normalized. SB711 could further the normalization of ‘Ōlelo Hawai‘i by requiring the use of proper Hawaiian spelling and punctuation in official state and county documents, letterheads, symbols, and emblems, and in the process, reflect the deserved respect for the co-official language of Hawai‘i.

OHA notes that the use of accurate, appropriate, and authentic Hawaiian names and language, as required by this bill, 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 negligible cost of this action is far outweighed by the benefits realized by further revitalizing our islands’

linguistic heritage, and providing an appropriate level of official respect and recognition that should be directed towards one of the official languages of the State.

Therefore, OHA urges the Committee to **PASS** SB711. Mahalo for the opportunity to testify on this important measure.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 711, RELATING TO HAWAIIAN LANGUAGE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Wednesday, February 24, 2021 **TIME:** 9:31 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Craig Y. Iha,
Deputy Attorney General, at 587-2978)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

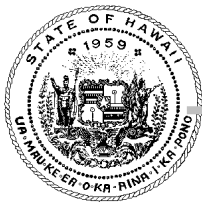
The purpose of this bill is to require all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to use accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. The bill provides that any misspelled or incorrectly punctuated Hawaiian names or words within a document or letterhead shall not invalidate the document or render it unenforceable. The bill further provides that no cause of action shall arise against the State, any county, or state or county agency, official, or employee for any Hawaiian names and words that are misspelled or incorrectly punctuated.

Section 3 on page 6, lines 6 to 8, of the bill proposes to amend section 1-13.5, Hawaii Revised Statutes, to require the use of "accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation" in government documents and letterheads. However, the new subsection (c) being added to section 1-13.5 on page 7, lines 10 to 16, of the bill, only provides that "words that are misspelled or incorrectly punctuated" will not render the document invalid or unenforceable, or create a cause of action against the State, counties, or their officers or employees. For consistency and clarity, we suggest amending the new subsection

(c) on page 7, lines 10 to 16, of the bill to encompass all of the bill's requirements, as follows:

Any Hawaiian names and words [~~that are misspelled or incorrectly punctuated~~] within a document or letterhead subject to this section that are not accurate, appropriate, or authentic, including improper Hawaiian spelling or punctuation, shall not be deemed to invalidate the document or render it unenforceable. No cause of action shall arise against the State, any county, or any state or county agency, official, or employee for any Hawaiian names and words that are [~~misspelled or incorrectly punctuated.~~] not accurate, appropriate, or authentic, including improper Hawaiian spelling or punctuation.

Thank you for the opportunity to provide comments on this bill.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 24, 2021
Videoconference, 9:31 a.m.

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

From: Liann Ebesugawa, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 711

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 711 would amend the HRS § 1-13.5 to require all letterheads, documents, symbols, and emblems of the State and other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation. The bill establishes references for accurate, appropriate, and authentic Hawaiian names and words, including proper Hawaiian spelling and punctuation. It also clarifies that bills and other official documents are not required to be written in Hawaiian and that incorrect Hawaiian words and names shall not invalidate the documents or render them unenforceable and no cause of action shall arise accordingly.

Our State Constitution establishes that both Hawaiian and English are the official

languages of the State (State Constitution, Article XV, § 4).

Language is closely tied to culture and identity. Indeed, language rights are specifically recognized and protected in Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples:

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

It is important and appropriate that the State of Hawai‘i take action to respect and promote the use of the Hawaiian language as required in this bill. **The HCRC supports S.B. No. 711.**



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Date: Wednesday, February 24, 2021 Time: 9:31 a.m. Place: Via Videoconference

Testimony of Kūpuna for the Mo'opuna

SB 711 – RELATING TO HAWAIIAN LANGUAGE. **SUPPORT**

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in support of SB 711.**

SB 711 will require all letterheads, documents, symbols, and emblems of the State and all other political subdivisions that include Hawaiian words or names to include accurate and appropriate Hawaiian names, spelling, and punctuation. As one of Hawai'i's two official languages, we appreciate the legislature enacting measures that affirm the protection and normalization of the Hawaiian language.

We urge this Committee to PASS SB 711. Mahalo.

Ua mau ke ea o ka 'āina i ka pono!

STRONG SUPPORT FOR SB711

Daniel Lee

Chair Rhoads
Committee on Judiciary
Hawaii State Capitol
Room 204

Chair Rhoads, members,

This is an important gesture to ensure we are giving the official language of Hawai'i its proper place in society.

I ask, when our keiki take home letters from their principal and see 'ōlelo written within the letterhead under the state seal, will that not demonstrate the importance that 'ōlelo has in our state? Does it not send the message to the next generation that 'ōlelo is no longer the language which their grandparents were not allowed to speak, no longer a second-class tokenized language, that would have fallen into extinction like so many indigenous languages but for the tireless works of cultural practioners?

Researchers estimate that literacy in the Hawaiian Kingdom was up to 98% in the 1800s, prompting one of the famous mottos of Kamehameha III, "He aupuni palapala ko'u" or, "mine is the kingdom of education." 'Ōlelo was the boast of the nation.

Let us restore the language. With language comes understanding of values, place names, and is the way to make things right. **Let us envision a future in which 'ōlelo is common place.**

I humbly thank you for your consideration.

Warm regards,

Daniel Lee

TESTIMONY IN STRONG SUPPORT of SB711 Relating to the HAWAIIAN LANGUAGE

Chair Karl Rhoads
Committee on Ways and
Means 415 S. Beretania Street
Honolulu, HI 96813

Mahalo piha Chair Karl Rhoads and Committee Members for hearing this bill.

I write in **strong support** for restoring the language of this land in prominent places and communications of our state.

As the 'ōlelo noeau goes:

“I ka 'ōlelo nō ke ola, i ka 'ōlelo nō ka make”

Pukai #1191

In words there is life, in words there is death

In language there is life, in language there is death


My only request is that this bill be made much more broader, to follow the **Māori Language Act 1987** in Aotearoa which allowed Māori to be used in courts, to have legal precedent, and establish a commission on the Māori language which perpetuates the languages and provides advice on its use. The state should also codify **Article 13 of the UN Declaration on the Rights of Indigenous Peoples**, which reads:

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

and

2. States shall take effective measures to ensure that these rights are protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.”¹

¹ <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>




The UNDRIP was originally voted down by the United States on September 2007 under the Bush Administration. Under President Obama this vote was reversed which the State Department describes, "...While not legally binding or a statement of current international law—has both moral and political force. It expresses both the aspirations of indigenous peoples around the world and those of States in seeking to improve their relations with indigenous peoples."²

Thank you for your consideration.

With Aloha,

Rikako Ishiki

² <https://2009-2017.state.gov/documents/organization/184099.pdf>



LATE

Chair Rhoads and Members of the Committee:

I am writing in support of SB711 which supports the revitalization of ‘Ōlelo Hawai‘i to be integrated, corrected, and utilized into our documentation and letterhead. I am a current University of Hawai‘i at Mānoa student in the Masters of Social Work program, Preschool teacher for an all-Hawaiian agency, and Intern at an all-Hawaiian social services agency.

In my work, I utilize ‘ōlelo in my everyday vocabulary. I work with students with long, beautiful Hawaiian first names and I aspire to be one of MANY teachers that pronounce that child's name correctly. In our training to stay updated with the best practices of teaching young keiki, part of being there for them is being fluent in ‘ōlelo. Why? Because that is who they are. They are their language, their culture, their land. That’s who WE are. We are Hawai‘i and they speak Hawaiian.

This bill supports the current social movements, encouraging our lāhui identity as kanaka. As a student, I grew up seeing “Ua mau ke ea o ka aina i ka pono” everywhere, no correct punctuation and actually, sometimes completely misspelled. It's not aina, it's ‘āina. Hawaiian language and culture is more than the show we put on for tourists, and we need to validate the existence of this culture beyond “Aloha.” I’ve had teachers not be able to pronounce my name (Alohilani) and feel like it was wrong to be Hawaiian in Hawai‘i. This is not a unique experience, many young Hawaiians struggle with this sense of identity that is rooted in our usage and familiarity with our language. ‘Ōlelo is acknowledged as an official language of the State of Hawai‘i. This bill is just one step in the right direction to correct misspellings and really work to integrate ‘Ōlelo, a recognized language, in our documentations. ‘Ōlelo is not just aloha and mahalo, it goes beyond the few vocab words you see on the billboards, it’s poetic, powerful, and important to utilize.

Reading through the bill, I was very impressed with the fact that this is something we are talking about right now and I am grateful for this opportunity to testify in **support of this bill**. Mahalo for your time today.

Warmest regards,

‘Ālohilani

Jayci Gomes, BSW
Thompson School of Social Work
MSW Candidate, Child and Family

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