

ACT 170

H.B. NO. 2491

A Bill for an Act Relating to the Hawaiian Language.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the Hawaiian language is Hawai'i's indigenous and first language, as well as the original language of Hawai'i's executive, judicial, and legislative branches. During his reign, King Kamehameha III famously declared, "He aupuni palapala ko'u", or "Mine is the kingdom of education", in reference to the high literacy rate in the Kingdom of Hawai'i. This level of literacy continued into the 1900s, as 95.3 per cent of Native Hawaiians were literate, according to the 1910 United States Census. However, due to a myriad of political, economic, and social pressures, the Ha-

waiian language was materially marginalized, leading to its atrophy and eventual formal and practical exclusion from public and civic spaces. Nevertheless, due to the Hawaiian language community's efforts and resilience, the existence of the Hawaiian language has been maintained and its vitality restored for future generations.

The legislature recognizes that Hawaiian language practitioners generally employ two written orthographies, namely unmarked language and marked language. The unmarked orthography was the first writing system of Hawaiian language. The marked orthography, which includes the kahakō and 'okina, was created as a means to help learners of Hawaiian language determine when to elongate a vowel or where to insert a glottal stop. The intent of this measure is not to claim the superiority of one version of orthography over the other, or to invalidate communities with an unbroken lineage of Hawaiian speakers who do not follow contemporary Hawaiian writing or structures, as communities such as these are vital to Native Hawaiian culture and the State as a whole. Rather, the intent of this measure is to establish a standard for the spelling and punctuation of Hawaiian names and words when they appear in letterhead created by state and county agencies for the purposes of consistency and uniformity. Furthermore, this Act is intended to provide equal support and standing for both native speakers and second language speakers of Hawaiian language.

Additionally, the intent of this Act is not to require that legislative bills and other official documents be written in Hawaiian as well as English; rather, if letterhead prepared by or for state or county agencies or officials contain Hawaiian names and words, this Act only requires that the Hawaiian names and words be written in a consistent manner. This measure further clarifies that Hawaiian spelling not in conformance with the standards established by this measure will not invalidate an official document, nor will it allow a cause of action to arise. Finally, this Act requires a Hawaiian translation of the name of certain designated state officials to be prominently displayed on their respective official websites.

Accordingly, the purpose of this Act is to require all:

- (1) Letterhead of the State and counties that include Hawaiian names and words to include Hawaiian names, words, and spelling consistent with certain references; and
- (2) Official letterhead stationary and websites of designated state officials to include the Hawaiian translation of the office's or department's name.

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

~~“[§1-13.5] Hawaiian language; spelling. (a) [Macrons and glottal stops] Kahakō and 'okina~~ may be used in the spelling of words or terms in the Hawaiian language in documents prepared by or for state or county agencies or officials.

(b) Effective July 1, 2023, any letterhead prepared by or for state or county agencies or officials that contains names or words in the Hawaiian language shall use and spell the names and words consistently; provided that revisions to conform any letterhead existing before July 1, 2023, to the requirements of this section may be implemented when the letterhead requires replacement, reprinting, or otherwise requires revision.

(c) Any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of ~~[these symbols] kahakō and 'okina or the consistent use and spelling of Hawaiian names and words, as provided by this section,~~ shall be void.

(d) For the purposes of consistency, any Hawaiian names and words used in letterhead subject to subsection (b) shall be printed in conformance with:

- (1) “Hawaiian Dictionary: Hawaiian-English, English-Hawaiian”, by Mary Kawena Pukui and Samuel H. Elbert, University of Hawai‘i Press, copyright 1986;
 - (2) Any other commonly used Hawaiian-language dictionary;
 - (3) “Place Names of Hawaii”, by Mary Kawena Pukui, Samuel H. Elbert, and Esther T. Mookini, University of Hawai‘i Press, copyright 1974, as revised and expanded in 1976;
 - (4) Consultations from members of the Hawaiian-speaking language community, including native speakers;
 - (5) Consultations with the Hawaii board on geographic names for the names and spellings of geographic features in Hawaii; or
 - (6) The Hawaiian newspaper collection Nupepa Olelo Hawaii.
- (e) Violation of this section shall not invalidate any document or render it unenforceable and shall provide no cause of action against the State; any county; or any state or county agency, official, or employee.

(f) If, in any document covered by this section, there is a conflict between words used by native speakers and second language speakers, two versions of the document may be made available to the public upon request if the affected department has sufficient resources.

(g) For the purpose of this section, “native speakers” means speakers of the Hawaiian language who come from an unbroken lineage of primary speakers of the Hawaiian language.”

SECTION 3. Section 5-6.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§5-6.5]]~~ State language. (a) The Hawaiian language is the native language of Hawaii and may be used on all emblems and symbols representative of the State~~;~~ and its departments, agencies, and political subdivisions.

(b) The governor, lieutenant governor, state legislators, and heads of the principal departments shall prominently display a Hawaiian translation of the name of their respective office or department at least once on the main page of their official website and in the letterhead of their stationary.

(c) This section shall not be construed to require the full text of legislative bills and other official documents to be written in Hawaiian.”

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

SECTION 5. This Act shall take effect on July 1, 2022.

(Approved June 27, 2022.)