



GOV. MSG. NO. 1392

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

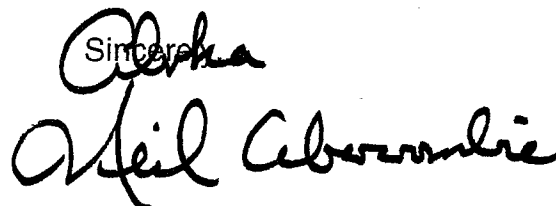
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith HB1984 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB1984 SD1 CD1

RELATING TO HAWAIIAN LANGUAGE.

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2012

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1984

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1984, entitled "A Bill for an Act Relating to Hawaiian Language."

The two purposes of this bill are to: (1) establish February as "Ōlelo Hawai'i Month"; and (2) celebrate and encourage the use of the Hawaiian language by, among other things, requiring that effective January 1, 2013, all Hawaiian words that are included in documents and letterhead prepared by or for state and county agencies and officials, and all emblems and symbols representative of the State, its departments, agencies, and political subdivisions, are properly spelled, punctuated, and diacritically marked.

This bill has laudable and aspirational 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.

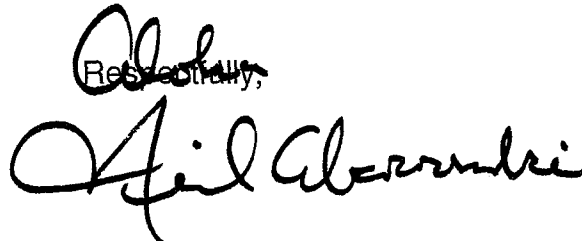
Additionally, the consequences of not properly spelling, punctuating, or diacritically marking a Hawaiian word used in a document a state or county agency prepares are unclear. Words used in a document prepared by a government agency should be accurate, appropriate, and spelled and diacritically marked correctly. However, despite proofreading and spell-checks, documents state and county agencies prepare may include words that are misspelled or incorrectly marked diacritically. State and county agencies routinely prepare documents that are, or could be legally

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 1984
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significant. Given this reality, it would be imprudent to implement this measure without knowing the effect of a misspelled word in a contract, deed, order, or judgment a state or county agency or court prepares, because of the possibility that such documents might be rendered invalid or unenforceable.

Alternatively, February will be designated "Ōlelo Hawai'i Month" by proclamation. Furthermore, a working group will be established to evaluate these issues, and determine how to implement these goals without creating unnecessary challenges.

For the foregoing reasons, I am returning House Bill No. 1984 without my approval.

Respectfully,
Neil Abercrombie

NEIL ABERCROMBIE
Governor of Hawaii

ORIGINAL

VETO

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 1984
S.D. 1
C.D. 1

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 kāmāwai o ka makahiki 1896 i ho'onoho i ka
10 'ōlelo pelekānia '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 kāmāwai ho'ōla 'ōlelo Hawai'i a me nā hana
15 huliāmahi e ho'ōulu 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.

HB1984 CD1 HMS 2012-3726



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'ōia'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



1 (English translation of PART I)

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

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

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

17 In addition, in 1978, the Hawaii constitution was amended
18 to recognize the Hawaiian language as one of the two official
19 languages of the State.

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



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

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

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

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

20 SECTION 2. Chapter 8, Hawaii Revised Statutes, is amended
21 by adding a new section to be appropriately designated and to
22 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'ouia 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 Hawaii 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 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,
11 to contain accurate, appropriate, and authentic Hawaiian names
12 and language.

13 SECTION 4. Section 1-13.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§1-13.5[+] **Hawaiian language; spelling.** [~~Macrons and~~
16 ~~glottal stops may be used in the spelling of words or terms in~~
17 ~~the Hawaiian language in] (a) Effective January 1, 2013, all
18 documents and letterheads prepared by or for state or county
19 agencies or officials[-] shall include accurate, appropriate,
20 and authentic Hawaiian names and words, including proper
21 Hawaiian spelling and punctuation, including but not limited to
22 macrons and glottal stops that punctuate the English word to~~



1 which they relate; provided that any revision to conform any
2 document or letterhead existing on or before January 1, 2013, to
3 the requirements of this section, may be implemented when the
4 document or letterhead requires replacement or reprinting, or
5 otherwise requires revision. Any rule, order, policy, or other
6 act, official or otherwise, that prohibits or discourages the
7 use of [~~these symbols~~] accurate, appropriate, and authentic
8 Hawaiian names and words, as required by this section, shall be
9 void.

10 (b) Hawaiian names and words shall be deemed accurate,
11 appropriate, and authentic when printed in conformance with:

12 (1) "Hawaiian Dictionary: Hawaiian-English, English-
13 Hawaiian", by Mary Kawena Pukui and Samuel H. Elbert,
14 University of Hawai'i Press, copyright 1986;

15 (2) "Māmake Kaiao: A Modern Hawaiian Vocabulary",
16 developed by the Kōmike Hua'ōlelo, the Hawaiian Lexicon
17 Committee; or

18 (3) "Place Names of Hawaii", by Mary Kawena Pukui, Samuel
19 H. Elbert, and Esther T. Mookini, University of Hawai'i
20 Press, copyright 1974."



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

3 "~~§~~5-6.5~~§~~ State language. (a) The Hawaiian language
4 is the native language of ~~[Hawaii]~~ Hawai'i and ~~[may]~~, effective
5 January 1, 2013, shall be used on all emblems and symbols
6 representative of the State, its departments, agencies, and
7 political subdivisions~~[-]~~; provided that for emblems and symbols
8 existing on January 1, 2013, conformance with this section may
9 be delayed until a replacement for the emblem or symbol
10 otherwise is required.

11 (b) The Hawaiian language as used on all emblems and
12 symbols shall be in conformance with the requirements of section
13 1-13.5(b)."

14 PART III

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.

APPROVED this day of , 2012

GOVERNOR OF THE STATE OF HAWAII

