

Honolulu, Hawaii

FEB 7 - 2019

RE: S.B. No. 642
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred
S.B. No. 642 entitled:

"A BILL FOR AN ACT RELATING TO HAWAIIAN AS AN OFFICIAL
LANGUAGE OF THE STATE OF HAWAI'I,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Support the cultural inheritance of Hawaiians by codifying parts of the United Nations Declaration on the Rights of Indigenous Peoples into the Hawaii Revised Statutes and ensuring that Hawaiian language can be used in political, legal, and administrative proceedings in Hawaii; and
- (2) Require that Hawaiian be used for public acts and transactions, 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, and that 'okina and kahakō shall be used, when appropriate, in documents prepared by state or county agencies or officials.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Council for Native Hawaiian Advancement; Kamehameha Schools; Ke Kula 'O Nāwahīokalani'ōpu'u Iki



Lab Public Charter School; 'Aha Pūnana Leo, Inc.; Pūnana Leo o Hāna; Pūnana Leo o Hilo; Pūnana Leo o Honolulu; Pūnana Leo o Kaua'i; Pūnana Leo o Kona; Pūnana Leo o Ko'olau Poko; Pūnana Leo o Lahaina; Pūnana Leo o Mānoa; Pūnana Leo o Maui; Pūnana Leo o Moloka'i; Pūnana Leo o Wai'anae; Pūnana Leo o Waimea; Ke One O Kākuhihewa-O'ahu Council; and over thirty-five individuals. Your Committee received testimony in opposition to this measure from the Center for Hawaiian Sovereignty Studies. Your Committee received comments on this measure from four individuals.

Your Committee finds that the State of Hawaii has long aspired to preserve the rich cultural heritage of Native Hawaiians. Hawaii is part of a growing international movement to preserve the world's indigenous heritage, as demonstrated by the almost universal acceptance of the United Nations Declaration on the Rights of Indigenous Peoples. However, your Committee finds that while Hawaiian was established as an official language of the State of Hawaii in the State's constitution as early as 1978, English continues to predominate in documents prepared by state or county agencies. Furthermore, Hawaiian language access to government functions remains limited.

This measure, therefore, reinforces the parity of Hawaiian language with the English language by requiring Hawaiian for public acts and transactions, by ensuring that laws drafted in Hawaiian shall be binding over English translations, and by requiring, if appropriate, the use of Hawaiian diacritical marks in documents prepared by or for state or county agencies. Your Committee notes testimony clarifying that diacritical marks such as 'okina and kahakō are not utilized by Hawaiian language native speakers but were developed as a tool to teach Hawaiian to second language learners. Your Committee seeks to ensure that any text by Hawaiian language native speakers shall not be required to use diacritical marks.

Your Committee has amended this measure by:

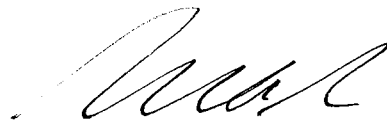
- (1) Clarifying that not only Native Hawaiians but all others shall be provided interpretation or other necessary services to ensure they are able to use the Hawaiian language in political, legal, and administrative proceedings;



- (2) Clarifying that 'okina and kahakō are required to be used in the spelling of words or terms in the Hawaiian language, when appropriate, in documents prepared by or for state or county agencies or officials, except when the Hawaiian text is by and for the benefit of native speakers of Hawaiian;
- (3) Clarifying that any rule, order, policy, or other act, official or otherwise, that prohibits or discourages the use of 'okina and kahakō, except those specifically designed for the benefit of Native Hawaiian speakers, shall be void;
- (4) Expanding the role of the Office of Language Access to include providing Hawaiian language speakers with access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government and covered entities; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 642, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 642, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Hawaiian Affairs,

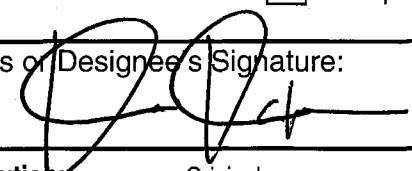


MAILE S.L. SHIMABUKURO, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Hawaiian Affairs
HWN

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|--|--|-------------------------|-----|---------------|
| Bill / Resolution No.:* <i>SB642</i> | Committee Referral: <i>HWN, JDC</i> | Date: <i>1/29/19</i> | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| SHIMABUKURO, Maile S.L. (C) | ✓ | | | |
| KAHELE, Kaiali'i (VC) | ✓ | | | |
| IHARA, Jr., Les | ✓ | | | |
| KEOHOKALOLE, Jarrett | ✓ | | | KK |
| FEVELLA, Kurt | | | | ✓ |
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| TOTAL | 4 | | | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes