

STAND. COM. REP. NO. 6

Honolulu, Hawaii

FEB 02 2023

RE: S.B. No. 16

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 16 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require 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.

Your Committee received testimony in support of this measure  
from the Department of Land and Natural Resources, Office of  
Hawaiian Affairs, and seven individuals. Your Committee received  
testimony in opposition to this measure from one individual.

Your Committee finds that the Hawaiian language (olelo  
Hawaii) is the native language and speech of Hawaii. Beginning in  
1846, the Kingdom of Hawaii's legislature declared that all laws  
enacted were to be published in both Hawaiian and English.  
However, by 1850, English had become the language of business,  
diplomacy, and the government, leading to disputes between the use  
of languages in Hawaii's laws. In multiple court cases, the  
Hawaii Supreme Court upheld the supremacy of Hawaiian language as  
the governing law. In *Hardy v. Ruggles*, 1 Haw. 245 (1856), the  
Hawaii Supreme Court held that "where there is a radical and  
irreconcilable difference between the English and Hawaiian



language, the latter must govern, because it is the language of the country." The Kingdom of Hawaii and Territory of Hawaii published all their laws both in Hawaiian and English until 1943 when the practice of publishing laws in Hawaiian was abolished by statute.

Your Committee further finds that the Hawaii State Constitutional Convention of 1978 added Hawaiian as an official language to the Hawaii State Constitution to "give full recognition and honor to the rich cultural inheritance that Hawaiians have given to all ethnic groups of this State." Article XV, section 4, of the Hawaii State Constitution provides that "English and Hawaiian shall be the official languages of Hawaii except that Hawaiian shall be required for public acts and transactions as provided by law."

Although Hawaiian was established as an official language of the State of Hawaii through this constitutional amendment and codified in section 1-13, Hawaii Revised Statutes, the authority of the Hawaiian language in government remains limited.

Your Committee further finds that this measure could impact many laws in effect today. In 1859, the Legislature passed the Civil Code of 1859 that officially codified the existing laws (except the Penal Code of 1850), which were defective due to the many scattered and separate volumes of laws that were passed and amended since the Organic Acts of 1845-1846. The Civil Code of 1859, sought to "compare the Hawaiian and English versions of the New Code" and assimilate them as far as practicable. Notably, many of the Hawaii Revised Statutes today can be linked back to the Civil Code of 1859, including chapters 1, 4, 7, 36, 92, 107, 142, 456, 478, 502, 532-533, 551, 572, 580, 601, 605, 607, 634-635, 651, 656-657, 663, and 666-667. In addition, "ke kanawai mamalahoe," or the "law of the splintered paddle," enacted in 1782 by King Kamehameha the Great to protect the weak during wartime, remains a part of the Hawaii State Constitution to this day.

Your Committee has heard the testimony of many in support of this measure. The testifiers advocate that the measure preserves the culture and authority of the Hawaiian language, which was the first official language in the islands. This measure, therefore, reinstates the parity of the Hawaiian language with English by requiring 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.

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. 16 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



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MAILE S.L. SHIMABUKURO, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Hawaiian Affairs**  
**HWN**

Bill / Resolution No.:*	Committee Referral:	Date:
SB16	HWN.JDC	01/26/23
<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 checked="" type="checkbox"/> Pass, unamended 2312		
<input 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)	✓	
FEVELLA, Kurt (VC)	✓	
IHARA, Jr., Les	✓	
KEOHOKALOOLE, Jarrett	✓	
RICHARDS, III, Herbert M. "Tim"	✓	
<b>TOTAL</b>	5	-
-	-	-
Recommendation:		
<input checked="" type="checkbox"/> Adopted		
<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature		
Distribution:		
Original	Yellow	Pink
File with Committee Report	Clerk's Office	Drafting Agency
		Goldenrod
		Committee File Copy

\*Only one measure per Record of Votes