



The Judiciary, State of Hawai‘i
‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third State Legislature, 2026 Regular Session
Hō‘ike Mana‘o i ka ‘Aha‘ōlelo Kau Kānāwai Kanakolukūmākolu, 2026 Kau Ma‘amau

Senate Committee on Judiciary • Kōmike Kenekoa no ka Ho‘okolokolo
Senator Karl Rhoads, Chair • Kenekoa Karl Rhoads, Luna Ho‘omalū
Senator Mike Gabbard, Vice Chair • Kenekoa Mike Gabbard, Hope Luna Ho‘omalū

Friday, February 27, 2026, 10:30 a.m. • Pō‘alima, Pepeluali 27, 2026, 10:30 a.m.
Conference Room 016 & Videoconference • Lumi Kūkā Kama‘ilio 016 & Kūkā Kama‘ilio Wikiō

by • na
Johanna K. Chock-Tam
‘Ōlelo Hawai‘i Program Administrator • Kuhikuhina ‘Ōlelo Hawai‘i

Bill No. and Title • Helu a me Inoa Pila: Senate Bill No. 2314, Senate Draft 1, Relating to the Hawaiian Language.

Purpose • Kumuhana: Requires that whenever there is a difference between the English and Hawai‘i version of law that is material to its interpretation, priority shall be given to the language that aligns with the intent of the legislature as evidenced by legislative history, context, and purpose. Clarifies that Hawaiian shall not be required for public acts and transactions, but is welcomed. (SD1)

Judiciary’s Position • Ka Mana‘o o ka ‘Oihana Ho‘okolokolo:

Kāko‘o piha ka ‘Oihana Ho‘okolokolo i Pila ‘Aha Kenekoa 2314, Kāmua ‘Aha Kenekoa 1, a mahalo i ke kāko‘o mau a ka ‘Aha‘ōlelo Kau Kānāwai i ka ho‘oki‘eki‘e ‘ana i ka ‘Ōlelo Hawai‘i ma ke ‘ano he ‘ōlelo kūhelu o ka moku‘āina.

Ho‘okumu ‘o SB2314 SD1 i ke ki‘ina moakāka a kā‘oko‘a no ka ho‘oholo ‘ana i ka mana ‘ōlelo o kekahi kānāwai inā ‘oko‘a ka ‘Ōlelo Pelekania me ka ‘Ōlelo Hawai‘i. Kāpae kēia pila i ke koho puni kānāwai i ka mana ‘Ōlelo Pelekania a pani hakahaka me ke ki‘ina i kau nui ai i ke



kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai, e mālama ana i nā ‘ōlelo ‘elua me ka ho‘ohanohano kūlike ‘oiai e hō‘oia ana i ka moakāka a me ke kūpa‘a i ka wehewehe kānāwai. Ho‘ohālikelike kēia hanana me ke kumu pa‘a o ka ‘ōnaehana kānāwai, ‘o ia ho‘i kau ‘ia ka wehewehena kānāwai ma ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai.

Ho‘okūlike kēia ki‘ina iā Hawai‘i me nā ‘āina ‘ē a‘e me nā ‘ōnaehana ‘ōlelo pālua. ‘O ia ho‘i, ma ka Official Languages Act, like ka mana o nā mana ‘Ōlelo Pelekania a me ka ‘Ōlelo Palani, a ho‘omākalakala nā ‘aha ho‘okolokolo i nā ‘oko‘a ma o ka ‘imi ‘ana i ka mana‘o e kūlike loa me ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai. Nānā iā Official Languages Act (R.S.C., 1985, c. 31), ss 13-16; R. v. Daoust, 2004 SCC 6. Ua kāko‘o kēia kahua i kekahi ‘ōnaehana ‘ōlelo pālua pa‘a a maika‘i no nā makahiki he nui, e hō‘ike ana hiki i nā hoa ‘ōlelo kūhelu ke noho pū me ka maika‘i ke alaka‘i ‘ia me nā lula wehewehe moakāka.

‘Āpono ‘o SB2314 SD1 i kēia ki‘ina i hō‘oia ‘ia. Ho‘onoho kēia pila i ka ana kūpa‘a a ma‘alahi ke ho‘okō ‘ia, a ‘āpono i ke koi kumu kānāwai no ka paepae ‘ana i ka ‘Ōlelo Hawai‘i, hō‘oia i ka mālama ‘ia ‘ana o nā kānāwai ‘Ōlelo Hawai‘i me ka hiehie like, ho‘opakele i ka mahalo pāpa‘u wale me ‘ole ka hua maoli, a kāko‘o i nā hana kākau ‘ōlelo pālua o ka wā i hala a me ka wā e hiki mai ana.

Kāko‘o piha ka ‘Oihana Ho‘okolokolo i Pila ‘Aha Kenekoa 2314, Kāmua ‘Aha Kenekoa 1, a mahalo i ke kaupona o ka kōmike i kēia pila ko‘iko‘i.

* * * * *

The Judiciary strongly supports Senate Bill 2314, Senate Draft 1, and appreciates the Legislature’s continued commitment to uplifting ‘Ōlelo Hawai‘i as a co-official language of the State.

SB2314 SD1 establishes a clear and neutral method for determining which language version of a law should control when the English and Hawaiian texts differ. The measure removes the existing statutory preference for the English version and replaces it with an intent-based standard that treats both languages with equal dignity while ensuring clarity and long-term stability in statutory interpretation. This standard reflects the longstanding principle that statutory meaning is grounded in legislative intent.

This approach aligns Hawai‘i with other jurisdictions that operate within bilingual legal frameworks. For example, Canada’s Official Languages Act provides that English and French versions of federal statutes are equally authoritative, and courts resolve discrepancies by identifying the meaning that best reflects legislative intent. See Official Languages Act (R.S.C., 1985, c. 31), ss 13-16; R. v. Daoust, 2004 SCC 6. These principles have supported a well-functioning bilingual system for decades, demonstrating that co-official languages can coexist effectively when guided by clear interpretive rules.



Senate Bill No. 2314, SD1 Relating to the Hawaiian Language
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SB2314 SD1 adopts this proven model. It provides a consistent and administrable standard, affirms the constitutional mandate to promote 'Ōlelo Hawai'i, ensures that Hawaiian language laws are treated with equal dignity, avoids symbolic recognition without practical effect, and supports both past and future bilingual drafting initiatives.

The Judiciary strongly supports Senate Bill 2314, Senate Draft 1, and appreciates the committee's thoughtful consideration of this important measure.



TESTIMONY OF COMMENTS FOR SB2314
RELATING TO THE HAWAIIAN LANGUAGE

Ke Kōmike ‘Aha Kenekoa o ka Ho‘okolokolo
Ke Kapikala o Hawai‘i

Pepeluali 27, 2026

10:30AM

Lumi 016

Aloha e Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Office of Hawaiian Affairs (OHA) offers **COMMENTS** on **SB2314 SD1**, which would require that when there is a difference between the ‘Ōlelo Hawai‘i and English versions of a law, priority shall be given to the language that aligns with legislative intent. OHA commends the intent and purpose of this measure but is concerned that amendments made in the previous committee removes the “teeth” of the bill to support the ‘Ōlelo Hawai‘i as a true official State language.

‘Ōlelo Hawai‘i speakers continue to face significant challenges in their efforts to increase and normalize the use of ‘Ōlelo Hawai‘i in public spaces and communities. Article XII, section 4 of the Hawai‘i State Constitution establishes ‘Ōlelo Hawai‘i as an official state language, in recognition of the decades of systemic oppression that led to the unjust and often racially-motivated marginalization of the Native Hawaiian language, culture, and people.

However, the full spirit and intent of this Constitutional mandate has yet to be realized, as ‘Ōlelo Hawai‘i speakers continue to face significant impediments to speaking their language even in fundamental civic settings. For example, in 1994, a federal district court judge denied an ‘Ōlelo Hawai‘i speaker the opportunity to express himself in ‘Ōlelo Hawai‘i during a deposition.¹ Naturally, this judicial restriction significantly undermined the designation of ‘Ōlelo Hawai‘i as an official language of the State, and as recently as 2018, this case was cited as persuasive precedent by a Maui district court judge to deny another ‘Ōlelo Hawai‘i speaker the right to use his ‘ōlelo makuahine (mother tongue) before the court. Effectively compelling ‘Ōlelo Hawai‘i speakers to speak English, such cases stand in contravention to the mandates, policies,

¹ *Tagupa v. Odo*, 843 F. Supp. 630 (D. Haw. 1994).

and intent of various laws and other documents, including Article XII, section 4 of the Hawai‘i State Constitution; HRS § 1-13; the Native American Languages Act (NALA) of 1990;² and Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples.³

The active favoring of English over ‘Ōlelo Hawai‘i is not only isolated to the court system; it is also rooted in a history of systemic oppression that must be acknowledged, repudiated, and rectified. Notably, ‘Ōlelo Hawai‘i was the first language of Hawai‘i’s legislative, executive, and judicial branches. Many would also be surprised to know that “Hawai‘i published its laws in both Hawaiian and English until 1943.”⁴ However, policies such as the 1896 law prohibiting ‘Ōlelo Hawai‘i and requiring English to be the medium of instruction in public and private schools, the Organic Act’s subsequent mandate requiring that all legislative proceedings be conducted in English only, and a 1943 statute abolishing the practice of publishing laws in ‘Ōlelo Hawai‘i. reflect an ongoing historical movement to suppress the use of ‘Ōlelo Hawai‘i in both social and civic arenas. As illustrated by the aforementioned court cases, the legacy of systemic linguistic oppression lives on to this day; as noted in this measure, existing statutory language even explicitly states that “Hawaiian *shall not* be required for public acts and transactions” (emphasis added).⁵

For the reasons stated above, OHA respectfully urges this committee to consider our concerns as we work towards giving long-overdue “teeth” to the Constitutional vision of ‘Ōlelo Hawai‘i as a true, meaningful official language of the State.

E ola nō ka ‘Ōlelo Hawai‘i! Mahalo nui for the opportunity to testify on this critical issue.

² *Codified as* 25 U.S.C.A. §§ 2901-2906 (1990).

³ UNDRIP Art. 13, Right to Language.

⁴ Paul F. Nahoia Lucas, *E Ola Mau Kākou I ka ‘Ōlelo Makuahine: Hawaiian Language Policy and the Courts*, Hwn J. Hist. 4 (2000).

⁵ HRS § 1-13.



UNIVERSITY OF HAWAII SYSTEM
‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony
Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

LATE

Testimony Presented Before the
Senate Committee on Judiciary
February 27, 2026 at 10:30 a.m.

By
Bonnie Irwin
Chancellor
University of Hawai'i at Hilo

SB 2314 SD1 – RELATING TO THE HAWAIIAN LANGUAGE.

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The University of Hawai'i at Hilo (UH Hilo) submits testimony in **support with amendments** of SB 2314 SD1.

UH Hilo supports the core purpose of this measure and appreciates the Committee on Hawaiian Affairs' thoughtful response to concerns raised by the Judiciary. We understand that a text-origin approach may present administrative challenges when information about a law's drafting history is not consistently available, and that turning to legislative intent—as evidenced by legislative history, context, and purpose—offers a more workable and durable standard. We can support the SD1 language on that basis.

However, we respectfully flag one concern with SD1 as amended: the proposed change to HRS §1-13 that would replace “English and Hawaiian **are** the official languages of Hawaii” with “English and Hawaiian **shall be** the official languages of Hawaii.” Hawai'i State Constitution Article XV, Section 4—adopted at the 1978 Constitutional Convention—already establishes that “English and Hawaiian shall be the official languages of Hawaii.” Current HRS §1-13 appropriately reflects this reality in the present tense, acknowledging what has been constitutionally true since 1978. We are concerned it could create unintended ambiguity about the settled status of Hawaiian as an official language. We respectfully recommend retaining the current “are” language in HRS §1-13.

UH Hilo is proud to house Ka Haka 'Ula o Ke'elikōlani, the Hawaiian Language College, and to serve a large community of Hawaiian language scholars, students, and practitioners. We strongly support the bill's underlying commitment to honoring the cultural and legal significance of 'ōlelo Hawai'i, and we urge passage of SB 2314 SD1, with the amendment noted above.

Mahalo for your consideration.



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KĪWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

DATE: Friday, February 27, 2026
TIME: 10:30 AM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

To:

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

From: Alphonso Braggs, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: SB 2314 SD1 Relating to the Hawaiian Language
Testimony in SUPPORT with comments

The Hawai‘i Civil Rights Commission (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. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

SB2314 SD1 affirms the binding authority of Hawaiian language versions of laws under specific conditions. This measure is not only a legal clarification—it is a profound step toward honoring Hawai‘i’s constitutional commitment to its indigenous language and advancing civil rights for Native Hawaiians.

SB2314 SD1 Advances HCRC's Mission

The Hawai'i Civil Rights Commission (HCRC) is charged with eliminating discrimination and ensuring equal access to justice. Language access is a cornerstone of civil rights. By recognizing Hawaiian language versions of laws as binding in certain circumstances, SB2314 SD1 promotes equity by ensuring that Hawaiian speakers can rely on laws in their own language, affirms cultural and linguistic rights, consistent with HCRC's mandate to protect marginalized communities, and supports systemic fairness, reducing barriers in legal interpretation for Native Hawaiian communities.

‘Ōlelo Hawai'i is not merely symbolic, it is a living language central to identity, governance, and justice in Hawai'i. SB2314 SD1 helps to restore parity between English and Hawaiian, correcting historical suppression of the language. It strengthens cultural continuity, enabling future generations to engage with law and governance in Hawaiian. Furthermore, it aligns with global human rights standards, including Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples, which guarantees the right to use and transmit indigenous languages.

Article XV, Section 4 of the Hawai'i State Constitution declares Hawaiian an official language of the State. This is not aspirational, it is binding. SB2314 SD1 operationalizes this mandate by ensuring that when a law is drafted or reenacted in Hawaiian, that version carries legal weight. This fulfills the constitutional promise made in 1978 to “give full recognition and honor to the rich cultural inheritance that Hawaiians have given to all ethnic groups of the State.”

HCRC suggests that SB2314 SD1 be strengthened further by amendment to indicate that the law must have been “materially” amended, codified, recodified, (. . .) so

that laws that were changed in non-material, technical, or clerical ways do not sidestep the reach of SB2314 SD1.

SB2314 SD1 is a necessary and overdue measure to uphold constitutional principles, advance civil rights, and normalize the use of Hawaiian in governance.

Thank you for hearing this bill.

SB-2314-SD-1

Submitted on: 2/23/2026 8:10:53 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Strongly Oppose SB2314 SD1

Dana Keawe

SB-2314-SD-1

Submitted on: 2/24/2026 9:29:29 PM

Testimony for JDC on 2/27/2026 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support

2314 SB RELATING TO THE HAWAIIAN LANGUAGE.

DOE/CHARTER SCHOOLS CURRICULUM