



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

S.B. NO. 2314, RELATING TO THE HAWAIIAN LANGUAGE.

BEFORE THE:

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Tuesday, February 3, 2026 **TIME:** 1:10 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jung Min (Charles) Lee or Ian Robertson, Deputy Attorneys
General

Chair Richards and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill amends section 1-13, Hawaii Revised Statutes (HRS), to make the Hawaiian version of a law binding in two circumstances: (1) when a law was originally drafted in Hawaiian and translated into English, and the law has not been amended, codified, recodified, or reenacted in English; and (2) when a law was originally drafted in English and later amended, codified, recodified, or reenacted in Hawaiian.

Section 1-13, HRS, currently provides that the English version of a law is binding whenever there is any radical and irreconcilable difference between the English and Hawaiian versions of the laws of the State.

Broadly amending section 1-13, HRS, to allow a Hawaiian version of law to supersede the English version may create uncertainty in the application and interpretation of laws. Where multiple versions of a law have evolved over time, it may not always be clear which version should be treated as controlling. In addition, laws originally drafted in Hawaiian may have been amended in English over time. As a result, the bill could be interpreted to create a patchwork of controlling language with different provisions governed by different language versions.

The Department is particularly concerned with the portion of the bill that would make the Hawaiian version controlling for laws originally drafted in English but later amended, codified, recodified, or reenacted in Hawaiian. Under this approach, a later Hawaiian revision could be argued to control even if a subsequent legislature later amends the law in English. This would further increase uncertainty as to which version governs at any given time and may increase the likelihood of disputes.

The Committee may wish to consider narrowing the bill so that the Hawaiian version would be binding only for laws originally drafted in Hawaiian and translated into English, and not for laws later amended, codified, recodified, or reenacted in English.

Alternatively, the Committee could limit any Hawaiian-controls rule to prospective laws originally drafted in Hawaiian. A prospective approach would allow the public and state agencies to clearly identify which laws are subject to this rule going forward and would reduce uncertainty for older laws that have been amended over time in different languages.

Thank you for the opportunity to provide these comments.



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 i ka ‘Aha‘ōlelo Kau Kānāwai Kanakolukūmākolu, 2026 Kau Ma‘amau

Senate Committee on Hawaiian Affairs • Kōmike Kenekoa no ka Mea Hawai‘i

Senator Herbert M. "Tim" Richards, III, Chair

Kenekoa Herbert M. "Tim" Richards, III, Luna Ho‘omalū

Senator Rachele Lamosao, Vice Chair

Kenekoa Rachele Lamosao, Hope Luna Ho‘omalū

Tuesday, February 3, 2026, 1:10 p.m. • Pō‘alua, Pepeluali 3, 2026, 1:10 p.m.
Conference Room 224 & Videoconference • Lumi Kūkā Kama‘ilio 224 & Kūkā Kama‘ili 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, Relating to the Hawaiian Language.

Purpose • Kumuhana: Requires that the Hawaiian version of a law be held binding if the law in question was originally drafted in Hawaiian, or if the law was originally drafted in English and if the law was subsequently amended, codified, recodified, or reenacted in Hawaiian, and meets certain criteria.

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

Mahalo ka ‘Oihana Ho‘okolokolo i ka mana‘o o Pila ‘Aha Kenekoa 2314 a me 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.

‘Imi ‘o SB2314 i kekahi ki‘ina no ka ho‘oholo ‘ana i ka mana ‘ōlelo o kekahi kānāwai inā ‘oko‘a ka ‘Ōlelo Pelekania me ka ‘Ōlelo Hawai‘i. Kāko‘o ka ‘Oihana Ho‘okolokolo i ko ka pila mana‘o. Hā‘awi mākou i kēia ‘ōlelo ‘ē‘a‘e i mea e mahalo i ko ka ‘Ōlelo Hawai‘i kūlana ma ke ‘ano he ‘ōlelo kūhelu ‘oiai e mālama ana ka moakāka, ka pa‘a mau, a me ke kūpa‘a i ka wehewehe kānāwai:



§1-13 Nā ‘ōlelo kūhelu.

‘O ka ‘Ōlelo Pelekania a me ka ‘Ōlelo Hawai‘i nā ‘ōlelo kūhelu o Hawai‘i. Ke loa‘a kekahi mea ‘oko‘a ma waena o nā mana ‘Ōlelo Pelekania a me ka ‘Ōlelo Hawai‘i o kekahi kānāwai ko‘iko‘i loa i kona wehewehe ‘ana, e kau nui ‘ia ka ‘ōlelo e kūlike me ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai i hō‘ike ‘ia e ka mō‘aukala ‘aha‘ōlelo, ka pō‘aiapili, a me ke kumu. ‘A‘ole e koi ‘ia ka ‘Ōlelo Hawai‘i ma nā hana lehulehu a me nā hana kūka‘i, akā ua ‘ae ‘ia.

Hō‘oia kēia mau ‘ōlelo i ke kūlana like o ka ‘Ōlelo Pelekania a me ka ‘Ōlelo Hawai‘i ‘oiai e ho‘olako i ke kuhikuhi moakāka a pa‘a no ka ho‘omākalakala i nā ‘oko‘a ma waena o nā mana ‘ōlelo.

Ho‘omākalakala nā ‘āina me nā ‘ōnaehana ‘ōlelo pālua, e like me Kanakā, i nā ‘oko‘a ma waena o nā mana ‘ōlelo ma o ka nānā ‘ana i ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai, ke kumu o ke kānāwai, ka pō‘aiapili mō‘aukala, a me ke kino holo‘oko‘a o ke kānāwai. He la‘ana: ma o 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 kūlike me ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai. Nānā Official Languages Act (R.S.C., 1985, c. 31), ss 13-16; R. v. Daoust, 2004 SCC 6. Hō‘ike o Kanakā, hiki nā ‘ōlelo kūhelu ke noho pū me ka maika‘i i loko o ka ‘ōnaehana kānāwai ke kāko‘o ‘ia e nā ki‘ina wehewehe kānāwai moakāka i ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai. Ho‘opili ka ‘ōlelo a ka ‘Oihana Ho‘okolokolo iā Hawai‘i me kēia ‘ōnaehana noho pa‘a a hana maika‘i.

Akā na‘e, pa‘akikī ka ho‘oholo ‘ana i ka mana ‘ōlelo o kekahi kānāwai ma muli o ka ‘ōlelo ana i kākau mua ‘ia ai a i ‘ole inā ho‘ololi ‘ia, ho‘onohonoho ‘ia, ho‘onohonoho hou ‘ia, a i ‘ole ho‘oholo hou ‘ia ma ka ‘ōlelo e a‘e. Kālele ke ki‘ina kumu-kākau i nā ‘ike i lako ‘ole paha ma nā kānāwai a pau, a e kānalua ana paha ma hope. ‘A‘ole ho‘ololi nā ho‘onohonoho ‘ana, nā ho‘onohonoho hou ‘ana, a me nā ho‘ololi li‘i i ka mana‘o ko‘iko‘i, akā na‘e, ma ke ki‘ina kumu-kākau, hiki lākou ke ho‘ololi hewa i ka mana ‘ōlelo e ho‘oholo ana. Ho‘opakele ka nānā ‘ana i ke kumu mana‘o o ka ‘Aha‘ōlelo Kau Kānāwai i kēia mau pilikia.

Hō‘oia ka ‘ōlelo a mākou e hā‘awi aku nei i kēia lā i ka ana moakāka a pa‘a, ‘oiai e mahalo ana i na ‘ōlelo ‘elua ma ke ‘ano he mau ‘ōlelo kūhelu. ‘Āpono kēia ki‘ina 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 i ka wā kahiko a me ka wā e hiki mai ana.

Kāko‘o ka ‘Oihana Ho‘okolokolo i ke kumu mana‘o o SB2314 a noi ha‘aha‘a i ko mākou ‘ōlelo no §1-13.

* * * * *



The Judiciary appreciates the intent of Senate Bill 2314 and the Legislature's continued commitment to uplifting 'Ōlelo Hawai'i as a co-official language of the State.

SB2314 seeks to determine which language version of a law should be binding when there is a difference between the English and Hawaiian texts. The Judiciary supports the bill's purpose. We offer the following alternative language that may better recognize 'Ōlelo Hawai'i's status as a co-official language while ensuring clarity, consistency, and long-term stability in statutory interpretation:

§1-13 Official languages.

English and Hawaiian are the official languages of Hawai'i. Whenever there is ~~found to exist any radical and irreconcilable difference between the English and Hawaiian version of any of the laws of the State, the English version shall be held binding~~ a difference between the English and Hawaiian versions of a 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. Hawaiian shall not be required for public acts and transactions, but is welcomed.

This language affirms the co-equal status of English and Hawaiian while providing a clear and principled method for resolving differences between language versions.

Other jurisdictions with long-standing bilingual frameworks, such as Canada, resolve discrepancies between language versions by examining legislative intent, statutory purpose, historical context, and the overall structure of the law. For example, the 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. Canada's experience demonstrates that co-official languages can coexist effectively within a legal system when supported by clear interpretive principles grounded in legislative intent. The Judiciary's proposed language aligns Hawai'i with this established and well-functioning framework.

In contrast, determining which version of a law should be binding based on the language in which it was originally drafted, or on whether the law was later amended, codified, recodified, or reenacted in another language can be difficult to administer. A text-origin approach depends on information that is not consistently available across all laws, which can lead to uncertainty over time. Codifications, recodifications, and non-material amendments do not change substantive meaning, yet under a text-origin model, they could unintentionally shift which language version is binding. Turning to legislative intent avoids these challenges entirely.

The language we offer today ensures a clear and consistent standard while respecting both languages as co-official. This approach affirms the constitutional mandate to promote 'Ōlelo Hawai'i, ensures that Hawaiian-language laws are treated with equal dignity, avoids



Senate Bill No. 2314, Relating to the Hawaiian Language
Senate Committee on Hawaiian Affairs
Tuesday, February 3, 2026 at 1:10 p.m.
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symbolic recognition without practical effect, and supports past and future bilingual drafting initiatives.

The Judiciary supports the intent of SB2314 and respectfully recommends our proposed §1-13 language.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
Senate Committee on Hawaiian Affairs
February 3, 2026 at 1:10 p.m.

By

Bonnie Irwin

Chancellor

University of Hawai'i at Hilo

SB 2314 – RELATING TO THE HAWAIIAN LANGUAGE.

Chair Richards, Vice Chair Lamosao, and Members of the Committee:

Mahalo for the opportunity to submit testimony on SB 2314. The University of Hawai'i at Hilo (UH Hilo) supports SB 2314, which recognizes the binding authority of Hawaiian language versions of laws when those laws were originally drafted in Hawaiian or subsequently amended, codified, recodified, or reenacted in Hawaiian.

When laws are originally drafted in Hawaiian, the Hawaiian text embodies the precise meaning, cultural context, and conceptual framework intended by the drafters. Translation into English, no matter how careful, necessarily involves interpretation that may inadvertently shift meaning, particularly for concepts rooted in Hawaiian worldview and governance traditions. By giving binding authority to the original Hawaiian text, SB 2314 ensures adherence to legislative intent and preserves cultural integrity.

This measure also honors the commitment made at the 1978 Constitutional Convention to recognize Hawaiian as an official language of the State and aligns with Article 13 of the United Nations Declaration on the Rights of Indigenous Peoples, which affirms the rights of indigenous peoples to use, develop, and transmit their languages in legal and administrative proceedings.

UH Hilo is proud to house Ka Haka 'Ula o Ke'elikōlani, the Hawaiian Language College, and to serve and work alongside a large population of Hawaiian language speakers in higher education. Our faculty, staff, and students regularly engage in scholarly and administrative work conducted entirely in Hawaiian. This bill recognizes that such work—including legislative work—deserves to be interpreted according to its original language and intent.

We respectfully urge passage of SB 2314. Mahalo for your consideration.

Thank you for the opportunity to provide testimony in support of SB 2314.



TESTIMONY OF KE ONE O KĀKUHIEWA
O'ahu Council of the Association of Hawaiian Civic Clubs
SB2314– Relating to the Hawaiian Language

Aloha Chair Richards, Vice Chair Lamosao and members of the committee:

Ke One O Kākuhihewa, the O'ahu Council of the Association of Hawaiian Civic Clubs, submits this testimony in strong support of SB2314, which affirms the legal standing of 'Ōlelo Hawai'i within the laws of the State of Hawai'i.

Hawaiian Civic Clubs across O'ahu were founded on the principle that 'Ōlelo Hawai'i is not merely a cultural artifact, but a living language that carries 'ike, law, governance, and identity. The people of Hawai'i affirmed this understanding in 1978 by recognizing Hawaiian as an official language of the State. SB2314 gives practical effect to that constitutional promise by clarifying how Hawaiian language versions of state law are to be treated.

This measure is important because language shapes meaning. When laws are drafted, amended, or reenacted in Hawaiian, those words reflect intentional choices rooted in a Hawaiian worldview. SB2314 ensures that those choices are respected and that the Hawaiian version of the law is not treated as secondary or symbolic when it meets the criteria outlined in statute.

The bill also aligns Hawai'i with broader international principles recognizing the rights of Indigenous peoples to use, develop, and transmit their languages in governance and public life. For Native Hawaiians, the ability to understand and engage with the law in our own language is fundamental to meaningful participation and self determination.

Ke One O Kākuhihewa supports SB2314 because it strengthens the standing of 'Ōlelo Hawai'i in the legal framework of the State while maintaining clarity and order in statutory interpretation. It honors both the letter and the spirit of Hawai'i's Constitution and affirms that Hawaiian language lawmaking is valid, intentional, and authoritative.

Mahalo for the opportunity to provide testimony. We respectfully urge your support of SB2314 in recognition of 'Ōlelo Hawai'i as a foundation of law, governance, and cultural continuity in Hawai'i.

SB-2314

Submitted on: 1/30/2026 5:55:13 PM

Testimony for HWN on 2/3/2026 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

KĀKO‘O PIHA au i kēia pila, ‘o ka pololei, e kākau ‘ia nā pila a pau ma ka ‘ōlelo Hawai‘i. Akā, maika‘i na‘e inā e hana pēlā ‘oukou mai kēia mua aku. E OLA KA ‘ŌLELO HAWAI‘I!!!

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i



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: Tuesday, February 3, 2026
TIME: 1:10 PM
PLACE: Conference Room 224 & Videoconference
State Capitol
415 South Beretania Street

To:

[COMMITTEE ON HAWAIIAN AFFAIRS](#)

Senator Herbert M. "Tim" Richards, III, Chair

Senator Rachele Lamosao, Vice Chair

From: Alphonso Braggs, Chair

and Commissioners of the Hawai‘i Civil Rights Commission

Re: SB 2314 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 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 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 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 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 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 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.

SB2314 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

Submitted on: 2/3/2026 5:48:33 AM

Testimony for HWN on 2/3/2026 1:10:00 PM

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.	HWN	CR 224 & Videoconference	Feb 3, 2026 1:10 PM
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