



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

ON THE FOLLOWING MEASURE:

H.B. NO. 2433, RELATING TO THE HAWAIIAN LANGUAGE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Thursday, February 12, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas 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 Mana‘o i ka ‘Aha‘ōlelo Kau Kānāwai Kānākolukūmākolu, 2026 Kau Ma‘amau

Committee on Judiciary & Hawaiian Affairs
Kōmike no ka Ho‘okolokolo a me ke Kuleana Hawai‘i

Representative David A. Tarnas, Chair • Luna Maka‘āinana David A. Tarnas, Luna Ho‘omalū
Representative Mahina Poepoe, Vice Chair • Luna Maka‘āinana Mahina Poepoe, Hope Luna Ho‘omalū

Thursday, February 12, 2026, 2:00 p.m. • Pō‘ahā, Pepeluali 12, 2026, 2:00 p.m.
Conference Room 325 & Videoconference • Lumi Kūkā Kama‘ilio 325 & Kūkā Kama‘ili Wikiō

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

Bill Number and Title • Helu a me Inoa Pila: House Bill Number 2433, Hawaiian Language;
State Law; Public Documents

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 ke kumu mana‘o o Pila o ka Hale o nā Luna Maka‘āinana 2433 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 HB2433 i kekahi ki‘ina e ho‘oholo ai i ka mana ‘ōlelo o kekahi kānāwai inā ‘oko‘a ka ‘Ōlelo Pelekānia me ka ‘Ōlelo Hawai‘i. Kāko‘o ka ‘Oihana Ho‘okolokolo i ko ka pila mana‘o. Kāpae ‘o HB2433 i ke koho puni kānāwai i ka mana ‘Ōlelo Pelekānia a pani hakahaka



me ke ki'ina kumu-kākau e ho'opa'ana i ka mana 'ōlelo e ho'oholo ai i ka 'ōlelo i kākau 'ia ai a i 'ole ho'ololi'ia, ho'onohonoho 'ia, ho'onohonoho hou 'ia, a i 'ole ho'oholo hou 'ia. 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 kāmāwai:

§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 kāmāwai 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 Kāmāwai i hō'ike 'ia e ka mō'aūkala '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 Kāmāwai, ke kumu o ke kāmāwai, ka pō'aiapili mō'aūkala, a me ke kino holo'oko'a o ke kāmāwai. 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 Kāmāwai. Nānā iā Official Languages Act (R.S.C., 1985, c. 31), ss 13-16; R. v. Daoust, 2004 SCC 6. Hō'ike ka la'ana o Kanakā, hiki nā 'ōlelo kūhelu ke noho pū me ka maika'i i loko o ka 'ōnaehana kāmāwai ke kāko'o 'ia e nā ki'ina wehewehe kāmāwai moakāka i ke kumu mana'o o ka 'Aha'ōlelo Kau Kāmāwai. Ho'okūlike 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 kāmāwai 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 'a'ole paha i loa'a ma nā kāmāwai 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 Kāmāwai 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 kāmāwai no ka paepae 'ana i ka 'Ōlelo Hawai'i, hō'oia i ka mālama 'ia 'ana o nā kāmāwai '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 HB2433 a noi ha'aha'a i ko mākou 'ōlelo no §1-13.



* * * * *

The Judiciary appreciates the intent of House Bill 2433 and the Legislature's continued commitment to uplifting 'Ōlelo Hawai'i as a co-official language of the State.

HB2433 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. HB2433 would remove the existing statutory preference for the English version and replace it with a text-origin approach that ties the binding version to the language in which a law was originally drafted or later amended, codified, recodified, or reenacted. 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 symbolic recognition without practical effect, and supports past and future bilingual drafting initiatives.

The Judiciary supports the intent of HB2433 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
House Committee on Judiciary & Hawaiian Affairs
February 12, 2026 at 2:00 p.m.

By

Bonnie Irwin

Chancellor

University of Hawai'i at Hilo

HB 2433 – RELATING TO THE HAWAIIAN LANGUAGE.

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Mahalo for the opportunity to submit testimony on HB 2433. The University of Hawai'i at Hilo (UH Hilo) supports HB 2433, 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, HB 2433 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 HB 2433. Mahalo for your consideration.



TESTIMONY IN SUPPORT HOUSE BILL 2433
RELATING TO THE HAWAIIAN LANGUAGE

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i
(Hawai‘i State Capitol)

Pepeluali 12, 2026

2:00PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2433 which would require that the ‘Ōlelo Hawai‘i version of a law be held binding if the law in question was originally drafted in ‘Ōlelo Hawai‘i and has not been amended, codified, recodified or reenacted in English or if a law was originally written in English and later amended, codified, recodified, or reenacted in ‘Ōlelo Hawai‘i. OHA commends the intent and purpose of this measure, which would give “teeth” and true meaning to the Hawaiian language’s designation as an official State language, as well as support the perpetuation and normalization of ‘Ōlelo Hawai‘i for future generations to come.

HB2433 is a step towards addressing the significant challenges that ‘Ōlelo Hawai‘i speakers continue to face 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, 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 **PASS HB2433**, an important step 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.

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

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.



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:
TIME:
PLACE:

Thursday, February 12, 2026
2:00 PM
VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

To:

[COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS](#)

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

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

Re: HB 2433 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).

HB 2433 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. HB 2433 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, HB 2433 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. HB 2433 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. HB 2433 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 HB 2433 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 HB 2433.

HB 2433 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.

HB-2433

Submitted on: 2/11/2026 2:42:53 PM

Testimony for JHA on 2/12/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Kingdom of The Hawaiian Islands & Ohana Unity Party	Support	Remotely Via Zoom

Comments:

HB2433 - Relating to the Hawaiian Language

STRONG SUPPORT

Aloha,

Strong support for HB2433, making Hawaiian versions of laws binding if originally drafted in Hawaiian or amended/recodified under criteria. Elevating ‘Ōlelo Hawai‘i in our legal system corrects English dominance and advances sovereignty. It ensures laws affecting Native rights reflect our language and values accurately. This promotes equity and cultural respect. Pass it to strengthen our foundation.

Mahalo,
Pikachu Shelby Billionaire

HB-2433

Submitted on: 2/11/2026 1:14:35 AM

Testimony for JHA on 2/12/2026 2:00:00 PM

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

Comments:

Aloha,

KĀKO‘O au i kēia pila.

Na‘u me ka mahalo,

na M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i