

STAND. COM. REP. NO.

3491

Honolulu, Hawaii

APR 10 2008

RE: S.C.R. No. 208
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committees on Health and Judiciary and Labor, to which was referred S.C.R. No. 208 entitled:

"SENATE CONCURRENT RESOLUTION RECOGNIZING AND ACKNOWLEDGING THE PEOPLE OF KALAUPAPA AND THEIR FAMILIES FOR THEIR SACRIFICES, AND APOLOGIZING TO THE PEOPLE OF KALAUPAPA AND THEIR FAMILIES FOR ANY HARSH RESTRICTIONS THAT CAUSED THEM UNDUE PAIN AS THE RESULT OF GOVERNMENT POLICIES SURROUNDING LEPROSY, "

beg leave to report as follows:

The purpose of this measure is to recognize and acknowledge the people of Kalaupapa and their families for their sacrifices, and apologizing to the people of Kalaupapa and their families for any harsh restrictions that caused them undue pain as the result of government policies surrounding leprosy.

Your Committees received testimony in support of this measure from the International Association for Integration, Dignity, and Economic Advancement; Ka 'Ohana O Kalaupapa; the Kawaihapai Ohana; and five individuals.

Your Committees received testimony in opposition to this measure from the Department of Health.

Your Committees find that it is imperative that we sincerely acknowledge and honor with great gratitude the sacrifices that the people of Kalaupapa and their families have made. Your Committees recognize that the parties that testified on this resolution

2008-2273 SCR SSCR SMA-1.doc



worked on compromise language. However, some of the Committee members have concerns that what was requested by the proponents of this measure was recognition and appreciation for the sacrifices that the patients and families made, rather than an apology.

Your Committees further find that the Department of Health testified in opposition to this measure due to potential state liability concerns that this measure may unintentionally pose.

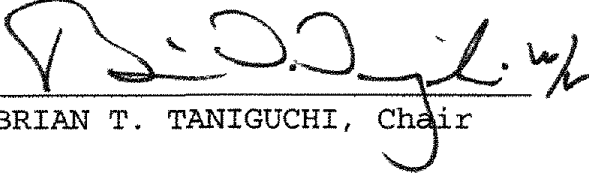
Your Committees have amended this measure to address the concerns of the Department of Health, while upholding the intent of this measure by:

- (1) Changing the title and language of the measure to clarify the Legislature's intent to offer gratitude to the people of Kalaupapa and their families for their great sacrifices and hardships as a result of their forced isolation, which at the time was believed to protect the public's health;
- (2) Clarifying that the government has maintained Kalaupapa for the last remaining residents as long as they choose to remain there, and provides for their medical, food, and housing needs; and
- (3) Clarifying that while the adoption of this measure does not confer any legal cause of action or any legal rights, remedies, relief, restitution, or reparations on any person, it nonetheless apologizes for the past actions against, and treatment of, past and current residents of Kalaupapa.

As affirmed by the records of votes of the members of your Committees on Health and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 208, as amended herein, and recommend its adoption in the form attached hereto as S.C.R. No. 208, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Health and
Judiciary and Labor,


BRIAN T. TANIGUCHI, Chair


DAVID Y. IGE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Health
HTH

| | | | | |
|--|---------------------------------------|------------------------|-----|----------|
| Bill / Resolution No.:* <i>SCR 208</i> | Committee Referral: <i>HTH/JDL</i> | Date: <i>4/2/08</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 |
| IGE, David Y. (C) | ✓ | | | |
| FUKUNAGA, Carol (VC) | ✓ | | | |
| BAKER, Rosalyn H. | ✓ | | | |
| MENOR, Ron | | | | ✓ |
| WHALEN, Paul | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | <i>4</i> | | | <i>1</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: <div style="text-align:center;"><i>David Y. Ige</i></div> | | | | |
| Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency | | | | |

*Only one measure per Record of Votes

The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

| Bill / Resolution No.:* SCR 208 | Committee Referral: HTH/JDL | Date: 4-1-08 | | |
|--|---------------------------------------|------------------------|-----|---------|
| <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 |
| TANIGUCHI, BRIAN T. (C) | ✓ | ✓ | | |
| HEE, Clayton (VC) | | ✓ | | ✓ |
| GABBARD, Mike | | ✓ | | |
| KOKUBUN, Russell S. | | ✓ | | ✓ |
| NISHIHARA, Clarence K. | | ✓ | | |
| SLOM, Sam | | ✓ | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | - | 4 | - | 2 |
| 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