

STAND. COM. REP. NO. 177

Honolulu, Hawaii

FEB 19 2009

RE: S.C.R. No. 40

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Judiciary and Government Operations, to which was referred S.C.R. No. 40 entitled:

"SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE ATTORNEY GENERAL TO WITHDRAW THE APPEAL TO THE UNITED STATES SUPREME COURT OF THE HAWAII STATE SUPREME COURT DECISION, OFFICE OF HAWAIIAN AFFAIRS V. HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, 117 HAWAII 174 (2008),"

beg leave to report as follows:

The purpose of this measure is to urge the Governor and the Attorney General to withdraw the appeal to the United States Supreme Court of the Hawaii State Supreme Court decision, *Office of Hawaiian Affairs v. Housing and Community Development Corporation of Hawaii*, 117 Hawaii 174 (2008).

Testimony in support of this measure was submitted by one state agency, three organizations, and twelve public citizens. Testimony in opposition was submitted by one state agency. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that pursuing the appeal to the United States Supreme Court is detrimental to the interests of all of the people of Hawaii and to the ongoing reconciliation process between the State and the Native Hawaiian people.

Your Committees note that oral argument in the United States Supreme Court for *Office of Hawaiian Affairs v. Housing and*


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Community Development Corporation of Hawaii, Docket No. 07-1372, is scheduled for February 25, 2009.

As affirmed by the records of votes of the members of your Committees on Water, Land, Agriculture, and Hawaiian Affairs and Judiciary and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 40 and recommend its adoption.

Respectfully submitted on behalf of the members of the Committees on Water, Land, Agriculture, and Hawaiian Affairs and Judiciary and Government Operations,

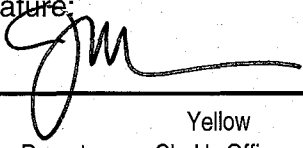
  
BRIAN T. TANIGUCHI, Chair

  
CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 40	WTL/SGO	2/17/09		
<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
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert				✓
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.				✓
HEMMINGS, Fred				✓
<b>TOTAL</b>	4	0	0	3
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

The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>SCR40</b>	Committee Referral: <b>NTL/JGO</b>	Date: <b>2/17/09</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312     
 Pass, with amendments 2311     
 Hold 2310     
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>2</b>

Recommendation:     
 Adopted     
 Not Adopted

Chair's or Designee's Signature:  
*Clarence K. Nishihara*

Distribution:     
 Original      Yellow      Pink      Goldenrod  
 File with Committee Report      Clerk's Office      Drafting Agency      Committee File Copy

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