

STAND. COM. REP. NO.

178

Honolulu, Hawaii

FEB 19 2009

RE: S.R. No. 25
S.D. 1

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.R. No. 25 entitled:

"SENATE 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 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.R. No. 25, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 25, S.D. 1.

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

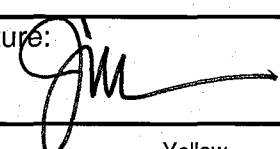


CLAYTON HEE, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

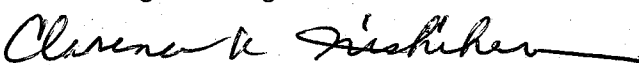
Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WTL

Bill / Resolution No.:*	Committee Referral:	Date:
SR 25	WTL/JGO	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 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	
HEE, Clayton (C)	✓	
TOKUDA, Jill N. (VC)	✓	
BUNDA, Robert		✓
FUKUNAGA, Carol	✓	
KOKUBUN, Russell S.	✓	
TAKAMINE, Dwight Y.		✓
HEMMINGS, Fred		✓
TOTAL	4	0
	0	3
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod 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.:*	Committee Referral:	Date:		
SR25	NTL/JGO	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 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)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam			✓	
TOTAL	3		1	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes