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## HOUSE CONCURRENT RESOLUTION

REQUESTING THAT THE GOVERNOR WITHDRAW THE STATE'S PETITION FOR WRIT OF CERTIORARI IN HAWAII V. OFFICE OF HAWAIIAN AFFAIRS, NO. 07-1372 IN THE SUPREME COURT OF THE UNITED STATES.

1           WHEREAS, in *Office of Hawaiian Affairs v. Housing and*  
2 *Community Development Corporation of Hawaii*, 117 Hawaii 174, 117  
3 P.3d 884 (2008), the Hawaii Supreme Court unanimously ruled that  
4 the State could not sell or exchange any ceded lands held by the  
5 State that are in the public land trust until the native  
6 Hawaiians' unrelinquished claims to those lands have been  
7 resolved; and  
8

9           WHEREAS, the State, seeking review by the United States  
10 Supreme Court of the decision of the Hawaii Supreme Court, filed  
11 a petition for writ of certiorari on April 29, 2008, that was  
12 granted on October 1, 2008; and  
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14           WHEREAS, oral arguments in this case, *Hawaii v. Office of*  
15 *Hawaiian Affairs*, No. 07-1372, are scheduled for Wednesday,  
16 February 25, 2009, in the United States Supreme Court; and  
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18           WHEREAS, the State's decision to bring to the United States  
19 Supreme Court a matter that can and should be resolved in Hawaii  
20 undermines the State's sovereignty and is contrary to the  
21 ongoing reconciliation process with native Hawaiians; now,  
22 therefore,  
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24           BE IT RESOLVED by the House of Representatives of the  
25 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
26 of 2009, the Senate concurring, that the Governor is requested  
27 to withdraw the State's petition for writ of certiorari in  
28 *Hawaii v. Office of Hawaiian Affairs*, No. 07-1372 in the Supreme  
29 Court of the United States; and  
30



# H.C.R. NO. 80

1 BE IT FURTHER RESOLVED that certified copies of this  
 2 Concurrent Resolution be transmitted to the Governor, the  
 3 Attorney General of the State of Hawaii, the President of the  
 4 Senate, the Speaker of the House of Representatives, and the  
 5 Chairperson of the Board of Trustees of the Office of Hawaiian  
 6 Affairs.

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 9

OFFERED BY: Mele Carroll

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FEB 19 2009

