

MAR 14 2012

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF LAND AND NATURAL RESOURCES, AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, TO CONDUCT A STUDY OF THE JURISDICTIONAL ISSUES RELATING TO THE PROCESS OF REMOVING BURIAL SITES IN ORDER TO DECERTIFY A CEMETERY.

1 WHEREAS, the existing process to decertify a cemetery lacks
2 sufficient clarity, especially regarding which state department
3 has jurisdiction over the removal of unmarked or unidentified
4 burial sites at a cemetery to be decertified; and
5

6 WHEREAS, the Department of Health, Department of Commerce
7 and Consumer Affairs, and Department of Land and Natural
8 Resources collectively provide oversight over the
9 decertification process; and
10

11 WHEREAS, the Department of Health issues disinterment
12 permits for human remains; and
13

14 WHEREAS, the Department of Commerce and Consumer Affairs
15 maintains licensing requirements and controls cemetery
16 decertification; and
17

18 WHEREAS, the Department of Land and Natural Resources,
19 through the State Historic Preservation Division, requires
20 photographic documentation of any existing headstones prior to
21 removal from a cemetery to be decertified; and
22

23 WHEREAS, each of these state departments play a significant
24 role in the decertification process, but the lines of
25 jurisdiction of each department are not always clearly
26 delineated and the steps in the decertification process overlap
27 with each other, causing confusion; and
28



