

MAR 14 2012

SENATE 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
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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
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11 WHEREAS, the Department of Health issues disinterment
12 permits for human remains; and
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14 WHEREAS, the Department of Commerce and Consumer Affairs
15 maintains licensing requirements and controls cemetery
16 decertification; and
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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
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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
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29 WHEREAS, at least three cemeteries in the process of
30 decertification have encountered challenges due to this
31 jurisdictional confusion; and
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1 WHEREAS, clarifying the jurisdictional responsibilities of
2 these state agencies would ensure that the integrity of burial
3 sites, both Native Hawaiian and non-Native Hawaiian, are
4 preserved and consistent with the State's goal to conserve and
5 develop cultural property within the State for the public good;
6 now, therefore,
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8 BE IT RESOLVED by the Senate of the Twenty-sixth
9 Legislature of the State of Hawaii, Regular Session of 2012,
10 that the Office of Hawaiian Affairs, in consultation with the
11 Department of Health, the Department of Land and Natural
12 Resources, and the Department of Commerce and Consumer Affairs,
13 is requested to conduct a study of the jurisdictional issues
14 relating to the process of removing burial sites in order to
15 decertify a cemetery; and
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17 BE IT FURTHER RESOLVED that the Office of Hawaiian Affairs
18 is requested to submit its findings and recommendations,
19 including any proposed legislation, to the Legislature no later
20 than twenty days prior to the convening of the Regular Session
21 of 2013; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Chairperson of the Board of
25 Trustees of the Office of Hawaiian Affairs, Director of Health,
26 Chairperson of the Board of Land and Natural Resources, and
27 Director of Commerce and Consumer Affairs.
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OFFERED BY:

Walter Hill

