

FEB 08 2021

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A TASK FORCE TO RESOLVE ISSUES RELATING TO THE
HANAPEPE CHINESE, FILIPINO, AND PORTUGUESE CEMETERY.

1 WHEREAS, the Hanapepe Chinese, Filipino, and Portuguese
2 Cemetery, also known as Hanapepe Cemetery, is an important
3 cemetery in the historic community of Hanapepe on the island of
4 Kauai that has been in use for more than fifty years; and
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6 WHEREAS, the Hanapepe Chinese, Filipino, and Portuguese
7 Cemetery is located on an unencumbered state-owned parcel,
8 identified as Tax Map Key: (4) 1-8-001:018, under the control
9 of the Department of Land and Natural Resources; and
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11 WHEREAS, the Land Division of the Department of Land and
12 Natural Resources recently found that it was unable to locate
13 any executive order on file that set aside the cemetery to the
14 Department of Accounting and General Services or the County of
15 Kauai for use as a cemetery; and
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17 WHEREAS, the Department of Health includes the Hanapepe
18 Chinese, Filipino, and Portuguese Cemetery on its list of
19 designated "public cemeteries" on Kauai but it is unclear what
20 qualifies a cemetery for placement on that list; and
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22 WHEREAS, the Department of Parks and Recreation of the
23 County of Kauai does not authorize burials on the property but
24 maintains the property by mowing vegetation and providing water
25 faucets and trash receptacles at the cemetery; and
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27 WHEREAS, the Department of Land and Natural Resources also
28 found that no government agency has established protocols
29 regulating where new burials are conducted in the cemetery and
30 that decisions of where to dig new graves are made solely by the
31 gravediggers themselves; and
32



S.R. NO. 13

1 WHEREAS, it appears that the Department of Land and Natural
2 Resources has never been contacted for permission to use the
3 Hanapepe Chinese, Filipino, and Portuguese Cemetery site as a
4 cemetery; and

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6 WHEREAS, the Department of Accounting and General Services
7 and County of Kauai have also indicated that they have not
8 authorized burials on the property; and

9
10 WHEREAS, accordingly, on July 20, 2020, the Department of
11 Land and Natural Resources recommended that the Department of
12 Health immediately discontinue the issuance of burial permits
13 for Hanapepe Chinese, Filipino, and Portuguese Cemetery until an
14 appropriate governmental agency is properly assigned management
15 and control over the cemetery; and

16
17 WHEREAS, the cessation of burial permits has unfortunately
18 caused immediate disruption as a number of people who planned to
19 bury their loved ones at the cemetery were no longer able to do
20 so, including at least one case in which a husband was unable to
21 be buried with his wife; and

22
23 WHEREAS, it is important that the Hanapepe Chinese,
24 Filipino, and Portuguese Cemetery remain available for use as
25 there are not many cemeteries on Kauai that have available space
26 for new burials, and burials at private cemeteries may be
27 prohibitively expensive; and

28
29 WHEREAS, accordingly, the Department of Land and Natural
30 Resources has requested that the County of Kauai assume
31 management and control over the Hanapepe Chinese, Filipino, and
32 Portuguese Cemetery by way of a Governor's Executive Order for
33 cemetery purposes, which would in turn allow for continued
34 burials at the cemetery; now, therefore,

35
36 BE IT RESOLVED by the Senate of the Thirty-first
37 Legislature of the State of Hawaii, Regular Session of 2021,
38 that the Department of Land and Natural Resources is requested
39 to convene a task force to resolve issues relating to the
40 Hanapepe Chinese, Filipino, and Portuguese Cemetery, located at
41 Tax Map Key: (4) 1-8-008:018; and



S.R. NO. 13

1 BE IT FURTHER RESOLVED that the task force is requested to
2 examine and resolve:

- 3
- 4 (1) All outstanding jurisdictional issues regarding the
5 use of the site as a cemetery;
- 6
- 7 (2) Any steps needed to allow burials at the cemetery to
8 resume; and
- 9
- 10 (3) Any other issues the task force may identify; and
- 11

12 BE IT FURTHER RESOLVED that the task force is requested to
13 include the following individuals or their designees:

- 14
- 15 (1) The Governor;
- 16
- 17 (2) The Chairperson of the Board of Land and Natural
18 Resources;
- 19
- 20 (3) The District Land Agent for the Kauai District Branch
21 of the Department of Land and Natural Resources's Land
22 Division;
- 23
- 24 (4) The Director of Health;
- 25
- 26 (5) The Comptroller;
- 27
- 28 (6) The Director of Commerce and Consumer Affairs;
- 29
- 30 (7) The Mayor of the County of Kauai;
- 31
- 32 (8) The Chairperson of the standing committee of the Kauai
33 County Council having jurisdiction over that county's
34 Department of Parks and Recreation;
- 35
- 36 (9) The Director of Parks and Recreation of the County of
37 Kauai; and
- 38
- 39 (10) Any other person whom the Chairperson of the Board of
40 Land and Natural Resources or task force deems
41 appropriate to serve on the task force; and
- 42



S.R. NO. 13

1 BE IT FURTHER RESOLVED that the Chairperson of the Board of
2 Land and Natural Resources is requested to serve as chair of the
3 task force; and
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5 BE IT FURTHER RESOLVED that no member of the task force be
6 subject to Chapter 84, Hawaii Revised Statutes, solely because
7 of that member's participation as a member of the task force;
8 and
9

10 BE IT FURTHER RESOLVED that the Department of Land and
11 Natural Resources is requested to provide administrative support
12 to the task force; and
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14 BE IT FURTHER RESOLVED that the task force is requested to
15 submit a report of its findings and recommendations, including
16 any proposed legislation, to the Legislature no later than
17 twenty days prior to the convening of the Regular Session of
18 2022; and
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20 BE IT FURTHER RESOLVED that the task force be dissolved on
21 June 30, 2022; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Resolution be transmitted to the Governor, Chairperson of the
25 Board of Land and Natural Resources, Director of Health,
26 Comptroller, Director of Commerce and Consumer Affairs, Mayor of
27 the County of Kauai, Chairperson of the Kauai County Council,
28 and Director of Parks and Recreation of the County of Kauai.
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OFFERED BY: _____
AMN-VM
By Request

