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## HOUSE CONCURRENT 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



1 that decisions of where to dig new graves are made solely by the  
2 gravediggers themselves; and

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

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

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

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

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

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

38  
39 BE IT RESOLVED by the House of Representatives of the  
40 Thirty-first Legislature of the State of Hawaii, Regular Session  
41 of 2021, the Senate concurring, that the Department of Land and  
42 Natural Resources is requested to convene a task force to



1 resolve issues relating to the Hanapepe Chinese, Filipino, and  
2 Portuguese Cemetery, located at Tax Map Key: (4) 1-8-008:018;  
3 and  
4

5 BE IT FURTHER RESOLVED that the task force is requested to  
6 examine and resolve:  
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- 8 (1) All outstanding jurisdictional issues regarding the  
9 use of the site as a cemetery;
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- 11 (2) Any steps needed to allow burials at the cemetery to  
12 resume; and
- 13
- 14 (3) Any other issues the task force may identify; and  
15

16 BE IT FURTHER RESOLVED that the task force is requested to  
17 include the following individuals or their designees:  
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- 19 (1) The Governor;
- 20
- 21 (2) The Chairperson of the Board of Land and Natural  
22 Resources;
- 23
- 24 (3) The District Land Agent for the Kauai District Branch  
25 of the Department of Land and Natural Resources's Land  
26 Division;
- 27
- 28 (4) The Director of Health;
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- 30 (5) The Comptroller;
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- 32 (6) The Director of Commerce and Consumer Affairs;
- 33
- 34 (7) The Mayor of the County of Kauai;
- 35
- 36 (8) The Chairperson of the standing committee of the Kauai  
37 County Council having jurisdiction over that county's  
38 Department of Parks and Recreation;
- 39
- 40 (9) The Director of Parks and Recreation of the County of  
41 Kauai; and  
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1 (10) Any other person whom the Chairperson of the Board of  
2 Land and Natural Resources or task force deems  
3 appropriate to serve on the task force; and  
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5 BE IT FURTHER RESOLVED that the Chairperson of the Board of  
6 Land and Natural Resources is requested to serve as chair of the  
7 task force; and  
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9 BE IT FURTHER RESOLVED that no member of the task force be  
10 subject to Chapter 84, Hawaii Revised Statutes, solely because  
11 of that member's participation as a member of the task force;  
12 and  
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14 BE IT FURTHER RESOLVED that the Department of Land and  
15 Natural Resources is requested to provide administrative support  
16 to the task force; and  
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18 BE IT FURTHER RESOLVED that the task force is requested to  
19 submit a report of its findings and recommendations, including  
20 any proposed legislation, to the Legislature no later than  
21 twenty days prior to the convening of the Regular Session of  
22 2022; and  
23

24 BE IT FURTHER RESOLVED that the task force be dissolved on  
25 June 30, 2022; and  
26

27 BE IT FURTHER RESOLVED that certified copies of this  
28 Concurrent Resolution be transmitted to the Governor,  
29 Chairperson of the Board of Land and Natural Resources, Director  
30 of Health, Comptroller, Director of Commerce and Consumer  
31 Affairs, Mayor of the County of Kauai, Chairperson of the Kauai  
32 County Council, and Director of Parks and Recreation of the  
33 County of Kauai.  
34  
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36

OFFERED BY:



FEB 05 2021

