

# SB2173

Measure Title: RELATING TO CEMETERIES.  
Report Title: Cemeteries; Office of Hawaiian Affairs Package  
Description: Requires the director of commerce and consumer affairs to adopt rules by 7/31/13, for any disinterment of human burials that is done for the purpose of removing the dedication of a cemetery.  
Companion: HB1982  
Package: OHA  
Current Referral: CPN  
Introducer(s): TSUTSUI (BR)

<b><u>Sort by Date</u></b>		<b>Status Text</b>
1/20/2012	S	Introduced.
1/20/2012	S	Passed First Reading.
1/20/2012	S	Referred to CPN.
1/31/2012	S	The committee(s) on CPN added the measure to the public hearing scheduled on 02-09-12 9:00AM in conference room 229.



NEIL ABERCROMBIE  
GOVERNOR

BRIAN SCHATZ  
LT. GOVERNOR

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KEALI'I S. LOPEZ  
DIRECTOR

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE  
Regular Session of 2012

Thursday, February 9, 2012  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2173, RELATING TO CEMETERIES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("DCCA") appreciates the opportunity to testify on Senate Bill No. 2173, Relating to Cemeteries. My name is Keali'i Lopez, Director of DCCA.

The purpose of Senate Bill No. 2173 is to require the Director of DCCA to adopt rules for the disinterment of human remains when the property's dedication to cemetery use is being removed.

The DCCA does not believe it is prudent or necessary to create rules for what could be an isolated incident when there are existing statutes that address the issuance of disinterment permits, prerequisites for permits and the disinterment of human bodies.

See, HRS sections 338-23, 338-25, 338-25.5, and 6E-41. Section 441-15, HRS,

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effectively addresses the removal of dedication to cemetery purposes as it relates to disinterment. Therefore, the proposed amendment that requires adoption of administrative rules for the disinterment of human remains as it relates to the removal of dedication is unnecessary.

For these reasons we respectfully oppose this bill.



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**RELATING TO CEMETERIES**  
Senate Committee on Commerce and Consumer Protection

February 9, 2012

9:00 a.m.

Room 229

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The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** SB2173, which is a bill in OHA's 2012 Legislative Package. This bill would amend Section 444-15, Hawaii Revised Statutes, to require the Department of Commerce and Consumer Affairs to promulgate rules and regulations to clarify the process for removing human remains in order to decertify a cemetery. The current decertification process lacks sufficient clarity, especially regarding which state department has jurisdiction over the removal of unmarked or unidentified burial sites at a cemetery.

For example, the Department of Health, Department of Commerce and Consumer Affairs, and Department of Land and Natural Resources all provide oversight over the decertification process. The Department of Health issues disinterment permits; the Department of Commerce and Consumer Affairs maintains licensing requirements and controls decertification; and the Department of Land and Natural Resources, through its State Historic Preservation Division, requires photographic documentation of existing headstones for any removal of a cemetery. While each of these departments plays a key role in the process, the lines of jurisdiction are not always clear and are often confusing.

Requiring the adoption of administrative rules for this process will help reduce the jurisdictional confusion and ensure that the integrity of burial sites, both Native Hawaiian and non-Native Hawaiian, will be preserved, consistent with the State's goal to conserve and develop cultural property within the State for the public good.

Therefore, OHA urges the committee to PASS SB2173. Mahalo for the opportunity to testify on this important measure.