



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2018

GOV. MSG. NO. 1302

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2018, the following bill was signed into law:

HB1626 HD1 SD1

RELATING TO CEMETERIES
ACT 193 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUL 10 2018

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

ORIGINAL

ACT 193

H.B. NO. 1626
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO CEMETERIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Sunset Memorial Park
2 in Pearl City, Oahu, has been neglected for years and has been
3 the focal point of numerous complaints by people who have family
4 members buried there. The cemetery has been described as having
5 a damaged mausoleum, sinking graves, and broken, missing, or
6 obscured grave markers that are hidden by overgrown vegetation.

7 Since the death of its previous owner, Sunset Memorial Park
8 has had no registered owner on record. Volunteers have tried to
9 maintain the cemetery, but have reluctantly stopped because of
10 state liability issues.

11 The dilapidated, unsightly state of Sunset Memorial Park is
12 of great concern for the families whose loved ones are buried
13 there and for the surrounding community. The park has fallen
14 into such disrepair that public safety and health are at issue.
15 A viable solution to this problem is long overdue.

16 Attempts to have the State add Sunset Memorial Park to its
17 list of four currently state-owned cemeteries in Aiea, Kapalama,



1 Alewa Heights, and Makiki are ongoing. The last time the State
2 took over a cemetery was in 1946.

3 It has been reported that the department of commerce and
4 consumer affairs is actively looking for a long-term solution
5 for Sunset Memorial Park and is considering all options.

6 The purpose of this Act is to:

- 7 (1) Limit liability for volunteers and nonprofit
8 organizations, nonprofit corporations, or other
9 entities that provide volunteers, who maintain or
10 repair cemetery grounds; and
- 11 (2) Require the director of commerce and consumer affairs,
12 in consultation with the comptroller, to develop
13 strategies for the upkeep, repair, and maintenance of
14 Sunset Memorial Park.

15 SECTION 2. Chapter 662D, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§662D- Limited liability for maintaining or repairing
19 cemetery grounds. (a) An individual volunteer who maintains or
20 repairs cemetery grounds located in the State without
21 compensation, including cemeteries operated for profit pursuant



1 to chapter 441, shall not be liable to any person for injury or
2 damage sustained as a result of the actions of the volunteer to
3 maintain or repair the cemetery grounds, except for injury or
4 damages resulting from gross negligence or intentional
5 misconduct.

6 (b) A nonprofit organization, nonprofit corporation, or
7 other entity that provides volunteers to maintain or repair
8 cemetery grounds located in the State, including cemeteries
9 operated for profit pursuant to chapter 441, shall not be liable
10 to any person for injury or damages sustained as a result of the
11 actions of a volunteer provided by the organization,
12 corporation, or entity to maintain or repair the cemetery
13 grounds, except for injury or damages resulting from gross
14 negligence or intentional misconduct.

15 (c) This section does not relieve any cemetery property
16 owner or cemetery authority from compliance with chapter 441, or
17 from the duty to maintain their premises in a reasonably safe
18 condition.

19 (d) A volunteer providing services under this section for
20 a nonprofit organization, nonprofit corporation, or other entity
21 may only receive reimbursement for actual expenses incurred that



1 have been authorized for payment by the nonprofit organization,
2 nonprofit corporation, or other entity.

3 (e) Nothing in this section shall be construed to
4 authorize or permit the use of perpetual care funds for the
5 purposes of reimbursing costs incurred pursuant to this section.

6 (f) Notwithstanding any other law to the contrary, actions
7 of a volunteer in conformance with this section shall not
8 require licensure under chapter 441; provided that maintenance
9 and repair activities covered under this section shall be
10 limited to general maintenance, care, and preservation of
11 cemeteries, including keeping sod or grass in repair and caring
12 for trees and shrubs, but shall not include activities related
13 to burials.

14 (g) For purposes of this section, a volunteer may provide
15 maintenance and repair services as an individual and not as a
16 member or affiliate of a cemetery authority, nonprofit
17 corporation, nonprofit organization, or other entity, if the
18 volunteer:

19 (1) First obtains written approval from the cemetery owner
20 or cemetery authority, if one can be identified; and



1 (2) Does not receive compensation or reimbursement for any
2 expenses other than actual expenses incurred for
3 maintenance and repair of the cemetery grounds."

4 SECTION 3. (a) The director of commerce and consumer
5 affairs, in consultation with the comptroller, shall develop
6 short-term and long-term strategies for the upkeep, repair, and
7 maintenance of Sunset Memorial Park in Pearl City, Oahu.

8 (b) The director of commerce and consumer affairs shall
9 report findings and recommendations related to activities
10 conducted pursuant to this section, including any proposed
11 legislation, to the legislature no later than twenty days prior
12 to the convening of the regular session of 2019.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2018.

APPROVED this 10 day of JUL , 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 1626, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 6, 2018
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.


President of the Senate


Clerk of the Senate