

JAN 25 2017

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 not only for the families whose loved ones are
13 buried there, but for the surrounding community as well. The
14 Park has fallen into such disrepair that public safety and
15 health are at issue. A viable solution to this problem is long
16 overdue.



S.B. NO. 1113

1 Attempts to have the State add Sunset Memorial Park to its
2 list of four currently state-owned cemeteries in Aiea, Kapalama,
3 Alewa Heights, and Makiki are ongoing. The last time the State
4 took over a cemetery was in 1946.

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

8 The purpose of this Act is to:

- 9 (1) Require the director of commerce and consumer affairs,
10 in consultation with the comptroller, to develop
11 strategies for the upkeep, repair, and maintenance of
12 Sunset Memorial Park;
- 13 (2) Authorize the director of commerce and consumer
14 affairs to access the Sunset Memorial Trust Fund to
15 pay for the repair and maintenance of the cemetery;
16 and
- 17 (3) Provide limited liability for persons maintaining or
18 repairing cemetery grounds.

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



1 "662D- Limited liability for persons maintaining or
2 repairing cemetery grounds. (a) A person who maintains or
3 repairs cemetery grounds located in the State without
4 compensation, including cemeteries operated for profit pursuant
5 to chapter 441, shall be considered a volunteer under this
6 chapter and shall not be liable to any person for injury or
7 damage sustained as a result of the actions of the volunteer to
8 maintain or repair the cemetery grounds, except for injury or
9 damages resulting from gross negligence or intentional
10 misconduct.

11 (b) No person, including but not limited to a nonprofit
12 organization or nonprofit corporation that provides volunteers
13 to maintain or repair cemetery grounds located in the State,
14 including cemeteries operated for profit pursuant to chapter
15 441, shall be liable to any person for injury or damage
16 sustained as a result of the actions of the volunteer provided
17 by the organization to maintain or repair the cemetery grounds,
18 except for injury or damages resulting from gross negligence or
19 intentional misconduct.



1 (c) This section does not relieve any cemetery property
2 owner or cemetery authority from having to comply with the
3 requirements of chapter 441.

4 (d) Nothing herein shall be construed to authorize or
5 permit the use of perpetual care funds for the purposes of
6 reimbursing costs incurred pursuant to this section."

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

11 (b) The director of commerce and consumer affairs shall
12 examine all options for repairing and maintaining Sunset
13 Memorial Park, including the feasibility of having the State
14 take ownership of Sunset Memorial Park.

15 (c) The director of commerce and consumer affairs may
16 access the Sunset Memorial Trust Fund to address repair and
17 maintenance issues of Sunset Memorial Park; provided that the
18 director of commerce and consumer affairs makes a detailed
19 accounting of expenses paid from the fund.

20 (d) The director of commerce and consumer affairs shall
21 report its findings and recommendations pursuant to this



S.B. NO. 1113

1 section, including any proposed legislation, to the legislature
2 no later than twenty days prior to the convening of the regular
3 session of 2018.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2017.

6

INTRODUCED BY: Breene Hunt
Clarence Rushkern



S.B. NO. 1113

Report Title:

Sunset Memorial Park; Repairs; Maintenance; Cemetery; Department of Commerce and Consumer Affairs

Description:

Requires DCCA in consultation with Comptroller to develop strategies for repair and maintenance of Sunset Memorial Park in Pearl City, Oahu. Authorizes DCCA to access the Sunset Memorial Trust Fund. Provides limited liability for persons maintaining or repairing cemetery grounds. Requires report to Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

