

'JAN 27 2021

A BILL FOR AN ACT

RELATING TO BURIALS.

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

1 SECTION 1. Section 441-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§441-13 Sale of plots after dedication; sale of**
4 **encumbered plots prohibited unless encumbrance subordinate to**
5 **dedication[~~-~~]; prohibition of limitations on the number of sets**
6 **of cremated human remains or burials prepared consistent with**
7 **traditional Hawaiian cultural customs and practices.** (a) After
8 property is dedicated pursuant to this chapter, a cemetery
9 authority may sell, transfer, and convey plots, crypts, or
10 niches thereof[~~, which~~]; provided that the plots, crypts, or
11 niches shall be described by reference to the map or plat, or
12 amended map or plat, filed in accordance with section 441-3 or
13 441-8.

14 (b) No plot, crypt, or niche shall be sold, transferred,
15 conveyed, or otherwise disposed of, or offered for sale,
16 transfer, conveyance, or other disposition[~~, unless~~]:



1 (1) Unless the property on or in which the plot, crypt, or
2 niche is included:

3 (A) ~~[has]~~ Has been dedicated pursuant to this
4 chapter ~~[, nor shall any plot, crypt, or niche be~~
5 ~~sold, transferred, conveyed, or otherwise~~
6 ~~disposed of, or offered for sale, transfer,~~
7 ~~conveyance, or other disposition, unless the~~
8 ~~property on or in which the plot, crypt, or niche~~
9 ~~is included shall]~~; and

10 (B) Is either ~~[be]~~ free and clear of all encumbrances
11 or there has been recorded the written consent of
12 every encumbrancer thereof stating that the
13 encumbrancer's encumbrance shall be subject and
14 subordinate to the dedication of the property to
15 cemetery purposes and the title of any plot,
16 crypt, or niche owner ~~[=]~~; or

17 (2) In a manner that limits the number of sets of cremated
18 human remains or burials prepared consistent with
19 traditional Hawaiian cultural customs and practices
20 that may be interred in a single plot, crypt, or niche
21 to fewer than ten."



S.B. NO. 1021

1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "J. B. L.", written over a horizontal line.

S.B. NO. 1021

Report Title:

Cemeteries; Plots; Human Remains; Limits; Prohibition

Description:

Prohibits selling, transferring, conveying, or otherwise disposing of or offering for sale any plots, crypts, or niches having an authorized capacity limit of fewer than ten sets of cremated human remains or burials prepared consistent with traditional Hawaiian cultural customs and practices.

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