



# GOV. MSG. NO. 1294

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 3, 2024

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

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second 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 3, 2024, the following bill was signed into law:

HB2192 HD1 SD1 CD1

RELATING TO CEMETERIES.  
**ACT 193**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2024  
STATE OF HAWAII

**H.B. NO.** 2192  
H.D. 1  
S.D. 1  
C.D. 1

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# 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 subject of numerous complaints by individuals who have  
4 family members buried there. The cemetery has been described as  
5 having a damaged mausoleum, sinking graves, and markers that are  
6 hidden under overgrown grass and bushes. The cemetery was owned  
7 and operated by a corporation. That corporation, Hawaiian  
8 Cemetery Association, Ltd., dba Sunset Memorial Park,  
9 involuntarily dissolved in 2010. Garden Crypts, Inc., owns a  
10 small portion of the property that is the site of the mausoleum.  
11 That entity was involuntarily dissolved in 2006.

12           Act 193, Session Laws of Hawaii 2018 (Act 193), was enacted  
13 to limit liability for the overwhelming number of volunteers  
14 maintaining or repairing the cemetery grounds at Sunset Memorial  
15 Park. Act 193 further required the department of commerce and  
16 consumer affairs, in consultation with the department of  
17 accounting and general services, to develop short-term and long-



1 term strategies for the upkeep, repair, and maintenance of  
2 Sunset Memorial Park. As a result of Act 193, the department of  
3 commerce and consumer affairs worked with a surveyor to map the  
4 cemetery and create a website and database to help identify  
5 graves at Sunset Memorial Park.

6 The department of commerce and consumer affairs launched  
7 the website portal on February 18, 2022, to provide access to  
8 grave marker information at Sunset Memorial Park. This portal  
9 also allowed members of the public who have family members  
10 buried at the cemetery to share information regarding their plot  
11 as well as information on purchased plots that are vacant or  
12 unmarked. The department of commerce and consumer affairs did  
13 not receive much information regarding plots at the cemetery.  
14 Due to the lack of an owner for the cemetery, there are no  
15 security measures or services for Sunset Memorial Park, and the  
16 Park is often the target of vandalism and desecration, with  
17 thieves displacing ashes from copper urns to sell the urns,  
18 headstones taken off grave sites, and people from homeless  
19 encampments setting fire to the area. The effects of cemetery  
20 vandalism are not limited to property damage but can also extend



1 to emotional trauma to the relatives and friends of the decedent  
2 whose grave has been damaged or desecrated.

3 The purpose of this Act is to permit the director of  
4 commerce and consumer affairs to appoint a limited owner of a  
5 cemetery for which no owner can be found and authorize the  
6 limited owner to:

- 7 (1) File complaints, including trespass complaints, with  
8 the appropriate law enforcement authorities against  
9 persons engaged in wrongful acts at the cemetery; and
- 10 (2) Engage in certain security and perpetual care  
11 activities for the cemetery.

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

15 "§662D- Limited ownership of cemetery grounds. (a)  
16 The director of commerce and consumer affairs, in accordance  
17 with subsection (b), may appoint an organization as the limited  
18 owner of a cemetery for the purpose of bringing criminal, civil,  
19 or administrative complaints, including trespass or other  
20 complaints, to secure appropriate relief against persons engaged  
21 in wrongful acts.



- 1        (b) Appointment of limited ownership shall only be made if  
2 the director of commerce and consumer affairs determines that:
- 3        (1) A cemetery has been abandoned;  
4        (2) A cemetery is in need of perpetual care or protection  
5        from wrongful acts; and  
6        (3) No owner or operator for the cemetery can be located.
- 7        (c) Any organization granted limited ownership pursuant to  
8 subsection (a) may engage in security and perpetual care  
9 activities for the cemetery, including but not limited to:
- 10       (1) The installation of security measures, such as fencing  
11       and lighting;  
12       (2) The implementation of hours of operation;  
13       (3) Major repair work by contract, such as tree trimming,  
14       electrical and plumbing connectivity, and the  
15       integration of solar photovoltaic structures;  
16       (4) The generation and raising of long-term funds to  
17       support the cemetery; and  
18       (5) Any activities in which a volunteer may engage under  
19       section 662D-5.



1       (d) Any organization designated as a limited owner shall  
2 be entitled to the same limited liability protections as  
3 volunteers under section 662D-5.

4       (e) Any organization designated as a limited owner shall  
5 submit annual reports to the department of commerce and consumer  
6 affairs on the status and progress of any new and existing  
7 initiatives undertaken to improve the cemetery.

8       (f) The director of commerce and consumer affairs, in the  
9 director's sole discretion, may terminate the limited ownership  
10 appointment at any time.

11       (g) Appointment as a limited owner of a cemetery property  
12 under this section shall vest no property rights in or  
13 entitlements to the land or property. The limited privileges  
14 granted to a limited owner under this section shall not be  
15 construed as vested rights and may be revoked at any time at the  
16 sole discretion of the director of commerce and consumer  
17 affairs. No action, including an action seeking damages, or  
18 appeal under chapter 91 may be brought by any person against the  
19 director or department of commerce and consumer affairs or  
20 against the State relating to an organization's appointment,  
21 non-appointment, or termination of a designation as a limited



1 owner, or an organization's actions or omissions as a limited  
2 owner.

3 (h) For purposes of this section, "wrongful acts" includes  
4 activities that are illegal pursuant to any federal, state, or  
5 county law, rule, or ordinance."

6 SECTION 3. New statutory material is underscored.

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

APPROVED this 3rd day of July , 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 2192, HD 1, SD 1, CD 1

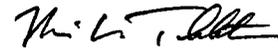
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate