

ACT 70

H.B. NO. 3440

A Bill for an Act Relating to Land.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Purpose. The purpose of this Act is to transfer title to state land used for grave sites for fifty years or more to the person or organization, including a church, that maintains the grave sites.

SECTION 2. Any person or organization, including a church, that has maintained grave sites on state land for fifty years or more may request the board of land and natural resources to transfer the land in fee to that person or organization for its use and maintenance in perpetuity.

The conveyance of the land shall be by deed specifically stating:

- (1) That title is in fee for perpetuity;
- (2) That the use of the land shall be restricted to that of a cemetery; and
- (3) That the failure to maintain the land as a cemetery for a continuous period of one year shall result in the immediate reversion of the fee simple title to the State without notice or action.

After a person or organization requests that the board transfer the land in fee, the board shall enter negotiations with the person or organization to implement the transfer.

Any person or organization, including a church, to which the board has granted a transfer of grave sites in fee, is obligated to maintain the land as a cemetery. If the land is not maintained as a cemetery for a continuous period of one year, then the fee title in the land shall immediately revert to the State without notice or action.

SECTION 3. The department of land and natural resources shall have the authority to transfer grave sites in fee to any person or organization, including churches, notwithstanding chapter 171. The department shall assess and collect a conveyance fee of \$1 for each conveyance under this Act.

SECTION 4. This Act shall take effect on July 1, 1990 and shall be repealed on June 30, 1992.

(Approved May 7, 1990.)