

DEPARTMENT OF DEFENSE

Adoption of Chapter 32

Hawaii Administrative Rules

1. Chapter 7-32, Hawaii Administrative Rules, entitled "Hawaii State Veterans Cemetery Rules of Practice and Procedure" is adopted to read as follows:

HAWAII ADMINISTRATIVE RULES

TITLE 7

DEPARTMENT OF DEFENSE

SUBTITLE 2

OFFICE OF VETERANS' SERVICES

CHAPTER 32

HAWAII STATE VETERANS CEMETERY RULES OF PRACTICE AND PROCEDURE

Subchapter 1 General Provisions

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SUBCHAPTER 1 GENERAL PROVISIONS

§7-32-1 Purpose.

The purpose of this chapter is to establish rules for the Hawaii state veterans cemetery on Oahu.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-2 Definitions.

As used in this chapter unless otherwise provided:

"Armed forces" means the United States Army, Navy, Marine Corps, Coast Guard, and Air Force or any women's auxiliary branch thereof, organized pursuant to an Act of Congress.

"Cemetery" means the Hawaii state veterans cemetery.

"Designated cemetery official" means those persons so designated by the director to act as agents for the Hawaii state veterans cemetery.

"Columbarium" means a structure with niches for the inurnment of human remains.

"Director" means the director of the office of veterans' services as defined in section 363-2, HRS.

"Grave" means the space of ground in the cemetery used, or intended to be used, for burial of human remains.

"Hawaii state veterans cemetery" means that cemetery located at 45-349 Kamehameha Highway, Kaneohe, on the parcel identified as tax map key 4-5-33-2, and any future additions.

"Interment" means the disposition of human remains by burial or inurnment.

"Inurnment" means the placement of cremated remains in a plot or in a niche.

"Liner" means a grave liner or vault as defined by the director.

"Niche" means a space in a columbarium used, or intended to be used, for inurnment of cremated human remains.

"Office" means the office of veterans' services.

"Public records" means records and information available for public inspection as provided by state or

federal law.

"Space" means area in the cemetery used, or intended to be used, for interment or inurnment of human remains.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-3 Authority; supervision.

- (a) The director and a designated cemetery official shall be authorized to enforce this chapter.
- (b) A designated cemetery official shall have charge of the grounds and buildings, and at all times shall supervise and control all persons in the cemetery, including the conduct of funerals, ceremonies, traffic, employees, and visitors.
- (c) Anyone violating this chapter may have their permission to enter or remain upon the cemetery premises revoked by the director or a designated cemetery official.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-4 Hours.

- (a) The director or a designated cemetery official shall establish a reasonable schedule of visiting hours for all or portions of the cemetery and close or restrict public use of all or any portion thereof, when necessary for the protection of the area, maintenance, upkeep, construction, or the safety and welfare of persons or property, by the posting of appropriate signs indicating the extent and scope of closure.
- (b) All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.
- (c) Hours of operation for the cemetery are:

- (1) Visitors: Sunrise to sunset, in coordination with the gate opening and closing schedule of the Hawaiian Memorial Park Cemetery.
- (2) Office: 7:45 a.m. to 4:30 p.m.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-5 Visitors.

(a) Visitors may be admitted during the hours the cemetery is open.

(b) Visitors shall not be permitted to:

- (1) Litter the grounds;
- (2) Cut, break, remove, or injure trees, shrubs, grass, or other plantings;
- (3) Use the cemetery for any form of sports or recreation, including but not limited to:
 - (A) Jogging;
 - (B) Skate boarding;
 - (C) Bicycling;
 - (D) Picnicking;
 - (E) Ball playing;
 - (F) Consumption of intoxicating beverages or illegal use of controlled substances;
 - (G) Loitering;
 - (H) Pets. This section shall not apply to seeing-eye dogs accompanying their masters.
 - (I) Any service, ceremony or demonstration, except as authorized by a designated cemetery official.

(c) Visitors at public gatherings or ceremonies shall observe proper standards of decorum and decency while upon the cemetery premises.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-6 Traffic control.

(a) The director or a designated cemetery official shall adopt such rules as may be necessary to manage, provide for safety and to control traffic including, but not limited to, the operation and parking of sightseeing or chartered buses or other vehicles.

(b) The speed of vehicles in the cemetery may not exceed posted speeds.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-7 Fee structure.

(a) By law, the State holds title to all gravesites.

(b) There shall be no charge for the gravesite or its perpetual care, however;

(c) To compensate for the opening and closing of graves the following fee structure is in effect:

(1) For interment of veterans,

(A) The State shall receive the veteran's plot allowance.

(B) The State shall supply a liner or the representative may purchase another liner if that liner meets the guidelines defined by the director and incurs no cost to the State.

(2) For interment of eligible dependents, the State shall receive from the dependent's survivor or representative the sum equivalent to the amount of the plot allowance, plus the cost of the required liner.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-8 Flags.

(a) The United States flag shall be flown over the cemetery continually.

(b) The flag shall be flown at half-staff on Memorial Day and during interment services and wreath-laying ceremonies.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-9 Floral, decorative, and commemorative objects.

(a) Cut natural flowers, wreaths, and sprays in containers may be placed on, but not attached to, graves or in designated areas in the columbarium at any time.

(b) The religious convention of placing fruit, beverages, and religious artifacts on the graves shall be allowed.

(c) Potted plants shall be permitted only during the period ten days before and ten days after Easter Sunday, Christmas Day, Hana Matsuri, O-Bon, and Memorial Day.

(d) Potted plants, permanent plantings, artificial flowers, statues, vigil lights, commemorative items, or toys shall not be permitted, except as provided in this section.

(e) Floral displays shall be removed by cemetery personnel when faded or withered.

(f) Glass containers or objects shall not be allowed at any time.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-10 Memorialization.

No person shall make or install any monument, memorial, tablet, or other commemorative installation, except with the written permission of the director or a designated cemetery official.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-11 Gifts, devises, or bequests.

(a) The director may prescribe restrictions and accept non-monetary gifts, devises, or bequests which are beneficial to the cemetery.

(b) Gifts, devises, or bequests shall be accepted only after it has been determined that the donor has a clear understanding that title thereto passes to, and shall be vested in, the office, and that the donor relinquishes all control over the future use or disposition of the gift or donation, except as agreed upon between the director and the donor.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-12 Public information and public records.

(a) All public records shall be available for inspection in the office.

(b) Public records printed or reproduced by the office may be given to any person requesting the same and paying the reasonable cost thereof, including the cost of reproduction and mailing, or where a charge is specified by law or by rule, such specified charges.

(c) Requests for public information, for permission to inspect public records, or for copies of public records shall be made in writing to the director.

[Eff: AUG 10 1991] (Auth: HRS §§ 92F, 363-2) (Imp: HRS §§ 92F, 363-2)

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§7-32-13 Corrections.

The director or a designated cemetery official shall have the right to correct any errors that may be made by it, either in making interments or disinterments, or in setting the grave marker, and reserves the right

to correct any errors in its official records of interments and graves.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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SUBCHAPTER 2 ELIGIBILITY

§7-32-14 Eligibility for burial.

- (a) Title 38, part 1, section 620 of the Code of Federal Regulations, as it existed on August 23, 1989, shall govern the procedures pertaining to eligibility for interment in the cemetery.
- (b) The burden of proof of eligibility for burial in the cemetery shall be on the applicant for such burial.
- (c) A designated cemetery official shall determine the eligibility of a person for interment or inurnment in the cemetery in accordance with this chapter and shall issue such determination in writing.
- (d) In questionable cases relating to character of discharge and verifying service information, eligibility shall be based on a determination by the United States Department of Veterans Affairs regional office concerning the character of discharge and verification of service information.
- (e) A veteran, representative, or next of kin may appeal any determination of a designated cemetery official as provided under subsection (c) regarding the eligibility of a veteran, or dependent, for burial in the cemetery.
 - (1) The appeal shall be in writing, shall include all information to be considered as the basis of the appeal, and shall be filed with the director no more than seven days after notification of the initial determination made by a designated cemetery official;
 - (2) Chapter 91, Hawaii Revised Statutes, shall govern the appeal hearing process;
 - (3) The director shall render a decision in writing no more than seven days after conclusion of the hearing on the appeal;
 - (4) The veteran, representative, or next of kin filing the appeal may, pursuant to chapter 91, Hawaii Revised Statutes, request an expedited appeal by agreeing to modify or waive any procedure and informally dispose of any case by stipulation, agreed settlement, consent order, or default of the parties and the director shall respond to the appeal within three working days of its submission.
- (f) Chapter 91, Hawaii Revised Statutes, shall govern the admissibility, preservation and use of evidence for this section.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2; 38 CFR §1.620)

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§7-32-15 Persons eligible for interment or inurnment.

Persons eligible for interment or inurnment shall include:

(a) Any former member or member of the armed forces who was born in Hawaii, or was a resident of Hawaii at entrance to or separation from the armed forces, or was a resident of Hawaii for two continuous years, or was a resident of Hawaii for six months prior to the time of death, or showed intention to become a resident; and

(1) Died while serving on active duty;

(2) Served as an active member of the armed forces and was honorably discharged or released under honorable conditions;

(3) Any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the armed forces of any government allied with the United States during that war, whose last such service terminated honorably, who was a citizen of the United States at the time of entry in such service and at the time of death; or

(4) Served as a member of a reserve component of the armed forces, the Army National Guard, the Air National Guard, or the Reserve Officers' Training Corps of the Army, Navy, or Air Force and whose death occurred under honorable conditions while serving on active duty for training or performing full-time service, or while hospitalized or undergoing treatment for service-related conditions.

(b) The spouse, widow, or widower of an eligible active duty member or veteran, including the widow or widower of a member of the armed forces lost or buried at sea or officially determined to be permanently absent in the status of missing in action;

(c) The surviving spouse of a veteran whose remarriage was annulled or otherwise declared void by a court of competent jurisdiction;

(d) Minor children of an eligible active duty member or veteran who are unmarried and:

(1) Who are under twenty-one years of age; or

(2) Who are under twenty-three years of age and pursuing a course of instruction at an approved educational institution;

(e) Adult children of an eligible active duty member or veteran who were declared physically or mentally disabled and incapable of self-support before attaining the age of twenty-one years, and have written documentation such as medical records, or a letter from an attending physician;

(f) Commissioned officers of other services who were detailed or transferred to active duty and who served honorably and were provided with a DD Form 214, or equivalent, upon separation;

(g) The remains of eligible persons previously interred in other locations may be reinterred in the cemetery upon the request of anyone legally entitled to make such request; provided, that no cost shall be borne by the State other than that which would be incurred in an original interment.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2; 38 CFR §1.620)

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SUBCHAPTER 3 OPERATIONS

§7-32-16 Interment, inurnment.

- (a) The State shall open and close the grave in accordance with the fee schedule established in this chapter and furnish perpetual care without charge.
- (b) All graves shall be equal, have a uniform type of flat marker. Military rank or civilian stature shall be given no consideration in selection of the grave, and the space selection shall be made by a designated cemetery official.
- (c) Reservation of space shall not be allowed.
- (d) The funeral director shall be responsible for making interment arrangements for an eligible decedent. The funeral director shall submit all documents as may be required or requested by the office to determine the eligibility of the decedent to be interred in the cemetery.
- (e) Three working days notice shall be given to schedule the interment or inurnment in the cemetery.
- (f) All applications for burial in the cemetery shall be processed by a designated cemetery official who shall determine the eligibility of the decedent to be interred.
- (g) After the decedent has been determined eligible, the burial shall be scheduled after consultation with the funeral director, and under no circumstances shall a burial be arranged by the funeral director without first securing approval from a designated cemetery official.
- (h) All expenses incurred by the survivors or representative for the funeral services and supplies provided by a funeral director of their choice and transportation shall be the responsibility of the survivors or representative.
- (i) All funerals on entering the cemetery shall be under the supervision of a designated cemetery official.
- (j) Services shall be held at the committal shelter. Every effort shall be made to accommodate special religious traditions by individual arrangements with a designated cemetery official.
- (k) Arranging for military honors shall be the responsibility of the next of kin, representative or funeral director, not the cemetery.
- (l) Graves shall be closed as soon as practicable after the interment session or before the close of that business day.

- (m) Graves shall be temporarily marked using a temporary grave marker until the department of veterans affairs provides the permanent marker for each grave.
- (n) Each grave shall be marked with a marker furnished by the department of veterans affairs. Ordering of markers shall be the responsibility of the cemetery. No other parties may order a marker for placement within the cemetery.
- (o) All graves shall have a liner.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-17 Disinterment.

- (a) Interment of eligible decedents shall be considered to be permanent and final.
- (b) Disinterment and removal of remains shall be permitted only with the prior approval of the director.
- (c) All arrangements and all expenses in connection with a disinterment shall be the responsibility of the requesting individual or agency. These arrangements shall include compliance with the local and State health laws or rules, engagement of a funeral director to accomplish the disinterment, necessary re-casketing of the remains, rehabilitation of the old grave, and compliance with any special instruction of the director.
- (d) Disinterments shall be supervised at the gravesite by the director or a designated cemetery official.
 - (1) Special care and concern shall be shown for adjacent graves and markers.
 - (2) Cemetery personnel shall reopen the grave down to one foot above the top of the grave liner or vault.
 - (A) Cemetery personnel shall not otherwise participate in any other aspect of the disinterment operation.
 - (B) No charge shall be made for the supervision and reopening of the grave to the extent indicated above.
- (e) The marker of the grave being disinterred shall not be shipped to the cemetery where the remains are to be interred.
- (f) If the decedent being disinterred is to be reinterred at another location within the cemetery, the same marker shall be removed and reordered showing the change of grave location and placed at the new gravesite.
- (g) When a disinterment has been completed, the open grave shall be reused at the earliest practical date.

[E††: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-18 Directed exhumation.

- (a) Federal and Hawaii court orders directing exhumations shall be honored.
- (b) Exhumations on the basis of orders issued by out-of-State courts, or courts of questionable authority, shall be conducted if such orders are enforceable in Hawaii.
- (c) The issuing court must indicate the final disposition of the exhumed remains.
- (d) Exhumation activities shall be coordinated with the ordering court and carried out under the supervision of the director or a designated cemetery official.
 - (1) If the remains are to be permanently removed from the cemetery, arrangements shall be made for immediate removal and the grave may be reused.
 - (2) If the remains are to be reinterred in the cemetery, the same grave shall be used.
- (e) Court orders and other pertinent documentation shall be retained at the cemetery as a permanent record of the action.
- (f) All expenses for directed exhumations shall be the responsibility of the requesting party.

[Eff: AUG 10 1991] (Auth: HRS §363-2) (Imp: HRS §363-2)

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DEPARTMENT OF DEFENSE

Chapter 7-32, Hawaii Administrative Rules, on the Summary page dated _____, were adopted on _____, following a public hearings held on July 8, July 12, July 15 and July 17, 1991 after public notice was given in the Honolulu Advertiser, Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News and Garden Island Weekly on May 28, 1991, and May 29, 1991.

The adoption of chapter 7-32, Hawaii Administrative Rules, shall take effect ten days after filing with the office of the Lieutenant Governor.

Edward V. Richardson
Adjutant General
Department of Defense

APPROVED:

John Waihee
Governor
State of Hawaii

APPROVED AS TO FORM:

Deputy Attorney General

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DEPARTMENT OF DEFENSE
Amendments to Chapter 7-32, Hawaii Administrative Rules

SUMMARY

1. §§[7-32-2](#), [7-32-7](#), [7-32-9](#), [7-32-9](#), [7-32-16](#), and [7-32-17](#) are amended.

§7-32-2 Definitions.

As used in this chapter:

"Columbarium" means a structure with niches designated for the inurnment of cremated human remains.

[Eff 8/10/91; am **SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-7 Fee structure.

(b) There shall be no charge for the gravesite or its perpetual care, except as provided in subsection (c).

(c) To compensate for the opening and closing of graves the following fee structure is in effect:

- 1) For interment of veterans, the State shall receive the veteran's plot allowance, or the sum equivalent to the amount of the plot allowance.
- (2) For interment of eligible dependents, the State shall receive from the dependent's survivor or representative the sum equivalent to the amount of the plot allowance.
- (3) When the veteran dies from a service-connected condition, the State shall receive from the veteran's survivor or representative the sum equivalent to the amount of the plot allowance.
- (4) When a member of the armed services dies while serving on active duty, the State shall receive from the service member's survivor or representative the sum equivalent to the amount of the plot allowance.
- (5) When a veteran or dependent is disinterred from another cemetery and reinterred at Hawaii state veterans cemetery, the State shall receive from the veteran's survivor or representative the sum equivalent to the plot allowance.

[Eff: 8/10/91; am SEP 03 1994] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-9 Floral, decorative, and commemorative objects.

(c) Potted plants shall be permitted only during the period ten days before and ten days after Easter Sunday, Christmas Day, Hana Matsuri, and O-Bon.

[Eff: 8/10/91; am SEP 03 1994] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-9 Floral, decorative, and commemorative objects.

(g) Any type of adhesive tape or wire or metal fasteners shall not be used to attach objects to headstones or columbaria walls. Only wood products shall be used to hold objects on gravestones.

[Eff: 8/10/91; am SEP 03 1994] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-16 Interment, inurnment.

- (a) The State shall open and close the grave in accordance with the fee schedule established in this chapter and furnish perpetual care without charge.
- (b) All graves shall be equal, have a uniform type of flat marker. Military rank or civilian stature shall be given no consideration in selection of the grave, and the space selection shall be made by a designated cemetery official.
- (c) Reservation of space shall not be allowed.
- (d) The funeral director shall be responsible for making interment arrangements for an eligible decedent. The funeral director shall submit all documents as may be required or requested by the office to determine the eligibility of the decedent to be interred in the cemetery.
- (e) Three working days notice shall be given to schedule the interment or inurnment in the cemetery.
- (f) All applications for burial in the cemetery shall be processed by a designated cemetery official who shall determine the eligibility of the decedent to be interred.
- (g) After the decedent has been determined eligible, the burial shall be scheduled after consultation with the funeral director, and under no circumstances shall a burial be arranged by the funeral director without first securing approval from a designated cemetery official.
- (h) All expenses incurred by the survivors or representative for the funeral services and supplies provided by a funeral director of their choice and transportation shall be the responsibility of the survivors or representative.
- (i) All funerals on entering the cemetery shall be under the supervision of a designated cemetery official.
- (j) Services shall be held at the committal shelter. Every effort shall be made to accommodate special religious traditions by individual arrangements with a designated cemetery official.
- (k) Arranging for military honors shall be the responsibility of the next of kin, representative or funeral director, not the cemetery.
- (l) Graves shall be closed as soon as practicable after the interment session or before the close of that business day.
- (m) Graves shall be temporarily marked using a temporary grave marker until the Department of Veterans Affairs provides the permanent marker for each grave.
- (n) Each grave shall be marked with a marker furnished by the Department of Veterans Affairs. Ordering of markers shall be the responsibility of the cemetery. No other parties may order a marker for placement within the cemetery.

[Eff: 8/10/91; **am SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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§7-32-17 Disinterment.

(d) Disinterments shall be supervised at the gravesite by the director or a designated cemetery official.

(1) Special care and concern shall be shown for adjacent graves and markers.

(2) Cemetery personnel shall reopen the grave down to one foot above the top of the grave liner, vault or casket.

(A) Cemetery personnel shall not otherwise participate in any other aspect of the disinterment operation.

(B) No charge shall be made for the supervision and reopening of the grave to the extent indicated above.

(e) The marker of the grave being disinterred shall not be shipped to the cemetery where the remains are to be reinterred.

[Eff: 8/10/91; **am SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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DEPARTMENT OF DEFENSE

Amendments to chapter 7-32, Hawaii Administrative Rules, on the Summary page dated _____, were adopted on _____, following a public hearing held on May 16, 1994 after public notice was given in the Honolulu Advertiser, Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News and Garden Island Weekly on April 5, 1994.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

EDWARD V. RICHARDSON
Adjutant General
Department of Defense

APPROVED AS TO FORM:

Deputy Attorney General

JOHN WAIHEE
Governor

Date: AUG 24 1994

AUG 24 1994
Filed

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DEPARTMENT OF DEFENSE
Amendments to Chapter 7-32, Hawaii Administrative Rules

1. Section 7-32-2, Hawaii Administrative Rules, is amended by amending the definition of "columbarium" to read:

""Columbarium" means a structure with niches designated for the inurnment of cremated human remains."

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2. Section 7-32-7, Hawaii Administrative Rules, is amended by amending subsections (b) and (c) to read as follows:

"(b) There shall be no charge for the gravesite or its perpetual care, [however;] except as provided in subsection (c),

(c) To compensate for the opening and closing of graves the following fee structure is in effect:

(1) For interment of veterans,

[(A) The] the State shall receive the veteran's plot allowance, or the sum equivalent to the amount of the plot allowance.

[(B) The State shall supply a liner or the representative may purchase another liner if that liner meets the guidelines defined by the director and incurs no cost to the State.]

(2) For interment of eligible dependents, the State shall receive from the dependent's survivor or representative the sum equivalent to the amount of the plot allowance [, plus the cost of the required liner].

(3) When the veteran dies from a service-connected condition, the State shall receive from the veteran's survivor or representative the sum equivalent to the amount of the plot allowance.

(4) When a member of the armed forces dies while serving on active duty, the State shall receive from the service member's survivor or representative the sum equivalent to the amount of the plot allowance.

(5) When a veteran or dependent is disinterred from another cemetery and reinterred at Hawaii state veterans cemetery, the State shall receive from the veteran's survivor or representative the sum equivalent to the amount of the plot allowance."

[Eff: 8/10/91; am **SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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3. Section 7-32-9, Hawaii Administrative Rules, is amended to read as follows:

"§7-32-9 Floral, decorative, and commemorative objects.

(a) Cut natural flowers, wreaths, and sprays in containers may be placed on, but not attached to, graves or in designated areas in the columbarium at any time.

(b) The religious convention of placing fruit, beverages, and religious artifacts on the graves shall be allowed.

(c) Potted plants shall be permitted only during the period ten days before and ten days after Easter Sunday, Christmas Day, Hana Matsuri, and O-Bon [, and Memorial Day].

(d) Potted plants, permanent plantings, artificial flowers, statues, vigil lights, commemorative items, or toys shall not be permitted, except as provided in this section.

(e) Floral displays shall be removed by cemetery personnel when faded or withered.

(f) Glass containers or objects shall not be allowed at any time.

(g) Any type of adhesive tape or wire or metal fasteners shall not be used to attach objects to headstones or columbaria walls. Only wood products shall be used to hold objects on gravestones."

[Eff: 8/10/91; am **SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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4. Section 7-32-16, Hawaii Administrative Rules, is amended to read as follows:

"§7-32-16 Interment, inurnment.

(a) The State shall open and close the grave in accordance with the fee schedule established in this chapter and furnish perpetual care without charge.

(b) All graves shall be equal, have a uniform type of flat marker. Military rank or civilian stature shall be given no consideration in selection of the grave, and the space selection shall be made by a designated cemetery official.

(c) Reservation of space shall not be allowed.

(d) The funeral director shall be responsible for making interment arrangements for an eligible decedent. The funeral director shall submit all documents as may be required or requested by the office to determine the eligibility of the decedent to be interred in the cemetery.

(e) Three working days notice shall be given to schedule the interment or inurnment in the cemetery.

(f) All applications for burial in the cemetery shall be processed by a designated cemetery official who shall determine the eligibility of the decedent to be interred.

(g) After the decedent has been determined eligible, the burial shall be scheduled after consultation with the funeral director, and under no circumstances shall a burial be arranged by the funeral director without first securing approval from a designated cemetery official.

(h) All expenses incurred by the survivors or representative for the funeral services and supplies provided by a funeral director of their choice and transportation shall be the responsibility of the survivors or representative.

(i) All funerals on entering the cemetery shall be under the supervision of a designated cemetery official.

(j) Services shall be held at the committal shelter. Every effort shall be made to accommodate special religious traditions by individual arrangements with a designated cemetery official.

(k) Arranging for military honors shall be the responsibility of the next of kin, representative or funeral director, not the cemetery.

(l) Graves shall be closed as soon as practicable after the interment session or before the close of that business day.

(m) Graves shall be temporarily marked using a temporary grave marker until the [department of veterans affairs] Department of Veterans Affairs provides the permanent marker for each grave.

(n) Each grave shall be marked with a marker furnished by the [department of veterans affairs]

Department of Veterans Affairs. Ordering of markers shall be the responsibility of the cemetery. No other parties may order a marker for placement within the cemetery.

[(o) All graves shall have a liner.]"

[Eff: 8/10/91; **am SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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5. Section 7-32-17, Hawaii Administrative Rules, is amended by amending subsections (d) and (e) to read as follows:

"(d) Disinterments shall be supervised at the gravesite by the director or a designated cemetery official.

(1) Special care and concern shall be shown for adjacent graves and markers.

(2) Cemetery personnel shall reopen the grave down to one foot above the top of the grave liner [or], vault [.] or casket.

(A) Cemetery personnel shall not otherwise participate in any other aspect of the disinterment operation.

(B) No charge shall be made for the supervision and reopening of the grave to the extent indicated above.

(e) The [market] marker of the grave being disinterred shall not be shipped to the cemetery where the remains are to be [interred.] reinterred."

[Eff: 8/10/91; **am SEP 03 1994**] (Auth: HRS §363-2) (Imp: HRS §363-2)

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6. These amendments to chapters 7-32, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on AUG 24, 1994 and filed with the Office of the Lieutenant Governor.

Adjutant General

APPROVED AS TO FORM:

Deputy Attorney General

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