

HCR-29-HD-1

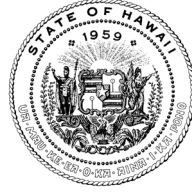
Submitted on: 4/17/2023 6:47:26 PM

Testimony for CPN on 4/19/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|----------------------|---------------------------|----------------|
| Zhizi Xiong | Testifying for CARES | Support | In Person |

Comments:

CARES testifies in strong support.



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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Commerce and Consumer Protection
Wednesday, April 19, 2023
2:00 p.m.
Conference Room 225 and Videoconference**

**On the following measure:
H.C.R. 29, H.D. 1, REQUESTING THE DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS TO STUDY POTENTIAL SOLUTIONS AND MAKE
RECOMMENDATIONS FOR A LONG-TERM MANAGEMENT PLAN, FOR SUNSET
MEMORIAL PARK**

Chair Keohokalole and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Department of Commerce and Consumer Affairs' (Department), Professional and Vocational Licensing Division's, Cemetery and Funeral Trusts Program. The Department appreciates the intent of this resolution and provides comments.

The purposes of this resolution are for the Department to: (1) study potential solutions for the legal and physical situation at Sunset Memorial Park; (2) make recommendations for a long-term management plan; (3) report on any developments since the enactment of Act 193; and (4) submit a report of its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

Since the enactment of Act 193 in 2018, the Department has made a great effort to address concerns raised by the community regarding Sunset Memorial Park. These efforts include:

2019

- The Department met with a cemetery historian to begin the process of mapping Sunset Memorial Park, and was referred to an expert in the mapping project. At that time, it was determined that the project was quite onerous. The Department then had to seek expertise from an independent consultant, which resulted in the survey project, the Sunset Memorial Park Online Portal.
- The Department also worked with a community organization and attempted to help facilitate the organization in obtaining an exemption under federal tax law.

2020

- The Department introduced an administrative bill, which later became Act 22, Session Laws of Hawaii 2020, which codified the Department's practice of exempting any cemetery authority from HRS chapter 441 requirements, provided that the entity does not sell for financial profit. Act 22 allows the director to exempt any cemetery authority from the provisions of the chapter upon proof satisfactory to the director that the cemetery authority does not sell for financial profit; provided that a cemetery authority exempted under this section shall be required to comply with any provision of this chapter upon order by the director. It provides further any church granted an exemption under this section shall be exempt from all requirements of the chapter. Any entity that is exempt as a church under federal tax law shall be considered a church for purposes of the section.
- During this time, the Department's ability to efficiently move forward with its plans was severely impacted by the COVID-19 pandemic.

2021

- In January 2021, the Department hired an expert to survey Sunset Memorial Park and create a database documenting the Geographic Information Systems (GIS) location of each plot, marker, and information on each marker.
- In February 2021, the Department attempted to address concerns related to homeless encampments, illegal activity, and security issues occurring on the property, and sought the assistance of several government agencies to no avail.

2022

- On February 18, 2022, the Department launched a new website, the Sunset Memorial Park Online Portal, to provide access to grave marker information for graves located at Sunset Memorial Park. The portal enabled the public to search for grave markers by name or location and provide information for a given plot. The portal also assisted the public in locating a loved one's grave whose location was uncertain. This same portal allowed the public to submit additional information from members of the public who have family members buried at the cemetery, as well as information on purchased plots that are currently vacant or unmarked. The Department's goal in doing this was to ensure that a means to contact those who have an interest with periodic updates from the Department regarding the cemetery.
- During this time, the Department also initiated dialogue with several organizations and non-profits who expressed interest in taking over the cemetery property.

The Department is willing to lead the effort to address this matter. However, its oversight with cemetery operations is focused on the consumer protection aspects of ensuring that a cemetery handles consumer funds appropriately. Since the enactment of Act 193, the Department has worked with several parties to assume ownership and/or maintain Sunset Memorial Park without much success.

The Department explored alternatives with other State agencies that are outside of its jurisdiction (security, long-term maintenance, and ownership of Sunset Memorial Park). The Department continues to work with potential non-profit organizations for ownership of the property.

If the Committee still wishes for the Department's participation in this matter, the Department requests for a final report date to be extended to twenty days prior to the convening on the Regular Session of 2025.

The Department would like to respectfully request that the Legislature give careful consideration when exploring certain long-term options that may not be practical or appropriate for the State, namely a possible State takeover of Sunset Memorial Park and the utilization of perpetual care funds for purposes other than what is authorized by law.

Thank you for the opportunity to testify on this measure.

TESTIMONY OF

LARRY S VERAY

TO THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

MOST STRONGLY SUPPORT HCR29, HD1

**REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO
STUDY POTENTIAL SOLUTIONS AND MAKE RECOMMENDATIONS FOR A LONG-
TERM MANAGEMENT PLAN FOR SUNSET MEMORIAL PARK**

April 17, 2023

Aloha, Chair Jarrett Keohokalole, Vice Chair Carol Fukunaga and Committee members. Thank you for allowing me the opportunity to provide testimony on HCR29, HD1. I am Chair for the Pearl City Neighborhood Board No. 21. I am submitting this testimony on behalf of our board, residents of Pearl City and importantly the many families in Hawaii who have their loved ones buried at Sunset Memorial Park Cemetery in Pearl City.

Currently, we have an urgent situation with Sunset Memorial Park Cemetery because of continued desecration by homeless individuals living in the Mausoleums. The owner passed away over a decade ago and shortly after his death, the transients and squatters broke into the owners small building office that was on the property and then burned the building down with all the records of burial plots lost. For many years after, families have had difficulty arranging for burials of their families into the plots they previously paid for with the owner. Over the past years, there have been numerous incidents of cemetery desecration of the headstones, grave sites, Crypts and Mausoleum area. Transients have broken into the crypts stealing jewelry of bodies, broke into mausoleums stealing copper urns. The most devastating desecration was the discovery of 25 headstones taken off grave sites and used for flooring in a homeless encampment.

As Chair for the Pearl City Neighborhood Board, I could not turn a blind eye on the many families who reached out to me for help. I led numerous community cleanups at the cemetery but primary grooming of the cemetery has been done by the Vietnam Army Vets Association and the few families that have time to take care of their own plots. There were 12 Vietnam Vet senior citizen members weed-whacking twice a week in grass cutting but now there are only two able to groom the cemetery weekly due to their health and aging issues. I have recruited the Church groups and the military to assist in the cleanups. Representative Gregg Takayama and former Representative Roy Takumi have lobbied for the many families but we still have not received assistance from the State. This is a losing battle with aging Kupuna that can't continue to groom the cemetery. Furthermore, I initiated a Non-Profit 501c but I have not been able to move forward to come in compliance with DCCA requirements. The homeless are occupying mausoleums and we are not authorized to trespass those who continue to pillage the cemetery.

I most strongly urge you to support and approve HCR29, HD1 and identify a long-term management plan to take over Sunset Memorial Park on behalf of hundreds of families. Mahalo!

Very respectfully,

Larry S. Veray

HCR-29-HD-1

Submitted on: 4/17/2023 9:01:19 PM

Testimony for CPN on 4/19/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Charmaine Doran | Individual | Support | Written Testimony Only |

Comments:

Thank you for considering this measure. For almost ten years, the Pearl City community has used countless volunteer hours and personal donations to clean and maintain this cemetery. We ask that you approve this resolution to help our community move one step closer to securing real and long-term solutions for the maintenance of Sunset Memorial Park. The brothers, sisters, mothers and fathers - all of those who are interred here - deserve to be cared for consistently, adequately, and respectfully.

Mahalo