

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection & Commerce
Wednesday, February 5, 2020
2:00 p.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 2202, RELATING TO CEMETERIES**

Chair Takumi and Members of the Committee:

My name is Charlene Tamanaha, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional and Vocational Licensing Division. The Department opposes this bill.

The purpose of this bill is to allow any cemetery authority to be exempted from licensing, bonding, and fee requirements when selling or offering use of its property or portion thereof for the inurnment of cremated remains of its members, adherents, and their families.

The Department believes that the focus of the bill is too narrow because it only addresses the inurnment of cremated remains. The Department also believes that the bill's use of "church, religious society, or denomination" on page 2, lines 10 to 11 is too broad.

The Department notes the introduction of its administration bill, H.B. 2327, this session. The administration bill clarifies that churches granted an exemption under

Hawaii Revised Statutes (HRS) section 441-22.1 are exempt from all requirements of HRS chapter 441, and that other exempted entities shall comply with any provision of that chapter upon order of the Department's Director. In addition, H.B. 2327 clearly identifies a church as being exempt as a church if it is exempt under federal tax law.

Given this information, the Department respectfully requests that the Committee hold H.B. 2202 and instead use H.B. 2327 as its vehicle.

Thank you for the opportunity to testify on this bill.

HB-2202

Submitted on: 2/3/2020 3:22:53 PM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Y. Magaoay	MYM Services, LLC	Support	No

Comments:

STRONG SUPPORT FOR HB2202!

HB-2202

Submitted on: 2/4/2020 5:57:36 AM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kekoa McClellan	Roman Catholic Church of Hawaii	Support	No

Comments:

Aloha Chair Takumi, Vice Chair Ichiyama, and members of the House Committee on Consumer Protection and Commerce.

On behalf of the Roman Catholic Church of Hawaii, our 250,000 members, and the multi-faith, multi-community coalition to promote affordable afterlife care in which we are participating, we strongly urge your support for HB2202.

The exemption outlined in this measure is based on our desire and commitment to care for the afterlife needs of the local communities we serve and their families. We are requesting an amendment to Hawaii's current law regarding Cemetery and Funeral Trusts to allow religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to its members for an affordable fee. Hawaii is one of few states that does not exempt religious institutions from charging a fee to help manage the costs of having a columbarium on their property. The primary goal is to provide a continuum of spiritual care for our parishioners, even in their afterlife, that does not run our local families broke at what can be the most emotionally and financially difficult time for them (the passing of a loved one).

This important benefit extends far beyond Catholic communities and would benefit all of Hawaii's registered faith-based non-profits such as Hawaii's Buddhist, Episcopalian, Baptist, Lutheran, Methodist, Congregationalist Evangelical, Hindu, and other faith serving communities here in the islands. It is worth noting that the law, when amended in 1985, was intended to provide an exemption from the cemetery authority rules for non profits by providing an exemption for any organization not making a 'profit' off of the subject activity. That language as currently within the statute is vague and has not resulted in churches' ability to provide this service to our members. The proposed language provides a bright line and safe harbor on exempted activities at a much needed time for our local communities seeking relief from the burdensome costs of after life care for their 'ohana.

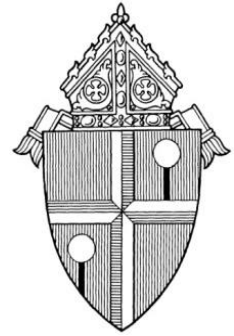
Mahalo for taking the time to read this testimony and for your consideration of support for HB2202.

Me ka pono,

Kekoa McClellan for the Roman Catholic Church of Hawaii

THE OFFICE OF THE CHANCELLOR

ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII | ST. STEPHEN DIOCESAN CENTER
6301 PALI HIGHWAY, KANEOHE, HAWAII 96744-5224 | (808) 203-6715 | FAX: (808) 263-8518



COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Roy M. Takumi, Chair

Rep. Linda Ichiyama, Vice Chair

Deacon Keith Cabiles, Chancellor, Roman Catholic Church - Diocese of Honolulu

Support for HB2202 and SB3130, relating to cemeteries.

Wednesday, February 5, 2020 2:00 pm

As locals, we all understand that no other concept is more ingrained in our hearts than the concept of “Ohana”. For us locals, “ohana” is the center of our universe. We thrive in loving our family, which includes our friends. We also thrive *because* of the love our family and friends have for us. We feel it at every family gathering, at birthdays, potlucks, baby showers, and retirement parties. The hugs, kisses, handshakes, ‘supps, and howzits --in all combinations-- are part of the language unique to our ohana philosophy. Nothing gives us more joy than to be with, and to love our ohana. For us, ohana is life.

We also experience this profound joy when a loved one dies. Where, and how we celebrate a loved one’s death reflects that love. Whether one is a Christian, Jew, Muslim or Buddhist, funeral services are a grand culmination, a rousing finale and the symbolic final hug, kiss and handshake with our loved one. But for Hawaii’s faithful (estimates place 73% of Hawaii’s population as believers), to be buried at their place of worship is a reality not yet realized.

The passing of HB2202 and SB3130 manifests what “ohana” means. It will be a recognition of this unique aspect of local culture, and the wholeness of our love for family and friends - ***in life and in death***. By passing these bills, Hawaii’s faith community and their extended ohana will receive much needed service and care. Grieving families will receive a seamless and natural process of spiritual care within their own worship community, and be able to experience a continued and infinite joy, knowing that our beloved ohana are laid to rest in their own place of worship.

Thank you for the opportunity to share my testimony.



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
WITNESS TO JESUS

Testimony on behalf of the Roman Catholic Church in the State of Hawaii
Very Reverend Msgr. Gary Secor, Vicar General of the Diocese of Honolulu
Prepared for the House Committee on Consumer Protection and Commerce In Support of
HB2202

Wednesday, February 4, 2020, at 2:00p.m. in Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

As the Vicar General of the Diocese of Honolulu, I fully support HB2202. As Moderator of the Curia I am responsible for the day to day operations of our Diocese. I am a graduate of Maryknoll High School and have been a priest in Hawaii for over 40 years serving in various parishes throughout the State of Hawaii, most recently as the pastor of the Cathedral Basilica of Our Lady of Peace in Downtown, Honolulu. I too would like to be able to provide for our faithful a proper resting place in their place of worship at our 66 parishes throughout Hawaii, especially on the neighbor islands.

Our Diocese surveyed our parishioners in 2016 and we had an overwhelming support and need for a columbaria. All would like to be able to be laid to rest in their house of worship. More importantly, family members could visit and honor their ohana after attending services and pray for them without having to leave the church and visit more frequently. And multi-generations of local families would be able to be laid to rest together.

The current law as written, does not legally or feasibly allow the church to provide this important service.

Please consider passing House Bill 2202 so we can care for our faithful in their after-life. I believe this would also favorably impact other faith communities in our State.

On behalf of the Roman Catholic Church in the State of Hawaii, I respectfully encourage you to support the passage of this bill.

With gratitude,

Very Reverend Monsignor Gary Secor
Vicar General



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
WITNESS TO JESUS

February 4, 2020

Testimony on behalf of the Roman Catholic Church in the State of Hawaii
Most Reverend Clarence L. Silva, Bishop of Honolulu
Prepared for the House Committee on Consumer Protection and Commerce
In Support of HB2202
Wednesday, February 4, 2020, at 2:00 p.m. in Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

The Roman Catholic Church in the State of Hawaii supports HB2202. As Bishop of Honolulu, I would like to be able to provide for our faithful a proper resting place in their places of worship. The passage of this bill will allow all religious institutions, including our 66 Catholic parishes throughout Hawaii, to feasibly construct and manage a columbarium within the property of their places of worship.

In 2016, I surveyed our parishioners to determine if there is a need for a columbaria. There was an overwhelming support, and several stated the cremated remains their loved ones are currently at home with them because they have nowhere to put them. Our Catholic burial rites do not allow the scattering of ashes, so having a columbarium for our faithful would meet the spiritual needs of our parishioners who have lost a loved one. Many of Hawaii's Catholics want to be buried, along with their families, in their places of worship. As the law is currently written, we have not been able to do this, lawfully or feasibly.

If House Bill 2202 is passed, we envision creating a parish-based, and carefully managed columbarium program. Multiple generations of local families could be laid to rest together. Family members could visit and honor their ohana in their chosen place of worship.

All of this would be done without the financial and emotional hardship associated with caring for the remains of loved ones after they have passed.

Catholics in Hawaii are the largest Christian denomination in the State, with an estimated one of four residents baptized Catholic. There are more than 200,000 Catholics throughout Hawaii. The passage of House Bill 2202 would have a positive impact on thousands of Hawaii's residents. It would extend to other faith communities such as our Episcopalians, Buddhists, Lutherans, Baptists and Methodists.

On behalf of the Roman Catholic Church in the State of Hawaii, I respectfully encourage you to support the passage of this bill and the valuable benefits it will provide to our local families throughout the State of Hawaii.

Sincerely yours,

Most Reverend Clarence (Larry) Silva
Bishop of Honolulu



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII
DIOCESE OF HONOLULU
WITNESS TO JESUS

February 4, 2020

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On behalf of the Roman Catholic Church in the State of Hawaii, I respectfully encourage you to support the passage of this bill and the valuable benefits it will provide to our local families throughout the State of Hawaii.

Sincerely yours,

Most Reverend Clarence (Larry) Silva
Bishop of Honolulu

HB-2202

Submitted on: 2/4/2020 9:10:11 AM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pamelyn Fukuoka	Individual	Support	No

Comments:

My support for HB2202 and SB3130 is based on the desire and commitment to care for the afterlife needs of our local faith serving communities and their families. I support an amendment to Hawaii's current law regarding Cemetery and Funeral Trusts to allow non-profit religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to our members for an affordable fee. Hawaii is one of few states that does not exempt religious institutions from charging a fee to help manage the costs of having a columbarium on their property.

The primary goal for supporting this exemption is to provide an affordable continuum of spiritual care for our parishioners, even in their afterlife. The law, as it is presently written, does not allow us to do this in a feasible manner.

The passage of HB2022 and SB2130 will provide our faith community and their families throughout Hawaii with a much-needed service, at a reasonable cost. It will allow multi-generational families to be laid to rest together and cared for in their chosen place of worship, providing future generations with the comfort of knowing their kupuna, parents, siblings and other family members are being cared for in one location. The passage of these bills will also help prevent countless local families from incurring financial and emotional hardship in caring for their loved ones in their afterlife.

HB-2202

Submitted on: 2/4/2020 10:35:50 AM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmine Bostock	Individual	Support	No

Comments:

Our support for HB2202 and SB3130 is based on our desire and commitment to care for the afterlife needs of our local faith serving communities and their families. We support an amendment to Hawaii's current law regarding Cemetery and Funeral Trusts to allow non-profit religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to our members for an affordable fee. Hawaii is one of few states that does not exempt religious institutions from charging a fee to help manage the costs of having a columbarium on their property.

Our primary goal for supporting this exemption is to provide an affordable continuum of spiritual care for our parishioners, even in their afterlife. The law, as it is presently written, does not allow us to do this in a feasible manner.

The passage of HB2022 and SB2130 will provide our faith community and their families throughout Hawaii with a much-needed service, at a reasonable cost. It will allow multi-generational families to be laid to rest together and cared for in their chosen place of worship, providing future generations with the comfort of knowing their kupuna, parents, siblings and other family members are being cared for in one location. The passage of these bills will also help prevent countless local families from incurring financial and emotional hardship in caring for their loved ones in their afterlife.

HB-2202

Submitted on: 2/4/2020 10:52:48 AM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diane S. Martinson	Individual	Support	No

Comments:

As the priest of a church with a columbarium, I support HB2202 which would make it possible for faith communities to offer columbariums as final resting places for their members without the potential barriers that currently exist. Being able to provide the option of an affordable resting place for the cremains of our members is a ministry of the church. Members appreciate having a memorial space they can visit on a regular basis when at church or at any time that is convenient for them as we provide a means of access to them. HB2202 will allow for a continuum of spiritual care for the afterlife needs of our faith serving communities and their families at a cost they can afford. Please support this bill. Thank you!

Testimony from Lisa Sakamoto
Prepared for the House Committee on Consumer Protection and Commerce In Support of
HB2202

Wednesday, February 4, 2020, at 2:00p.m. In Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

My name is Lisa Sakamoto and I fully support HB 2202. I am a parishioner of Mary Star of the Sea. I am also the Diocesan Finance Officer for the Diocese of Honolulu.

I am also the primary caregiver for my mother who is 91 years old and my father who is 87 years old. I have had several conversations with my parents about their after-life care. They did not plan ahead and do not have any burial plots so we are struggling to determine what would be the best option for our family. If my parish was allowed to build a columbaria on church grounds, my parents would welcome this as part of their after-life care. For my family, it would allow us to be able to attend Mass on Sundays and then visit with them when weekly after or before Mass. When it is time for my husband and I to leave this earth, we would be able to be with my parents and my two sons, who attend mass at Mary Star of the Sea could continue the tradition of visiting all of us in one place and not only during the holidays or our birthdays! Most importantly, it would provide my family with an affordable option for after-life care.

I too would like to be able to see a proper resting place in our place of worship. The current law as written, does not legally or feasibly allow the church to provide this important service.

Please consider passing House Bill 2202 so we can care for our family in their after-life.

Thank you for your time and attention on this very important matter. I respectfully encourage you to support the passage of this bill.

With aloha,
Lisa Sakamoto

HB-2202

Submitted on: 2/4/2020 11:43:29 AM

Testimony for CPC on 2/5/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
T. Michael Hogan, Jr.	Individual	Support	No

Comments:

As former Chairman of the Board of Trustees for Saint Louis School founded in 1846 it is a desire and commitment to care for the afterlife needs of our local faith serving communities and their families. I personally support an amendment to Hawaii's current law regarding Cemetery and Funeral Trusts to allow non-profit religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to their members for an affordable fee.

Having been confirmed at Mystic Rose Chapel some 30 years ago, this would allow multi-generational families the ability to be laid to rest together and cared for in their chosen place of worship, providing future generations with the comfort of knowing that their kupuna, parents, siblings and other family members are being cared for in one location and help prevent countless local families from incurring both financial and emotional hardships in caring for their loved ones in their afterlife. Malama pono, Timothy Michael Hogan, Jr.

Testimony from Dara Perreira-Balmores
Prepared for the House Committee on Consumer Protection and Commerce In Support of
HB2202

Wednesday, February 4, 2020, at 2:00p.m. In Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

My name is Dara Perreira-Balmores and I fully support HB 2202. I am a parishioner of Holy Cross Catholic Church on Kauai

My religious beliefs lead me to ensure a proper resting place for my mother, my husband, myself and my family. Our options can sometimes be cost prohibitive and I think that passing House Bill 2202 would help at our church and other churches in the State of Hawaii for a proper resting place.

Thank you for your time and attention on this very important matter. I respectfully encourage you to support the passage of this bill.

Sincerely,
Dara Perreira-Balmores
5170 Kikala Rd.
Kalaheo, HI 96741

Testimony from Denise Oliveira
Prepared for the House Committee on Consumer Protection and Commerce In Support of
HB2202

Wednesday, February 4, 2020, at 2:00p.m. In Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

My name is Denise Oliveira and I fully support HB 2202. I am a parishioner of Our Lady of Perpetual Help Church, Ewa Beach.

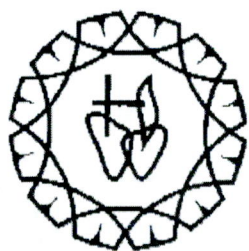
My husband, David, and I have four adult children – all under the age of 30. Due to financial constraints, we do not have funeral plans, neither do my 5 siblings and their families. If my parish was allowed to build a Columbaria on church property, we would welcome this as part of our after-life care. For my family, it would allow us to be able to attend Mass on Sundays and then visit our loved ones who have gone before us. This would be a weekly visit if not daily. The tradition of visiting all of our loved ones in one place will be continued especially during the holidays and birthdays. Most importantly, it would provide me and my family with an affordable option for after-life care.

I ask you to please consider passing House Bill 2202 so we can care for our family in the after-life and be able to see a proper resting place in our place of worship.

Thank you for your time and attention on this very important matter, and Mahalo for the passage of this bill!!!!

God bless with a grateful heart,

Denise R. Oliveira



Congregation of the Sacred Hearts - United States Province

Post Office Box 111, 77 Adams Street
Fairhaven, Massachusetts 02719

Post Office Box 1365, 45-713 Pookela Street
Kaneohe, Hawaii 96744

Aloha,

I am Reverend Herman Gomes. I currently serve as the U.S. Provincial Superior of the Congregation of the Sacred Hearts of Jesus and Mary. This is the religious order of Hawaii's first saint, Saint Damien De Veuster. I am here to testify in support of House Bill 2202.

My support for this bill is based on our parishes' desire to meet the spiritual needs of our parishioners and faith-based communities. The passage of this bill allows religious institutions, including 66 Catholic parishes throughout Hawaii, to feasibly construct and manage a columbarium at the site of their place of worship. This would be done by providing niches to parishioners or members for a reasonable fee.

For years, our Catholic community has asked us to provide this for them and their families. In 2016, the Diocese of Honolulu commissioned a third-party study and survey to confirm this need. It was also done to determine the feasibility of providing a columbarium program for Hawaii's Catholics. The results showed an overwhelming confirmation of what we have heard for years. Hawaii's Catholics want the option to be buried, along with their families, at their place of worship. As the law is currently written, we have not been able to do this, lawfully or feasibly.

If House Bill 2202 is passed, we envision creating a parish-based, and carefully managed columbarium program. Because they would be located on church property, perpetual care for the columbarium would be assured. Multi-generations of local families would be laid to rest together. Family members could visit and honor their 'ohana at their chosen place of worship.

All of this would be done without the financial and emotional hardship associated with caring for loved ones after they have passed.

Catholics in Hawaii are the largest Christian denomination in the State, with an estimated one of four residents baptized Catholic. There are more than 200,000 Catholics throughout Hawaii. The passage of House Bill 2202 would have a positive impact on thousands of Hawaii's residents. It would extend to other faith communities such as our Episcopalians, Buddhists, Lutherans, Baptists and Methodists.

I respectfully encourage you to support the passage of this bill and the valuable benefits it will provide to our local families.

Mahalo.

Rev. Herman Gomes, S.S. CC.

Testimony from Sister William Marie Eleniki
Regional Minister for the Sisters of St Francis of the Neumann Communities
Prepared for the House Committee on Consumer Protection and Commerce In Support of
HB2202

Wednesday, February 4, 2020, at 2:00p.m. In Room 329

Dear Chair Takumi, Vice Chair Ichiyama and Honorable Members,

I am Sister William Marie Eleniki. I currently serve as the Regional Minister for the Sisters of St. Francis of the Neumann Communities. This is the religious order of Hawaii's second saint, Saint Marianne Cope.

On behalf of the Sisters of St. Francis of the Neumann Communities, mahalo for your support of HB2202, a bill that supports Hawaii's multi-faith community by providing an exemption for churches and entities organized, controlled, and operated by them from licensing, bonding and fee requirements under § 441.

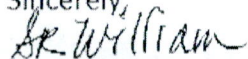
Our support for this exemption is based on our desire and commitment to care for the afterlife needs of our faith serving communities and their families. Passage of HB2202 will allow religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to its members for a reasonable fee.

As the law is currently written, we are not able to lawfully or feasibly implement a columbarium program at our parishes.

Receiving this exemption will allow us to implement a parish-based and carefully-managed columbaria program, providing an important and affordable option for many of our Hawaii residents. It will allow multi-generational families throughout Hawaii and within our faith community to be laid to rest together, without experiencing the financial hardship associated with caring for their loved ones in their afterlife. It will also provide peace of mind for those who lose a family member, knowing their loved ones are being cared for in their chosen place of worship.

Again, mahalo for your support of HB2202 and the many benefits it will provide to Hawaii's families.

Sincerely,



Sister William Marie Eleniki

IVAN M. LUI-KWAN

Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 1900
Honolulu, Hawaii 96813

February 4, 2020

Testimony of Ivan M. Lui-Kwan

In Support of HB2202

Hearing Before:

House Committee on Consumer Protection and Commerce

Date, Time and Place: February 5, 2020 at 2:00 p.m. in Room 329

Dear Chair Takumi, Vice Chair Ichiyama
and Members of the Committee:

I support HB2202. As a Catholic, I believe there is a need for a columbarium program within the Catholic Church's designated places of worship. An appropriately managed columbarium program by the Catholic Church would facilitate families being able to be laid to rest together. Further, a columbarium program would provide spiritual unity and convenience for visiting families.

Mahalo for allowing me to provide this testimony in support of HB2202.

Aloha Ke Akua,



Ivan M. Lui-Kwan