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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Commerce and Consumer Protection
Thursday, March 28, 2024
9:30 a.m.
Conference Room 229 and Videoconference

On the following measure:
H.B. 2192, H.D. 1, RELATING TO CEMETERIES

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 supports this bill.

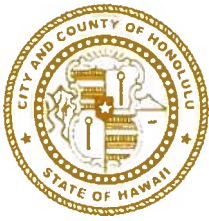
The purpose of this bill is to authorize the Director of Commerce and Consumer Affairs to appoint an organization as the limited owner of a cemetery, under certain circumstances, for the purposes of perpetual care and security measures.

House Concurrent Resolution 29, House Draft 1 (H.C.R. 29, H.D. 1) requested the Department to study potential solutions for the legal and physical situation at Sunset Memorial Park (Sunset) and make recommendations for a long-term management plan. The resolution also requested the Department to consult with other agencies and entities deemed necessary to assist with completing the study.

Much of Sunset's legal and physical issues are because the cemetery is owned by a now defunct corporation with no surviving officers and there is no licensee authorized by the Department to operate the cemetery. Responses from both the Honolulu Police Department and the Department of Health have made it clear that an owner and/or legal representative is required to address many of the security and physical upkeep concerns of the cemetery. As an immediate solution to the security and safety concerns at Sunset, this bill will permit the Director of the Department to appoint a limited owner of a cemetery for which no owner can be found and will authorize the limited owner to: (1) file complaints with the appropriate law enforcement authorities against persons engaged in wrongful acts at the cemetery; and (2) install security measures to deter trespassers from entering the property.

The Department recognizes that the proposed amendment to Chapter 662D, Hawaii Revised Statutes, will not solve all concerns identified by the Legislature regarding Sunset. However, the Department hopes the step taken by this measure will create a foundation towards securing the property and support community efforts to keep the cemetery free of crime, litter, and habitual trespassers.

Thank you for the opportunity to testify on this bill.



HONOLULU CITY COUNCIL
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March 27, 2024

LATE

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
Senate Committee on Commerce & Consumer Protection

Testimony of Councilmember Val Aquino Okimoto

Support for House Bill No. 2192, HD1 – Relating to Cemeteries

WRITTEN TESTIMONY ONLY

Aloha Chair Keohokalole, Vice Chair Fukunaga, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support** for House Bill No. 2192, HD1. This bill would authorize the Director of Commerce & Consumer Affairs to appoint an organization as the limited owner of a cemetery for the purpose of perpetual care and security measures.

This bill would provide a limited ownership opportunity to the non-profit organization formed to take care of Sunset Memorial Park in Pearl City. It also provides other organizations with the same opportunity to take care of neglected cemeteries throughout the state.

Mahalo to Chair Larry Veray, Vice Chair Charmaine Doran, the members of the Pearl City Neighborhood Board, and area legislators and their staff for their advocacy on this matter over the past several years.

I strongly believe this bill is necessary to ensure our loved ones interred at Sunset Memorial Park are given the dignity and respect they deserve. I encourage your Committee to pass this bill, un-amended, with a recommendation for passage on Second Reading.

Sincerely,

Val Aquino Okimoto
Councilmember

VAO:js

TESTIMONY OF
LARRY S VERAY

TO THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

IN STRONG SUPPORT OF HB2192 HD1

RELATED TO CEMETERIES

March 25, 2024

Aloha, Chair Keohokalole, Vice Chair Fukunaga and Committee members. Thank you for allowing me the opportunity to provide testimony in strong support of HB2192 HD1, a very important House Bill that could positively impact hundreds of families who have their loved ones buried and interred at Sunset Memorial Park Cemetery in Pearl City. I am Larry Veray, Chair for the Pearl City Neighborhood Board No. 21; I am submitting this testimony representing our board as a whole based on our approved board resolutions and outgoing letters to the Director, Department of Commerce and Consumer Affairs requesting nonprofit organization be granted limited ownership and trespass authority. For the past decade, Sunset Memorial Park Cemetery has been pillaged by homeless and transients desecrating hundreds of family plots, mausoleums and crypts. Since the owner over a decade ago, community volunteers, veterans, church groups and nonprofits groups have groomed the cemetery trying to keep it presentable despite the many challenges in maintaining the cemetery. I have taken the lead, forming Friends for Sunset Memorial Cemetery Domestic Nonprofit which is made up of proven community volunteer leaders who care about those families of the cemetery. The nonprofit mission is to secure, improve the cemeteries appearance and find creative, innovative and resourceful ideas to obtain special funding grants to generate the much-needed funds to support contract maintenance and make the necessary costly repairs to the cemetery without putting the burden on the public for continued volunteer work.

HB2192 HD1 amends Chapter 662D, Hawaii Revised Statutes, which allows the Department of Commerce and Consumer Affairs to appoint a limited owner, to trespass desecrators of the cemetery and to install security measures to prevent illegal trespassers from pillaging the cemetery. I ask that you add two more provisions with (1) whoever is appointed as limited owner to provide annual reports to the DCCA showing progress improving the cemetery and (2) DCCA give authority to the limited owner to contract major repairs for the cemetery such as tree trimming, electrical, water connections and potential integration of solar photovoltaic capability to generate long-term funding to support the cemetery.

I most strongly urge you to approve HB2192 HD1. This could open the door for potentially a nonprofit to be selected by the DCCA for the protection, repair, betterment and beautification of the cemetery. Mahalo!

Larry S. Veray

HB-2192-HD-1

Submitted on: 3/24/2024 9:50:01 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Bishop	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Keohokalole, Vice Chair afukunaga, and CPN Committee Members,

i urge you to unanimously pass this bill that will cost the State nothing but will do so much good for so many families and their loved ones.

With Aloha,

Lisa Bishop

Oahu Resident

HB-2192-HD-1

Submitted on: 3/26/2024 3:28:07 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Thank you for continuing to discuss this legislative proposal. This measure will help to expand the tools available to the many volunteers that have worked for years to preserve and protect those buried at Sunset Memorial Cemetery and other abandoned cemeteries throughout the State of Hawaii. Passage of this measure will provide peace of mind and continuity for the ohana as well as a more finite resolution. Thank you for working to protect this hallow and scared ground.

Senate Committee on Commerce and Consumer Protection

Date: Thursday, March 28, 2024
Time: 9:45 a.m.
Where: State Capitol, Conference Room 229 & Videoconference

Re: **SUPPORT of HB2192 HD1**

Aloha, Chair Keohokalole, Vice Chair Fukunaga and Committee members.

As a resident of Pearl City and member of the Neighborhood Board, I am in strong support of HB2192 HD1. The current condition of Sunset Memorial Park is distressing to the community in addition to those families with loved ones buried there.

I second the testimony of Board Chair Larry Veray and commend his work in forming the Friends for Sunset Memorial Cemetery Domestic Nonprofit. The bill will bring comfort to hundreds of families who have their loved ones buried and interred at Sunset Memorial Park Cemetery in Pearl City. And the provisions will be applicable to other abandoned cemeteries.

The nonprofit's mission is to secure, improve the cemetery's appearance and find creative, innovative and resourceful ideas to obtain special funding grants to generate the much-needed funds to support contract maintenance and make the necessary costly repairs to the cemetery. In that way the burden will not be entirely on the public for continued volunteer work – or government funding. These benefits will be made possible by the Department of Commerce and Consumer Affairs granting limited ownership, trespass control authority, and the duty to make improvements to its designated nonprofit organization.

I also thank Senator Wakai for his support of efforts to make Sunset Memorial Park a place of peace and pride rather than a shameful eyesore.

I strongly urge you to approve HB2192 HD1. This could open the door for a nonprofit to be selected by the DCCA for the protection, repair, betterment, and beautification of the cemetery.

Mahalo!

Daniel C. Smith