

# HB1245 HD2

Measure Title: RELATING TO CEMETERIES.

Report Title: Sunset Memorial Park; Repairs; Maintenance; Cemetery; Department of Commerce and Consumer Affairs

Description: Requires DCCA in consultation with Comptroller to develop strategies for repair and maintenance of Sunset Memorial Park in Pearl City, Oahu. Authorizes DCCA to access the Sunset Memorial Trust Fund. Limits liability for persons maintaining or repairing cemetery grounds. Requires report to Legislature. (HB1245 HD2)

Companion: SB1113

Package: None

Current Referral: CPH, JDL/WAM

Introducer(s): TAKAYAMA, BROWER, CACHOLA, CREAGAN, GATES, ICHIYAMA, JOHANSON, KEOHOKALOLE, KONG, C. LEE, LOPRESTI, MCDERMOTT, NISHIMOTO, SAIKI, TAKUMI, WARD, Belatti, DeCoite, Evans, Kobayashi, Todd



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

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CATHERINE P. AWAKUNI COLÓN  
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**PRESENTATION OF THE  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH STATE LEGISLATURE  
Regular Session of 2017  
Thursday, March 23, 2017  
9:30 a.m.

**TESTIMONY ON HOUSE BILL NO. 1245, H.D. 2, RELATING TO CEMETERIES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
TO THE HONORABLE CLARENCE K. NISHIHARA, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Catherine Awakuni Colón, Director of the Department of Commerce and Consumer Affairs (“DCCA” or “Department”). DCCA appreciates the opportunity to submit testimony in support of House Bill No. 1245, H.D. 2, Relating to Cemeteries, and to offer the following comments for the Committee’s consideration.

House Bill. No. 1245, H.D. 2, proposes to address the issues that continue to negatively impact the condition and operations of the privately held Sunset Memorial Park Cemetery (“Sunset Memorial”). The proposed solutions in this measure include the creation of specific volunteer liability protections under Chapter 662D, Hawaii Revised Statutes, for those persons and organizations providing voluntary upkeep and

maintenance of privately owned and operated cemeteries, and also the requirement that DCCA develop both short- and long-term strategies for the upkeep, repair, and maintenance of Sunset Memorial, including consideration of possible state ownership. In addition, this measure would authorize DCCA to use Sunset Memorial Trust Fund amounts for repair and maintenance purposes.

The Department appreciates the Legislature's continuing leadership and support – and, in particular, the leadership of area legislators – in finding both short- and long-term solutions to the issues affecting Sunset Memorial. While DCCA continues to work on carrying out a number of solutions identified and pursued during the interim of 2016, we fully support the provisions of this measure that will reinforce ongoing efforts. In particular, the Department supports the bill's creation of a special cemetery volunteer liability protection law, which is intended to encourage members of the public who have expressed a desire to volunteer on the Sunset Memorial grounds to do so without fear of liability resulting from their charitable activities.

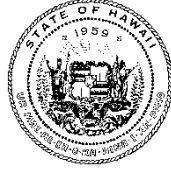
The Department is committed to continuing to work with area legislators, the affected community and businesses, and all others interested in finding a practical, sustainable way forward for Sunset Memorial. Accordingly, DCCA does not object to the portion of this measure that would have the Department continuing to work on developing short- and long-term strategies for Sunset Memorial in collaboration with the Department of Accounting and General Services. The Department would only ask the Legislature to give careful consideration when exploring certain long-term options listed in this bill that may not be practical or appropriate for the State, namely a possible state takeover of Sunset Memorial and the utilization of perpetual care funds to be used by

Testimony on House Bill No. 1245, H.D. 2  
March 23, 2017  
Page 3

DCCA and not a private licensee. The Department believes it is best to focus on finding solutions that would leave the State's current private cemetery operator licensing model in place without also creating the need for significant intervention in cemetery operations by the State, excepting the State's current abandoned cemetery care program.

Thank you for the opportunity to provide testimony in support of this measure. I am happy to answer any questions the Committee may have.

DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
Comptroller

AUDREY HIDANO  
Deputy Comptroller

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

TESTIMONY OF  
RODERICK K. BECKER, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH  
ON  
THURSDAY, MARCH 23, 2017  
9:30 A.M.  
CONFERENCE ROOM 229

H.B. 1245, H.D. 2

RELATING TO CEMETERIES.

Chair Baker, Vice Chair Nishihara, and members of the Committee, thank you for the opportunity to submit testimony on H.B. 1245, H.D. 2.

The Department of Accounting and General Services (DAGS) supports the intent of the measure, and will work with the Department of Commerce and Consumer Affairs in developing strategies for the repair and maintenance of Sunset Memorial Park. DAGS believes that the State's current private cemetery operator licensing model should remain in place while expanding opportunities and ensuring protections for volunteer participation in the maintenance and care of the memorial park.

Thank you for the opportunity to submit testimony on this matter.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 21, 2017 7:20 PM  
**To:** CPH Testimony  
**Cc:** darrellsalvador@yahoo.com  
**Subject:** Submitted testimony for HB1245 on Mar 23, 2017 09:30AM

**HB1245**

Submitted on: 3/21/2017

Testimony for CPH on Mar 23, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darrell Salvador	Sunset Memorial Park	Support	No

Comments: Greetings one and all I am Darrell Salvador Representative on behalf of Friends of unset Memorial Park in Pearl City. I am in full support of HB 1245 I have my Grand Parents Great Grand Parents and many other departed Ohana interred at said Cemetery and would like to be a part of restoration team for Sunset Memorial Park I will be attending the meeting scheduled for March 23, 2017 at 9:30 am. I feel our Community deserves to have a well groomed and manicured Memorial Park. where we can go and pay homage to our Kupunas who an integral part of our Ohana regardless if they are deceased and they too deserve a well kept resting place. I thank you for listening to a Plot Owner who is deeply concernd for the well being of this Historical and Sacred place. Yours Truly Darrell K.K. Salvador Representative for Friends of Sunset Memorial Park Pearl City

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 2:19 PM  
**To:** CPH Testimony  
**Cc:** tricia.riopelle@honolulu.gov  
**Subject:** \*Submitted testimony for HB1245 on Mar 23, 2017 09:30AM\*

**HB1245**

Submitted on: 3/20/2017

Testimony for CPH on Mar 23, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Councilmember Brandon Elefante	Individual	Support	No

Comments:

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March 22, 2017

The Honorable Rosalyn H. Baker, Chair  
The Honorable Clarence K. Nishihara, Vice Chair  
And members of the Committee on Commerce, Consumer Protection and Health  
415 South Beretania Street #229  
Honolulu, Hawaii 96818

Subject: HB 1245 HD@, Relating to Cemeteries  
Hearing: March 23, 2017, 9:30 am

First, let me thank you for hearing this bill. My name is Maureen Andrade who's family members are buried at the Sunset Memorial Park in Pearl City.

More than 9 years ago my brother and I were interviewed by Channel 2 News regarding the Sunset Memorial Park Cemetery. My father was told after the interview by a legislator, that our concerns would be addressed, and here we are 9 plus years later with no results and my dad now buried at the cemetery.

I go to the graveyard every weekend, Saturday or Sunday (unless bad weather prevents me from doing so). I bring with me a battery operated weed whacker, 8 to 10 gallons of water and my flowers. I spend 2 or more hours normally weed whacking about quarter of a football field in the area where the little babies are buried during the 1950's and where my parents, my baby sister, grandparents and great grandparents are buried. I clean and care for not only my family's area but clean the entire area located near and around my family's gravesite. The water faucets have not worked for over a year.

This measure will address some of the issues that negatively impact the conditions at Sunset Memorial Park. Rep. Takayama and the Department of Commerce and Consumer Affairs were gracious enough to step in and began assisting the community and family members whose loved ones are buried there, to address and carry out solutions.

This measure will allow the Department of Commerce and Consumer Affairs to continue to develop strategies for the upkeep, repair and maintenance of Sunset Memorial Park. It will also create a special cemetery volunteer liability protection law, as there are groups who expressed a desire to volunteer their sweat equity, as needed for maintain the grass, keeping it watered, ridding the area of trash, and filling in gravesites that have collapsed.

On behalf of my entire Ohana and other families who have relatives buried at Sunset Memorial Park, this measure will help many of us move forward in restoring this final resting place back to its original, pristine state.

I respectfully request your passage of HB 1245 HD2.

Sincerely,

A handwritten signature in black ink that reads "Maureen C. Andrade". The signature is written in a cursive, flowing style.

Maureen C. Andrade



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 21, 2017 9:57 AM  
**To:** CPH Testimony  
**Cc:** foodsovereignty@gmail.com  
**Subject:** Submitted testimony for HB1245 on Mar 23, 2017 09:30AM

**HB1245**

Submitted on: 3/21/2017

Testimony for CPH on Mar 23, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mitsuko Hayakawa	Individual	Support	No

Comments: As a member of the Pearl City Neighborhood Board, I have heard many testimonies of community members distraught with the unsatisfactory and unsafe conditions of the Sunset Memorial Cemetery. This situation has continued for too long. Many of the family members are seniors and are unable to take care of the physical upkeep of the grave sites of their loved ones. Some are fearful of liability issues in trying to remedy the problems. Please support HB1245 to develop ways for DCCA to address repair and maintenance of the Cemetery and allow their access to the Cemetery Trust Fund. Mahalo for your consideration.

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To members of the Hawaii State Senate, regarding Sunset Memorial Park:

Re: SB 1113

As one of the many families affected by the conditions and mismanagement of Sunset Memorial Park, our primary concern is the maintenance of the cemetery. "Maintenance" involves four aspects: SAFETY, AESTHETICS, PLOT DIRECTORY and SECURITY.

SAFETY – The grounds are unsafe, especially for the elderly, as the terrain is extremely uneven and full of holes and is often overgrown with weeds to the extent that it's difficult to see where one is stepping.

AESTHETICS – The cemetery just looks terrible, especially in comparison with a typical cemetery. It is in nearly constant need of mowing and raking. The trash bins are virtually always overflowing, with excess trash just in piles on the ground. Numerous plots have out-of-control shrubbery and/or monuments. This is likely due to no management to establish and enforce park regulations.

PLOT DIRECTORY – It would be of great value to create and maintain a directory of the plots and niches. Out of town relatives, or even local residents, who don't visit gravesites very often have no way of quickly determining where their loved ones are buried. This is a "nice to have", but would be most welcomed.

SECURITY – There is a transient population that has taken up residency in the park. They are likely not a threat to visitors, but they do create an aura of concern, create waste and use park water. A gated/secure entry and exit points that close at sunset and a security fence around the entire perimeter would be very useful in combating the homeless, vandalism and theft problems.

I suggest the concerned families create a nonprofit organization that would support and interface with any state run entity to ensure sustained maintenance of the cemetery. This volunteer group would need to be shielded from liability from onsite injuries and accidents and also any lawsuits stemming from disgruntled families with loved ones interred.

A nonprofit group (along with all concerned families) has no knowledge, experience or desire to manage cemetery operations, such as digging graves, interment, exhumations, etc.

As a concerned family member who is willing to serve on a nonprofit organization, I respectfully request that the Legislature do everything within its power to create a mechanism to restore the dignity of Sunset Memorial Park and ensure its maintenance into perpetuity.

Sincerely,

David H. Steele

94-1029 Lumihoahu St.

Waipahu, HI 96797

Ph: 677-8332

Email: [dsteele@hawaii.rr.com](mailto:dsteele@hawaii.rr.com)

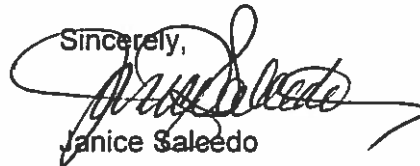
The Honorable Rosalyn H. Baker, Chair  
The Honorable Clarence K. Nishihara, Vice Chair  
And members of the Committee on Commerce, Consumer Protection and Health  
415 South Beretania Street #229  
Honolulu, HI 96818

Subject: HB 1245 HD2, Relating to Cemeteries  
Hearing: March 23, 2017, 9:30am

This testimony is to convey my strong support for HB 1245 HD2. This measure will address some of the issues that negatively impact the conditions at Sunset Memorial Park in Pearl City. For many of my family members, this was their chosen final resting place as the location is ideal for those of us who reside on the West side. Unfortunately, the cemetery has been neglected for many years and is not what one would expect for the deceased. The Department of Commerce and Consumer Affairs was gracious enough to step in and began assisting the community to address and carry out solutions. They continue to provide assistance with ongoing efforts to improve the situation.

This measure will allow the Department of Commerce and Consumer Affairs to continue to develop strategies for the upkeep, repair, and maintenance of Sunset Memorial Park. It will also create a special cemetery volunteer liability protection law, as there are groups who expressed a desire to volunteer their sweat equity, as needed, for maintaining the grass, keeping it watered, ridding the area of trash, and filling in gravesites that have collapsed. On behalf of the families who have relatives buried at Sunset Memorial Park, this measure will help many of us move forward in restoring this final resting place back to its original, pristine state.

I respectfully request your passage of HB 1245 HD2.

Sincerely,  
  
Janice Saleedo

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 20, 2017 5:58 PM  
**To:** CPH Testimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for HB1245 on Mar 23, 2017 09:30AM\*

**HB1245**

Submitted on: 3/20/2017

Testimony for CPH on Mar 23, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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# Nanette N. Napoleon

131-A Hauoli St. / Kailua, HI 96734  
Ph. (808) 261-0705 / Email: nanetten@hawaii.rr.com

February 21, 2017

## **TESTIMONY IN FAVOR OF HB1245, HD2 RELATING TO SUNSET MEMORIAL PARK**

**To:** Senate Committee on Consumer Protection and Commerce  
Senator Rosalyn H. Baker, Chair

**Hearing Date/Time:** Thursday, March 23, 2017, 9:30 a.m.

I my capacity as the director of the Hawaii Cemetery Research Project for more than 30 years--during which time I have become the state's leading expert on the history and conditions of Hawaii's post-European contact type cemeteries--one of my main responsibilities has been to take inquiries from the public regarding cemeteries they are interested in. While most of these inquiries are requests to help individuals find old family gravesites, many have been about issues of poor cemetery management and maintenance.

Over the years, the cemetery that I have received the most inquiries about poor cemetery management and maintenance is Sunset Memorial Park in Pearl City. All of these inquiries, I repeat ALL of these inquiries, have been complaints from family members who have experienced difficulties with the management, and/or lack of maintenance of the site.

Now the cemetery is in the unfortunate position of not having an identified property owner, and very little money to maintain the cemetery, which has led to the deterioration of the site to such an extent that it is now become a serious public safety hazard.

Last year, torrential rains in the area over an extended period of time caused severe ground erosion that resulted in the 2-4 foot sinking of dozens of marked graves. While many of these gravesite were later filled in with donated dirt by family volunteers, the maintenance problems at the site are still not up to par with standard cemetery maintenance practices.

While many family members have stepped up to the plate to form an ad hoc volunteer management hui, and have been making good faith efforts to maintain the site on their own, the fact of the matter is that there is still no viable professional cemetery management entity in place

to address the numerous financial, administrative, maintenance and safety issues at hand at this time.

In this regard, I highly support HB1245, which requires the Department of Commerce and Consumer Affairs, in consultation with the Comptroller, to develop strategies for repair and maintenance of Sunset Memorial Park; and authorizes DCCA to access the Sunset Memorial Park Trust Fund. I also support the provision which provides limited liability for persons maintaining or repairing cemetery grounds, and requires a report to the legislature.

These above actions are long overdue and will be in the best interest of the all the families of Sunset Memorial Park, and the community at-large.

Thank you,

*Nanette Napoleon*