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GOVERNOR  
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LT. GOVERNOR

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CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

**PRESENTATION OF THE  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**  
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
AND  
THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-NINTH STATE LEGISLATURE  
Regular Session of 2017  
Thursday, March 30, 2017  
9:50 a.m.

**WRITTEN TESTIMONY ON HOUSE BILL NO. 1245, H.D. 2, S.D. 1, RELATING TO  
CEMETERIES.**

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR,  
TO THE HONORABLE JILL N. TOKUDA, CHAIR,  
TO THE HONORABLE KARL RHOADS, VICE CHAIR,  
TO THE HONORABLE DONOVAN M. DELA CRUZ, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEES:

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, S.D. 1, Relating to Cemeteries.

House Bill. No. 1245, H.D. 2, S.D. 1, 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.

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.

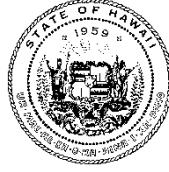
The Department is committed to continuing to work with area legislators, the affected community and businesses, and all others interested in finding a practical, sustainable way forward for Sunset Memorial. Accordingly, DCCA does not object to the portion of this measure that would have the Department continuing to work on developing short- and long-term strategies for Sunset Memorial in collaboration with the Department of Accounting and General Services ("DAGS"). Further, the Department appreciates the amendments made by the Senate Committee on Commerce, Consumer Protection, and Health to clarify the kinds of issues that DCCA and DAGS would review

Testimony on House Bill No. 1245, H.D. 2, S.D. 1  
March 30, 2017  
Page 3

when looking at short- and long-term solutions, and we would respectfully ask the Committees to retain those amendments should this measure move forward.

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

WRITTEN COMMENTS OF  
RODERICK K. BECKER, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEES ON  
JUDICIARY AND LABOR  
AND  
WAYS AND MEANS  
ON  
THURSDAY, MARCH 30, 2017  
9:50 A.M.  
CONFERENCE ROOM 211

H.B. 1245, H.D. 2, S.D. 1

RELATING TO CEMETERIES.

Chairs Keith-Agaran and Tokuda, Vice Chairs Rhoads and Dela Cruz, and members of the Committees, thank you for the opportunity to submit written comments on H.B. 1245, H.D. 2, S.D. 1.

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 written comments on this matter.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for HB1245 on Mar 30, 2017 09:50AM\*  
**Date:** Tuesday, March 28, 2017 4:17:23 PM

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**HB1245**

Submitted on: 3/28/2017

Testimony for JDL/WAM on Mar 30, 2017 09:50AM in Conference Room 211

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

Comments:

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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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for HB1245 on Mar 30, 2017 09:50AM\*  
**Date:** Monday, March 27, 2017 4:14:26 PM

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**HB1245**

Submitted on: 3/27/2017

Testimony for JDL/WAM on Mar 30, 2017 09:50AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanette Napoleon	Hawaii Cemetery Research Project	Support	Yes

Comments:

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To members of the Committees on Commerce, Consumer Protection and Health, Judiciary and Labor and Ways and Means, regarding Sunset Memorial Park HB1245 and SB1113:

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

March 28, 2017

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for HB1245 on Mar 30, 2017 09:50AM\*  
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**HB1245**

Submitted on: 3/27/2017

Testimony for JDL/WAM on Mar 30, 2017 09:50AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E. Ileina Funakoshi	Individual	Support	No

Comments:

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The Honorable Gilbert S.C. Keith Agaran, Chair  
The Honorable Jill N. Tokuda Chair  
And members of the Committee on Judiciary and Labor  
And members of the Committee on Ways and Means  
415 South Beretania Street #229  
Honolulu, HI 96818

Subject: HB 1245 HD2 SD1, Relating to Cemeteries  
Hearing: March 30, 2017, 9:50am

This testimony is to convey my support for HB 1245 HD2 SD1. 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 create a special cemetery volunteer liability protection law, which is helpful, as there are groups who have 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, along with the continued support from the Department of Commerce and Consumer Affairs, 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 SD1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Janice Salcedo', written over a horizontal line.

Janice Salcedo

Theresa P. Imbuido  
4814 Pagosa Springs Drive  
Las Vegas, NV 89139  
702.981.0935  
O4ohsome@gmail.com  
March 28, 2017

Testimonial Letter: Sunset Memorial Cemetery

Dear To Whom It May Concern:

This letter is to testify against the condition that Sunset Memorial Cemetery is in and how it's affecting our loved ones graves. I've traveled from Las Vegas to Hawaii to find homeless building their tents over my father Tenisio Olive, Uncle Sani Olive and Aunt Nora Olive's grave. It was a horrific and heartbroken scene to see. I could not believe what I witnessed and how horrible the condition of the Cemetery was in as well.

The homeless had built their tents over my loved ones grave, used their graves as their bathroom. They've also built a fire pit over my father's grave where they were cooking food over it. This has caused their monument to split in half. This is disrespectful and inhumane! Their graves has sunken in and also has foul odor that lingers from within. The grass is over grown and several graves has a slap of wooden board covering where the grounds had caved in. The shack that used to be an office for the Cemetery has burnt down, and a shell is still standing and it's attracting more homeless to sell and smoke drugs in it. The mausoleum has cracked stones, damage roof, open tombs, and a bee hive that has made its nest in someone else's tomb. The condition of Sunset Memorial Cemetery is appalled and a safety hazard for the families that are visiting their loved ones. I'm very disappointed in what I witnessed and wonder why anyone or anything has been done to keep Sunset Memorial Cemetery from continuing to be the way that is now. This is Hawaii, the land that has pure and authentic Aloha, where's the Aloha for Sunset Memorial Cemetery and for the families that has their loved ones buried there? I urged for your attention on this matter. Thank you for your time and God bless.

Sincerely,

Theresa P. Imbuido