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LATE

March 22, 2017

Madam Chairperson Senator Rosalyn H. Baker
Vice Chairperson Senator Clarence Nishihara
Members of the Commerce and Consumer Protection and Health Committee

I urge you to pass HB1245 HD2. One cannot imagine what it's like to have your family buried at Sunset Memorial Park and experience what the families are going through unless you have family buried there.

The disarray of the area is unacceptable. The maintenance is next to none. Everything about Sunset Memorial Park is screaming for help.

Senator Nishihara is aware of my heart wrenching experience with having to burry my father only to find out that someone else was buried in his plot. I don't know if anyone else experienced this but it was shocking for me and my family.

Last December, my grand-daughter and I went to place flowers on my dad's and step mother's grave because my dad had passed away three days before Christmas in 2006. When we arrived, homeless people were at the burned building and harassed us. The grass was so tall you couldn't even see some of the head stones. We knew approximately the area where my dad was buried so we started looking for his head stone but we couldn't see it. I had a 6" school scissors in the car so my grand-daughter went to the car to get it and she started to cut around the area where we knew my dad was buried. It took a while to finally find his head stone and she started to cut around the area around his head stone and my step-mothers head stone with this 6" school scissors. Can you imagine how she felt having to do this? She was upset but she continued because this was her great grandparents and she felt that where they were buried should look nice and clean.

Many families go there to clean and cut the grass around their family plot. There are volunteers who water and cut the grass, not just around their families but all around the area. However, it's gotten worse because the water supply has been cut off in some areas. It will continue to get worse unless ownership issued gets resolved. Please move this bill forward so that monies can be released to assist with some repairs.

It's time our loved ones buried at Sunset Memorial Park to finally find peace in a beautiful resting place.

Thank you.

LATE

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII
ASSOCIATION FOR JUSTICE (HAJ) REGARDING H.B. 1245 H.D. 2**

March 23, 2017
9:30 a.m.
CR 229

To: Chair Roslyn H. Baker and Members of the Senate Committee on Consumer
Protection and Health:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the
Hawaii Association for Justice (HAJ) in opposition to parts of this measure and providing
amendments to clarify the language regarding H.B. 1245 H.D. 2, relating to Cemeteries.

H.B. 1245 H.D. 2 seeks to address a long-term solution to repair and maintain
Sunset Memorial Park. Within this bill, there is a provision for limited liability for
persons maintaining or repairing any cemetery grounds, not just Sunset Memorial Park.
While we understand that those who volunteer their time to assist in maintaining or
repairing cemetery grounds want immunity, we believe it is also important that
cemeteries ordinarily remain accountable for reasonable upkeep of the premises because
this measure will apply to even commercially profitable cemeteries.

The H.D. 1 amendment deleted "without compensation" which we ask the
committee to re-insert in order to clarify the meaning of "volunteer". Some volunteers
may be paid a minimal amount for their services and we would like to clarify the
language to pertain to only volunteers who perform work "without compensation".

Therefore, we ask that 662D- be amended to read as follows:

"(a) A volunteer who maintains or repairs cemetery grounds located in the State
without compensation, including cemeteries operated for profit pursuant to chapter 441,

shall not be liable to any person for injury or damage sustained as a result of the actions of the volunteer to maintain or repair the cemetery grounds, except for injury or damages resulting from gross negligence or intentional misconduct."

“(c) This section does not relieve any cemetery property owner or cemetery authority from having to comply with the requirements of chapter 441, or from the duty to maintain their premises in a reasonably safe condition.”

This will take care of Sunset Memorial Park because there is no owner and the volunteers will be protected. At the same time, it will encourage profitable cemeteries to maintain their property in a safe condition – especially for the many elders who regularly visit cemeteries.

Thank you for allowing me to testify regarding this measure. Please feel free to contact me should you have any questions or desire additional information.

TESTIMONY OF**LARRY S VERAY****TO THE HOUSE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH****ON HB1245 RELATING TO CEMETERIES****March 23, 2017**

Aloha Chair Baker, Vice Chair Nishihara and members of the Committee on Commerce, Consumer Protection and Health. Thank you for allowing me the opportunity to provide testimony in support of HB1245. I am Larry Veray, Chair for the Pearl City Neighborhood Board and today I represent my board, the many citizens and grieving families who have been negatively impacted by Sunset Memorial Park Cemetery unsatisfactory conditions.

In October 2015, the Pearl City Neighborhood Board held a special meeting where over 150 citizens and families provided heartfelt testimony about the current and previous owners neglect to maintain satisfactory operations of the cemetery. We heard the tearful stories of numerous family members reporting grave sites with headstones and urns that have disappeared or have been stolen from the property. Headstones have sunken into wet ground and grounds have collapsed due to collapsing coffins that were buried on the property. In addition, there is literally no regularly scheduled maintenance of the cemetery resulting in overgrown grass and weed that with its current appearance is way below cemetery standards.

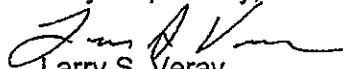
On February 23, 2016, the Pearl City Neighborhood Board passed a board resolution in support of the Hawaii State Legislature enacting law to support the upkeep, repair and maintenance for Sunset Memorial Park.

In closing, I urge you to pass HB1245 to develop legislation and require the DCCA with the Comptroller to:

- Develop strategy for repair and maintenance of Sunset Memorial Park Cemetery
- Authorize DCCA to access the Sunset Memorial Park Cemetery Trust Fund
- Provide limited liability for citizens who would volunteer their time to maintain and repair the cemetery grounds.

If legislation is enacted, I know that our citizens, churches and many volunteers will form the Friends for Sunset Memorial Park Cemetery where I fully expect these families to improve the cemetery grounds and appearance. Thank you for your support.

Very respectfully,



Larry S. Veray

CPH Testimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 23, 2017 4:30 AM
To: CPH Testimony
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for HB1245 on Mar 23, 2017 09:30AM*

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HB1245

Submitted on: 3/23/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

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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