

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 TESTIMONY  
OF  
RODERICK K. BECKER, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE ON JUDICIARY  
ON  
THURSDAY, MARCH 29, 2018  
9:30 A.M.  
CONFERENCE ROOM 016

H.B. 1626, H.D. 1, S.D. 1

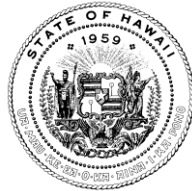
RELATING TO CEMETERIES.

Chair Taniguchi, Vice Chair Rhoads, and members of the Committee, thank you for the opportunity to provide written testimony on H.B. 1626, H.D. 1, S.D. 1.

The Department of Accounting and General Services (DAGS) supports the bill and offers the following comments for your consideration.

H.B. 1626, H.D. 1, S.D. 1 limits liability for volunteers and certain entities that provide volunteers to maintain or repair cemetery grounds, and requires the Director of Commerce and Consumer Affairs in consultation with the Comptroller to develop strategies for repair and maintenance of Sunset Memorial Park in Pearl City. The measure does not interfere with an owner's ability to manage the property in question, and attempts to provide some relief to the owner of cemetery grounds. DAGS supports this measure and will work with the Department of Commerce and Consumer Affairs to find a viable long-term solution to this problem.

Thank you for the opportunity to provide testimony on this measure.



DAVID Y. IGE  
GOVERNOR

DOUGLAS S. CHIN  
LIEUTENANT GOVERNOR

**STATE OF HAWAII  
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**PRESENTATION OF THE  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

TO THE SENATE COMMITTEE ON JUDICIARY

TWENTY-NINTH LEGISLATURE  
Regular Session of 2018

Thursday, March 29, 2018  
9:30 a.m.

**WRITTEN TESTIMONY ONLY**

**TESTIMONY ON HOUSE BILL NO. 1626, H.D. 1, S.D. 1, RELATING TO  
CEMETERIES.**

TO THE HONORABLE BRIAN T. TANIGUCHI, CHAIR, AND MEMBERS OF THE  
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify in support of H.B. 1626, H.D. 1, S.D. 1, Relating to Cemeteries. My name is Catherine Awakuni Colón, and I am the Director of the Department (“Director”).

This measure proposes to address the issues that continue to negatively impact the condition and operations of the privately held Sunset Memorial Park Cemetery (“Sunset Memorial”). In particular, H.B. 1626 seeks to: (1) limit liability under Hawaii Revised Statutes chapter 662D for volunteers and nonprofit entities maintaining or repairing cemetery grounds; and (2) require the Director, in consultation with the Department of Accounting and General Services comptroller, to develop strategies for the upkeep, repair, and maintenance of Sunset Memorial. S.D. 1 amends this measure by: (1) clarifying that the limited liability for volunteers pertains only to those volunteers who maintain or repair cemetery grounds without compensation; (2) clarifying that the limited

liability for volunteers does not relieve a cemetery property owner or cemetery authority from the duty to maintain the premises in a reasonably safe condition; and (3) changing its effective date to July 1, 2018.

The Department appreciates the Legislature's continuing leadership and support in finding both short- and long-term solutions to the issues affecting Sunset Memorial. In particular, the Department supports the bill's creation of a special cemetery volunteer liability protection law, which encourages volunteers to maintain and repair Sunset Memorial without fear of liability resulting from their charitable activities. The Department also supports the measure's clarification of the compensation or reimbursement allowable for volunteers, and the language on page 3, lines 15-18 that states the section does not relieve any cemetery property owner or cemetery authority from compliance with chapter 441.

This narrowly tailored bill provides an appropriate balance of protection to individuals, businesses, and organizations wishing to help a cemetery, including family members, friends, businesses, unions, and community and service organizations, while ensuring that the cemetery authority's statutory responsibilities are unaffected. The Department is committed to continue working with area legislators, the affected community and businesses, and all others interested in finding a practical and sustainable solution for Sunset Memorial.

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

**HB-1626-SD-1**

Submitted on: 3/27/2018 10:52:09 PM

Testimony for JDC on 3/29/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Wond	Individual	Support	No

Comments:

Aloha Senators,

I strongly support this bill, and urge your support as well.

As you know, Sunset Memorial Park in Pearl City is in need of **a lot** of TLC. It is extremely sad and heartbreaking that the cemetery has fallen so far into disrepair. But I've recently met families and community members at the cemetery who have quietly stepped up, without fanfare, acknowledgment, or expectations, to kokua in maintaining this cemetery. Their selfless actions inspire hope that Sunset Memorial could eventually be restored to the peaceful place that it used to be. But they need your support, through the passage of this bill.

Some laws are enacted in reaction to criminal activity, or something hurtful or damaging that occurs in the community, but the legislature's passage of this bill would support these volunteers who are doing something **positive** and **helpful** to improve the cemetery and our community.

Thank you for the opportunity to testify.

Lisa Wond

**HB-1626-SD-1**

Submitted on: 3/27/2018 7:52:17 PM

Testimony for JDC on 3/29/2018 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

**LATE**

**TESTIMONY OF**

**LARRY S VERAY**

**TO THE HOUSE JUDICIARY COMMITTEE**

**ON HB 1626 RELATING TO CEMETERIES**

**March 28, 2018**

Aloha Chair Brian Taniguchi, Vice Chair Karl Rhoads and members of the Judiciary Committee. I am Larry Veray, Chair for the Pearl City Neighborhood Board and today I not only represent my board but most importantly I represent the many families who have been negatively impacted by Sunset Memorial Park Cemetery unsatisfactory conditions over these past years. We most strongly support HB 1626 which limits liability for volunteer senior citizens who contribute their weekend time to support groundskeeping maintenance of the cemetery.

Over the past few years, the Pearl City Neighborhood Board facilitated special meetings bringing our citizens and families together to provide heartfelt testimony about the current and previous owners neglect to maintain satisfactory operations of the cemetery. We continue to hear 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 HB 1626 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 volunteer citizens, church groups and many families will improve the cemetery grounds and appearance. Thank you for your support. Mahalo!

Very respectfully,

*Larry S Veray*

**LATE**

**HB-1626-SD-1**

Submitted on: 3/29/2018 8:44:23 AM

Testimony for JDC on 3/29/2018 9:30:00 AM

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

Comments: