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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the**  
**House Committee on Consumer Protection & Commerce**  
**Wednesday, January 31, 2024**  
**2:00 p.m.**  
**Conference Room 329 and Videoconference**

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

Chair Nakashima 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.

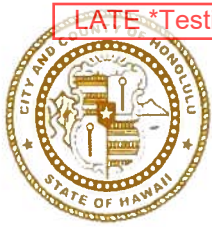
The purpose of this bill is to authorize the Department's director to appoint an organization as the limited owner of a cemetery, under certain circumstances, for the purposes of perpetual care and security measures.

House Concurrent Resolution 29, House Draft 1 (H.C.R.29, H.D. 1) requested the Department 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 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 DCCA 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 for securing the property and supporting community efforts to keep the cemetery free of crime, litter, and habitual trespassers.

Thank you for the opportunity to testify on this bill.



LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

# HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

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COUNCILMEMBER  
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January 31, 2024

**LATE**

Rep. Mark M. Nakashima, Chair  
Rep. Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Testimony of Councilmember Val Aquino Okimoto

**Support** for House Bill No. 2192 – Relating to Cemeteries

## WRITTEN TESTIMONY ONLY

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Thank you for the opportunity to submit testimony in **support** for House Bill No. 2192. 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

**LATE**

**TESTIMONY OF  
LARRY S VERAY**

**TO THE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

**IN STRONG SUPPORT OF HB2192**

**RELATED TO CEMETERIES**

**January 30, 2024**

Aloha, Chair Nakashima, Vice Chair Sayama and Committee members. Thank you for allowing me the opportunity to provide testimony in strong support of HB2192, a very important House Bill that could positively impact hundreds of families who have their loved ones buried and interned 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 and the numerous residents who live in Pearl City and the island of Oahu. 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 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) who ever 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. 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*

**LATE**

**HB-2192**

Submitted on: 1/30/2024 7:39:24 PM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charmaine Doran	Individual	Support	Written Testimony Only

Comments:

Thank you for introducing and hearing this measure. For almost a decade, the generosity of the Pearl City community and the dedication of surviving ohana - have been the driving force behind the volunteer care of sunset memorial. This bill is a step towards securing a long-term solution for them and the 6,000 residents interred at Sunset. With that in mind, I humbly ask this committee to consider extending the length of any agreements to up to 5 years, guarantee that any entity granted limited ownership is a non-profit dedicated solely to sunset maintenance and care, and finally mandate annual reports for since entity. Together, with this bill and specific amendments, we can all ensure that those interred there will never again be abused, vandalized nor neglected.

**LATE**

**HB-2192**

Submitted on: 1/31/2024 2:32:01 AM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Belinda Miranda	Individual	Support	Written Testimony Only

Comments:

Dear Honorable Legislative Members,

Our Pearl City Community and their families have not been able to safely honor and visit their loved ones at Sunset Memorial Park. We have Veterans, Native Hawaiians and Many who have served this country and are the fabric of Hawaii's History. Since the Sunset Memorial Park owners passed away, the cemetery has been vandalized, pillaged and turned into a haven for homeless and those affected by drugs. Our time is now to end this path of turmoil and sadness for the community and move into the resolution approval. This will shine a light to the despondent family members who only wish to remember their loved ones.

**LATE**

**HB-2192**

Submitted on: 1/31/2024 6:33:09 AM

Testimony for CPC on 1/31/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tim Kwock	Individual	Support	Written Testimony Only

Comments:

This initiative is a start however the HB2192 contains other specific deliverables that should also be addressed by DCCA as it represents the entire scope for remediatoin of the cemetery's current condition.

In addition, it would have been better to provide better planning so others can submit and present their perspectives and opinions

Tim Kwock: Managing Partner: Leeward Investment Corporation