

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I**  
**OFFICE OF THE DIRECTOR**  
**DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**  
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DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

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

**Before the**  
**House Committee on Consumer Protection and Commerce**  
**Thursday, February 2, 2023**  
**2:00 p.m.**  
**Conference Room 329 and Videoconference**

**On the following measure:**  
**H.B. 646, RELATING TO CEMETERIES**

Chair Nakashima and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Cemetery and Pre-Need Funeral Authority Program. The Department offers comments on this bill.

The purposes of this bill are to: (1) repeal the exemption granted to churches by Act 22, Session Laws of Hawaii 2020, relating to bonding requirements and fee requirements for licenses, renewals, and reinstatements of licenses applicable to cemeteries and funeral trusts; (2) clarify that the Director of Commerce and Consumer Affairs shall exempt any cemetery authority from the bonding requirement and the fee requirements for licenses, renewal, and reinstatement upon proof satisfactory to the Director that the cemetery authority does not sell for financial profit; and (3) have the effective date of this measure retroactive to September 15, 2020.

Recognizing the desire for churches to provide continuum of spiritual care into the afterlife for their parishioners at their place of worship, Governor Ige signed House Bill No. 2202, H.D. 1, S.D.1 into law on September 15, 2020 (Act 22). Act 22, Session

Laws of Hawaii 2020 (Act 22) codified the Department's practice of exempting any cemetery authority from Hawaii Revised Statutes (HRS) chapter 441 requirements, provided that the entity does not sell for financial profit. Act 22 allows exempt cemetery authorities to continue to provide burials to their community based upon goodwill, rather than operate the cemetery as a business. Cemeteries that are currently exempt from the licensing laws would have difficulty complying with the licensing requirements of HRS chapter 441. In addition, the lines struck through on page 3, lines 6 to 8, give the Director the authority to impose the requirements of HRS chapter 441 upon exempt cemetery authorities, including churches. This authority must be retained as it is essential to protect consumers. We request the following to clarify the Director's authority on page 3, lines 1 to 8:

**§441-22.1 Exemption.** (a) The director shall exempt any cemetery authority or church from the provisions of this chapter upon proof satisfactory to the director that the cemetery authority does not sell for financial profit; provided that a cemetery authority exempted under this section shall be required to comply with any provision of this chapter upon order by the director.

As a compromise to repealing Act 22, we request that HRS section 441-21.1(b) be retained in its entirety and to clarify that the exemption is limited to members of the church, which would be consistent with the intent of Act 22 to preserve the continuum of spiritual care for church members into the afterlife.

Lastly, the Department has concerns with the retroactive effective date on page 4, lines 15 and 16 because contracts entered into after September 15, 2020, may be subject to challenge. Thus, we request that the retroactive effective date be stricken.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**  
H.B. NO. 646, RELATING TO CEMETERIES.

**BEFORE THE:**  
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

**DATE:** Thursday, February 2, 2023      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Bryan C. Yee or James C. Paige, Deputy Attorneys General

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Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill repeals Act 22, Session Laws of Hawaii 2020 (Act 22), which amended section 441-22.1, Hawaii Revised Statutes (HRS), by, among other things, exempting churches from laws governing cemetery and funeral trusts. The bill is retroactive to September 15, 2020, the effective date of Act 22.

The Department recommends that the bill be amended to replace its retroactive effective date of September 15, 2020, with an effective date that is upon approval or some other appropriate future date.

The bill's retroactive effective date could potentially give rise to litigation brought by entities that relied upon Act 22 while Act 22 was in effect. See, e.g., Allen v. City and County of Honolulu, 58 Haw. 432, 571 P.2d 328 (1977). Although the Department is not opining that any theoretical lawsuit would have merit, the risk of litigation arising from an entity's reliance upon Act 22's exemption would be eliminated by deleting the retroactive effective date of the bill.

Thank you for the opportunity to testify.

Testimony on behalf of the Episcopal Diocese of Hawai'i  
The Right Reverend Robert L Fitzpatrick, Bishop  
Prepared for the House Committee on Consumer Protection and Commerce  
**in Opposition of HB646**  
Thursday, February 2, 2023 at 2:00pm in Room 329

Dear Chair Nakashima, Vice Chair Sayama and Honorable Members,

Thank you for your time.

I write to encourage you please not pass HB646.

Repealing the Cemetery Authority exemption for non-profit religious organizations in Hawaii would have a significant detrimental impact on some of my congregations and the people to whom we minister. The passage of HB646 would repeal Act 022 (20) and churches throughout the state would no longer be allowed to continue this ministry of care for the departed and their loved ones without undue and burdensome administrative costs.

On Sept. 15, 2020, Gov. David Ige signed into law Act 022 (20), which allows religious institutions in Hawai'i to build and maintain on their property columbaria, structures such as a wall, room or building for the keeping of cremated remains. Act 022 (20) has allowed our faith communities throughout the State of Hawaii to provide end-of-life care for our families in the context of their communities of faith. The hundreds of local churches of various denominations throughout the State have been given the opportunity to utilize this exemption to provide a continuum of care for their members and the families of deceased loved ones and to do so in their places of worship for grieving families. This has been particularly important to the Episcopal churches.

We are grateful are grateful that Act 022 (20) became law in Hawai'i.

Please note that Act 022 (20) has had no financial impact on the State's budget. It has created jobs for churches engaged in this activity.

Most importantly, Act 022 (20) has enabled our churches to care for the needs of our people in a time of grief by proving a place of rest for their deceased loved ones. This was, of course, keen need during the Pandemic.

One of the most important functions of non-profit religious organizations is to provide spiritual care for our members, not only in this life, but in the life to come. We appreciate your support by opposing HB646 so that we may continue to provide this care to our deceased members and their families.

Yours faithfully,

The Right Reverend Robert L Fitzpatrick, Bishop  
The Episcopal Diocese of Hawai'i

**HB-646**

Submitted on: 1/31/2023 8:36:19 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alan Urasaki	Shinshu Kyokai Buddhist Temple	Oppose	Written Testimony Only

Comments:

I oppose this bill as it would place undue administrative burden on churches/temples that provide cemetery and columbaria for it's members and families. The majority of Buddhist temples in the state provide these services for it's members at nominal cost. In fact, some families have chose to remove their loved one's from the temple niche and place them in public or private cemeteries due to convenience or they are no longer Buddhist.

Testimony on behalf of the Roman Catholic Church in the State of Hawaii  
Most Reverend Larry Silva, Bishop of the Diocese of Honolulu  
Prepared for the House Committee on Consumer Protection and Commerce  
in Opposition of HB646  
Thursday, February 2, 2023 at 2:00pm in Room 329

Dear Chair Nakashima, Vice Chair Sayama and Honorable Members,

Peace be with you!

Thank you for your time. I ask that you please not pass HB646. Repealing the Cemetery Authority exemption for non-profit religious organizations in Hawaii would have a significant detrimental impact to those we serve. The passage of HB646 would repeal Act 022 (20) and churches throughout the state would no longer be allowed to continue this work of mercy without great administrative and costly burdens to our churches.

On Sept. 15, 2020, Gov. David Ige signed into law Act 022 (20), which allows religious institutions in Hawaii to build and maintain on their property columbaria, structures such as a wall, room or building for the keeping of cremated remains. Act 022 (20) has allowed our faith communities throughout the State of Hawaii to provide end-of-life needs for local families. The hundreds of local churches throughout the State have been given the opportunity to utilize this exemption to provide a continuum of care for their members and the families of deceased loved ones and to do so in their places of worship for grieving families. Our churches were given this opportunity to return to the work of mercy of burying the dead and we are very grateful to all of you.

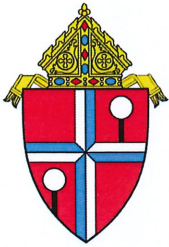
Further, Act 022 (20) has had no financial impact on the State's budget. It has created jobs for churches engaged in this activity. It has allowed the churches to provide for the needs of our deceased loved ones, which became a heightened concern during the pandemic and it was supported by this very Legislature in 2020.

One of the most important functions of non-profit religious organizations is to provide spiritual care for our members, not only in this life, but in the life to come. We appreciate your support to oppose HB646 so that we may continue to provide this service to our deceased members and their families.

Sincerely yours in Christ,

A handwritten signature in black ink that reads "Larry Silva". The signature is written in a cursive style with a small "L" at the beginning.

Most Reverend Larry Silva  
Bishop of Honolulu



ROMAN CATHOLIC CHURCH IN THE STATE OF HAWAII  
**DIOCESE OF HONOLULU**  
WITNESS TO JESUS

Testimony on behalf of the Roman Catholic Church in the State of Hawaii  
Very Reverend Msgr. Gary Secor, Vicar General of the Diocese of Honolulu  
Prepared for the House Committee on Consumer Protection and Commerce  
in Opposition of HB 646  
Thursday, February 2, 2023 at 2:00pm in Room 329

Dear Chair Nakashima, Vice Chair Sayama and Honorable Members,

As the Vicar General of the Diocese of Honolulu, I am opposed to HB646. As Moderator of the Curia, I am responsible for the day-to-day operations of our Diocese. I am a graduate of Maryknoll High School and have been a priest in Hawaii for over 40 years serving in various parishes throughout the State of Hawaii, most recently as the pastor of the Cathedral Basilica of Our Lady of Peace in Downtown, Honolulu. HB 646 if passed would stop the church from being able to continue to provide for our faithful a proper resting place in their place of worship at our 65 parishes throughout Hawaii, especially on the neighbor islands.

On Sept. 15, 2020, Gov. David Ige signed into law Act 022 (20), which allows religious institutions in Hawaii to build and maintain on their property columbaria, structures such as a wall, room or building for the keeping of cremated remains. Catholic churches have been honoring the dead for centuries with parish cemeteries. Act 022 (20) has allowed the church an opportunity to return to the work of mercy of burying the dead and to do it the right way. Not too many people know that the common practice of scattering ashes is against church law. The columbaria serve the especially important need of offering perpetual care.

Act 022 (20) has allowed the Catholic Church to build its first columbaria at St. Ann Parish in Kaneohe and completed in October, 2022. St. Ann's columbarium has 60 niches on the outside left wall of the church and hopes to build more as the need arises. Each niche has a 12-inch square granite slab covering it. The interior space, a cube with 11 7/8-inch dimensions, lined in stainless steel, can hold, at most, two moderately-sized urns. Placement in the parish columbarium is reserved for the members of the parish and their families. Parishioners of this parish have overwhelmingly supported the construction of the columbaria at the church allowing families with strong-multigenerational connections to the parish to continuing those ties after death, of "having a forever home" at their parish. It is a great thing to be given the opportunity to keep these mortal remains at the church. It is a place of hope and comfort for the living, and the source of prayers offered continually for the dead at their own parish.

Please do not pass House Bill 646. Doing so will hurt the faith community of caring for our faithful in their afterlife. This would apply to all faith communities in the State not just the Catholic

Church. On behalf of the Roman Catholic Church in the State of Hawaii, I respectfully encourage you to not support the passage of this bill.

With gratitude,

A handwritten signature in black ink, appearing to be 'Gary Secor', written in a cursive style.

Very Reverend Monsignor Gary Secor  
Vicar General





February 1, 2023

To: The Honorable Mark Nakashima  
Chair, The Hawai'i State House of Representatives Committee on  
Consumer Protection and Commerce

&

The Honorable Members of The Hawai'i State House of Representatives  
Committee on Consumer Protection and Commerce

From: Kekoa McClellan on behalf of the Roman Catholic Church, Hawai'i.

**Opposition to HB646, Relating to Cemeteries**

Aloha Chair Nakashima, Vice Chair Sayama and Honorable members of the The Hawai'i State House of Representatives Committee on Consumer Protection and Commerce. Please accept this testimony in **opposition to HB646**, which would harm nonprofit religious organizations throughout our State.

Our opposition for HB646 is based on a desire and commitment to care for the afterlife needs of our faith serving communities and their families, at an affordable cost. In 2020, a common sense exemption was provided for nonprofit religious organizations in our State that removed the administrative and economic burdens relating to Cemetery Authorities.

This exemption addressed our community's desire and commitment to care for the afterlife needs of deceased members and their members' families by amending the law regarding Cemetery and Funeral Trusts to allow religious institutions to feasibly construct and properly manage a columbarium within their property or place of worship, by providing niches to its members for an affordable fee. At the time Hawai'i was one of the only states that did not exempt religious institutions from charging a fee to help manage the costs of having a columbarium on their property. The primary goals of this exemption were to make it more affordable for local families and their respective religious institutions to provide a continuum of spiritual care for their loved ones and parishioners, allowing multi-generational families to be buried together and cared for in their chosen place of worship, while helping to prevent local families

from incurring financial and emotional hardship when they are faced with limited, high cost options in burying and carrying for their loved ones in their afterlife.

On behalf of the Roman Catholic Church in Hawai'i, which currently serves 230,000 Catholics in Hawai'i, or close to 16 percent of our State's total population, we ask for your support in preserving this exemption for nonprofit religious organizations and **we urge your opposition to HB646, which would remove this exemption.**

Since this exemption went into effect, the Bishop's office has had early successes in establishing a parish based columbarium program - notably with the blessing of the first set of niches at St. Ann's in Kaneohe, where we have already laid to rest members of the St. Ann's community. Several other parish based programs are in varying stages, and the Bishop's office continues to work with our parishioners to put together programs that fit the needs and budget of catholic communities across the State.

This important exemption extends beyond our Catholic communities. Faith-based organizations such as Hawai'i's Buddhist communities who currently have temple-based columbaria offered to those who pay a monthly membership fee, the Episcopal Diocese of Hawai'i whose St. Peter's Parish in Honolulu maintains a beautiful columbarium program for their members, and any nonprofit religious organization seeking to provide this ministry to their members will be harmed by the passage of HB646.

Mahalo for your time and consideration of this testimony in opposition to HB646. I will be available for your committee's questions on this measure.

Me ka ha'aha'a,



Kekoa McClellan  
Principal  
The McClellan Group, LLC  
[Kekoa.McClellan@gmail.com](mailto:Kekoa.McClellan@gmail.com)  
1.808.393.7937



**HB-646**

Submitted on: 1/31/2023 1:24:22 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marvin Choy	Individual	Oppose	Written Testimony Only

Comments:

**I am strongly opposed** to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. Please do not let this bill pass for the sake of our kupuna and our faith communities.

**HB-646**

Submitted on: 1/31/2023 3:58:37 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roxanne Perreira	Individual	Oppose	Written Testimony Only

Comments:

*I am strongly opposed to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. Please do not let this bill pass for the sake of our kupuna and our faith communities*

**HB-646**

Submitted on: 1/31/2023 6:34:21 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laurie Lagrange	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Nakashima, Vice Chair Sayama, and Honorable Members,

As a practicing member of the Catholic Church, I ask that you please not pass HB646. Repealing the Cemetery Authority exemption for non-profit religious organizations would have such a negative impact on myself, my family and many within our parish communities. The passage of HB646 would repeal Act022 (20) and churches throughout the state would no longer be allowed to continue to provide the continuum of care for their parishioners, including myself and my 'ohana.

When Act 022 (20) passed, many in the community celebrated and gave thanks to those in the legislature who understood the importance of this and listened to our desire to be buried in the church where we worship, besides our family members and parish brothers and sisters. To repeal this bill would be devastating.

I ask that you oppose HB646 so we may have the opportunity to fulfill what is very important to many of us within the Catholic community.

Mahalo,

Laurie LaGrange

808-375-9335

**HB-646**

Submitted on: 1/31/2023 7:37:05 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deacon Ron Choo	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. Please do not let this bill pass for the sake of our kupuna and our faith communities.

Deacon Ron Coo

**HB-646**

Submitted on: 2/1/2023 7:59:55 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pamelyn Fukuoka	Individual	Oppose	Written Testimony Only

Comments:

**I am strongly opposed** to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. Please do not let this bill pass for the sake of our kupuna and our faith communities.

House Committee on Consumer Protection & Commerce  
HB646  
Thursday, February 2, 2023, at 2pm in Room 329

Dear Chair Nakashima and Honorable Members,

Thank you for the opportunity to testify on House Bill 646 (HB646). My name is Lisa Sakamoto and I was raised in Kaneohe where I attended St. Ann School before graduating from Maryknoll High School. Our family (my mother, father, husband, and two boys) currently reside in the Ainakoa area and are parishioners of Mary Star of the Sea Church.

**I am in strong opposition to HB 646.**

I write to you today primarily as a caregiver to my mother (age 94) and my father (age 90). I have had several conversations with my parents about their after-life care. They did not plan ahead and do not have any burial plots or niches so we are struggling to determine what would be the best option for our family.

When passed, Act 22 (2020) gave our family a sense of peace knowing that our parish will be allowed to build a columbaria on church grounds, something my parents would welcome as part of their after-life care. For my family, it would allow us to be able to attend Mass on Sundays and then visit with them weekly either before or after Mass. When it is time for my husband and I to leave this earth, we would like to be able to be with my parents and my two sons could continue the tradition of visiting all of us in one place and not only just during the holidays or our birthdays! Most importantly it would provide my family with an affordable option for after-life care in our place of worship.

**Please do not pass House Bill 646.** In doing so, all the good work that has begun to provide our faith community a resting place where they worship will be gone and will especially impact our kupuna. My mother and father are relieved they now know where their resting place will be when it is their time. Don't take that away from them and our faith communities.



**HB-646**

Submitted on: 2/1/2023 12:15:37 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Citizen	Individual	Oppose	Written Testimony Only

Comments:

Oppose HB646.

**HB-646**

Submitted on: 2/1/2023 11:55:56 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dona Clamucha	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Nakashima, Vice Chair Sayama and Honorable Members,

**I am strongly opposed** to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. As someone who has a family member inurned in our churches Niche. It give my Mom and I great comfort to be able to see my father at our place of worship. One day when it is my Mother's time my sister and I would like to my mother and father to be together. Just like in their marriage for 59 years. I ask for your compassion to please not let this bill pass for the sake of our kupuna and our faith communities.

Thank you for taking the time to read my testimony.

Dona Clamucha

February 1, 2023

TO: Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama  
Honorable Committee Members  
House Committee on Consumer Protection and Commerce

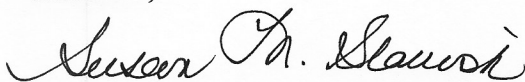
RE: Opposition to HB 646

As a member of Saint Ann Parish, Kaneohe, Hawai'i, a parish that has recently added a columbarium for use by members of our parish, I am opposed to HB 646. St. Ann's columbarium was completed in October, 2022 and has already provided a final resting place for at least 4 members of the parish. The presence of the columbarium allows for families who have been members of the church community for generations to continue that family-church relationship even with the death of a loved one. The columbarium provides a beautiful and peaceful location where families can visit and offer prayers for their loved ones at their own parish while offering perpetual care for those inurned there.

Passage of this bill will hurt the faith community, both Catholic and others and deprive them of the ability to provide afterlife care within their own property.

I respectfully ask that you oppose House Bill 646.

Mahalo,



Susan M. Slavish  
Parishioner  
St. Ann Parish  
Kaneohe, Hawai'i

**HB-646**

Submitted on: 2/1/2023 7:10:54 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paulette Tam	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB646- - Cemeteries.

Please do not pass HB646 - Cemeteries that repeals Act 22 that was signed by Past Governor David Ige in 2020.

Thank you for your time.

**HB-646**

Submitted on: 2/2/2023 12:32:35 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Shorba	Individual	Oppose	In Person

Comments:

Please do not pass this measure, HB646, which would repeal the exemption granted to churches by Act 22, Session Laws of Hawaii 2020. This service provided by our churches is greatly needed and serves the community in an affordable and personal way. Hawaii residents, especially those whose families are unable to provide an affordable burial plot for each member of their family, are able to turn to their church(es) for this much-needed service. I believe you will be doing a disservice to our community by repealing what is currently in place.

Please do not pass HB646. Mahalo for hearing my testimony.

**HB-646**

Submitted on: 2/2/2023 6:22:50 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Yatsushiro	Individual	Oppose	Written Testimony Only

Comments:

Stand in OPPOSITION!

**HB-646**

Submitted on: 2/2/2023 6:24:40 AM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr. Guy Yatsushiro	Individual	Oppose	Written Testimony Only

Comments:

Oppose

**HB-646**

Submitted on: 2/1/2023 3:39:01 PM

Testimony for CPC on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John C Buckingham Jr	Individual	Comments	Written Testimony Only

Comments:

*I am strongly opposed to HB646. If passed our faith communities will no longer be able to care for our deceased brothers and sisters at our place of worship without significant burden and hardship on our churches. Please do not let this bill pass for the sake of our kupuna and our faith communities.*

*Respectfully,*

*John C. Buckingham Jr*



**Mark J. Andrews**  
20 Foster Place  
Kula, Hawaii 96790  
Phone: (808) 878-6679  
Fax: (808) 878-3059  
[mark.andrews10@aol.com](mailto:mark.andrews10@aol.com)

House Committee on Commerce and Consumer Protection & Commerce in in Response to  
House Bill 646

February 2, 2023

Chairperson Mark Nakashima and Honorable Members.

Thank you for the opportunity to testify on House Bill 646. I apologize for not personally being present but travel to Oahu at a moment's notice is difficult.

The Diocese of Honolulu would like everyone to believe that Act 22 is about building columbaria for the parishioners in Hawaii. It is not. It is about the ability to sell columbaria niches at to the parishioners at a large profit which is prohibited by Act 22. There are already a number of non-Catholic churches on Oahu and Maui who have already build columbaria on their property to serve their parishioners. These columbaria were built well before the passage of Act 22 by 2020 legislature. The difference is that these churches are not trying to make a profit from these structures.

The Diocese of Honolulu has also contacted with Catholic Funeral and Cemetery Services (CFCS), an out-of-state non-profit to provide these services. The use of an out-of-state company limits the ability of the Department of Consumer Protection and Commerce to monitor the profitable actions of the Diocese and regulate other activities of CFCS which is also a requirement of Act 22.

The Kula Catholic Church requested the Diocese of Honolulu for permission to purchase a 40-niche columbarium to be placed in our current Cemetery for a total cost of \$20,000. We were denied and required to use the bishop's sole source vendor. Doing this would cost our parishioners \$400,000 at the prices CFCS has plans to charge.

Act 22 requires oversight by the DCCA and prohibits building columbaria for profit. I ask you to please in force the law as written and take steps to insure DCCA can perform it's duties of oversight as required by Act 22. If you do not wish to enforce the provisions of Act 22 then repeal it.

I have attached my testimony on SB 157 the companion to HB 646 for further information. This testimony also provides questions to ask of the diocese to help clarify this matter.

I was born into the Kula Catholic Parish over 70 years ago, have chaired most church committees and have been an active member in activities of the parish. I also served 11 years (1979-1990) in the Hawaii State Legislature representing Up-Country Maui.

Thank you for the opportunity to testify on HB 646.

Mark J. Andrews

**Mark J. Andrews**  
20 Foster Place  
Kula, Hawaii 96790  
Phone: (808) 878-6679  
Fax: (808) 878-3059  
[mark.andrews10@aol.com](mailto:mark.andrews10@aol.com)

Senate Committee on Commerce and Consumer Protection in Support of SB 157.  
January 31, 2023

Chairperson Jarrett Keohokaole and Honorable Members.

Thank you for the opportunity to testify on Senate Bill 157. I apologize for not personally being present but travel to Oahu at a moment's notice is difficult and I have a standing appointment on Tuesday mornings to count the collection funds from Kula Catholic Church's Sunday Masses.

For well over a year now I have communicated with the Diocese of Honolulu (the diocese) regarding the implementation of their columbaria program under Act 22 (2020) but have received no reliable answers to my questions. This program designates Catholic Funeral and Cemetery Services (CFCS) a Oakland non-profit as the sole source provider of building columbaria by Catholic parishes in the State of Hawaii. To date their only action in response to my inquiries has been to call the pastor of our parish and have me removed as the chairperson of the cemetery committee.

I believe the current actions by the Diocese of Honolulu are in serious conflict with the intent and possibly the actual wording of Act 22 (2020). The Department of Consumer Protection's responsibility to ensure that all cemetery authorities comply with any provisions of Act 22 are seriously compromised by the diocese contracting with an out-of-state non-profit to implement their columbaria program. If these actions by the diocese are allowed to continue it will create and opportunity for other non-profits exempt from HRS Chapter 441-22.1 under Act 22 (2020) to contract with out-of-state entities to create very profitable mortuary services. I do not believe this was the intent of the Legislature.

The Diocese has announced in the Catholic Herald of October 12, 2022 that they intend to charge at least \$6,400 to \$10,200 per niche. The diocese has previously denied the Kula Catholic Parish the right to build a 40-niche columbarium built by a well-known Canadian Company which would be delivered to our current cemetery for \$20,000. This is a cost of \$500 per niche. This same columbarium would cost our parishioners \$400,000 (at \$10,000 per niche) under the diocese's program. The cost difference certainly indicates that there is a profit here, which is prohibited under Act 20 (2020). Unfortunately, this is difficult to determine since the recipient of these funds is an out-of-state entity.

Act 22 (2020) does provide welcome relief from the provisions of HRS Chapter 441.22.1 to the parishioners of the Hawaii Catholic Church. But these benefits are realized only if Act 22 is implemented as intended. The current program of the diocese will increase the cost of interment on parish grounds by 200%. To make matters worse this excessive cost to parishioners is sent out-of-state and may limit parishioners' current ability to control use of their parish property.

Please ask the following questions of the persons from the Diocese of Honolulu as I have asked them but received no acceptable response.

1. How is there “no profit” when the Kula Maui Parish can purchase a 40-unit columbarium for \$20,000 but the same columbarium would cost \$400,000 under the Diocese’s plan?
2. The Diocese plan has 75% of the cost per niche going to Catholic Funeral and Cemetery Services (CFCS) an out-of-state non-profit. How is this fair to Hawaii’s Catholic parishioners?
3. Who will have the authority to determine who is eligible to be interred in the columbarium in the parish where the columbarium is built by CFCS?
4. If the Diocese of Honolulu is concerned about “consistency and quality of construction” why does it not use local engineering firms who are familiar with building columbaria in Hawaii to assist in these areas? Allowing the sole source contractor to determine these things is a conflict.
5. Was there ever a written report from the Diocese’s Cemetery Task Force?
6. Who was Act 22 (2020) written to benefit? Prior to becoming bishop of Hawaii Bishop Silva was Vicar General of the Diocese of Oakland. Robert Seeling the CEO and founder of CFCS (a Oakland non-profit under the Diocese of Oakland) has been a friend of Bishop Silva for over 15 years. The primary consultant for the Diocese of Honolulu’s Cemetery task force to write the law that has become Act 22 was also a consultant for CFCS.
7. Is DCCA concerned about an in-state Cemetery Authority contracting with an out-of-state contractor to administer their program? Does this cause DCCA problems with over-sight?
8. Bishop Silva and others testifying on behalf of the Diocese of Honolulu emphasized that Act 22 was necessary for the church to lower cost to the parishioners. By allowing CFCS to be a sole provider of services the Diocese’s action have considerably raised the cost of interment.

Please give Senate Bill 157 your serious consideration

I was born into the Kula Catholic Parish over 70 years ago, have chaired most church committees and have been an active member in activities of the parish. I also served 11 years (1979-1990) in the Hawaii State Legislature representing Up-Country Maui.

Thank you for this opportunity to testify on SB 157,

Mark J. Andrews



February 1st, 2023

Testimony in Opposition of HB 646

Prepared for the House Committee on Consumer Protection and Commerce

Thursday, February 2nd, 2023 at 2:00pm in Room 329

Dear Chair Nakashima, Vice Chair Sayama and Honorable Members,

Mahalo nui for your time and consideration. As the President of EPIC Ministry 501(c)(3) I ask that you please not pass HB 646. If HB 646 were to be passed it would stop faith communities throughout the state from being able to continue to provide their faithful a proper resting place in their place of worship and would also not allow the families of the deceased to grieve in their places of worship

In September of 2020, Governor David Ige signed into law Act 022 (20), which allows religious institutions in Hawaii to build and maintain on their property columbaria, structures such as a wall, room or building for the keeping of cremated remains. This essential law has allowed faith communities to care for their faithful, even after death, and has allowed the faithful to abide by the ecclesiastical laws set by their various churches. For example, the Canon law of the Catholic Church does not allow for the scattering of ashes. Act 022 (20) has allowed catholics to bury their loved ones and to do it with respect to the law of the Church.

Please do not pass House Bill 646. Doing so will hurt faith communities in caring for their deceased faithful and providing essential pastoral care for the families of the deceased. As an active member in the Catholic church, as someone that has studied the necessity of the proper care of the families of the deceased while earning my Masters in Pastoral Theology at Chaminade University, and as the President of EPIC Ministry 501(c)(3) I respectfully ask that you do not support the passage of this bill.

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Dallas Carter Jr.", written over a horizontal line.

Dallas Carter Jr.

President, Board of Directors