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LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
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## Written Comments

### HCR29/HR30

# REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY POTENTIAL SOLUTIONS AND MAKE RECOMMENDATIONS FOR A LONG-TERM MANAGEMENT PLAN, FOR SUNSET MEMORIAL PARK.

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Water & Land

Tuesday, March 28, 2023, 9:30 a.m.  
Conference Room 430 & Via Videoconference

Chair Ichiyama and Members of the Committee:

Good morning Chair Ichiyama and members of the Committee. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau (Bureau). Thank you for providing the opportunity to submit written **comments** on H.C.R. No. 29/H.R. No. 30, Requesting the Legislative Reference Bureau to Study Potential Solutions and Make Recommendations for a Long-Term Management Plan, for Sunset Memorial Park.

The purpose of this measure is to request that the Bureau study potential solutions for the legal and physical situation at Sunset Memorial Park and make recommendations for a long-term management plan.

The measure also requests that the Bureau follow up with the Department of Commerce and Consumer Affairs on any developments since the enactment of Act 193, Session Laws of Hawaii 2018 (Act 193).

The measure further requests that the Bureau, in conducting the study, consult with the following:

- (1) The Department of Commerce and Consumer Affairs;

- (2) The Department of Accounting and General Services;
- (3) The Department of the Attorney General;
- (4) The Pearl City Neighborhood Board (District 21);
- (5) Friends for Sunset Memorial Park Cemetery;
- (6) Members of the community who have family buried at Sunset Memorial Park; and
- (7) Any other entity or individual the Bureau deems necessary to complete the study.

Finally, the measure requests that the Bureau submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Bureau takes no position on this measure but has very serious concerns and submits the following comments for your consideration.

As a general matter, the Bureau notes that it lacks any of the subject matter expertise necessary to conduct the requested study. We do not presently have any staff with specific expertise in or any particular knowledge of or experience in matters relating to cemetery and funeral trusts, burial issues, business law, contracts, torts, or property law that would allow us to comment with any authority or make any definitive recommendations regarding solutions or recommendations for a long-term management plan for Sunset Memorial Park.

Consequently, the Bureau would have to contract the services of all such experts to meet the measure's objectives. However, the Bureau's budget does not contain any moneys to contract such services. Accordingly, the Bureau would require additional funding sufficient to cover the contracted study services. We further note that as we are required to adhere to the State Procurement Code in contracting these services, the present timeframe proposed in the measure is insufficient. It is highly improbable that the Bureau will be able to scope such an undertaking, craft a Request for Proposals, select a contractor, and receive and approve the contractor's work product and deliver it to the Legislature within the timeframe provided in the measure.

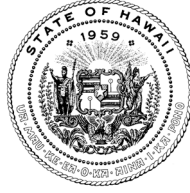
Rather than having the Bureau conduct the study through the contracting of services of subject matter experts, the Bureau respectfully suggests that the measure be amended to request relevant parties to participate in a working group. The Bureau notes that the Department of Commerce and Consumer Affairs has statutory jurisdiction over Cemeteries and Funeral Trusts under Chapter 441, Hawaii Revised Statutes, and pursuant to Act 193, Session Laws of Hawaii 2018, it operates an online portal for Sunset Memorial Park and has been working on a long-range plan for the park for the last five years. Further, the Department of

Accounting and General Services has statutory authority over Chapter 110, HRS, relating to State-Owned Cemeteries, including the maintenance, improvement, redevelopment, and disposal of state-owned cemeteries, and the Department of the Attorney General has the authority to initiate eminent domain proceedings. The Bureau also notes that these three departments, unlike the Bureau, possess the statutory authority and budgetary resources to contract for services if needed. Accordingly, we suggest that these agencies convene and designate representatives to serve on a working group to develop potential long-term solutions for Sunset Memorial Park. Membership on the working group could also include representatives from the Pearl City Neighborhood Board and Friends for Sunset Memorial Park Cemetery; individuals with family members buried at Sunset Memorial Park; and other appropriate participants.

If the Committee still wishes for the Bureau's participation in this matter, the Bureau respectfully requests that the measure be amended to limit the Bureau's involvement to drafting any legislation that may be proposed by the working group; provided that the working group is instructed to submit to the Bureau, not later than October 1, 2023, any request for proposed legislation, supporting documents, information, and materials deemed necessary by the Bureau, so that work on the proposed legislation would not adversely impact our ability to provide our core services to the Legislature for the upcoming Regular Session.

If the scope of the Bureau's involvement is narrowed in the manner described above, then the Bureau believes that the services requested under the measure would be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.



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

**Before the  
Senate Committee on Water and Land  
Tuesday, March 28, 2023  
9:30 a.m.  
Conference Room 430 and Videoconference**

**On the following measure:**

**H.C.R. 29, REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY  
POTENTIAL SOLUTIONS AND MAKE RECOMMENDATIONS FOR A LONG-TERM  
MANAGEMENT PLAN, FOR SUNSET MEMORIAL PARK**

Chair Ichiyama 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 appreciates the intent of this measure and offers comments.

The purposes of this resolution are for the Legislative Reference Bureau (LRB) to: (1) study potential solutions for the legal and physical situation at Sunset Memorial Park; (2) make recommendations for a long-term management plan; (3) follow up with the Department on any developments since the enactment of Act 193; and (4) submit a report of its findings and recommendations, including proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Department appreciates the Legislature's continued leadership and support and the leadership of area legislators – finding both short- and long-term solutions to the issues affecting Sunset Memorial. While the Department continues to work on locating a viable candidate to take over the cemetery, we fully support the provisions of this measure that will assist in studying potential solutions and developing a long-term management plan.

The Department is committed to continue to work with area legislators, the affected community and businesses, and all others interested in finding a practical and sustainable way forward for Sunset Memorial. The Department would only ask the Legislature to give careful consideration when exploring certain long-term options that may not be practical or appropriate for the State, namely a possible State takeover of Sunset Memorial and the utilization of perpetual care funds for purposes other than what is authorized by law. The Department believes it is best to focus on finding solutions that would leave the State's current private cemetery operator licensing model in place without creating the need for significant intervention in cemetery operations by the State, excepting the State's current abandoned cemetery care program.

Thank you for the opportunity to testify on this measure.

TESTIMONY OF

**LARRY S VERAY**

TO THE COMMITTEE ON WATER & LAND

***MOST STRONGLY SUPPORT HCR29 / HR30***

**REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY POTENTIAL SOLUTIONS AND MAKE RECOMMENDATIONS FOR A LONG-TERM MANAGEMENT PLAN, FOR SUNSET MEMORIAL PARK.**

March 26, 2023

Aloha, Chair Linda Ichiyama, Vice Chair Mahina Poepoe and Committee members. Thank you for allowing me the opportunity to provide testimony on HCR29 / HR30. I am Chair for the Pearl City Neighborhood Board No. 21. I am submitting this testimony on behalf of our board, residents of Pearl City and importantly the many families in Hawaii who have their loved ones buried at Sunset Memorial Park Cemetery in Pearl City.

Currently, we have an urgent situation with Sunset Memorial Park Cemetery because of continued desecration by homeless individuals living in the Mausoleums. The owner passed away over a decade ago and shortly after his death, the transients and squatters broke into the owners small building office that was on the property and then burned the building down with all the records of burial plots lost. For many years after, families have had difficulty arranging for burials of their families into the plots they previously paid for with the owner. Over the past years, there have been numerous incidents of cemetery desecration of the headstones, grave sites, Crypts and Mausoleum area. Transients have broken into the crypts stealing jewelry of bodies, broke into mausoleums stealing copper urns. The most devastating desecration was the discovery of 25 headstones taken off grave sites and used for flooring in a homeless encampment.

As Chair for the Pearl City Neighborhood Board, I could not turn a blind eye on the many families who reached out to me for help. I led numerous community cleanups at the cemetery but primary grooming of the cemetery has been done by the Vietnam Army Vets Association and the few families that have time to take care of their own plots. There were 12 Vietnam Vet senior citizen members weed-whacking twice a week in grass cutting but now there are only two able to groom the cemetery weekly due to their health and aging issues. I have recruited the Church groups and the military to assist in the cleanups. Representative Gregg Takayama and former Representative Roy Takumi have lobbied for the many families but we still have not received assistance from the State. This is a losing battle with aging Kupuna that can't continue to groom the cemetery. Furthermore, I initiated a Non-Profit 501c but I have not been able to move forward to come in compliance with DCCA requirements. The homeless are occupying mausoleums and we are not authorized to trespass those who continue to pillage the cemetery.

I most strongly urge you to support and approve HCR29 / HR30 and identify a long-term management plan to take over Sunset Memorial Park. Mahalo!

Very respectfully,

*Larry S. Veray*



**HCR-29**

Submitted on: 3/24/2023 3:41:50 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maureen Andrade	Individual	Support	Written Testimony Only

Comments:

Strong, Strong Support



**HCR-29**

Submitted on: 3/24/2023 6:08:45 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter Donaldson	Individual	Support	Written Testimony Only

Comments:

It is sad that Sunset Memorial Park has reached such a state. I sympathize with the poor people whose relatives are interred there. I believe the problem has gotten worse--affecting not only people with relatives in the cemetery but the community as a whole. The problems seem to be more than the people directly associated with the cemetery can deal with. I'm afraid the Hawaii State government now must take action.

**HCR-29**

Submitted on: 3/24/2023 6:26:35 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Howard M. Himeno	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Finance Committee,

I strongly support HCR29.

My father (Yutaka Himeno) has been buried at Sunset Memorial Cemetery since 2002. He and my mom purchased a burial plan, and so my mom, who is still alive at age 93, should be able to be buried there when she passes.

Our family has been hoping for a resolution to the ownership of the cemetery since the last owner passed. Please do what you can to come up with a solution.

Sincerely,

Howard Himeno

**HCR-29**

Submitted on: 3/24/2023 11:32:19 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert H Stiver	Individual	Support	Written Testimony Only

Comments:

I've known and supported Rep. Gregg Takayama for a number of years. He effectively represents the constituents of his (my) district and is attuned to the needs of our Hawaii aina. Rep. Gregg supports HCR29; I trust him and his judgment; and thus I support passage of HCR29! Thank you.

**HCR-29**

Submitted on: 3/25/2023 5:47:46 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Tom	Individual	Support	Written Testimony Only

Comments:

Sunset Memorial Park has long been a disgrace for those who are buried there. Long term action is needed to remedy the solution and make the park a place to be proud of.

**HCR-29**

Submitted on: 3/25/2023 7:43:37 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Rauliuk	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Finance Committee,

I strongly support HCR29.

My father, Yutaka Himeno has been buried at Sunset Memorial Cemetery since 2002. He and my mother (who is 93), purchased a burial plan and upon her death would like to be able to be buried there with my father.

Our family has been hoping for a resolution to the ownership of the cemetery since the last owner passed and have not been able to get answers as to how burial is going to happen upon her death and if we will be able to exhume my father should we decide to have him moved.

Please do what is necessary to come up with a solution.

Sincerely,

Nancy Rauliuk

**HCR-29**

Submitted on: 3/26/2023 10:25:01 PM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Todd Yukutake	Individual	Support	In Person

Comments:

I support HCR29.

We need to treat our ancestors with the respect they deserve and take care of them after passing. I have family members burried at the old Aiea Cemetary and I appreciate the care that volunteers and the State provides to them, and I wish the same is done for Pearl City.

Todd Yukutake

**HCR-29**

Submitted on: 3/27/2023 4:10:51 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lorna Takehara Strand	Individual	Support	Written Testimony Only

Comments:

I strongly support HCR29. Having witnessed the disrepair of Sunset Memorial Park as well as the tremendous volunteer efforts that have been made to take care of the park, collective research to attempt to resolve the long term care and solutions is a good idea. As more and more older cemeteries fall into the same kind of situation, efforts of this kind now may have a positive impact not only for Sunset Memorial but for other aging cemeteries as well.

**HCR-29**

Submitted on: 3/27/2023 6:10:02 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

I strongly support this resolution. Make the cemetery respectful and attractive.

Malalo,

Daniel C. Smith