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Testimony of the Department of Commerce and Consumer Affairs

Before the
Committee on Commerce and Consumer Protection
Friday, February 16, 2024
9:30 a.m.
Conference Room 229 and Videoconference

On the following measure:
S.B. 2850, RELATING TO CEMETERIES

Chair Keohokalole 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, S.D. 1) requested the Department to 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 to 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 Department 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 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.

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TESTIMONY OF
LARRY S VERAY

TO THE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

IN STRONG SUPPORT OF SB2850

RELATED TO CEMETERIES

February 16, 2024

Aloha, Chair Keohokalole, Vice Chair Fukunaga and Committee members. I am Larry Veray, Chairman for the Pearl City Neighborhood Board No. 21. I am submitting this testimony representing our board as a whole and all the families of Sunset Memorial Park Cemetery. Thank you for allowing me the opportunity to provide testimony in strong support of SB2850, a very important Senate Bill that could positively impact hundreds of families who have their loved ones, veterans and native Hawaiians buried and interned at the cemetery in Pearl City. For the past decade, the cemetery has been pillaged by homeless and transients desecrating hundreds of family plots, mausoleums and crypts. Since the owner died 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 and donations.

SB2850 amends Chapter 662D, Hawaii Revised Statutes, which allows the DCCA 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 structure and capability to generate long-term funding to support the cemetery.

I most strongly urge you to approve SB2850. 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. Our nonprofit leadership is determined for success in beautifying this cemetery and making it a model for volunteers improving other state abandoned cemeteries. Mahalo!

Larry S. Veray

Representative Jarret Keohokalole, Chair
Representative Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection

SB 2850

Friday, February 16, 2024
09:30 am and VIA Videoconference
Conference Room 229
State Capitol
415 South Beretania Street

Aloha, my name is Megan Mauricio. I am currently a student at the University of Hawaii at Manoa, I am a graduate student who is getting her master's degree at the Thompson School of Social Work and Public Health.

My position on the measure, I am testifying in favor of SB 2850. I find that this bill will help the families who frequent the cemetery to visit their loved ones at the Sunset Memorial Park in Pearl City.

I take this position because my great-grandmother is buried at the Sunset Memorial Park in Pearl City. My grandma who normally visits her mother for special occasions has not been able to visit in a few years. My family and I cannot locate the plot due to the overgrowth of greenery in and around the property in addition to that, the headstone of my great-grandmother has been missing due to poor upkeep and management. Although the launch of the virtual cemetery took effect a few years back, it simply is not the same as visiting her burial plot in person. I believe that this bill will be a good first step in the right direction so that there can be some accountability and slowly getting family questions answered. Also, security and workers to keep the property safe and kept up will give my family and me peace of mind.

I believe with bill SB 2850, will be a good first step in the right direction. As a social worker who works in hospice, grieving is important to families and loved ones regardless of whether the passing was recent or years ago. I look forward to the day my grandma can visit her mother's burial plot again. I am in favor of SB 2850.

Thank you for your time,

Megan Mauricio

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