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LEGISLATIVE REFERENCE BUREAU  
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State Capitol, Room 446  
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## Written Comments

### SCR52/SR47

# 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 Senate Committee on Water and Land

Friday, March 24, 2023, 1:00 p.m.  
Conference Room 229 & Via Videoconference

Chair Inouye and Members of the Committee:

Good afternoon Chair Inouye 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 S.C.R. No. 52/S.R. No. 47, 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.

**SCR-52**

Submitted on: 3/22/2023 4:03:06 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

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

Comments:

I have a friend with a relative buried there and she has been cleaning the family plot. It's very sad for the area to be ignored

**SCR-52**

Submitted on: 3/23/2023 2:30:28 PM

Testimony for WTL on 3/24/2023 1:00:00 PM

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

Comments:

Strong Strong Support