



GOV. MSG. NO. 1163

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 24, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

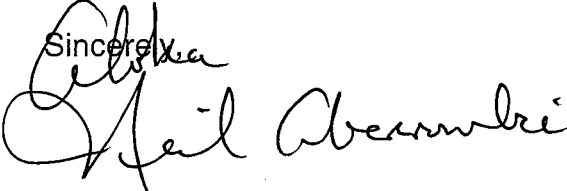
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 24, 2012, the following bill was signed into law:

SB2796 SD1

RELATING TO DEATH BENEFITS.
Act 062 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on APR 24 2012

ACT 062

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

S.B. NO. 2796
S.D. 1

A BILL FOR AN ACT

RELATING TO DEATH BENEFITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2010, the twenty-fifth legislature passed
2 House Bill No. 2774, which was enacted as Act 205, Session Laws
3 of Hawaii 2010 (Act 205). Part II of Act 205 amended section
4 346-15, Hawaii Revised Statutes, by decreasing death benefits
5 for medical and financial assistance recipients to an amount
6 equal to the Social Security Administration's one-time lump-sum
7 death benefit. Act 205 has a repeal date of June 30, 2012, at
8 which time section 346-15, Hawaii Revised Statutes, will be
9 reenacted in the form in which it read on the day prior to the
10 act's effective date.

11 In the current economic climate of decreased state revenue
12 and the unfortunate necessity of reducing medical assistance
13 benefits, identifying areas to decrease expenditures with
14 minimal impact on the public becomes increasingly important.
15 The senate committee on ways and means stated in Standing
16 Committee Report No. 3033 (2010) that "the State's economic
17 difficulties threaten the provision of human services under many
18 state programs. Your Committee finds that, despite budget cuts



1 and realignments, it is important to maintain the level of
2 services that are provided to the neediest populations in the
3 State."

4 Maintaining the death benefit amount authorized in Act 205
5 by repealing the sunset date for the amendments to section 346-
6 15, Hawaii Revised Statutes, in section 9 of Act 205 will help
7 preserve health care benefits for low-income adults and
8 children.

9 Additionally, the language in Act 205 amending section 346-
10 15, Hawaii Revised Statutes, appears to make the department of
11 human services responsible for authorizing the disposition of
12 unclaimed dead human bodies. Section 346-15, Hawaii Revised
13 Statutes, should only allow the department of human services to
14 pay for mortuary and crematory costs for unclaimed dead human
15 bodies after approving the determination that the dead human
16 body is unclaimed pursuant to section 327-32, Hawaii Revised
17 Statutes.

18 The purpose of this Act is to make permanent the reduced
19 death benefit to avoid the need for further reductions to
20 necessary health care assistance and to establish that the
21 department is responsible for the payment of the crematory and



1 mortuary services for unclaimed dead human bodies after
2 approving the determination that a dead human body is unclaimed.

3 SECTION 2. Section 346-15, Hawaii Revised Statutes, is
4 amended by amending the title to read as follows:

5 "§346-15 Death benefits for deceased medical or financial
6 assistance recipients and disposition of unclaimed [~~corpses~~]
7 dead human bodies."

8 SECTION 3. Section 346-15, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) All unclaimed dead human bodies shall be cremated.

11 The department may [~~authorize and~~] bear the cost of the mortuary
12 and crematory services for unclaimed [~~corpses~~] dead human bodies
13 furnished by any licensed provider of mortuary or crematory
14 services. Payments for mortuary and crematory services shall be
15 made to the extent of the cost, or in the sum of \$800 in total,
16 whichever is less, for each unclaimed [~~corpse~~] dead human body.

17 Individuals who have possession, charge, or control of any
18 unclaimed dead human body to be cremated at public expense shall
19 have sixty days from the date of the deceased's death to submit
20 in writing to the department its determination that the dead
21 human body is unclaimed and its application for payment for
22 cremation. The county medical examiners or coroners shall have



1 no time limitation by which to submit their written
2 determination that the dead human body is unclaimed and their
3 application for payment for cremation."

4 SECTION 4. Section 346-15, Hawaii Revised Statutes, is
5 amended by amending subsection (e) to read as follows:

6 "(e) For the purposes of this section, "unclaimed
7 [~~corpse~~] dead human body" means the remains of any deceased
8 person for whom no one has assumed responsibility for
9 disposition [~~of the body within five working days, excluding~~
10 ~~weekends, from the date of death and about whom the department,~~
11 ~~and the respective county medical examiner or coroner have no~~
12 ~~actual knowledge of a legally responsible party.] and no legally
13 responsible individual has been identified. Pursuant to section
14 327-32, the department shall review the written description of
15 the efforts used in making the determination that a dead human
16 body is unclaimed and approve the determination for purposes of
17 payment of the mortuary and crematory services, if it meets the
18 department's requirements."~~

19 SECTION 5. Act 205, Session Laws of Hawaii 2010, is
20 amended by amending section 9 to read as follows:

21 "SECTION 9. This Act shall take effect on July 1, 2010;
22 provided that on June 30, 2012, part I and part III of this Act

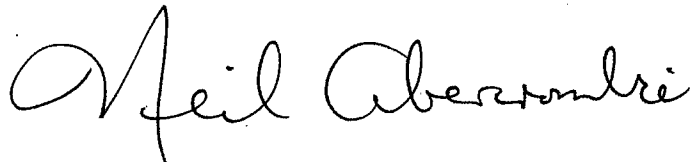


1 shall be repealed and [~~sections 346-15 and~~] section 346-59.9,
2 Hawaii Revised Statutes, shall be reenacted in the form in which
3 [~~they~~] it read on the day prior to the effective date of this
4 Act; and provided further that section 6 of this Act shall take
5 effect retroactive to May 1, 2010."

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on June 29, 2012.

APPROVED this 24 day of APR, 2012



GOVERNOR OF THE STATE OF HAWAII