

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 1245
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 1245, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CEMETERIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Limit liability for volunteers and nonprofit organizations, nonprofit corporations, or other entities that provide volunteers, who maintain or repair cemetery grounds; and
- (2) Require the Director of Commerce and Consumer Affairs, in consultation with the Comptroller, to develop strategies for the upkeep, repair, and maintenance of Sunset Memorial Park in Pearl City, Oahu;

Your Committees received testimony in support of this measure from the Department of Commerce and Consumer Affairs, Department of Accounting and General Services, Hawaii Cemetery Research Project, and six individuals. Your Committees received comments on this measure from the Hawaii Association for Justice.

Your Committees find that Sunset Memorial Park in Pearl City, Oahu, has had no registered owner on record since the death of its



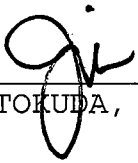
previous owner, and thus has been neglected for years, creating great concern for the families whose loved ones are buried there and for the surrounding community. Your Committees further find that Sunset Memorial Park volunteers have tried to maintain the cemetery but have reluctantly stopped because of state liability issues. This measure seeks to provide a viable solution to ensure the cemetery is maintained in a manner that is respectful of those buried there and ensures public safety and health.

Your Committees have amended this measure by:


- (1) Clarifying the allowable compensation or reimbursement for individual volunteers;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1245, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1245, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
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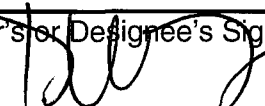
Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB1245, HD2, SD1	Committee Referral: CPH, JDL/WAM	Date: 3/30/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Hal Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1245, HD2, SD1	CPH, SDL/WAM	3/30/17
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TOKUDA, Jill N. (C)	/	
DELA CRUZ, Donovan M. (VC)	/	
ENGLISH, J. Kalani		/
GALUTERIA, Brickwood	/	
HARIMOTO, Breene	/	
INOUYE, Lorraine R.	/	
KAHELE, Kaiali'i		/
RIVIERE, Gil	/	
SHIMABUKURO, Maile S.L.		/
TANIGUCHI, Brian T.	/	
WAKAI, Glenn	/	
TOTAL	8	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
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