

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2883

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2883 entitled:

"A BILL FOR AN ACT RELATING TO CEMETERY AUTHORITY EXEMPTION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that:

- (1) Upon meeting certain conditions, any cemetery authority and church is exempt from the state laws regulating cemeteries; and
- (2) Cemetery authorities are required to comply with any provision of chapter 441, Hawaii Revised Statutes, upon order of the Department of Commerce and Consumer Affairs director.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Roman Catholic Church, Diocese of Honolulu; Sisters of St. Francis of the Newmann Communities; Congregation of the Sacred Hearts of Jesus and Mary; and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Funeral and Cemetery Association, Inc.

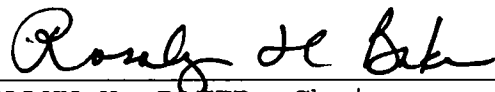
Your Committee finds that the State began to regulate cemeteries in 1967, which placed a harsh financial burden upon nonprofit cemeteries that were not actively engaged in the



business of selling cemetery property. Act 14, Session Laws of Hawaii 1968, authorized the then Cemetery Board to exempt any cemetery authority from the bonding requirements and licensing fee requirements under certain circumstances. Certain cemetery authorities have not been regulated since 1968 and have been treated as exempt from state laws that regulate cemeteries. Your Committee further finds that in practice, the Department of Commerce and Consumer Affairs has waived all requirements of state laws regulating cemeteries for any cemetery granted an exemption, including churches. This measure will help the cemetery and funeral trusts program become more efficient in overseeing cemeteries by clarifying that certain cemetery authorities and churches are exempt from state laws regulating cemeteries.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2883 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2883	CPH	2/20/20
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
BAKER, Rosalyn H. (C)	✓	
CHANG, Stanley (VC)	✓	
NISHIHARA, Clarence K.		✓
RUDERMAN, Russell E.		✓
THIELEN, Laura H.		✓
WAKAI, Glenn	✓	
FEVELLA, Kurt	✓	
TOTAL	4	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes