

Honolulu, Hawaii

April 26, 2007

RE: H.B. No. 1337
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1337, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DEATH CARE INDUSTRY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to provide additional protections for consumers of pre-paid cemetery or funeral services. Specifically, this bill, among other things:

- (1) Establishes procedures for the cancellation, termination, and refund of pre-need funeral and pre-need interment services contracts;
- (2) Requires cemetery authorities to file and maintain copies of maps or plats providing unique identifiers for each plot, niche, mausoleum, or crypt, and to maintain a



permanent, accurate record of the identity of each person whose remains are located in the cemetery;

- (3) Gives contracts containing pre-need interment services priority over mortgages or other liens perfected on cemetery property that has been dedicated to cemetery use;
- (4) Creates a statutory lien upon all real and personal property held by a pre-need funeral authority when its pre-need funeral trusts are not fully funded;
- (5) Requires a cemetery or pre-need funeral authority to disclose certain additional information to a purchaser of cemetery property or pre-need funeral services in a written contract;
- (6) Requires the records of cemetery and pre-need funeral authorities to include change of address notices and cancellation notices from purchasers, and notices of termination sent to purchasers; and
- (7) Increases from \$1,000 to \$5,000, the maximum amount of fines for each violation of the Cemetery and Funeral Trusts law committed by cemetery or pre-need funeral authorities.

Your Committee on Conference finds that this measure improves consumer protections within the death care industry by clarifying and enhancing both the rights of purchasers of pre-need funeral or interment services and the responsibilities of cemetery and pre-need funeral authorities.

Your Committee on Conference has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1337, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1337, H.D. 1, S.D. 1, C.D. 1.



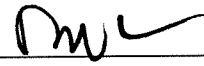
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE


ON THE PART OF THE HOUSE



BRIAN T. TANIGUCHI, Chair



ROBERT N. HERKES, Co-Chair



TOMMY WATERS, Co-Chair



Hawaii State Legislature

CCR 61

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1337, HD 1, SD 1	Date/Time: 4/25/07 2:33 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian, Chr.	X				HERKES, Robert N., Co-Chr.	X			
ESPERO, Will	X				WATERS, Tommy, Co-Chr.	X			
SLOM, Sam	X				CHING, Corinne W.L.				E
TOTAL	3				TOTAL	2			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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