

Honolulu, Hawaii

**April 26**, 2007RE: S.B. No. 1400  
S.D. 2  
H.D. 3  
C.D. 1

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

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

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1400, S.D. 2, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO FINANCIAL ABUSE,"

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 measure is to protect elderly consumers in our communities by requiring financial institutions to report suspected financial abuse.

Your Committee on Conference finds that reporting financial abuse to the Department of Human Services is important because the Department is better suited to carry out investigations of potential financial abuse of elders. Your Committee on Conference finds that mandating financial institutions to report suspected financial abuse to the Department would not increase the jurisdiction of the Department, since any report of financial abuse of a nondependent elder could be rereferred to the proper enforcement authorities. It



is the intent of your Committee on Conference that the reporting financial institution is to have no liability for any further act or omission once it has made the required report to the Department of Human Services or the local law enforcement agency.

Your Committee on Conference amended this measure to:

- (1) Require financial institutions to report all suspected incidents of financial abuse of elders to the Department of Human Services in addition to local law enforcement agencies;
- (2) Require the Department to make a timely determination as to whether it has jurisdiction over the elder in question and to notify the reporting agency in cases where the department does not have jurisdiction;
- (3) Require financial institutions to report suspected cases not under the jurisdiction of the Department to the proper local law enforcement agency; making it clear that no financial institution shall be held liable for not reporting suspected cases to the local law enforcement agency where the Department fails to notify the financial institution of its lack of jurisdiction;
- (4) Revert back to Senate Draft No. 2 for the definition of "financial abuse," which is simpler and easier to understand; and
- (5) Go into effect upon approval.

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 S.B. No. 1400, S.D. 2, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1400, S.D. 2, H.D. 3, C.D. 1.




Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE


ON THE PART OF THE SENATE

  
\_\_\_\_\_  
MAILE SHIMABUKURO, Co-Chair

  
\_\_\_\_\_  
SUZANNE CHUN OAKLAND, Chair

  
\_\_\_\_\_  
ROBERT N. HERKES, Co-Chair

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI, Co-Chair

  
\_\_\_\_\_  
TOMMY WATERS, Co-Chair

  
\_\_\_\_\_  
CLAYTON HEE, Co-Chair



Hawaii State Legislature

CCP32

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1400, SD 2, HD 3</b>					Date/Time: <b>4/26/07, 12:27 p.m.</b>				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> 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.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				SHIMABUKURO, Maile S. L., Co-Chr.	✓			
TANIGUCHI, Brian, Co-Chr.	✓				HERKES, Robert N., Co-Chr.				✓
HEE, Clayton, Co-Chr.				✓	WATERS, Tommy, Co-Chr.	✓			
IHARA, Les, Jr.	✓				MCKELVEY, Angus L.K.	✓			
HEMMINGS, Fred				✓	MARUMOTO, Barbara C.				✓
TOTAL	3	0	0	2	TOTAL	3	0	0	2
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				
Senate Lead Chair's or Designee's Signature: <i>Suzanne Chun Oakland</i>					House Lead Chair's or Designee's Signature: <i>Maile S. L. Shimabukuro</i>				
Distribution:		Original <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>				