

STAND. COM. REP. NO.

3073

Honolulu, Hawaii

MAR 22 2018

RE: H.B. No. 1626
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 1626, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CEMETERIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Limit liability for volunteers and certain entities who provide volunteers that 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, and report relevant findings and recommendations to the Legislature.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Department of Accounting and General Services; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; Pearl City Neighborhood Board; and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.



Your Committee finds that Sunset Memorial Park in Pearl City, Oahu, has been neglected for years and has been the subject of numerous complaints from family members who have loved ones buried at the cemetery. Most of these complaints relate to issues surrounding the management and lack of maintenance at Sunset Memorial Park, which has been described as having a damaged mausoleum, sinking graves, and broken, missing, or obscured grave markers that are hidden by overgrown vegetation. Your Committee further finds that although family members and volunteers have expressed a strong willingness to assist with the upkeep, repair, and maintenance of Sunset Memorial Park, many are concerned about potential liability issues. This measure therefore creates a special cemetery volunteer protection law, which is intended to encourage volunteers to maintain and repair Sunset Memorial Park without fear of liability resulting from their charitable activities.

Your Committee has amended this measure by:

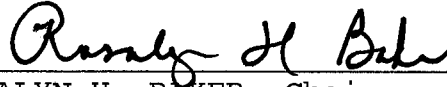
- (1) Clarifying that the limited liability for volunteers pertains only to those volunteers who maintain or repair cemetery grounds without compensation;
- (2) Clarifying that the limited liability for volunteers does not relieve a cemetery property owner or cemetery authority from the duty to maintain their premises in a reasonably safe condition;
- (3) Changing its effective date to July 1, 2018; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this amended measure ensures protection of community groups maintaining and repairing Sunset Memorial Park as a public service project. This amended measure is also narrowly tailored to provide an appropriate balance of protection to those individuals, businesses, and organizations, including family members, friends, businesses, unions, and community and services organizations, that wish to help a cemetery, while also ensuring that the cemetery authority's statutory responsibilities remain unaffected.



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 H.B. No. 1626, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1626, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

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



ROSALYN H. BAKER, Chair



