

Honolulu, Hawaii

FEB 06 2018

RE: S.B. No. 2082

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 S.B. No. 2082 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 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, and report 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, Pearl City Neighborhood Board, and two individuals. 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 the number of families visiting the graves of their loved ones at Sunset Memorial Park has dwindled, largely because of the natural aging process of surviving family members and the unsafe conditions at the cemetery. 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.

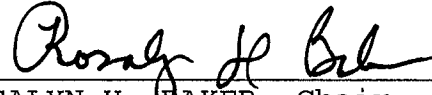
Your Committee has amended this measure by:

- (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; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2082, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2082, 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,



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ROSALYN H. BAKER, Chair



