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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO  
REQUIRE CEMETERY AUTHORITIES TO DISTRIBUTE SUMMARIES OF  
THEIR AUDITED FINANCIAL STATEMENTS TO THEIR PURCHASERS.

1           WHEREAS, section 441-24.5, Hawaii Revised Statutes,  
2 requires cemetery authorities to submit annual audited financial  
3 statements of their pre-need trusts and perpetual care funds to  
4 the Director of Commerce and Consumer Affairs; and

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6           WHEREAS, section 441-24.7, Hawaii Revised Statutes,  
7 requires that the audited financial statements be made available  
8 for review at the Department of Commerce and Consumer Affairs,  
9 by any member of the general public upon request and requires  
10 cemetery authorities to notify persons of the availability of  
11 such review upon execution of contracts for perpetual care and  
12 pre-need services; and

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14           WHEREAS, the administrative rules adopted under the present  
15 law makes the audited financial statements available to the  
16 public at the Department's office of cemetery and mortuary  
17 program during regular working hours on each business day that  
18 the office is open to the public; and

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20           WHEREAS, not all purchasers live on Oahu, making physical  
21 travel to Honolulu to review the audited financial statements  
22 during regular weekday working hours an inconvenience or  
23 impracticality; and

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25           WHEREAS, the goal of consumer protection would be better  
26 served by simply requiring cemetery authorities to directly  
27 distribute the audited financial statements to purchasers rather  
28 than be made available for review at the Department; and

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# H.C.R. NO. 112

1           WHEREAS, the Director of Commerce and Consumer Affairs has  
2 the authority to adopt rules to implement the intent of the  
3 present law; now, therefore,  
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5           BE IT RESOLVED by the House of Representatives of the  
6 Twenty-fourth Legislature of the State of Hawaii, Regular  
7 Session of 2007, the Senate concurring, that the Director of  
8 Commerce and Consumer Affairs is requested to adopt rules to  
9 require cemetery authorities to distribute summaries of their  
10 audited financial statements to their purchasers; and  
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12           BE IT FURTHER RESOLVED that a certified copy of this  
13 Concurrent Resolution be transmitted to the Director of Commerce  
14 and Consumer Affairs.  
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OFFERED BY: Kirk Caldwell

**MAR 13 2007**

