

MAR 18 2009

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO  
RECOMMEND PROCEDURES AND LEGISLATION TO REQUIRE CEMETERY  
AND PRE-NEED FUNERAL AUTHORITIES TO COMPLY WITH UNCLAIMED  
PROPERTY LAWS UNDER CHAPTER 523A, HAWAII REVISED STATUTES.

1 WHEREAS, as of 2008, there were more than 100,000 people in  
2 Hawaii who had purchased a pre-need funeral plan with an  
3 aggregate value of more than \$150,000,000, which are presently  
4 held in trust; and

5  
6 WHEREAS, previous incidents regarding several cemetery and  
7 pre-need funeral businesses, such as Honolulu Memorial Park and  
8 RightStar Properties, have raised issues of mismanagement and  
9 illegal activity, prompting a need for greater consumer  
10 protection; and

11  
12 WHEREAS, Hawaii laws regulating the pre-paid funeral  
13 industry are among the weakest in the country, according to  
14 national consumer and industry groups; and

15  
16 WHEREAS, chapter 523A, Hawaii Revised Statutes, established  
17 the Unclaimed Property Program, which is responsible for  
18 collecting abandoned property from holders, holding the property  
19 in a custodial capacity, and providing a process for returning  
20 the held property to the rightful owners; and

21  
22 WHEREAS, cemetery and pre-need funeral businesses are  
23 required to comply with unclaimed property laws under chapter  
24 523A, Hawaii Revised Statutes; however, stricter enforcement of  
25 these businesses' compliance with the laws would provide greater  
26 protection for consumers of these businesses' services; now,  
27 therefore,

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29 BE IT RESOLVED by the Senate of the Twenty-fifth  
30 Legislature of the State of Hawaii, Regular Session of 2009, the  
31 House of Representatives concurring, that the Department of



# S.C.R. NO. 115

1 Commerce and Consumer Affairs is requested to recommend  
 2 procedures and proposed amendments to legislation to require  
 3 cemetery and pre-need funeral authorities to comply with  
 4 unclaimed property laws under chapter 523A, Hawaii Revised  
 5 Statutes; and

6  
 7 BE IT FURTHER RESOLVED that the Department of Commerce and  
 8 Consumer Affairs is requested to submit to the Legislature not  
 9 later than twenty days prior to the convening of the 2010  
 10 Regular Session, recommended procedures and legislation for  
 11 record maintenance, reporting of abandoned property, and  
 12 relinquishment of unclaimed property to the State; and

13  
 14 BE IT FURTHER RESOLVED that a certified copy of this  
 15 Concurrent Resolution be transmitted to the Director of Commerce  
 16 and Consumer Affairs.

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OFFERED BY:

*[Handwritten Signature]*  
Theranne Crown Oakland  
*[Handwritten Signature]*  
Quincy H Baker  
*[Handwritten Signature]*  
 Arvid Y Ige

