

Honolulu, Hawaii
March 19, 2010

RE: S.B. No. 2222
S.D. 1
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred S.B. No. 2222, S.D. 1, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY
ASSOCIATIONS, "

beg leave to report as follows:

The purpose of this bill is to conform proxy laws for planned
community associations to comparable provisions regulating
condominium association proxies.

A concerned individual testified in support of this bill.
The Princeville at Hanalei Community Association and Mililani Town
Association opposed this measure. The Hawaii State Association of
Parliamentarians, Legislative Action Committee of the Community
Associations Institute - Hawaii Chapter, Carter Professional
Center, Bayview Estates, Keauhou Estates, Alii Lani, Kona Plaza,
Alii Point, and KaMilo at Mauna Lani provided comments.

Your Committees have amended this bill by reverting back to
the S.D. 1. As amended, this bill differs substantively by:

- (1) Changing the options that must appear on standard proxy
forms authorized by the association to allow owners to
grant proxies:



(A) To an association board as a whole so that the vote is to be made on the basis of the preference of the majority of the directors present at the meeting; and

(B) To the directors present at the meeting, with the votes to be shared equally among the directors, rather than among the candidates;

and

(2) Eliminating the provision stating that a parliamentarian is not required to be present at association and board of directors meetings.

Upon further consideration, your Committees have also amended this bill by requiring votes cast by proxy for board of directors elections or reelections to be equally distributed among the candidates.

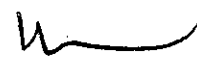
Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2222, S.D. 1, H.D. 1, as amended herein, and recommend that it be referred to the Committee on Finance, in the form attached hereto as S.B. No. 2222, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



JON RAKI KARAMATSU, Chair



ROBERT N. HERKES, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB 2222, SD1, HD1	Committee Referral: HSG, CPC/JUD, FIN	Date: 3/16/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	✓			
2. WAKAI, Glenn (VC)	✓			
3. BELATTI, Della Au				✓
4. CABANILLA, Rida	✓			
5. CARROLL, Mele				✓
6. ITO, Ken	✓			
7. KARAMATSU, Jon Riki	✓			
8. LUKE, Sylvia	✓			
9. McKELVEY, Angus L.K.	✓			
10. MIZUNO, John M.	✓			
11. MORITA, Hermina M.				✓
12. SOUKI, Joseph M.				✓
13. TSUJI, Clift	✓			
14. MARUMOTO, Barbara C.	✓			
15. THIELEN, Cynthia	✓			
TOTAL (15)	11	0	0	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

State of Hawaii
 House of Representatives
 The Twenty-fifth Legislature

HSCR 851-10

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2222, SD1, HD1		Committee Referral: HSG, CPC/JUD, FIN		Date: 3/16/10
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	✓			
2. ITO, Ken (VC)	✓			
3. BELATTI, Della Au				✓
4. CABANILLA, Rida	✓			
5. CARROLL, Mele				✓
6. HERKES, Robert N.	✓			
7. LUKE, Sylvia	✓			
8. McKELVEY, Angus L.K.	✓			
9. MIZUNO, John M.	✓			
10. MORITA, Hermina M.				✓
11. OSHIRO, Blake K.				✓
12. SOUKI, Joseph M.				✓
13. TSUJI, Cliff	✓			
14. WAKAI, Glenn	✓			
15. MARUMOTO, Barbara C.	✓			
16. THIELEN, Cynthia	✓			
TOTAL (16)	11			5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
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