

STAND. COM. REP. NO.

2935

Honolulu, Hawaii

MAR 31 2010

RE: S.C.R. No. 218
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.C.R. No. 218 entitled:

"SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG,"

begs leave to report as follows:

The purpose of this measure is to state the Legislature's support of every citizen's right to publicly display or fly the American flag, subject to reasonable association rules for homeowners governing the height and location of flag poles.

Your Committee received testimony in support of this measure from six individuals. Testimony in opposition to this measure was submitted by eleven individuals. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure was introduced to address concerns with condominium, cooperative, and residential real estate management associations' compliance with the federal law governing members' right to fly the flag. Your Committee believes that this measure is a more appropriate response to the issue of limitations on flags than H.B. No. 2311 because the federal law already explicitly states that condominium, cooperative, and residential real estate management associations may not adopt any policy or agreement that restricts or prevents a member of the association from displaying the American flag. H.B. No. 2311, is also limited because it addresses only one way to display the American flag, whereas the federal law is more

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comprehensive and would preempt any state law that may be enacted on the same subject matter.

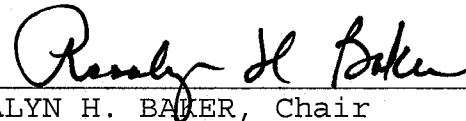
Your Committee finds that this measure rightfully highlights the values and ideals that are symbolized by the flag and it underscores the rights of all citizens to display the flag in an appropriate manner that is in compliance with custom and federal law.

Your Committee has amended this measure by:

- (1) Inserting the full text of Public Law 109-243, section 3, for additional clarity and to demonstrate the strength and explicitness of the federal law;
- (2) Adding the Community Association Institute to the entities to which the resolution shall be transmitted; and
- (3) Removing reference to specific planned community association.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 218, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 218, S.D. 1.

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

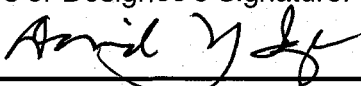


ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* <i>SCR 218</i>	Committee Referral: <i>CPN</i>	Date: <i>3/24/2010</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred			✓	
TOTAL	<i>6</i>		<i>1</i>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes