

JAN 21 2011

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that technological
2 advances now allow anyone to easily video record public
3 meetings. Since this technology is widely available, the
4 legislature finds that members of condominium associations that
5 are registered with the State should be permitted to video
6 record association meetings so that these recordings may be made
7 available to other members who are unable to attend.

8 The purpose of this Act is to permit the video recording of
9 condominium association meetings.

10 SECTION 2. Section 514A-83.1, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§514A-83.1 Board meetings.** (a) All meetings of the board
13 of directors, other than executive sessions, shall be open to all
14 members of the association, and association members who are not on
15 the board of directors may participate in any deliberation or
16 discussion, other than executive sessions, unless a majority of a
17 quorum of the board of directors votes otherwise.



1 (b) The board of directors, with the approval of a majority
2 of a quorum of its members, may adjourn a meeting and reconvene in
3 executive session to discuss and vote upon personnel matters or
4 litigation in which the association is or may become involved.
5 The nature of any and all business to be considered in executive
6 session shall first be announced in open session.

7 (c) Association members may record meetings of the
8 association or the board of directors, other than executive
9 sessions, by video or other electronic means; provided that:

10 (1) Association bylaws do not prohibit the recording of
11 meetings;

12 (2) The board of directors is notified of a member's
13 intent to record the meeting prior to commencement of
14 the recording; and

15 (3) The recording is made for the private personal use of
16 the member making the recording or another association
17 member."

18 SECTION 3. Section 514B-125, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§514B-125[+] **Board meetings.** (a) All meetings of the
21 board, other than executive sessions, shall be open to all
22 members of the association, and association members who are not



1 on the board may participate in any deliberation or discussion,
2 other than executive sessions, unless a majority of a quorum of
3 the board votes otherwise.

4 (b) The board, with the approval of a majority of a quorum
5 of its members, may adjourn a meeting and reconvene in executive
6 session to discuss and vote upon matters:

- 7 (1) Concerning personnel;
- 8 (2) Concerning litigation in which the association is or
9 may become involved;
- 10 (3) Necessary to protect the attorney-client privilege of
11 the association; or
- 12 (4) Necessary to protect the interests of the association
13 while negotiating contracts, leases, and other
14 commercial transactions.

15 The general nature of any business to be considered in executive
16 session shall first be announced in open session.

17 (c) All board meetings shall be conducted in accordance
18 with the most recent edition of Robert's Rules of Order Newly
19 Revised. Unless otherwise provided in the declaration or
20 bylaws, a board may permit any meeting to be conducted by any
21 means of communication through which all directors participating
22 may simultaneously hear each other during the meeting. A



1 director participating in a meeting by this means is deemed to
2 be present in person at the meeting. If permitted by the board,
3 any unit owner may participate in a meeting conducted by a means
4 of communication through which all participants may
5 simultaneously hear each other during the meeting[7]; provided
6 that the board may require that the unit owner pay for the costs
7 associated with the participation.

8 (d) The board shall meet at least once a year. Notice of
9 all board meetings shall be posted by the managing agent,
10 resident manager, or a member of the board, in prominent
11 locations within the project seventy-two hours prior to the
12 meeting or simultaneously with notice to the board.

13 (e) A director shall not vote by proxy at board meetings.

14 (f) A director shall not vote at any board meeting on any
15 issue in which the director has a conflict of interest. A
16 director who has a conflict of interest on any issue before the
17 board shall disclose the nature of the conflict of interest
18 prior to a vote on that issue at the board meeting, and the
19 minutes of the meeting shall record the fact that a disclosure
20 was made.



1 "Conflict of interest", as used in this subsection, means
2 an issue in which a director has a direct personal or pecuniary
3 interest not common to other members of the association.

4 (g) Association members may record meetings of the
5 association or the board of directors, other than executive
6 sessions, by video or other electronic means; provided that:

7 (1) Association bylaws do not prohibit the recording of
8 meetings;

9 (2) The board of directors is notified of a member's
10 intent to record a meeting prior to the commencement
11 of recording; and

12 (3) The recording is made for the private personal use of
13 the member making the recording or another association
14 member."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18

INTRODUCED BY: Carol Fukunaga



Report Title:

Condominiums

Description:

Permits members of condominium associations to make electronic recordings of association meetings for personal use.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

