

Honolulu, Hawaii
March 2, 2012

RE: H.B. No. 69
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 69, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the right of members of planned community associations in displaying the United States flag and the State of Hawaii flag on their properties, and prohibiting planned community associations and their boards from:

- (1) Disallowing members or their bona fide tenants from displaying house-mounted United States flags and State of Hawaii flags on their residential dwellings; and
- (2) Assessing or charging any fee or fine, or imposing any penalty, on their members for house-mounted displays of these flags.

The Oahu Veterans Council testified in support of this measure. The Mililani Town Association testified in opposition and one concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Clarifying that the display of both the United States flag and Hawaii State flag must be in accordance with



the requirements under federal law for the proper display of the United States flag;

- (2) Changing the effective date to January 7, 2059, to promote further discussion; and
- (3) Making technical, nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 69, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 69, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



