

Richard J. Port
1600 Ala Moana Blvd. #3100
Honolulu, Hawaii 96815
Tel 808-941-9624
e-mail: portr001@hawaii.rr.com

Measure: SB 2465 SD1 HD1 Relating to Condominiums

Date and Time of Hearing: Thursday, March 29, 2012 2:35p.m.

Committee: Committee on Consumer Protection and Commerce, Conference room 325

I appreciate this opportunity to testify in **support of SB 2465 SD1 HD1**. I have attached a list of Condominium Board Presidents, Former Board Presidents, Condominium Board Members, Former Board Members and Owners who support this Bill

I would like to draw your attention to **page 1 of SB 2465 SD1 HD1 and the new language at the bottom of page 2, Section 1.**

In order for condominium owners to request a Special Association Meeting, Chapter 514B-121 requires owners to obtain the signatures of **25%** of all owners in a condominium. **This represents a high bar for owners to make a request for a Special Association Meeting.** There have to be important issues involved to arouse the owners sufficiently to request a Special Association Meeting. Moreover, it is quite expensive, involving several hundred dollars for the owners who want to hold such a meeting because many condominiums have less than half of their owners who reside in the condominium itself. It takes one or more mailings to other owners to reach the 25% approval level required by the statute.

Once the 25% threshold has been achieved, Special Association Meetings are generally conducted by the condominium Board itself. The current rules generally used for these Special Association Meetings severely limit the rights of those owners who have spent considerable time, effort and money in leading the effort to obtain the signatures needed for the meeting. I have attached the most common rules used for these meetings. Please look at these rules.

You will notice that **Rule #7 limits the time allowed for those who have conducted the expensive effort to call the meeting so that they are allowed to speak only for two minutes and only speak twice for a total of four minutes.**

If the goal of the Special Association Meeting is to recall the Board, which is a common goal of a Special Association Meeting, this requires 50% of ALL owners to be successful. **It is not reasonable, nor adequate,** for the **owners** who have obtained the right from owners to hold the meeting to make the case for removal of the Board in **four minutes**. It should also be noted that the rules I have attached allow each Board Member who is subject to the recall to speak for **10 minutes**. If the entire Board is being removed, assuming a nine member Board, the Board would be allowed **90 minutes to respond** to those owners who have called the meeting who are allowed to speak for only a total of **4 minutes**.

The change on page 2 and 3 of SB 2465 would require that Boards allow an adequate amount of time for owners who have requested the meeting to make their case. It is important for your committee to understand that the agenda for a Special Association Meeting, can only include the item(s) that the requesting owners have included on the agenda. Thus, there is no business allowed at a Special Association Meeting other than the business included on the agenda of the owners who have requested the meeting.

Please imagine your committee holding a hearing on a Bill in which you allow one side 4 minutes while the other side is allowed up to 90 minutes.

We have been asked, and would agree, to accept wording that is more general in nature, wording that would reasonable time during the meeting for the petitioners to address their concerns.

Turning to page 9 of SB 2465 SD 1 HD1, the change would allow owners who attend any Association Meeting to amend the rules established or proposed for the meeting by a majority of the quorum present at the meeting in person or by proxy. Currently Condominium Management Companies, with the advice of Parliamentarians, have been arranging for the adoption of permanent rules by owners which bind future owners at future meetings to those rules. When this happens, it takes a majority of **all** owners in a condominium to amend those rules.

I draw your attention to the minutes of a recent Condominium Special Meeting of Holiday Village owners, which I have included in my testimony. A majority of owners tried to amend the rules of the meeting to allow additional time (more than four minutes) for the owners who had called the Meeting to speak but were told by the Parliamentarian that amending the rules to provide additional time required more than half of ALL condominium owners to amend those rules, a virtual impossibility. **Thus, even though a majority of the owners present in person or by**

proxy wanted to allow the owners who had called the meeting additional time, the owners were denied due process because the owners of some prior Association meeting years before had adopted permanent rules. Please take a look at the minutes for the Holiday Village Special Association Meeting held on November 23, 2011. You will notice in Section III, I moved to amend the Association Meeting Rule #7 allowing 10 minutes instead of 2 minutes. More than 46% of owners voted to approve the additional time while only 21% opposed the additional time, but because these rules were permanent rules approved at some previous non- controversial meeting of prior owners, the motion to allow the additional time failed because it currently requires 50% approval to amend permanent rules.

The wording on page 5 of SB 2465 SD1 has been amended as follows: “No association shall adopt permanent standing or permanent special meeting rules that limits or restricts discussion or debate for any association meeting. It might be well to add the words, “ that a majority of the quorum cannot amend or change “

This amendment was incorporated as SB 2465 SD 1 HD1 because the so called “Permanent Rules” are generally adopted at association meetings where there are no controversial issues, whereas they cripple discussion at meetings involving serious issues that need to be discussed and those permanent rules prevent owners from holding such discussion as demonstrated in the minutes of the Special Association Meeting I provided.

If permanent rules are ever to be adopted, they should be put to the condominium owners as a by-law amendment which will give owners an opportunity to consider in a serious manner the need for such rules.

We request your approval of SB 2465 SD1 HD1. with the amendment suggested in Bold Print above.

**AOAO HOLIDAY VILLAGE
2011 SPECIAL MEETING MINUTES
On-Site (Lobby Area)
750 Amana Street
Honolulu, Hawaii 96814
Wednesday, November 23, 2011**

I. CALL TO ORDER

President Gary Kahn called the Meeting to order at 12:00 p.m. with 77.6816% of the Ownership represented at the Meeting in person or by proxy. The secretary was present. Rachel Glanstein was authorized to chair the meeting by unanimous consent.

II. APPOINTMENT OF TELLERS

Robert Fowler and Karin Okinaga were appointed tellers for any counted vote at the meeting.

III. MOTION TO AMEND ASSOCIATION MEETING RULE #7

Proxy holder Port moved to amend Association Meeting Rule #7 by striking out 2 minutes and inserting 10 minutes. A ballot vote was conducted. The results are:

Yes: 46.2784%; No: 21.4864%; Necessary to Adopt > 50%; the motion was not adopted.

IV. MOTION TO REMOVE


Petitioner Kimura moved to remove all members of the Holiday Village Board of Directors. The Board of Directors had an opportunity to be heard. After discussion, a ballot vote was conducted. The results are:

Yes: 33.8824%; No 33.056%; Necessary to Adopt > 50%; the motion was not adopted.

V. ADJOURNMENT

The meeting adjourned at 1:30 p.m.

Submitted:


Shirley Raffa, Secretary

Hawaii First, Inc.
AOAO HOLIDAY VILLAGE
Brenda Agbayani
Property Manager

Association Meeting Rules

1. Smoking is not permitted in the meeting area.
2. This is a private meeting and attendance is restricted to owners and proxy holders representing owners, staff, and other persons who have been specifically invited by the board. All others are required to leave.
3. Owners desiring to speak must stand and be recognized by the Chairman. Owners must state their **name and unit each time**. The owner must **use the microphone, if available**, so that everybody else can hear.
4. All remarks must be **directed to the Chairman**, not directly to other members. Personal attacks, vulgarity, or offensive language can result in loss of debate privileges.
5. Long and complicated motions must be in writing and delivered to the Chairman, signed by the maker and seconder. This will help avoid confusion and insure that everybody knows the exact wording of the motion.
6. Discussion is normally limited to the motion being considered. Therefore, please don't start a long discussion unless a motion is already pending for consideration.
7. In order to ensure that everybody has a chance to speak, each individual shall have a limit of 2 minutes per speech and a limit of 2 speeches per debatable motion.
8. Nomination and election debate for elected office shall be limited to one speech per nominee (or his/her delegate) for a maximum of 2 minutes per speech.
9. Any board member whose removal is proposed shall have a debate limit of 10 minutes for each of the two speeches. The board member may choose to speak last after all other debate has concluded.
10. Ballot voting on any motion (including the election) will remain open for 10 minutes, (or until the results are announced) unless extended by the owners.
11. No video-taping or other electronic recording is permitted (except for production of the minutes) during any of the proceedings unless first approved by the Association members at the meeting.
12. The board of directors is authorized to approve the minutes of the Association meetings.

SUPPORTERS OF SB 2465

Carol Milsop, President, Waikalani Woodlands Condominium

Carlton Inasaki, Secretary, Waikalani Woodlands Condominium

Dwight Holiday, President, Pakalana Condominium

Diane Amuro, Board Member, Pakalana Condominium

Richard Port, Former President, Yacht Harbor Towers Condominium

Paul Allard, Former Treasurer, Yacht Harbor Towers Condominium

Manny Dias, Former President, Nahoia Condominium

Rani Vargas, Secretary, Nahoia Condominium

Alice Clay, Former President, One Kalakaua Condominium

Julie Taura, Board Member, One Kalakaua Condominium

Jean Patterson, Former President, Spruce Ridge Villas Condominium

Laura Brown, Former Treasurer, Spruce Ridge Condominium

Dan O'Leary, Former President, Wailana at Waikiki Condominium

John Wong, Board Member, Waikiki Banyan Condominium

Richard Sparks, Former Board Member, Waikiki Banyan Condominium

Robert Fowler, Owner, Holiday Village Condominium

Larry Thompson, Owner, Holiday Village Condominium

Andrea Bartlett, Owner, Iolani Court Plaza Condominium

Amy Amuro, Owner, The Greenwood Condominium

**Michael Golojuch, Lt Col, USAF (Ret)
92-954 Makakilo Drive #71
Kapolei, Hawaii 96707-1340**

March 24, 2012

**Representative Robert N. Herkes, Chair
Representative Ryan I. Yamane, Vice Chair
Senator Maile S.L. Shimabukukuro, Vice Chair
Committee on Consumer Protection and Commerce**
Hearing on March 29, 2012 at 2:35 PM – SB2465, SD1, HD1

RE: Strongly Oppose SB2465, SB1, HD1

I am Mike Golojuch, President, Palehua Townhouse Association and past President, Palehua Community Association.

Condominium and Planned Community Associations are designed to be self-governed. Most, if not all, have Bylaws and follow Robert's Rules of Order. The State should not legislate how Associations create, amend, suspend, or rescind their special rules. The legislature should not mandate these rules without recognition of each association's unique differences, including size, location, board composition, etc.

Any attempt to prohibit Associations from controlling their own special rules or requiring their adoption at every meeting could force a vote on them at every meeting, which under Robert's could mean two 10 minute speeches per person on every rule.

Associations use Robert's, which gives the associations the tools to have more efficient and effective meetings. Robert's does not need to be rewritten through legislation. Please do not interfere with private associations. This bill in its current form allows a small minority of owners to simply hold an association's meeting hostage to their personal issues. Associations need to have reasonably scheduled meetings that people will attend.

Additionally, each association has developed its own limits on debate. This should be their decision. We should not change the entire association system of rules for a few individuals. Each association must determine what is best for their own association.

Thank you for letting me express my position in opposition to SB2465.

Sincerely,

Mike Golojuch, Lt Col, USAF (Ret)
President, Palehua Townhouse Association

Committee on Consumer Protection & Commerce
Hearing on SB2465 SD1, HD1
Thursday, March 29, 2012 2:35 p.m. Conference Room 325

Testimony in opposition of SB2465, SD1, HD1 by Al Hamai, by email 3/25/12

Aloha Chair Herkes, Vice Chair Yamane and Members of the Committee,

I have been a serious student of Robert's Rules of Order Newly Revised (RONR) for many years, including serving as a Professional Registered Parliamentarian (PRP) for over twelve (12) years. I've served as parliamentarian for national, regional, state and local organizations, including churches, unions, the Hawaii State Democratic Party Convention, other non profits, and a great many condo association meetings.

As a professional on meetings and meeting procedures, I am opposed to the amendments incorporated in SB245, SD1, HD1 for the following two reasons:

One, upon enactment, the amendment relating to special meetings incorporated in SB2465, SD1 and HD1 will direct all the thousands of AOAOs in Hawaii to give special presentation rights to the petitioners and respondents at any special meeting, regardless of the merits of the proposal or whether or not the majority of the AOAO members want to hear the proposal. The owners present at a special meeting will be a captive audience for up to 3 hours to listen to the petitioners and respondents. During the captive audience period, this amendment will prevent the owners from exercising long accepted meeting rights of a deliberative assembly under RONR, of making and considering motions such as: *postpone indefinitely*, that is to kill the proposal for the meeting but it can be brought up at another meeting; *refer* to the Board of Directors; order the *previous question* to end further discussion and vote on the proposal. In a deliberative assembly, like an AOAO or a church or a non profit, the making of these motions are rights of all members that should not be restricted by state law. Surely, this Committee has other legislative priorities than restricting the rights of AOAO owners in our entire state, in the conduct of their own special meetings. Letting the owners conduct their meeting under the current statute and RONR has worked well over the years. That's another reason for not adopting the amendment to give special presentation rights to petitioners of a special meeting. Why try to fix something that is not broken and end up restricting the rights of the majority of the owners?

Two, the other amendment prohibits an AOAO from adopting permanent standing rules for regular and special meetings that limit or restricts discussion or debate for any association meeting. Again, why try to fix something that is not broken? The proposed remedy would most likely result in extending the length of annual and special AOAO meetings. All of the many conventions I've served as parliamentarian, including a Hawaii State Democratic Convention, adopted

convention standing rules that restricts debate. For example, under RONR a speaker may speak twice on each motion, for up to 10 minutes each. RONR states specifically **“A rule relating to the length or number of speeches permitted each member in debate is often found necessary.”** The sentence is in bold print for emphasis. (RONR (11th ed.) p. 43, ll 9-11. Invariably one of the standing rules may limit a speaker to speak for 2 or 3 or 4 minutes on motion. And another rule may limit the number of times a speaker may speak to one. These are all acceptable meeting rules and they work well.

RONR permits each convention to adopt its own convention standing rules so that the convention may take care of all its business in a timely manner while preserving equal rights for all members, not some members, showing respect to all members and following all the rules of the convention.

Adopting permanent standing meeting rules is a major advantage. Check out the AOAOs that have adopted permanent standing rules and learn how having permanent meeting rules have expedited the holding of meetings. Permanent standing rules are not adopted by the owners in a vacuum. They are a compilation of meeting rules that have worked well for that AOAO. Nothing more. Nothing less. With permanent standing rules, members or owners know what the rules of the meeting are going to be at any meeting. No time is spent discussing what kind of standing rules each AOAO annual or special meeting should adopt. Also permanent standing rules may be suspended. They may be amended. It's up to the members or owners. Again, here's a case of letting the owners, who have the most at stake, decide whether or not to adopt permanent standing rules. It should not be the business of your Committee and legislature to amend the law to restrict AOAOs from adopting permanent standing rules, on the recommendation of a few individuals, who wish to enact a law to achieve their proposal, which they were not able to achieve at meetings because of lack of support of the owners. Clearly, this amendment will restrict the rights of a great majority of owners in AOAOs in the conduct of their meetings and could easily end up with the AOAO spending more funds for legal and parliamentary services because of longer meetings. Also, there is no urgent need to amend the law to prohibit all the thousands of AOAOs statewide from adopting permanent standard meeting rules. This is a procedural meeting issue for the AOAOs, not a statewide public policy issue for the state legislature to intervene.

I urge the Committee to not adopt this bill, which seeks to impose legislative will to grant a few petitioners with exclusive and unprecedented rights of presentations not offered all other owners of the AOAO, as well as prohibit AOAOs from adopting permanent standard meeting rules, on their own free will. Further these are truly procedural meeting issues best handled, as it is now, by the AOAOs and are not public policy issues ripe for legislative intervention.

Mahalo and Aloha.

TADIA RICE

Suite 601 322 Aoloa Street Kailua, HI 96734
(808) 262-6533 tadarice@tadarice.com

March 23, 2012

Representative Robert N. Herkes
Hawaii State Capitol, Room 320
Honolulu, HI

TESTIMONY IN OPPOSITION TO SB2465 SD1 HD1 RELATING TO CONDOMINIUMS

Hearing Date: March 29, 2012 @ 2:35 PM, Conference Room 325
Committee: House Committee on Consumer Protection & Commerce

Aloha Representative Robert N. Herkes and Committee Members:

Self-governance is important to all condominium Associations whose responsibility includes creating, amending, suspending, or rescinding their special rules. It is problematic and confounding that the legislature would mandate these rules without recognition of each Association's particular differences. Prohibiting these rules, or requiring their adoption at every meeting, could force a vote on them at every meeting with two 10-minute speeches per person on every rule.

Bylaws require that Robert's Robert's of Order provide the tools to Associations so may have have more efficient and effective meetings. The proposed legislation that I am opposed to means that this Hawaii legislature would suspend and rewrite Robert's Robert's of Order. Condominium Associations are private, and other than protecting the Association and its members, state laws should not interfere with that function.

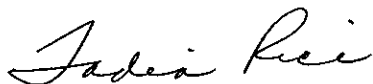
SB2465 endangers and threatens Condominium Association because it would allow a small minority of owners to, in essence, hold meetings hostage to further the personal issues of those few. That would open organizations to a host of problems that the current status protects. To pass this bill would be a mistake since Condominium Association cannot monitor the personal motives of those who wish to obstruct the measures now protected.

Please note that different associations have varying limits on debate. That is the right of Association and the policies of their own by-laws, and that should remain their choice due to their individual membership and building requirements.

SB2465 would unilaterally dictate Condominium Association to change their meeting rules is unfair as well as a flagrant attempt at partiality to a very limited number of persons at the expense of many other associations. This is the current situation at SB2465 Holiday Village and Mr. Port.

Please do not support SB2465 as it is simply wrong.

Mahalo,



Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 5:15 AM
To: CPCtestimony
Cc: Answers@perfectrules.com
Attachments: Tim Wynn, PRP - Oppose SB ~1.pdf (31 KB)

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Tim Wynn
Organization: Individual
E-mail: Answers@perfectrules.com
Submitted on: 3/26/2012

Comments:

SB 2465

In regards to SB 2465, I would like to submit the following comments.

As a professional registered parliamentarian, I currently serve in the following capacities:

President of Perfect Rules Inc., a parliamentary consultation company;
Chairman of the Electronic Rules Committee of the Electronic Unit of the National Association of Parliamentarians; and
Member of the National Association of Parliamentarians' Webinar Committee;

I have consulted on over two thousand cases of parliamentary law, and from my experience in this field, I find that SB 2465 would add no benefit to any organization or any members of any organization. The wording of the proposed legislation makes the same mistakes that I see made so often when well-intentioned individuals unfamiliar with parliamentary law attempt to draft or amend governing documents, which is to say that it attempts to address a specific issue with a broad, general stroke without taking a considered look at the far reaching effects. An underlying principle of parliamentary procedure is that it can adequately serve the procedural needs of any organization, and this is due to the fact that each organization can, through very specific steps, adjust the rules to better fit the needs of its members, while protecting their rights and ensuring smooth and orderly meetings. The proposed legislation known as "SB 2465" would prevent organizations from adequately adapting the rules to fit their needs.

Parliamentary Law is a balancing act, which must consider the rights of five specific groups: The Majority; The Minority; The Individual; Absentees; and all of these groups as a whole. The proposed legislation known as "SB 2465" has overlooked four of these five groups, to focus only on the Individual. The problem this creates is that it inadvertently gives the individual more power than the Majority, more power than the Minority, more power than Absentees, and more power than the entire rest of the organization. The danger with that structure is that it gives individuals the authority to monopolize meetings, at the expense of all other members and even against the will of all other members.

Whatever problem this proposed legislation is intended to fix is certainly already fixed by the rules contained in *Robert's Rules of Order Newly Revised*.

In summary, I oppose this proposed legislation, due to the fact that it creates innumerable problems for conducting smooth and orderly meetings that respect the rights of all; and due to the fact that it prevents an organization from creating meaningful rules to aid it in the transaction of its business.

Tim Wynn, PRP

LATE TESTIMONY

TESTIMONY IN OPPOSITION TO SB2465 RELATING TO CONDO ASSOCIATIONS

To: Chair Baker and Vice Chair Taniguchi
Senate Committee on Commerce and Consumer Protection

From: Carlene MacPherson

Date: March 26, 2012

Re: Senate Bill SB 2465 Relating to Condo Associations
Condominiums; Association Meetings

Good Afternoon Chair Baker, Vice Chair Taniguchi, and members of the Committee.

My name is Carlene MacPherson - Waikiki Condominium Owner and Board of Directors member- and I am testifying against SB 2465 which requires that petitioners have adequate time to address concerns at a requested special association meeting. Prohibits an association from adopting any permanent rule for association meetings that limits or restrict discussion or debate.

Self-governance within each condo association is very important. Associations can create, amend, suspend, or rescind their special rules at any time . Thus the legislature should not mandate these rules without recognition of each association's particular differences.

I have served on my condominium's AOA Board for seven (7) years as an Officer. Until our Association was able to adopt rules of conduct our meetings were:

- Unproductive
- Ran the cost/time of our meetings over budget and room rental agreements
- Combative: Owners were verbally attacked with racial slurs and foul language

Adoption of rules have been successful in keeping our condominium meetings on track and efficiently run. Everyone knows what to expect before they attend the meeting and it has also allowed every owner present a chance to present their concerns in a professional manner.

I believe that SB 2465 will add additional time and costs to Condo Associations which are already stressed with meeting their budget guidelines without significantly increasing association fees.

I also believe that fewer owners would be willing to volunteer to serve on the Board of Directors, as meetings would run for several hours and the simple business of running the AOA would not be handled quickly.

Thank you for allowing me to testify in opposition to SB2465.

Carlene MacPherson, Secretary/Treasurer Regency Ala Wai
828C Oneawa Street, Kailua, Hawaii 96734
(808) 236-1234

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 11:34 AM

To: CPCtestimony

Cc: s.shenkus@festivalcos.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: helene "sam"; shenkus

Organization: Individual

E-mail: s.shenkus@festivalcos.com

Submitted on: 3/26/2012

Comments:

Aloha. I am the President of the Marco Polo AOA and am very concerned about this bill. The annual meetings are well attended and our meeting rules have resulted in a very high attendance and very efficient and timely annual meetings. I oppose this bill. It is very unfair to Associations because it will mandate a very time consuming procedure that is not necessary. The owners who are unhappy control the votes and boards that are not responsive to issues are voted off in the annual elections. Please do not pass this bill, it will create major challenges for Associations, and board members who are all volunteer owners dealing with plenty of work already. Mahalo

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 11:08 AM

To: CPCtestimony

Cc: rglanstein@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Rachel Glanstein

Organization: Individual

E-mail: rglanstein@gmail.com

Submitted on: 3/26/2012

Comments:

I am a professional registered parliamentarian and my fees are charged hourly. Although we appreciate the legislature helping out the parliamentary and attorney professions in this tough economy by extending the length of meetings and therefore increasing our revenue, this is NOT the right way. This bill would do a serious disservice to our clients, the condominiums and community associations we serve. These organizations deserve the right to control their own meetings. Owners may adopt, suspend, or amend their meeting rules ON THEIR OWN, without legislative interference. Don't let a tiny vocal group mislead you on the procedure that is already provided by Robert's regarding meeting rules. What I've found in my experience in serving clients at over 140 meetings is that the more people talk the more they lose votes. I had a special meeting to remove the board in the past month where no one from the audience spoke on the motion to remove. Only one board member spoke to defend himself. The motion to remove was adopted 63% to 19%. Clearly it wasn't the discussion that removed the board - it was the vote. Please don't micromanage meeting rules of condominiums - it is completely unnecessary and would cause unbelievable harm. Only a few owners could disrupt EVERY meeting by requiring a vote on the meeting rules individually every year. Some have said that the two-minute time limit is too short - however, Abraham Lincoln may disagree. His beautiful and timeless Gettysburg Address was said in less than two minutes. I urge you to immediately kill this bill.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 11:05 AM

To: CPCtestimony

Cc: haldia@aol.com

OPPOSE

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position:

Testifier will be present: No

Submitted by: Diane Tippett

Organization: Individual

E-mail: haldia@aol.com

Submitted on: 3/26/2012

Comments:

3-26-12 I ask our legislators to leave well enough alone. By passing this bill you will be enacting a rule that isn't necessary whatsoever. We have Robert's Rules of Order and they work fine. To extend response times to 30 minutes as well as including other unnecessary changes does not help the Condominium industry as a whole. Stop with with a "no" vote.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 10:41 AM

To: CPCtestimony

Cc: msccloutier@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Albert Cloutier

Organization: Management Specialists Company

E-mail: msccloutier@yahoo.com

Submitted on: 3/26/2012

Comments:

Aloha,

I am both a member on a Board of Directors where I live, as well as an account executive at a property management company. In my experience, it is highly desirable that Boards are able to hold efficient meetings and conclude business in a reasonable period of time. Legislative specifications as to the numbers of minutes, or prohibitions against properly adopted association special rules, will disrupt the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences

Bylaws require Robert's Rules of Order. Robert's give us tools to have more efficient meetings. Please do not attempt to rewrite Robert's Rules of Order. Don't interfere with our private association.

Mahalo nui loa,

Albert Cloutier

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 10:41 AM

To: CPCtestimony

Cc: piicmdp@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Mark David Paulson

Organization: Individual

E-mail: piicmdp@yahoo.com

Submitted on: 3/26/2012

Comments:

Each condominium should be able to determine its own meetings procedures. ALL OWNERS who WANT TO SPEAK @ their condo meetings, should CONTINUE TO BE ABLE TO. All condo meetings should be conducted according to 'Roberts Rules of Order', to ensure that they proceed in an orderly way.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:47 AM

To: CPCtestimony

Cc: wnishimura@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Wendee Nishimura

Organization: Individual

E-mail: wnishimura@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:45 AM

To: CPCtestimony

Cc: RCS-office@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Maria Quemedo

Organization: Individual

E-mail: RCS-office@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:40 AM

To: CPCtestimony

Cc: mvallesteros@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose.

Testifier will be present: No

Submitted by: Mylene Ulep

Organization: Individual

E-mail: mvallesteros@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:34 AM

To: CPCtestimony

Cc: drobinson@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Jane Uemura

Organization: Individual

E-mail: drobinson@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:33 AM

To: CPCtestimony

Cc: kmoscatello@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Karen Moscatello

Organization: Individual

E-mail: kmoscatello@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:33 AM

To: CPCtestimony

Cc: hawaiiithomsons@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose.

Testifier will be present: No

Submitted by: David Thomson

Organization: Individual

E-mail: hawaiiithomsons@gmail.com

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:22 AM

To: CPCtestimony

Cc: janet@tihcpa.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Janet Hara
Organization: Individual
E-mail: janet@tihcpa.com
Submitted on: 3/26/2012

Comments:

I am opposed to legislation that dictates specifics about how condominium meetings should be run. Condo's should be allowed to set their own meeting rules.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:15 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Fernando Imanil

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:15 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Saunya Imanil

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:15 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Jerome Crawford

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:15 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Amanda Baker

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:14 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Ernest D. Baker

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:14 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Shane Baker

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:14 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Jerilyn Lozano

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:14 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Irene Puaoi

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:13 AM

To: CPCtestimony

Cc: rmiranda@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: James Kua

Organization: Individual

E-mail: rmiranda@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:12 AM

To: CPCtestimony

Cc: rece@OneKalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Rena Miranda

Organization: Individual

E-mail: rece@OneKalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:05 AM

To: CPCtestimony

Cc: keven@touchstoneproperties-hawaii.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Keven Whalen

Organization: Individual

E-mail: keven@touchstoneproperties-hawaii.com

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 8:53 AM

To: CPCtestimony

Cc: jnako@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Jody Nako
Organization: Individual
E-mail: jnako@onekalakaua.net
Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 8:51 AM

To: CPCtestimony

Cc: lvroutt@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Linda Vares-Routt

Organization: Individual

E-mail: lvroutt@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 8:46 AM

To: CPCtestimony

Cc: averon@onekalakaua.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Amy Veron

Organization: Individual

E-mail: averon@onekalakaua.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 8:02 AM

To: CPCtestimony

Cc: spollard@hawaiiantel.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Steven W Pollard

Organization: Individual

E-mail: spollard@hawaiiantel.net

Submitted on: 3/26/2012

Comments:

(a) Dictating special meeting presentations of 30 minutes times 3 petitioners and another 30 minutes times 3 respondents while limiting the vast majority of the other owners is a legislatively dictated meeting of 3 hours and a gross interference in our condominium association operations.

(b) Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

(c) Adoption of these rules have been successful in keeping our condominium meetings on track and efficiently run.

(d) Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule.

(e) Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.

(f) This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

(g) Different associations have limits on debate. That should be their call.

(h) Unilaterally dictating association meeting rules based upon limited written testimony (from Mr. Port and his cohorts) is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 8:36 AM

To: CPCtestimony

Cc: Kgjylameti@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Kris Gjylameti

Organization: Individual

E-mail: Kgjylameti@yahoo.com

Submitted on: 3/26/2012

Comments:

Associations need to create, amend, suspend or rescind their special rules. As private entities self governance is important and the legislature shouldn't mandate these rules without recognizing that each association is different.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 1:00 AM**To:** CPCtestimony**Cc:** govierj001@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Susan K. Govier

Organization: Individual

E-mail: govierj001@hawaii.rr.com

Submitted on: 3/26/2012

Comments:

To chair Cabanilla, Vice-Chair Ito and Members of the Committee:

I am OPPOSED to SB2465. I am writing to urge you to oppose this bill.

I am a Professional Registered Parliamentarian, recently retired, and life long resident of Hawaii and registered voter.

In my capacity as a Professional Registered Parliamentarian, I have been priveleged to serve the members of numerous condominium associations in our state as the Parliamentarian, and also as a Professional Chair, for their business meetings.

In my capacity as proxy holder for my family's condominium, I attended meetings of Tropicana Village Makai Association from 1969-1982.

In my experience,

first, the owners, regardless of the social economic group, or the size of the association, are sophisticated in matters of their association and demonstrate fairness and good common sense in the matters particular to their association meetings. In meeting after meeting these owners show civility and patience to work to protect the association. They do so even when the occassional member or proxy holder attempts to take over and disregard the rights of the others.

I have had several instances when one of these persons who has been disrespectful to the others present has asked to speak again after using all of their debate time and the assembly has allowed them to do so. I have never been in a meeting when a member was denied the right to speak.

That is the point. The assembly allowed. The assembled owners vote to make, or change, or temporarily change the rules for their meeting.

One person does not make the rules for all for the others.

Second, in all of my experience, I have never encountered any association member who did not want to have their association rules for their meeting and particularly for debate time. When the meeting starts, these owners adopt suitable rules for themselves. Not rules someone else in some other association or venue thinks are good rules for them.

I have had the members at an association meeting propose and vote that debate time be extended or further limited for a particular meeting due to the circumstances. The owners attending do this for that meeting; more permanent change must only be done if those who are not attending have their rights protected. While the owners take time to address the issues of their association, they are not attending the meeting to be held hostage to one person or one group pushing their agenda without regard for the rights of others or the time of others. Realisicaly, when there is work to do, it needs to be done in a reasonable way, in a reasonable amount of time while being fair to every owner. Owners are willing to sit in a meeting to do the business required however they have a right to expect the meeting to be business like and well administered under the rules they themselves subscribe to for that

meeting for their association.

The consequences of this bill would be to unfairly allow a small vocal minority to force themselves on the majority.

Next, I would point out that 514B has provided, finally, an organized workable framework for the associations to function within and this proposed legislation would be regressive. Within the 514B framework and the individual association's bylaws, the owners have demonstrated they are more than capable of making their own rules for their own meetings and have been doing so constantly and consistently and there has been no complaint by the majority of condominium owners attending their association meetings. While Mr. Port, who has been in attendance at some of those meetings where I represented the association members, is certainly entitled to his opinions, he is not entitled to his own facts.

Since, the fact is that there is no evidence that the owners in condominium associations are having a problem deciding how they want to run their own meetings, how they want to govern themselves, I am reminded of the common sense point of view that if it is not broken, don't fix it.

I OPPOSE SB 2465 and ask you to protect the rights of the condominium owners by opposing this bill.

Sincerely, Susan K. (Kane-Lucas) Govier, RPRP

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 25, 2012 9:37 PM

To: CPCtestimony

Cc: hudsongail@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Gail Hudson

Organization: Individual

E-mail: hudsongail@hawaii.rr.com

Submitted on: 3/25/2012

Comments:

My condominium meetings run smoothly and efficiently now with the current Robert's Rules. There's no need to change them. Let's not create multi-hour meetings unnecessarily.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 25, 2012 9:08 PM

To: CPCtestimony

Cc: philolsen@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Phillip B. Olsen

Organization: Individual

E-mail: philolsen@hawaii.rr.com

Submitted on: 3/25/2012

Comments:

I live in a condominium and think the proposed SB 2465 will cause many of us to abandon willingness to serve on our condo board because of the lengthy hassles produce and encouraged by this unnecessary proposal.

Phillip B. Olsen
999 Wilder Avenue
Honolulu HI 96822

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 25, 2012 5:50 PM

To: CPCtestimony

Cc: fetabrah@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ernestine Tabrah
Organization: Individual
E-mail: fetabrah@gmail.com
Submitted on: 3/25/2012

Comments:

Please hold this bill! While it appears well intentioned, upon close examination I believe it may cause significant and unnecessary problems and interference in association meetings.

As president, for nine years, of the Board of Directors of the Marco Polo Apartment Owners Association, - with carefully crafted rules we have had peaceful meetings for many years. Often strong opposing positions amongst members, - yes, but these rules provided that issues would be resolved with minimum contention. If we had to adopt new rules every year it would unnecessarily clutter the agenda.

Robert's Rules provides for two ten minute speakers per motion. Our rules provide for two two minute speeches. We always have over one hundred people at our meetings and these permanent special rules work well.

Please don't unnecessarily micromanage our association (and others).

Thanks for your careful consideration.

Respectfully, Ernestine Tabrah

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 25, 2012 3:05 PM

To: CPCtestimony

Cc: dwightc001@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Page R. Dwight

Organization: Individual

E-mail: dwightc001@hawaii.rr.com

Submitted on: 3/25/2012

Comments:

My husband and I have lived in three (3) different condominiums and each used Robert's Rules to run fair and efficient meetings. Please do not mess with Robert's Rules! Each association is unique and prohibiting special rules or forcing their adoption at each association meeting would allow a very few, some neither owners nor residents, to unfairly control the meeting for their personal purposes. Again, let Robert's Rules of Order (or other sets of rules) be the tool used by many associations, not meeting rules dreamed up by our legislature.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 4:10 PM

To: CPCtestimony

Cc: johnb@hawaiianprop.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: John Brewer

Organization: Individual

E-mail: johnb@hawaiianprop.com

Submitted on: 3/24/2012

Comments:

- (a) Holiday Village folks need to let legislature know about the attempts to hold them hostage at the special meeting, especially naming names.
- (b) Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.
- (c) Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule.
- (d) Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.
- (e) This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.
- (f) Different associations have limits on debate. That should be their call.
- (g) Unilaterally dictating association meeting rules based upon limited written testimony (from Mr. Port and his cohorts) is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 2:43 PM

To: CPCtestimony

Cc: rthom57@prodigy.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: RL Thomson

Organization: Individual

E-mail: rthom57@prodigy.net

Submitted on: 3/24/2012

Comments:

Hawaii's AOAO's are individual organizations with their own issues and needs. This bill undermines an Association's ability to decide for themselves their own meeting rules. Robert's Rules gives remedy for the minority vote. Legislation is not required.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 2:43 PM

To: CPCtestimony

Cc: ronmoblely@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Ron Mobley

Organization: Individual

E-mail: ronmoblely@hawaii.rr.com

Submitted on: 3/24/2012

Comments:

This bill restricts the power and authority of the members of an organization to modify their rules. This authority is permitted in Robert's Rules of Order. Specifically, this bill would force use of a ten minute debate by each person speaking, and removes the ability of the members to set lower time limits. Don't dictate, allow members to decide.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 11:41 AM

To: CPCtestimony

Cc: sasha@hawaiiifirst.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Sasha Tsuda
Organization: Individual
E-mail: sasha@hawaiiifirst.com
Submitted on: 3/24/2012

Comments:

Associations have the ability to create, amend, suspend, or rescind their special rules. Self-governance is important and the legislature should not mandate these rules, especially without recognition of each association's particular differences.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 11:29 AM

To: CPCtestimony

Cc: druye@msn.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Diana R Uyematsu

Organization: Individual

E-mail: druye@msn.com

Submitted on: 3/24/2012

Comments:

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 10:35 AM

To: CPCtestimony

Cc: magicmn@aloha.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: George Beavin
Organization: Individual
E-mail: magicmn@aloha.net
Submitted on: 3/24/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 7:34 AM

To: CPCtestimony

Cc: alisonwallis@mac.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Alison Wallis
Organization: Individual
E-mail: alisonwallis@mac.com
Submitted on: 3/24/2012

Comments:

I urge the rejection of proposed legislation within SB2464 relating to (1) "adequate time" to address concerns at a special association association meeting and (2) that prohibits an association from adopting a permanent rule limiting debate. This bill is undemocratic and inefficient.

Adoption of these measures within this bill result in longer, more unproductive meetings. Furthermore, these provisions are unnecessary because members already have the power to control their meetings under their adopted parliamentary authority. A state law that overrides the members right to chose how to run their own meetings is overreaching and a waste of time.

Members choose the rules of their own meetings, subject to state law. If a member considers the time allotted in the adopted rules inadequate in a particular case, under well-accepted parliamentary practices, a member may move to extend debate or to suspend the rules at that meeting. Either of these motions, modifying an already adopted rule, would be adopted by a two-thirds vote. If this bill is passed, however, members at a special meeting would in all cases be authorized to speak for 10 minutes at a time, twice. If adopted, these provisions would tie the hands of the members so that even if ALL present wished to change the rules, it could not be done. Mandating such lengthy discussion no matter what the will of the assembly wastes time. This bill would defeat the control of the members in setting out their own meeting rules.

Please vote "no" to this bill.

Alison Wallis
Attorney at Law
Professional Registered Parliamentarian
Certified Parliamentarian

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, March 24, 2012 6:20 AM

To: CPCtestimony

Cc: peteandcorky@hawaiiantel.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Pete Campbellq

Organization: Individual

E-mail: peteandcorky@hawaiiantel.net

Submitted on: 3/24/2012

Comments:

Board Members are volunteers and should not be subjected to this proposed requirement that will unnecessarily lengthen meeting. The legislature has no business rewriting Robert's Rules, which is the standard for Associations to conduct their businss meetings.

Lindemann Construction Inc.
500 Ala Kawa St. #216-J
Honolulu, HI 96817

Via E-mail: CPCTestimony@capitol.hawaii.gov
Facsimile: (808) 586-8404

March 29, 2012

TO: HONORABLE REPRESENTATIVES ROBERT HERKES, CHAIR, RYAN YAMANE, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

HONORABLE REPRESENTATIVES GILBERT KEITH-AGARAN, CHAIR, KARL RHOADS, VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE ON JUDICIARY

SUBJECT: **STRONG OPPOSITION TO S.B. 2412, SD2, HD1, RELATING TO CONTRACTS.** Shortens the time by which subcontractors are to receive progress and final payments from contractors on government and private construction projects. Provides interest penalties for late payments. Effective July 1, 2112. (SB2412 HD1)

HEARING

DATE: Thursday, March 29, 2012
TIME: 2:30 p.m.
PLACE: Conference Room 325

Dear Chairs Herkes and Keith-Agaran, Vice Chairs Yamane and Rhoads, and Members of the Committee:

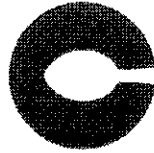
Lindemann Construction Inc. **strongly opposes** S.B. 2412, SD2, HD1, Relating to Contracts because it is unnecessary due to existing remedial measures and because of its interference into private contracts.

The alleged purpose of S.B. 2412, SD2, HD1 is to provide for the prompt payment of subcontractors and materialmen on government and private projects; however the bill's effects on future and existing private contracts may result in legal disputes, especially because of the government's interference with private contractual provisions.

First of all, this bill will overreach into private contracts whose terms and conditions are privately negotiated between parties. Terms and conditions in private contracts include provisions that address payments to subcontractors and materialmen. If such provisions are not met by either party, proper remedies may be exercised, including, but not limited to, existing law, the Mechanic's Lien Law under Chapter 507, HRS and Contractors License Law, Chapter 444, HRS.

Secondly, this bill is unnecessary, as these issues related to prompt payment were carefully addressed by stakeholders in 2006 resulting in the adoption of Act 291 (SLH 2006). In 2006, a working group, comprised of the State Department of Accounting and General Services, general contractors, subcontractors and other interested parties worked together in passing Act 291 (2006). The implementation of Act 291 (2006) was delayed for one year to address department and contractors concerns regarding implementation. GCA believes if there are issues of concern, there should be another working group formed to address these concerns, before a law is passed that would greatly affect the industry in both public and private projects.

For these reasons, Lindemann Construction Inc. **strongly opposes** S.B. 2412, SD2, HD1 and **respectfully recommends this Committee hold this bill.**



Centerplate

Hearing Date/Time: March 29, 2012 (2:35 PM)

The Honorable Robert N. Herkes, Chair
House Committee on Consumer Protection & Commerce
State Capitol, Conference Room 325
Honolulu, Hawai'i 96813

Re: S.B. 3031, S.D. 1 – Relating to Intoxicating Liquor

Dear Chair Herkes, Vice Chair Yamane, and Committee Members:

I am Roger Reeves, Centerplate's Director of Operations for the Hawai'i Region, testifying in support of S.B. 3031, S.D. 1. The bill would clarify that a liquor licensee who timely suppresses unlawful activity from occurring on the licensed premises (for example, by detaining and reporting the offending person to the police) shall not be deemed to be in violation of Hawaii Revised Statutes ("HRS") §281-78(b)(6).¹

For 20 years, Centerplate has been the concessionaire for the Waikiki Shell and Neal S. Blaisdell Center, and for the past 11 years, we have been the concessionaire for the Aloha Stadium. We provide the food and beverages for events such as the KCCN Birthday Bash, Kokua Fest, and Jammin' Hawaiian Events, and concerts such as Jimmy Buffet, Bon Jovi, and Elton John.

S.B. 3031, S.D. 1 addresses a problem with Hawaii's liquor licensing law that we have encountered when people manage to sneak illegal drugs (primarily marijuana) into an event at one of our large public venues. The mere fact that a patron has been caught with an illegal drug on the licensed premises has been found to be a violation *by the liquor licensee* of HRS §281-78(b)(6), even if the offending patron is detained and reported to appropriate authorities in a timely manner. It is our understanding that the Honolulu Liquor Commission believes that HRS §281-78(b)(6) and the rules it has adopted pursuant to that section of the liquor licensing law require such a "strict liability" interpretation.

Because of that, the Honolulu Liquor Commission and Centerplate have worked together to try and clarify HRS §281-78(b)(6). Centerplate truly appreciates the Honolulu Liquor Commission's collaborative spirit and believes that the clarification made by S.B. 3031, S.D. 1 will result in HRS §281-78(b)(6) being appropriately interpreted.

¹ HRS §281-78(b)(6) currently reads, in pertinent part, "[a]t no time under any circumstances shall any licensee or its employee ... [f]ail immediately to prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises."

The Honorable Robert N. Herkes, Chair
House Committee on Consumer Protection & Commerce
S.B. 3031, S.D. 1
March 29, 2012
Page 2

To further aid in the appropriate interpretation of HRS §281-78(b)(6), we respectfully request that the second paragraph of the purpose section of S.B. 3031, S.D. 1 (page 1, line 9) be amended to read identically to the bill's description, as follows:

The purpose of this Act is to clarify that a licensee who timely suppresses unlawful activity from occurring on the licensed premises, including by means of detaining and reporting an offender to the police, shall not be deemed to be in violation of section 281-78(b)(6), Hawaii Revised Statutes.

In addition, Section 5 (page 4, line 21) should be amended to make the effective date of the measure "upon approval" rather than "July 1, 2050".

Finally, we note that irresponsible liquor licensees who do *not* "timely prevent or suppress any violent, quarrelsome, disorderly, lewd, immoral, or unlawful conduct of any person on the premises" are still subject to discipline under HRS §281-61(b), which allows the liquor commission to, "at the time of renewal or at any time ... revoke, suspend, or place conditions or restrictions on any license issued under this chapter for the purpose of preventing activities within the licensed premises or adjacent areas that are potentially injurious to the health, safety, and welfare of the public and neighborhood including but not limited to criminal activity, including assault, drug dealing, drug use, or prostitution, upon proper notice to the licensee, and a hearing before the commission pursuant to chapter 91."

Centerplate respectfully requests that you to pass S.B. 3031, S.D. 1, with the minor editing of the purpose section of the bill and making the bill effective "upon approval." Thank you for this opportunity to present testimony. We're happy to answer any questions you might have.

Sincerely,



Roger Reeves
Director of Operations
Centerplate – Hawai'i Region

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 12:20 PM

To: CPCtestimony

Cc: soonj001@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Joan Worthen

Organization: Individual

E-mail: soonj001@hawaii.rr.com

Submitted on: 3/26/2012

Comments:

This is a bad bill and will disrupt our Association Annual Meetings with
"filibuster" tactics. /we dio not need meetings that last into the night.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 12:26 PM

To: CPCtestimony

Cc: soonj001@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Francis H. Soon

Organization: Individual

E-mail: soonj001@hawaii.rr.com

Submitted on: 3/26/2012

Comments:

I am the board chair of a condominium AOAO. This malicious bill will disrupt the peaceful existence of our aging population by drawing out the length of annual meetings. Our meeting rules, based on Robert's Rules of Order, meet our needs without the nastiness that comes from procedures such as this bill allows.

Ms. Gaill Dwight
5219 Likini St.
Honolulu, HI 96818

March 26, 2012

Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

Opposition to SB2465 Bill, Hearing Date: March 29, 2012

I live in a condominium called Fairway Gardens. I am presently a member of the Board of Directors at Fairway Gardens. Formerly, I was the president, vice-president, secretary and treasurer at various times. I am opposed to association meeting rules based upon the limited written testimony from Mr. Port. It is not only unfair but allows favoritism to a very small number of owners at the expense of many other owners and the entire association.

I believe that self-governance is important. Presently, associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without evaluating each association's differences and customs.

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We want to get our association business done in a reasonable period of time.

The associations should be allowed to decide their own limits on debate based on Robert's Rules of Order. Robert's Rules of Order has given us tools to have more efficient meetings. Please don't interfere with our association as different associations have limits on debate. Each association should be able to decide their own limits.

Mahalo,

Gail Dwight

gaildwright@yahoo.com

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 1:25 PM

To: CPCtestimony

Cc: sue@insuringhawaii.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Surita Savio

Organization: Individual

E-mail: sue@insuringhawaii.com

Submitted on: 3/26/2012

Comments:

This bill will hold the owners hostage as the majority of the owners try to get their business done. The time limit is currently the owner's decision. Why does the legislative branch need to get involved. Condos have been around since the early 60's. Please do not think you know more than those who live in the complexes

March 26, 2012

Testimony for Hearing before the
Committee on Consumer Protection and Commerce
House of Representatives
State of Hawaii

Thursday, March 29, 2012 2:35pm
Conference Room 325
Hawaii State Capitol

Re: Opposition to SB 2465 relating to Condominiums

Chair Herkes, Vice Chair Yamane and Committee Members,

My name is Dee Robinson and I am currently the Executive Director for One Kalakaua Senior Living. I would like to take this opportunity to testify in strong opposition to SB 2465.

In all Associations, self-governance is very important, as it allows the owners of the Association to make decisions based on a majority of the ownership. Passing this bill takes away the right of the majority to make their own decisions as it relates to their individual Associations.

In our specific situation, we have a senior population that is very involved in their community, and we strive to have our meetings in the most senior friendly environment possible. With this, it is very important that we run our meetings efficiently and conclude our business in a timely manner. Part of this process is having permanently adopted meeting rules that include realistic debate limits. We also have the opportunity for an owners' forum following the business meeting to allow owners additional time to voice concerns/ask questions/etc. if needed.

These rules we have adopted are specific to our Association and if ever the majority of our Association's population did not agree with one or more of the rules, they would be changed to meet the needs of our particular owners in our particular Association. It is sad to see that the trend of late has become, that when the small minority are not able to have things changed within in the realm of their individual community documents, or under the regulations of 514A/B, they take it to their legislatures and ask them to change the rules that the majority of their community is in agreement with.

I don't believe the Legislation should mandate these rules. They should continue to be mandated by our own Association and the specific needs of our community. By-laws of Associations require them to use Robert's Rules of Order and these should be the guidelines and tools used by Associations in order to ensure they can have productive, efficient meetings that do not allow a small minority hold our meetings hostage.

Thank you for the opportunity to testify in opposition of this bill.

Sincerely,
Dee Robinson
One Kalakaua Senior Living
Executive Director

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 3:15 PM

To: CPCtestimony

Cc: doctordaley@netscape.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Robert Dale

Organization: Villa on Eaton Square AOA

E-mail: doctordaley@netscape.net

Submitted on: 3/26/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 5:10 PM

To: CPCtestimony

Cc: bruce.schneider@outrigger.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Bruce Schneider

Organization: Individual

E-mail: bruce.schneider@outrigger.com

Submitted on: 3/26/2012

Comments:

Please do not support the passage fo this bill. Condo board meetings are hard enough with vocal minority individuals regularly pushing personal agendas that are not in the best interest of the majority of owners. Further, meetings are difficult to keep on track and conclude in a reasonable amount of time, and this bill will make it much worse. I am the president of two condo associations, including the Ala Moana Condo Hotel association with 1200 owners. Only 30 or so come to the meetings. They voice all kinds of immaterial and self serving ideas. Of course, we listen, but our meeting rules allow us to move on without getting bogged down in these personal quests. 98% of the owners don't attend and don't appreciate the vocal minority getting an even stronger voice, which is what this will will do.

Sincerly,
Bruce Schneider

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 5:19 PM

To: CPCtestimony

Cc: alshaver@mac.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Ann S. Shaver
Organization: Individual
E-mail: alshaver@mac.com
Submitted on: 3/26/2012

Comments:

Thank you for the opportunity to speak out against this proposal. Annual meetings accomplish necessary business of condominium associations such as election of directors and tax resolutions regarding carried over funds. They are not deliberative sessions.

Standing rules adopted prior to such meetings provide for smooth conduct of the meeting and timely accomplishment of the stated goals of the meeting.

The proposed bill interferes with the right of Associations to set their own rules and conduct efficient meetings. Please oppose this ill-considered measure.

Thank you,
Ann S. Shaver

William J. Puette, Ph.D.
3363A Kéanu Street
Honolulu, HI 96816

House Committee on Consumer Protection & Commerce
Hearing on SB2465 SD1, HD1

Thursday, March 29, 2012 2:35 p.m. Conference Room 325

Testimony in opposition

Submitted by email March 26, 2012

Aloha Chair Herkes, Vice Chair Yamane and Members of the Committee,

I am a Professional Registered Parliamentarian (PRP) by the National Association of Parliamentarians and a Certified Parliamentarian (CP) by the American Institute of Parliamentarians. I teach Parliamentary Procedure workshops and non-credit courses at UH West O'ahu, and I am the Parliamentarian for the Democratic Party of Hawai'i and other non-profits. In addition I serve a variety of Associations of Apartment Owners (AOAO), and Home Owner Associations, governed by HRS 514B and HRS 421J.

I strongly oppose the current version of Senate Bill 2465 which would wrongly direct AOAOs in Hawai'i to give special rights to the petitioners and respondents at special meetings and severely restrict the power of these associations to adopt and enforce standing rules.

Meetings that allow a few people the privilege to hold the majority hostage for hours do not benefit the associations. I observe that most owners attending these evening meetings do so after a full day's work. They are hoping to see the business conducted in a reasonable and expeditious manner.

Adoption of permanent special or standing rules is a common practice for the vast majority of groups, organizations and societies of all sorts. Parliamentarians throughout the country generally encourage this especially for the purpose of establishing reasonable limits for debate. This is a process provided in *Robert's Rules of Order Newly Revised* (RONR), the parliamentary authority in both the above cited State statutes. As Robert's states such a rule "relating to the length and number of speeches is often found necessary" -RONR (11th ed.) p. 16, ll 9-11.

I see no need whatsoever to amend the law to prohibit AOAOs in Hawai'i from adopting permanent standard meeting rules. I believe it would more likely do considerable harm by discouraging owners from attending in person these important meetings.

I urge the Committee to not adopt this bill, which seeks to grant by law unprecedented rights to a few petitioners at the expense of other owners, as well as prohibit or restrict AOAOs from adopting permanent standard meeting rules.

Mahalo and Aloha.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 5:49 PM

To: CPCtestimony

Cc: KananiK@CertifiedHawaii.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Kanani Kaopua

Organization: Certified Hawaii

E-mail: KananiK@CertifiedHawaii.com

Submitted on: 3/26/2012

Comments:

Different associations have limits on debate. That should be their call, not the legislature.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 7:09 PM

To: CPCtestimony

Cc: myleflores@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: mFlores

Organization: Individual

E-mail: myleflores@gmail.com

Submitted on: 3/26/2012

Comments:

Opposition to SB 2465 SD1HD1, RELATING TO CONDOMINIUMS.

To the Honorable Committee Chair and Members,

Thank you for hearing my testimony as I urge you to oppose SB 2465 SD1HD1 regarding special standing meeting rules for Condominium Associations.

It is important that all points of view be heard by an Association and Robert's Rule of Order provides an orderly and effective way of communicating and voicing concerns, providing a small minority, as well as a large majority, the ability for their point of view to be heard.

Adoption of Robert's has been successful in keeping many condominium meetings on track and efficiently running throughout the years. Adding more rules will tie up additional hours of valuable time for people who spend many untold and unpaid hours on the business of running an Association.

Thoughtful, respectful dialogue is key in any organization, and we need to leave the decision to apply additional rules, if needed, to the various individual Condominium Associations, and not legislate law that all Condominium Associations must incorporate into their By Laws.

Thank you for the opportunity to voice my concern regarding this issue.

Respectfully,

T. J. Davies, Jr., Treasurer
AOAO of 909 Kapiolani
909 Kapiolani Blvd Ste 601
Honolulu, HI 96814-2132
808-593-1026

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 7:34 PM

To: CPCtestimony

Cc: lafalls@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Loretta Falls

Organization: Individual

E-mail: lafalls@hawaii.rr.com

Submitted on: 3/26/2012

Comments:

As a member of a condo board I feel that dictating special meeting presentations of 30 minutes times 3 petitioners and another 30 minutes times 3 respondents while limiting the vast majority of other owners is a legislatively dictated meeting of 3 hours and a gross interference in our condominium association operations. This bill will allow a small minority of owners to hold our meetings hostage to their personal issues. We need to get our business done in a reasonable period of time.

SB2465 SD1HD1

Having been on the Board of Directors for a condo association (AOAO) now for seven years, and a condo owner for an additional seven years, I find it absurd that the legislature feels they need to step in and create additional rules, or govern, the numerous AOAOs throughout the state. While recognizing that some oversight by an impartial governing body is important, this bill now intrudes upon the AOAO's ability to self govern.

Having worked in the property management business for a few years, I quickly learned that each AOAO is unique in what they need and require. Being able to create, amend, suspend or rescind their special rules is critical to guiding their specific AOAO. How can the legislature begin mandating rules without recognizing what each AOAO needs?

By prohibiting these rules, or requiring the AOAO to adopt them at each and every meeting could force a vote, which would then allow two (2) ten minute speeches per person on each and every rule! A relatively short meeting could then be forced to drag on for hours, just to adopt the rules the AOAO had previously agreed to put in place. And most Board of Directors are volunteers, some of whom, such as myself, take time off of work to attend ...

Our by-laws require Robert's Rules of Order ... which then provide us with the necessary tools to conduct our meetings. As Board President, I ask that you please do not rewrite these rules and do not interfere with the running of our private association.

It would appear that this bill would allow a very small minority of owners to simply hold us hostage at our meetings because of their personal issues. The Board of Directors meet to conduct AOAO business in a reasonable and concise amount of time (again, many of us take time away from our livelihoods to volunteer to serve ...) Allowing a few owners to drag these meetings out serves no purpose to anyone and if nothing more, would discourage owners from volunteering to serve on the board, due to the lengthy amount of time meetings would now take to conduct.

Please give the AOAO's the courtesy of determining their own limits on debates, and following the By-Laws established for their Association, which were approved by the MAJORITY of ownership.

Again, I urge you to not pass this piece of legislation.

Sincerely,

Jan C. Weber
Board President
Kona Mansions V AOAO

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:39 PM

To: CPCtestimony

Cc: neil@waikiki-network.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Neil Bates

Organization: Individual

E-mail: neil@waikiki-network.com

Submitted on: 3/26/2012

Comments:

I oppose this bill. As a long time condominium board member on 2 condo boards, I believe that self-governance is important. Associations can create, amend, suspend, and rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

Neil Bates

Treasurer, AOA Plaza Landmark

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 9:53 PM**To:** CPCtestimony**Cc:** gomem67@hotmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Eric M. Matsumoto

Organization: Mililani Town Association (MTA)

E-mail: gomem67@hotmail.com

Submitted on: 3/26/2012

Comments:

There are 52 AOAOs that fall within the MTA umbrella. We oppose this measure for the following reasons:

1) HD 1 specifies for all AOA association meetings, annual and special, the time and number of speakers allowed to present the respective side's position on any issue being debated. While there are specific purposes for annual and special meetings as defined in association governing documents, SECTION 514B-121 previously lumped the individual meeting purposes together such that annual meetings can be used to consider the removal of directors, amending association documents, etc. With the provisions of HD 1, requiring 30 minutes time limit per speaker, with 3 speakers per side (30 minutes x 3 = 90 minutes x 2 = 180 minutes), results in all association meetings lasting 3 hours, but likely 4 hours long. Additionally, the rights of 2/3 majority of the members present to be able to call for the question would be moot given that the time permitted for the 6 speakers are controlled by this legislation. Also note that this legislation does not allow for setting the time of adjournment that is less than 3 hours, but more likely 4 hours. The whole meeting process becomes unwieldy and unworkable. Given the effective prescribed length for association meetings, it would not be out of the realm of possibility that members would leave early or wouldn't attend the meetings, resulting in either a loss of quorum or possibly not achieving a majority vote to pass motions. Further, association meetings convene usually at 7:00PM and lasts for about 1-1/2 hours. Increasing the length to 3 or 4 hours, to 10:00 - 11:00PM, should generate the question, would there be sufficient members to take any action? And it should be noted that AOAOs frequently use school facilities for their association meetings where the curfew is 9:00PM, resulting in insufficient time to complete the meeting agendas. Additionally, imposing the extended time limits requires attendance by the property manager and any pertinent staff incurring additional cost to the association members. The HD 1 provisions for the above time limit and speaker numbers are counterproductive to having efficient meetings. The "one size fits all" solution does not work, especially when taking a single association incident, as this is, and extending the solution to every AOA across the state.

2) HD 1 effectively requires that Special Rules are to be voted upon at each annual and special meeting. This is unnecessary since these rules can be changed for the meeting by 2/3 majority vote of the attendees, as cited in Roberts Rules of Order and which 514B stipulates that meetings are to be governed by. While Roberts Rules of Order does specify speakers on motions having 10 minutes to speak with a maximum of 2 speeches as the default time limit, this can be changed by a 2/3 majority at the beginning of the meeting or by agreement to allow additional time to speak if

requested with the chair's questining the attendees. Also, inserting Standing Rules in the same HD 1 provision as Special Rules, makes no sense since they cover items such as attendance by owners/proxy holders, invited guests, audio and video taping,, etc. that would have no reasonable effect on those matters covered by Special Rules. Requiring voting on Special and Standing Rules at each associaiton meeting in HD 1 should not have been inserted where members already have the ability to change or extend speaking times that are fair, based on the wishes of the membership and as provided for in Roberts Rules of Order.

One perspective is that after imposing a requirement such as Roberts Rules of Order governing meetings and you begin carving out provisions, especially in those single isolated situations, there comes a time when what remains are the governing requirements that are found scattered in several places, the provisions don't fit or are redundant or are conflicting, and the process becomes more cumbersome and messier to use and administer, heightening the chance of errors to occur. Does every AOA in the state really need these changes in HD 1?

In conclusion, we urge this bill be deferred so as not to create a burden on and increased cost of operations of AOAOs with the problematic provisions that would result in inintended cnsquences.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 10:32 PM

To: CPCtestimony

Cc: lynnehi@aol.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: lynne matusow
Organization: Individual
E-mail: lynnehi@aol.com
Submitted on: 3/26/2012

Comments:

I am secretary of the Honolulu Tower Association of Apartment Owners. Because this travesty just came to light, there is no time to get the board to meet and take a position. However, I am opposed. Several years ago my association passed permanent rules to govern our annual meeting. We spent about 45 minutes on this at the meeting. We and other associations have a finite time for the annual meeting. Adoption of permanent rules have been successful in keeping our condo meetings on track. Our rules give everyone the chance to speak. We usually have 100 people present. If these rules were adopted, the meeting (even if we could get a location to last that long) would take days, members would leave as they have to go home, and quorum would be lost. most of us have to rent meeting rooms, the meetings are in the evening after work, and the available locations want us out by 9 pm. This bill will make it impossible to hold meetings. Every association has its special needs. One size does not fit all. We have important issues to discuss. We make it work. This bill will make everything fail. I urge you to defeat this bill.

what is worse, is that associations are largely ignorant of what you are trying to do. If you really want input, you should sent all your proposed legislation concerning condos and associations to every such group in the state, and have their boards and members vote on whether they want the legislature running their business.

Please stop this idiocy and vote NO.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, March 26, 2012 10:48 PM

To: CPCtestimony

Cc: msshirley.raffa@hawaiiantel.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Shirley A. Raffa

Organization: Individual

E-mail: msshirley.raffa@hawaiiantel.net

Submitted on: 3/26/2012

Comments:

As an owner at Holiday Village it is important for you to know that Robert Fowler, Marsha Kimura and Mr. Cort have interfered and made attempts to hold us hostage at our Special Meeting and Annual Meeting with their long speeches which we have all heard over and over and unfortunately much of what they say is untrue. Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature should not mandate these rules without recognition of each association's particular differences. Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association. Different associations have limits on debate. That should be our call. Unilaterally dictating association meeting rules based upon limited written testimony (from Mr. Port and his cohorts) is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations. Give us a break here - we are trying to run our association with the utmost attention to our owners and they gave the Board their proxies on two separate occasions to prove this.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 7:25 AM

To: CPCtestimony

Cc: sdachner@telus.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Shraga Dachner
Organization: Individual
E-mail: sdachner@telus.net
Submitted on: 3/27/2012

Comments:

The proposed bill will make meetings impossibly long and deter owners from attending. The main issues before the meetings will be lost due to lengthy debate and arguments.

Nine-O-Nine Kapiolani

Dear Sirs/Madames:

Senate Bill SB2465 is a troubling bill because of its lack of definitions. It proposed to add the following section to Hawaii law:

(d) All association meetings shall allow for adequate time during a meeting to address concerns for which the meeting was called. This subsection shall not impair the right of the director or directors, who are the subject of a motion to be removed, to have an adequate opportunity to be heard. Other owners and proxyholders attending a meeting shall also be entitled to speak as determined by a vote of a majority of owners present at the meeting in person or by proxy.

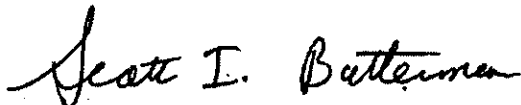
For purposes of this subsection, "adequate time" means no more than thirty minutes for the initial presentation of each petitioner and of each respondent and, for any time necessary thereafter, the time shall be as provided for by Robert's Rules of Order Newly Revised; provided that there shall be a maximum of three speakers for petitioners and three speakers for respondents, if any.

Who are the petitioners? Who are the respondents? If 4 Board members are being removed, does each have the right to 3 speakers, or are they being limited to 3 speakers total? In any event, this attempt at a "one size fits all" approach is a troubling exercise in condominium micromanagement.

Also troubling is the second part of the bill, which states that an association cannot adopt a rule "that limits or restricts discussion or debate." That could be read to mean that debate never ends if one person just wants to keep talking, although that was probably not the intent. At a minimum it should be amended to add "other than reasonable restrictions on the length and manner of presentations."

We urge the Committee to hold the bill for further consideration, or to pass the House Bill instead.

Sincerely,



Scott I. Batterman
President, Board of Directors

Testimony in Opposition of SB2465
From Anne M O'Leary
March 27, 2012

To the Hawaii State Legislature:

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time.

Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

Different associations have limits on debate. That should be their call. It should not be mandated by the state government.

Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
Anne O'Leary
619-778-8120

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:28 AM

To: CPCtestimony

Cc: anne@globalworldwidetraders.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: anne oleary
Organization: Individual
E-mail: anne@globalworldwidetraders.com
Submitted on: 3/27/2012

Comments:

Testimony in Opposition of SB2465
From Anne M Oleary
March 27, 2012

To the Hawaii State Legislature:

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences. Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time. Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association. This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time. Different associations have limits on debate. That should be their call. It should not be mandated by the state government. Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
Anne Oleary
619-778-8120

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:29 AM

To: CPCtestimony

Cc: golfdudehi@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: John Schick

Organization: Individual

E-mail: golfdudehi@gmail.com

Submitted on: 3/27/2012

Comments:

This proposed bill will create endless meetings with nothing accomplished, except to feed the ego of some people

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:31 AM

To: CPCtestimony

Cc: sales@globalworldwidetraders.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: james oleary
Organization: Individual
E-mail: sales@globalworldwidetraders.com
Submitted on: 3/27/2012

Comments:

Testimony in Opposition of SB2465
From James Oleary
March 27, 2012

To the Hawaii State Legislature:

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences. Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time. Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association. This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time. Different associations have limits on debate. That should be their call. It should not be mandated by the state government.

Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
James Oleary
619-507-1585

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:32 AM

To: CPCtestimony

Cc: sales@wholesale-shopping.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: ellen bolden
Organization: Individual
E-mail: sales@wholesale-shopping.net
Submitted on: 3/27/2012

Comments:

Testimony in Opposition of SB2465
From Ellen Bolden

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time.

Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

Different associations have limits on debate. That should be their call. It should not be mandated by the state government.

Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
Ellen Bolden

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:33 AM

To: CPCtestimony

Cc: anne@globalgolfmgt.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Bill Wagner
Organization: Individual
E-mail: anne@globalgolfmgt.com
Submitted on: 3/27/2012

Comments:

Testimony in Opposition of SB2465
From Bill Wagner

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time.

Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

Different associations have limits on debate. That should be their call. It should not be mandated by the state government.

Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
Bill Wagner

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:39 AM

To: CPCtestimony

Cc: olearyjamie@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Mary Wagner
Organization: Individual
E-mail: olearyjamie@yahoo.com
Submitted on: 3/27/2012

Comments:

Testimony in Opposition of SB2465

From Mary Wagner

I strongly oppose this bill.. We have a need for efficient Association meetings and it is necessary for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes.

Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.

Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule. This is a tremendous waste of owner's time.

Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.

This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We are not psychiatrists; we're just trying to get our business done in a reasonable period of time.

Different associations have limits on debate. That should be their call. It should not be mandated by the state government.

Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.

I sincerely hope that you receive a lot of opposition testimony and defer this disaster of a bill.

Sincerely,
Mary Wagner

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:51 AM

To: CPCtestimony

Cc: maria@azhoaconnects.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Maria Sabir

Organization: Arizona HOA Connections, LLC

E-mail: maria@azhoaconnects.com

Submitted on: 3/27/2012

Comments:

1. While limiting the vast majority of the other owners is a legislatively dictated meeting of 3 hours and a gross interference in our condominium association operations. With 30 minutes per speech, this could end up to be a 3 hours meeting where a petition is involved.
2. Self-governance is important. Associations can create, amend, suspend, or rescind their special rules. The legislature shouldn't mandate these rules without recognition of each association's particular differences.
3. Adoption of these rules have been successful in keeping our condominium meetings on track and efficiently run.
4. Prohibiting these rules or requiring their adoption at every meeting could force a vote on them at every meeting with two 10 minute speeches per person on every rule.
5. Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Don't rewrite Robert's. Don't interfere with our private association.
6. This bill will allow a small minority of owners to simply hold our meetings hostage to their personal issues. We need to get our business done in a reasonable period of time.
7. Different associations have limits on debate. That should be their decisions.
8. Dictating association meeting rules based upon limited written testimony (from Mr. Port and his cohorts) is not only unfair but a gross attempt at partiality to a very limited number of persons at the expense of many other associations.
9. There is need for efficient meetings and necessity for concluding business in a reasonable period of time. Legislative specifications as to numbers of minutes or prohibitions against properly adopted association special rules disrupts the individual association meeting processes

Sharon Oka

1320 Alexander Street, #905

Honolulu, Hawaii 96826

March 27, 2012

Honorable Robert N. Herkes, Chair

Honorable Ryan I. Yamane, Vice Chair

Senate Committee on Commerce and Consumer Protection

Hawaii State Capitol, Room 325

415 South Beretania Street

Honolulu, Hawaii 96813

Re: SB 2465, S.D.1 and H.D.1 – Relating to Condominiums – OPPOSITION

Good afternoon, Representatives Robert N. Herkes and Ryan I. Yamane.

My name is Sharon Oka, and I oppose this bill for the following reasons:

1. Self governance is important.
2. Associations can create, amend, suspend, or rescind their special rules. The legislature should not mandate these rules without recognition of each association's particular differences.
3. Prohibiting these rules or requiring their adoption at every meeting could force a vote on the Association at every meeting with two 10-minute speeches per person on every rule. Lengthy meetings will cost the Associations thousands of dollars that shall lead to higher maintenance fees.
4. Bylaws require Robert's. Robert's give us tools to have more efficient meetings. Do not rewrite Robert's. Do not interfere with our private association.
5. This bill will allow a small minority of owners to simply hold association meetings hostage to their personal issues. At these meeting(s), we are just trying to get our business done in a reasonable period of time.

6. Different associations have limits on debate, and the limits on debate should be their call to avoid lengthy meetings.
7. Unilaterally dictating association meeting rules based upon limited written testimony is not only unfair but a gross attempt at partiality to a very limited number of person at the expense of many other associations.

Our association has used these rules for many years and their proper use have resulted in more peaceful annual meetings.

Please do not allow our government to micro-manage our associations.

Thank you for the opportunity to submit a testimony.

Sincerely,

Sharon Oka

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 11:11 AM

To: CPCtestimony

Cc: carpenterd@hawaiiantel.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dante Carpenter
Organization: Country Club Village, Phase 2 AOA
E-mail: carpenterd@hawaiiantel.net
Submitted on: 3/27/2012

Comments:

1. All Condo Associations include as part of its By-Laws adherence to Roberts Rules of Order, latest Edition(s). Please do not legislate/pre-empt Roberts Rules or the existing homeowners rules by creating additional or supervening rules of governance.
2. Installing the bill's recommendations will require adoption of new rules at every annual meeting which is unnecessary, time-consuming, time-wasting and irrational to condo management as well as the owner occupant agreement(s).
3. Associations may have differing times, and accommodations for debate, discussion, etc. to hear and adjudicate community/individual concerns. Let them decide their best methodologies without superimposition of government through legislation.
4. Self-governance is keystone to success of condominium governance with the least amount of "interference"; of legislative/government action(s)!
5. Please don't re-write our rules arbitrarily. The legislature just spent the last several years overhauling Chapters 514 A & B. Please give this "updated" legislation time to "mature! We (our association) are quite happy in our own jurisdiction and take our self-governance seriously for the maximum collective benefit of its home-owners.
6. No homeowner has been denied the right or ability to present his/her/their case or concern to the Board of Directors for adjudication during the past 15 years of its existence. Please do not interfere with this success of 469 homeowners!
7. Please file SB 2465.

Dante Carpenter, President, Country Club Village, Phase 2, AOA

Thank You very much.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 11:25 AM

To: CPCtestimony

Cc: susang@hmcmtg.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Susan D. Gregg

Organization: Individual

E-mail: susang@hmcmtg.com

Submitted on: 3/27/2012

Comments:

As an association manager over the past 16 years, I have depended on the adoption of meeting rules to provide structure and fairness at meetings. I am opposed to the current bill because more than just expanding a time limit to speak, which can be done under Parliamentary rule, more likely those owners who like to publically speak and are unable to present their point of view concisely within a time frame, would hold the other members and the meeting hostage while they had their say. The same would be true for each side of an argument. Over the past 16 years, I have found that a reasonable time limit of 3-5 minutes has provided adequate time to present either side of an issue. I am opposed to this bill in its current language.

Respectfully, Susan Gregg

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 11:56 AM

To: CPCtestimony

Cc: DiscoBay@hawaii.rr.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: William I. Samaritano

Organization: Individual

E-mail: DiscoBay@hawaii.rr.com

Submitted on: 3/27/2012

Comments:

I am currently the Operations Manager at Discovery Bay Association. During my 30+ years of employment at Discovery Bay I have attended many Association meetings.

I do not agree with the legislature mandating rules without recognition of each association's particular differences. Not to mention limiting the Associations ability to self-govern. Associations can create, amend, suspend or recind their special rules as dictated by the events and enviroment of that particular Association. By passing this legisltion you are taking away this important ability to self-govern.

Also Associations By-Laws require them to follow Robert's rules which give Associations tools to conduct efficient meetings. Why is the legislature trying to circumvent Robert's rules.

Christine M Burton
400 Hobron Lane, #1609
Honolulu, HI 96815

March 27, 2012

Re: Testimony Regarding SB2465 – Opposed

Dear Sirs and Madams,

When I heard about the upcoming hearing on SB 2465 regarding association meetings and the time limitations this potential law could impose on condominium associations, I had to write to oppose such a bill.

I have been a condo owner in Hawaii since 2003. I have attended many condo association meetings, both as an owner and as a director on the board. I have experienced and witnessed individuals paralyzing a meeting by taking the microphone and repeating themselves over and over again. It WAS AWFUL. They had a difficult time accepting that people heard them, but, just disagreed with their viewpoint. The board and the homeowners in the meetings struggled to get back to the agenda and conduct business.

While I realize that people may get frustrated with time limitations, for the sake of everyone having a chance to talk, the board limited speaking times to what would work for their association. When you have 428 apartments in a project, and 175 people attending a meeting, it could easily take 4.166 HOURS for ONLY 25 individuals to talk for 10 minutes each on one topic!! Can you imagine trying to accomplish business?

This is ludicrous that the STATE GOVERNMENT should step in and REQUIRE that the condominium associations allow 10 minutes per party to talk. The condominium associations should and NEED to remain self-governing in this respect.

Clearly, owners that seek protection of the law that they have the speaking floor for 10 minutes with 2 turns each on every topic have an issue beyond the matter at hand. This bill provides the means to owners who want their way in a matter and feel that if they speak for a longer period of time, they will increase the probability of getting their own way. It's a subtle form of bullying an audience. I've seen voting by owners (majority rules) set a time limitation at their events to give everyone a chance to speak and get their points across to the audience! This bill will take that self-governance away from the OWNERS of the community who run by majority rules.

I suggest you require EVERY purchaser / owner of a condominium in Hawaii to receive an information booklet on the type of governance an association provides to the owners and what to expect in a condominium community versus living in a dwelling that is NOT a condominium. Include a copy of Roberts Rules of Order too while you're writing the bill. I strongly oppose SB2465.

Sincerely,

/S/

Christine M. Burton

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 1:10 PM

To: CPCtestimony

Cc: Glenn.stockton.ii@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Glenn Stockton

Organization: Individual

E-mail: Glenn.stockton.ii@gmail.com

Submitted on: 3/27/2012

Comments:

I am the President and member of the board of directors of the Kahana Villa Association of Apartment Owners. I oppose this bill because it micromanages AOAO meetings in an improper and unnecessary way, and all because of a recent experience at one resort. There are vast differences from one association to another across the great state of Hawaii. This bill would prevent those associations from conducting there own business in a safe and efficient way without the fear of litigation. Please vite to DEFER this bill!

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 1:29 PM

To: CPCtestimony

Cc: lillianm@hmcmtg.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Lillian McCarthy

Organization: Individual

E-mail: lillianm@hmcmtg.com

Submitted on: 3/27/2012

Comments:

This bill defeats the debate rules and it is unnecessary to impose up to 3 hours of presentation on special meetings.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 1:55 PM

To: CPCtestimony

Cc: lindam@hmcmtg.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Linda Morabito
Organization: Individual
E-mail: lindam@hmcmtg.com
Submitted on: 3/27/2012

Comments:

Robert's Rules of Order has provided a balanced set of meeting rules based on centuries of real experience with hundreds of thousands of participants. Please reconsider adopting this policy for the sake of a few outspoken people. Personally I have presided over hundreds of meetings as a property manager and the rules work, members always have a chance to speak, they don't need to be required to address this issue at every meeting. Further there are many members who would hold their fellow members "hostage" to hear their personal grievances. Mahalo for your consideration.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 1:56 PM

To: CPCtestimony

Cc: konagold04@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Dan Gray

Organization: Individual

E-mail: konagold04@yahoo.com

Submitted on: 3/27/2012

Comments:

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 2:02 PM

To: CPCtestimony

Cc: bceria@lava.net

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Brenda Ceria

Organization: Individual

E-mail: bceria@lava.net

Submitted on: 3/27/2012

Comments:

1. Distacting special meeting presentations of 30 minutes times 3 petitioners and another 30 minutes times 3 respondents while limiting the vast majority of the other owners is a legislatively dictated meeting of 3 hours and a gross inteference in our condominium association operations.
2. Adoption of these rules have been successful in keeping our condominium meetings on track and efficiently run.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 2:19 PM

To: CPCtestimony

Cc: rcm808@aol.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Rose Miller

Organization: Individual

E-mail: rcm808@aol.com

Submitted on: 3/27/2012

Comments:

Dictating special meeting presentations of 30 minutes times 3 petitioners and another 30 minutes times 3 respondents while limiting the vast majority of the other owners is a legislatively dictated meeting of 3 hours and a gross interference in our condominium association operations.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 3:36 PM

To: CPCtestimony

Cc: mandcompanyhi@aol.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Albi Mateo

Organization: Individual

E-mail: mandcompanyhi@aol.com

Submitted on: 3/27/2012

Comments:

Permanent adoption of meeting rules is needed to keep meetings on track and enables the board to conduct business within a reasonable time frame. Prohibiting rules or requiring adoption of a rule at EVERY meeting with two 10 minute speeches per person disrupts an associaiton's meeting process.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 4:02 PM

To: CPCtestimony

Cc: lynnehi@aol.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: lynne matusow
Organization: Individual
E-mail: lynnehi@aol.com
Submitted on: 3/27/2012

Comments:

this supplements testimony I submitted Monday evening. When we hold an annual meeting, the property management company is present. Usually with several employees. They check in the members, hand out ballots, help with the counting, and other functions. this bill will lengthen the meeting, and association costs will go up, as we pay a fee per hour to the management companies. If costs rise, maintenance fees will also rise.

This bill hurts association members, who are also your constituents.

Please vote NO.

Ms. Karen Watson
348 Puuhale Rd., #121
Honolulu, HI 96819

March 28, 2012

Chair: Robert N. Herkes
Vice-Chair: Ryan I. Yamane
Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

RE: SB2465 SD1 HD1; Testimony in OPPOSITION; Hearing Date: March 29, 2012.

Dear Chair Herkes, Vice-Chair Yamane, and Committee Members,

I serve as a professional registered parliamentarian for organizations, clubs, and condominium associations and Planned Community Association in the states of Hawai'i, Iowa, and Nebraska.

Attached is a list of typical proposed special meeting rules, some of which are an unfair target of this legislation. They are usually adopted by (a) sending them with the notice of the annual meeting and approving them by a 2/3 vote of those present and voting, or (b) approving them by a majority of all owners. These are good rules and allow condominium meetings to be efficient.

Rule 7 reduces debate from 10 minutes to 2 minutes per speech. The 2 minute debate limit is used for numerous, large groups, e.g. various political party conventions, the Pacific Club, credit union meetings, the Hawai'i Parent Teacher Student Association, the Hawai'i State Teachers' Association, as well as numerous condominium and planned community association meetings. Groups such as Nuuanu Craigsides have a 5 minute limit. Depending upon the particular number of attendees, organizations establish this rule. Debate length in minutes can easily be changed by a 2/3 vote of those present and voting at any meeting should the need arise.

Rule 8 reduces debate from 10 minutes to 2 minutes and limits nominating speeches to the candidates. Nominating speeches often become a cross-examination of candidates and then deteriorate into personal attacks. These subsequent arguments delay and ultimately sabotage the election process. Current law already provides for candidate statements to be distributed to owners in advance of the meeting; therefore, the need for multiple and lengthy speeches prior to election is greatly reduced.

Rule 9 is critical to protecting directors' rights during removal proceedings because:
(a) many bylaws provide that board members whose removal is proposed be given an opportunity to be heard, and
(b) any parliamentary debate limitation applied to these board members whose removal is proposed could assist in a legal challenge to any subsequent removal.

Rule 10 provides a point in time when the voting is closed. Similar to many elections, some associations will not begin the tabulation of votes until all ballots are turned in; therefore, the need to close voting.

Special rules may be easily suspended at any meeting by a 2/3 vote of those present and voting. Standing rules are easier to suspend, requiring only a majority vote.

Mr. Port, in his description of the Holiday Village meeting attempted to permanently change the special rules rather than suspend them. He is an experienced chair, former head of the Democratic Party, president of Yacht Harbor Towers, and a board member there for about 2 decades. Why didn't Mr. Port simply move to extend debate for the meeting or use a motion to Suspend the Rules?

Please do not pass this legislative bill that prohibits associations from adopting permanent special rules. They are an effective tool that empower organizations the means to customize their own procedural rules as needed depending on meeting type and the number of attendees. Customized special rules make meetings more efficient.

This bill hampers the ability of organizations to have efficient and effective meetings. This bill destroys special rules relating to debate. It will cause associations to be held hostage by small minorities that wish to promote their own agenda. This bill is destructive and should be deferred or held. It's that simple.



Ms. Karen Watson
Professional Registered Parliamentarian

Association Meeting Rules

1. **State Law and Standing Rule:** Smoking is not permitted in the meeting area.
2. **Standing Rule:** This is a private meeting and attendance is restricted to owners and proxy holders representing owners, staff, and other persons who have been specifically invited by the board. All others are required to leave.
3. **Robert's Rules and Standing Rule:** Owners desiring to speak must stand and be recognized by the Chairman. Owners must state their **name and unit each time**. The owner must **use the microphone, if available**, so that everybody else can hear.
4. **Robert's Rules:** All remarks must be **directed to the Chairman**, not directly to other members. Personal attacks, vulgarity, or offensive language can result in loss of debate privileges.
5. **Robert's Rules:** Long and complicated motions must be in writing and delivered to the Chairman, signed by the maker and seconder. This will help avoid confusion and insure that everybody knows the exact wording of the motion.
6. **Robert's Rules:** Discussion is normally limited to the motion being considered. Therefore, please don't start a long discussion unless a motion is already pending for consideration.
7. **Special Rule:** In order to ensure that everybody has a chance to speak, each individual shall have a limit of 2 minutes per speech and a limit of 2 speeches per debatable motion.
8. **Special Rule:** Nomination and election debate for elected office shall be limited to one speech per nominee (or his/her delegate) for a maximum of 2 minutes per speech.
9. **Special Rule:** Any board member whose removal is proposed shall have a debate limit of 10 minutes for each of the two speeches. The board member may choose to speak last after all other debate has concluded.
10. **Special Rule:** Ballot voting on any motion (including the election) will remain open for 10 minutes, (or until the results are announced) unless extended by the owners.
11. **Standing Rule:** No video-taping or other electronic recording is permitted (except for production of the minutes) during any of the proceedings unless first approved by the Association members at the meeting.
12. **Standing Rule:** The board of directors is authorized to approve the minutes of the Association meetings.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 27, 2012 9:43 PM

To: CPCtestimony

Cc: affronherring@aol.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: AffronHerring

Organization: Bougainville AOA President

E-mail: affronherring@aol.com

Submitted on: 3/27/2012

Comments:

I am totally opposed to this bill, there is no way how you can extend the minutes to the meeting, this will make the meetings too long and the places that we are renting will not allow that kind of a time. The way we hold and conduct board meetings are great, please remember the old saying if it's not broke the don't fix it.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 28, 2012 6:57 AM

To: CPCtestimony

Cc: rking@dmc-international.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325
Testifier position: Oppose
Testifier will be present: No
Submitted by: Randy King
Organization: Individual
E-mail: rking@dmc-international.com
Submitted on: 3/28/2012

Comments:

We need to have efficient meetings and not meetings that last for 3 hours - being on a board is difficult as is to make sure we follow all of the rules. We need to conduct the meeting in a reasonable time period. Getting Board members to come to meetings is already a time commitment and we need to keep the meetings to a time period that does not make it a 12-15 hour day.

i sit on two boards - Imperial Plaza and Hokua and i am opposed to this.
Randy King

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 28, 2012 7:01 AM

To: CPCtestimony

Cc: pppboo@hotmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Lorina L. Modelski

Organization: Valleyview Melemanu Woodlands

E-mail: pppboo@hotmail.com

Submitted on: 3/28/2012

Comments:

SB2465: Testimony in Opposition

Waikiki Banyan's Bylaws require us to use Robert's Rules to ensure we have efficient meetings in which we can conduct necessary Association business without either favoring one group over another or allowing one group to hold the meeting hostage to its own special interests at the expense of conducting the Association's necessary business.

In our case, our diverse international ownership means that at any Association meeting there will be a small minority of owners in attendance, with the majority of our owners being represented by proxy. This means that the small group actually present could hijack the meeting for their own interests at the expense of the majority who cannot attend in person.

Our situation points to the fact that condominiums on Hawaii are themselves very diverse; each condo should be allowed to conduct its Association meetings in the ways that they deem best for themselves, operating within the existing statutes that have proven adequate to the goals of equity and responsibility.

Wayne Babineau
General Manager
Waikiki Banyan

JANE SUGIMURA
1001 Bishop Street, ASB Tower, Suite 710
Honolulu, Hawaii 96813
Tel: 524-0544 Fax: 521-7739

March 18, 2012

Rep. Robert Herkes, Chair
Rep. Ryan Yamane, Vice-Chair
House Committee on Consumer Protection & Commerce

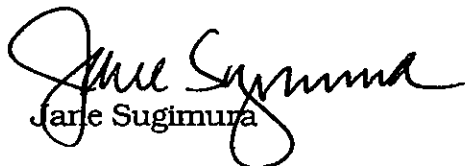
Re: Testimony in Support of SB 2465 SD1 HD1, Re Condominiums
Hearing: Thurs., March 29, 2012, 2:35 p.m. Conf. Rm. #325

Chair Herkes and Vice-Chair Yamane and Members of the Committee:

My name is Jane Sugimura. I am the President of the Hawaii Council of Associations of Apartment Owners (HCAAO) and I have been involved in advocating on condominium issues before the legislature for many years. In 2003-05, I was a member of the Blue Ribbon Panel that worked with the DCCA on the recodification of the condominium law that resulted in HRS 514B.

I support the intent and purpose of this bill, which would clarify the rights of condominium owners to debate important issues at regular and special board meetings by eliminating unreasonable time limits on debate or presentation of their position. In view of the recent court decision in a case known as Bevill, et al., v. Maurizio, et al., Civil No.2CC08-1-293 (the "AOAO Kei Nani Kai case in Maui that resulted in general and punitive damages of about \$3.8 million in favor of the unit owners and against the association and certain board members arising from a dispute between the unit owners and certain board members), I believe that it is good policy to allow a free exchange of ideas and rhetoric subject to reasonable limits if such discussion and debate would minimize the cases that may end up in lawsuits like the Bevill case where both sides have likely expended hundreds of thousands of dollars in legal fees and costs.

Thank you for the opportunity to testify on this bill.


Jane Sugimura

ANDERSON LAHNE & FUJISAKI LLP

A Limited Liability Law Partnership

733 Bishop Street, Suite 2301
Honolulu, Hawai'i 96813
Telephone: (808) 536-8177
Facsimile: (808) 536-4977

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Jennifer B. Lyons
Mark W. Gibson

March 29, 2012

Committee on Commerce/Consumer Affairs

Rep. Robert N. Herkes, Chair

Rep. Ryan I. Yamane, Vice Chair

RE: BILL: S.B. No. 2465, S.D.1, H.D.1
DATE: March 29, 2012
TIME: 2:35 p.m.
PLACE: Conference Room 325

Dear Representatives Herkes, Yamane and Members of the Committee:

Thank you for the opportunity to present testimony on S.B. No. 2465, S.D.1, H.D. 1. At the first hearing on this measure in the Senate, Senator Rosalyn H. Baker asked Richard Port and myself to negotiate revisions to this Bill. We did so and I continue to support S.B. 2465, S.D.1 as drafted by Richard and myself with one comment on one change made by someone other than Richard and myself. Section 2 (§514B-123(k) (added by someone else) as the meaning is not clear. The sentence should read: *"No association shall adopt any meeting rules that would require more than a majority of the quorum to change; provided, however, that this shall not invalidate rules in the bylaws of the association or the requisite vote on procedural matters as required by Roberts Rules of Order Newly Revised."*

If this Committee is not willing to go back to the S.D.1, I would request that, at a minimum, this Committee consider the following changes to §514B-123(h), HRS to preserve the intent as expressed by Richard Port in his testimony on this Bill:

(d) All association meetings shall allow for adequate time during a meeting to address concerns for which the meeting was called. This subsection shall not impair the right of the director or directors, who are the subject of a motion to be removed, to have an adequate opportunity to be heard. Other owners and proxyholders attending a meeting shall also be entitled to an adequate opportunity to speak.

.. For purposes of this subsection, adequate time' means, at a minimum, no more than twenty minutes (initial presentation of 10 minutes and rebuttal of 10 minutes) for each owner/proxyholder (e.g. each proponent and opponent with regard to the issue presented, and of each director whose removal is sought) as provided by Robert's Rules of Order Newly

Representative Herkes
Representative Yamane
Committee on Commerce and Consumer Protection
March 29, 2012
Page 2

Revised; provided that there shall be a maximum of three speakers for proponents and three speakers for opponents, if any. With regard to any other owner/proxyholder in attendance, the assembly may adopt a more limited speaking time by the vote of a majority of owners present at the meeting in person or by proxy. Otherwise, the time shall be as provided for by Robert's Rules of Order Newly Revised;

Thank you for your consideration of my testimony.

Sincerely,

ANDERSON LAHNE & FUJISAKI LLP
A Limited Liability Law Partnership

/s/ Joyce Y. Neeley

Joyce Y. Neeley

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 28, 2012 11:09 AM

To: CPCtestimony

Cc: irma@hmcmtg.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Irma Pante

Organization: Individual

E-mail: irma@hmcmtg.com

Submitted on: 3/28/2012

Comments:

Association meetings have been very successful with the adoption of its existing rules to keep our meeting on track. Please focus on more important issues and allow the Associations to run its business without interference.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 28, 2012 11:52 AM

To: CPCtestimony

Cc: akluvo@gmail.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Arthur Kluvo

Organization: Individual

E-mail: akluvo@gmail.com

Submitted on: 3/28/2012

Comments:

I presently serve as board member on three boards and strongly oppose SB2465. Are you nuts for even considering such a bill. The bill if passed would allow someone with a gripe to tie up a meeting so there would be little time to attend to other board business.

Testimony for SB2465 on 3/29/2012 2:35:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 28, 2012 12:14 PM

To: CPCtestimony

Cc: craig-richter@yahoo.com

Testimony for CPC 3/29/2012 2:35:00 PM SB2465

Conference room: 325

Testifier position: Oppose

Testifier will be present: No

Submitted by: Craig

Organization: Individual

E-mail: craig-richter@yahoo.com

Submitted on: 3/28/2012

Comments:

Please oppose SB2465. I am a volunteer and do not need to have my time wasted with jibber jabish lasting 30 minutes. Our bylaws require that we follow Roberts Rules of Order. Roberts give us tools to have more efficient meetings. Don't rewrite Roberts. The legislature has enough to do as it is. Please let the members run their boards as they see fit without government interference. Lets keep our associations as they were met to be--private. If SB2465 is passed I will seriously consider no longer participating in our association simply because I don't have the time to waste to hear 30 minute testimonies from 6 different people which will waste approx 180 minutes of my time before we can even consider the important issues.