

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2016 2:00 PM  
**To:** JUDtestimony  
**Cc:** richard.emery@associa.us  
**Subject:** Submitted testimony for HB1541 on Mar 3, 2016 14:00PM

**HB1541**

Submitted on: 3/1/2016

Testimony for JUD on Mar 3, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Emery	Associa	Support	No

Comments: Owners in home owner associations will enjoy the same proxy rights as condominium owners.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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HAWAII STATE ASSOCIATION OF PARLIAMENTARIANS  
LEGISLATIVE COMMITTEE  
P. O. Box 29213  
HONOLULU, HAWAII 96820-1613  
E-MAIL: [HSAP.LC@GMAIL.COM](mailto:HSAP.LC@GMAIL.COM)

March 1, 2016

Honorable Rep. Karl Rhoads, Chair  
House Committee on Judiciary  
Hawaii State Capitol, Room 302  
415 South Beretania Street  
Honolulu, HI 96813

Honorable Rep. Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary  
Hawaii State Capitol, Room 305  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Testimony IN SUPPORT OF HB1541 HD1; Hearing Date March 3, 2016 at 2:00 p.m.; sent via Internet**

Aloha Chair Rhoads, Vice-Chair San Buenaventura, and Committee members,

Thank you for the opportunity to provide testimony on this bill on behalf of the Hawaii State Association of Parliamentarians ("HSAP").

HSAP is in favor of this bill.

The bill provides one of several needed solutions to proxy issues relating to Hawaii's Planned Community Associations.

The bill proposes to make the proxy statute for Planned Community Associations similar to the proxy statute for condominium associations. This is significant because many stakeholders worked together in drafting the condominium statutes, Chapter 514B, so that it would provide owners with more alternatives in the proxy representation and election process. This bill supports that process

We believe HB1541 HD1 will also do the following:

1. Promote more communications from prospective board candidates to all owners.
2. Reduce management errors by using a standardized condominium and Planned Community Association proxy form.
3. Ensure that management companies and Planned Community Association employees are prohibited from soliciting or voting proxies at association meetings for the association that employ their services.

**We suggest that you provide an effective date no earlier than September 1, 2016 in order to provide a transition for existing Planned Community Associations with meetings beginning in September.**

We ask that the committee approve this bill.

If you require any additional information, your call is most welcome. I may be contacted via phone: 423-6766 or by e-mail. Thank you for the opportunity to present this testimony.

Sincerely,

Steve Glanstein, Professional Registered Parliamentarian  
Chair, HSAP Legislative Committee  
cc: Rep. Cindy Evans

SG:tbs/Attachment

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 01, 2016 8:35 PM  
**To:** JUDtestimony  
**Cc:** jsugimura@bendetfidell.com  
**Subject:** Submitted testimony for HB1541 on Mar 3, 2016 14:00PM

**HB1541**

Submitted on: 3/1/2016

Testimony for JUD on Mar 3, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jane Sugimura	HI Council of Assoc. of Apt. Owners a	Support	No

Comments: HCAAO supports the testimony of Steve Glanstein of the Hawaii State Association of Parliamentarians.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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March 2, 2016

Honorable Rep. Karl Rhoads, Chair  
House Committee on Judiciary  
Hawaii State Capitol, Room 302  
415 South Beretania Street  
Honolulu, HI 96813

Honorable Rep. Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary  
Hawaii State Capitol, Room 305  
415 South Beretania Street  
Honolulu, HI 96813

**RE: Testimony In Support of H.B. No. 1541 H.D.1;  
Hearing Date March 3, 2016 at 2:00 p.m.; sent via Internet**

Dear Chair Rhoads, Vice-Chair San Buenaventura, and Committee Members:

Thank you for the opportunity to provide testimony on H.B. No. 1541, H.D.1.

I am a partner in the law firm of Anderson Lahne & Fujisaki LLP A Limited Liability Law Partnership. I have represented planned community and condominium associations in Hawai'i for over thirty years.

H.B. No. 1541, H.D.1 is a good bill. If adopted, it will create uniform proxy regulations for both planned community associations and condominium associations. This is important because it will help to eliminate mistakes that are often made by persons who confuse one law with the other and inadvertently or unknowingly use the wrong form of proxy or proxy solicitation notice.

The bill will help to avoid confusion regarding the voting of proxies given to the Board, as a whole. H.B. No. 1541, H.D.1 will make it clear that proxies given to the Board, as a whole, are to be voted by a majority of the members of the Board present at the meeting, which is consistent with HRS Chapter 514B.

Honorable Rep. Karl Rhoads, Chair  
Honorable Rep. Joy A. San Buenaventura, Vice Chair  
House Committee on Judiciary  
March 2, 2016  
Page 2

H.B. No. 1541, H.D.1 makes the time frame for sending out proxies after posting a proxy solicitation notice more manageable and consistent with HRS Chapter 514B. Finally, another important aspect of the bill is that it adopts language from HRS Chapter 514B regarding owner statements. Limiting statements to a single 8.5 x 11" page is much easier to manage than the current provision which restricts owner statements to "100 words." This change will help to avoid disputes that arise from time to time over the words that are to be counted in a 100 word statement (for example, questions arise over whether an owner's name or address should be counted, whether dates or salutation clauses should be counted, etc.).

For the foregoing reasons, I support H.B. No. 1541, H.D.1.

Finally, in order to provide for an orderly transition of the law, it would be best that the effective date be later in the year so that any meetings that have already been noticed will not be effected by the change, because a change in the law for meetings that have already been noticed would create even greater confusion. An effective date of no earlier than September 1, 2016, would be best.

If you have any questions, I may be contacted at (808) 697-6003 or by email at: [aanderson@alf-hawaii.com](mailto:aanderson@alf-hawaii.com).

Sincerely,



M. Anne Anderson