

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 595

S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 595 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES,"
begs leave to report as follows:

The purpose of this measure is to grant boards of directors of associations of apartment owners the authority to permit the installation of antennas for amateur radios in apartments and limited common areas.

Your Committee received testimony in opposition to this measure from the Community Associations Institute, Hawaii Council of Associations of Apartment Owners, and Mililani Town Association. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that because amateur radio operators are part of the emergency preparedness network, they should be allowed to operate without unreasonable barriers. Your Committee notes that the testifiers' objections to this measure are based largely on objections to intrusion into private property rights. However, your Committee finds, in light of the important public purpose served by the emergency preparedness network and the amendments made to this measure by your Committee, this measure is sufficiently protective of private property rights.

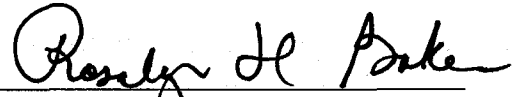
Your Committee has amended this measure by:



- (1) Removing language that would have allowed a board of directors of an association to override the wishes of nonconsenting property owners;
- (2) Deferring the effective date of this measure to encourage further discussion of the issue; and
- (3) Making technical, nonsubstantive changes for the purpose of clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 595, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 595, S.D. 1, and be placed on the calendar for Third Reading.

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



ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.: SB 595	Committee Referral: CPN	Date: 2/24/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh				✓
IHARA, Jr., Les				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓		Aye	
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">David Y. Ige</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**