STAND. COM. REP. NO. 248

Honolulu, Hawaii

FEB 1 6 2011

RE: S.B. No. 1125

S.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1125 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to preserve the condo court process of mediation, arbitration, administrative hearing, and judicial appeal for the resolution of certain disputes related to condominium matters.

Your Committee received testimony in support of this measure from the Hawaii Council of Associations of Apartment Owners and one private individual. Your Committee received testimony in opposition to this measure from Hawaii First, the Hawaii Chapter of Community Associations Institute, Certified Management, Ke Noho Kai Community Association, Palehua Community Association, Wailuna AOAO, HKP AOAO, Mililani Town Association, and fifteen individuals.

Your Committee finds that the condo court process is an important avenue for dispute resolution between condominium owners and associations. Since the process includes sequential components, it allows parties to a dispute to pursue multiple avenues to avoid litigation. Your Committee further finds that these subsequent avenues of relief are important mechanisms for avoiding a costly court process in many disputes and, therefore, should be preserved. Your Committee recognizes that there are multiple measures regarding the subject of condominium dispute

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resolution that are currently being considered by this Legislature and notes that this measure is in harmony with those measures that preserve existing avenues of nonjudical relief.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1125, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1125, S.D. 1, and be referred to the Committee on Ways and Means.

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

ROSALYN H. BAKER, Chair

## The Senate Twenty-Sixth Legislature State of Hawai'i

## Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee	Referral:	Da		
SB 1125	CPI	4 WAG	M ?	2-9-	2011
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)					
TANIGUCHI, Brian T. (VC)		$V_{j}$			
GALUTERIA, Brickwood					
GREEN, M.D., Josh					
NISHIHARA, Clarence K.					
SOLOMON, Malama		$V_{Z}$			
SLOM, Sam		V	2015 x 2010 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Appliation and the comments of
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TOTAL		7			<u>.</u>
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes