

Honolulu, Hawaii

FEB 14 2011

RE: S.B. No. 39  
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. 39 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to ensure that all  
members of a planned community association are able to receive  
notice of meetings of the association or its board of directors.

Your Committee received testimony in support of this measure  
from two private individuals. Your Committee received testimony  
in opposition to this measure from the Land Use Research  
Foundation of Hawaii, Hawaii First, Hawaii Chapter - Community  
Associations Institute, Haiku Plantations Association, Mililani  
Town Association, the Villages of Kapolei Association, Ewa by  
Gentry Community Association, HKP AOA, Certified Management,  
Palehua Community Association, Ke Noho Kai Community Association,  
Wailuna AOA, Pearl Regency Home Owners Association, and twenty-  
three private individuals. Your Committee received comments on  
this measure from Wailea Community Association.

Your Committee finds that this measure increases transparency  
and encourages homeowner participation in the governance of  
planned community associations. Your Committee notes the concerns  
of some homeowners and associations that this measure will  
increase the cost of providing notice due to postage costs.  
However, your Committee also notes that the allowable options for



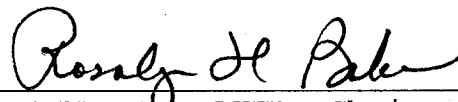
giving notice to homeowners include email notification and website posting: two methods that are virtually free of charge and convenient for homeowners. Your Committee further finds that the inclusion of electronic notification options in this measure make compliance with its requirements an insignificant burden for planned community associations.

Your Committee has amended this measure by:

- (1) Clarifying that notice of meetings may be provided through posting on a portion of the association's website that is accessible to all of its members; and
- (2) Making a technical, nonsubstantive change 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. 39, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 39, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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.:* <div style="text-align: center; font-size: 1.2em;">SB 39</div>	Committee Referral: <div style="text-align: center; font-size: 1.2em;">CPN, JDL</div>	Date: <div style="text-align: center; font-size: 1.2em;">2-9-2011</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div> <input type="checkbox"/> Pass, unamended 2312         </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div> <input type="checkbox"/> Hold 2310         </div> <div> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	7	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes