

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 750
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. 750 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to permit members
of a condominium association to make video recordings of
association meetings for personal use.

Your Committee received testimony in support of this measure
from four private individuals. Your Committee received testimony
in opposition to this measure from Management Information
Consultants; Ewa by Gentry; Hawaii First, Inc.; and two private
individuals. Your Committee received comments on this measure
from the Hawaii Council of Associations of Apartment Owners, the
Hawai'i Legislative Action Committee of the Community Associations
Institute, and the AOA Mauna Luan, Inc.

Your Committee finds that allowing audio recordings of the
meetings of condominium associations and its boards of directors
will increase transparency and encourage participation by members
in the governance of condominium associations. While your
Committee acknowledges the privacy issues surrounding video
recordings, which were raised by several testifiers on this
measure, your Committee finds that allowing only audio recordings
will mitigate many of those concerns. Your Committee further
finds that this measure preserves the self-governance of
condominium associations as it allows audio recordings of meetings



only where recordings are not prohibited by the bylaws of an association. Finally, your Committee finds that while this measure remains a work in progress, it does have merit and should advance through the legislative process. Your Committee encourages the stakeholders in this issue to work together to develop a consensus solution that preserves this measure's goal of increasing transparency and opportunities for association members to participate in association matters while also considering issues of privacy.

Your Committee has amended this measure by:

- (1) Clarifying that members may make only audio recordings of meetings;
- (2) Specifying that an audio recording made by the board of directors of an association shall be the official audio record of the meeting and shall be made available upon request to a member for the personal use of the member only;
- (3) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (4) 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. 750, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 750, 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



Record of Votes
Committee on Commerce and Consumer Protection
CPN

*Only one measure per Record of Votes