STAND. COM. REP. NO.

Honolulu, Hawaii March 3, 2017

RE: H.B. No. 239 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 239, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose of this measure is to clarify the circumstances under which a proxy, for condominium association meeting purposes, shall be counted for quorum purposes only.

Specifically, this measure clarifies that when a proxy is returned with no boxes checked or more than one box checked, the proxy shall be counted for quorum purposes only.

The Hawaii Council of Associations of Apartment Owners dba Hawaii Council of Community Associations, Hui 'Oia'i'o, and several concerned individuals testified in support of this measure. One individual testified in opposition to this measure. The Hawaii State Association of Parliamentarians, and two individuals provided comments.

Your Committee has amended this measure by:

(1) Clarifying that the box on the proxy form that requests an annual audit report does not count towards



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determining whether the proxy shall be used for quorum purposes only;

- (2) Changing its effective date from July 1, 2099, to upon approval; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 239, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 239, H.D. 2.

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

ANGUS L.K. MCKELVEY, Chair



## State of Hawaii House of Representatives The Twenty-ninth Legislature



## **Record of Votes of the Committee on Consumer Protection & Commerce**

ill/Resolution No.: HB 239 HD I IAC CPC		Date	Date: 02 28/17	
□ The committee is reconsidering its previous decision	on the measure.	<b> </b>		
The recommendation is to: <ul> <li>Pass, unamended (as is)</li> <li>Pass, with amendments (HD)</li> <li>Hold</li> <li>Pass short form bill with HD to recommit for future public hearing (recommit)</li> </ul>				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	· ·			
2. ICHIYAMA, Linda (VC)				~
3. AQUINO, Henry J.C.				
4. ITO, Ken	/			
5. SAY, Calvin K.Y.	1			
6. TAKAYAMA, Gregg	×			
7. TODD, Chris				
8. YAMANE, Ryan I.	~			
9. FUKUMOTO, Beth				
TOTAL (9)	7	0	0	2
The recommendation is:   Image: Adopted     If joint referral,	Not Adopte     committee acronym(s	did not supp	ort recommendation.	
Vice Chair's or designee's signature:	Cler	-hl	/	
<b>Distribution:</b> Original (White) – Committee D	uplicate (Yellow) –	Chief Clerk's Offic	e Duplicate (Pi	nk) – HMSO