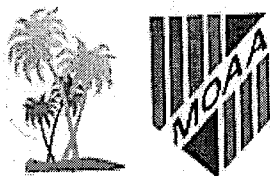


HB 1944

Measure Title:
RELATING TO HEALTH CLUBS.

Report Title:
Allows military personnel deployed outside the State on federal active duty to cancel or suspend health club membership at any time during the contract term under certain conditions.



Hawaii Chapter, MOAA
P.O. Box 1185
Kailua, Hawaii 96734-1185

Testimony of
Thomas Smyth, President
Military Officers Association of America, Hawaii Chapter
Before the
Committee on Public Safety And Military Affairs
Committee on Commerce And Consumer Protection
Thursday, March 11, 2010, 1:15 pm, Room 229
On HB 1944 Relating to Health Clubs

Chairs Espero and Baker, Vice Chairs Bunda and Ige, Committee Members

Our chapter of 500 retired and currently serving officers of the Uniformed Services continues to strongly support the concept and purpose of HB 1944, which allows a deploying military member to cancel or suspend a health club membership.

This committee previously heard the companion bill, SB 2137, and passed it with several important amendments. This version does not have these amendments, which we feel are more protective of the service member's rights and financial obligations.

Since these bills were first introduced, our research indicates that there might be relief in the existing federal Servicemembers Civil Relief Act (50 U.S.C. App. § 501 *et seq.*) of 2003 (SCRA), but authorities differ in their interpretation of the SCRA in that some health club contracts are not legally considered to be "installment contracts" which are covered by the federal law.

Thus we believe it is necessary to clearly include health clubs, in the cancellation or suspension provisions of Ch. 486N, HRS, using the language in SB 2137 SD1.

Thank you for the opportunity to provide this testimony.

THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the Senate Committee on Public Safety and Military Affairs and
Committee on Commerce and Consumer Protection

Thursday, March 11, 2010

1:15 PM

Conference Room 229

RE: HOUSE BILL NO. 1944, RELATING TO HEALTH CLUBS

Chair Espero, Chair Baker, and members of the committees.

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of Senate Bill 2237, Relating To Health Clubs.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the US military and its civilian workforce and families, and has provided oversight for the state's multi-billion dollar defense industry since 1985.

The measure proposes to allow military personnel deployed outside Hawaii on federal active duty to cancel or suspend health club membership at any time during the contract term under certain conditions.

We believe that this measure would resolve conflicts when active duty military personnel are placed on orders to deploy outside Hawaii. This measure will clarify conditions under which health clubs should honor federal deployment orders issued to active duty military members.

Military members enter into agreements with health clubs in good faith and have no control over deployment orders issued by the federal government.

This bill is similar to SB 2137, SD1 Relating to Health Clubs, except that it does not include a rebate procedure as proposed in the senate version of the bill and should be amended accordingly.

We respectfully request that the proposed measure be amended to include a rebate procedure and approved for adoption.

Thank you for the opportunity to testify.

March 3, 2010

Rose Greco
7508 Olowalu Place
Honolulu, Hawaii 96825

TESTIMONY IN SUPPORT OF SENATE BILL 2137 (COMPANION TO HB1944)
RELATING TO HEALTH CLUBS

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Aloha Members of the Committees;

I am currently a civilian volunteer for the Department of Defense United States Pacific Command (USPACOM). I work with military personnel who were deployed or are getting ready to be deployed outside the State. I also have friends and family members in the military that will be deploying soon. I fully understand the stress that deployment can cause on individuals, family members and friends. By passing SB2137, a service member can cancel or suspend his or her health club membership without being unduly penalized. Therefore, I strongly urge you to pass SB2137.

Thank you for giving me the opportunity to testify in support of this bill.

Respectfully submitted,
Rose Greco