

THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the House Committee on Economic Revitalization, Business, and
Military Affairs

Thursday, March 11, 2010

8:30 AM

Conference Room 312

RE: SENATE BILL NO. 2137, SD1, RELATING TO HEALTH CLUBS

Chair McKelvey, Vice Chair Choy, and members of the committee.

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 2137 SD1, 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 and requires pro rata refund of fees.

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.

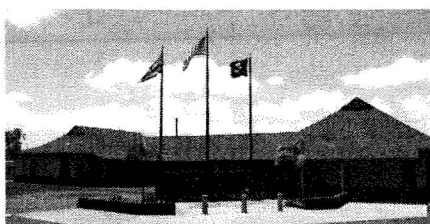
Military members enter into agreements with health clubs in good faith and have no control over deployment orders issued by the federal government.

We respectfully request that the proposed measure be approved for adoption.

Thank you for the opportunity to testify.

OAHU VETERANS COUNCIL

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TESTIMONY IN FAVOR OF SENATE BILL 2137, SD1 RELATING TO HEALTH CLUBS

HOUSE COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS AND MILITARY AFFAIRS

HEARING THURSDAY, MARCH 11, 2010, 8:30 AM, ROOM 312

Aloha Representatives Angus L.K. McKelvey, Chair, Isaac W. Choy, Vice Chair, and members of the Committee. My name is Fred Ballard, President Oahu Veterans Council. The Oahu Veterans Council is comprised of over 35 Oahu veteran organizations that in turn represent over 80,000 veterans and their families.

The preparation for a military deployment is often extensive and time consuming and can require training away from Hawaii for some weeks prior to the actual deployment. It would be conceivable that a military person might overlook cancelling his or her health club membership prior to departure. SB 2137 SD1 would certainly alleviate this problem and save the deployed service member some money at the same time.

The Oahu Veterans Council strongly supports the passage of Senate Bill 2137, SD1.

Mahalo for allowing us the opportunity to testify in support of this very important bill.

Fred W. Ballard
Fred Ballard
President
Oahu Veterans Council



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Testimony of

Thomas Smyth, President

Military Officers Association of America, Hawaii Chapter

Before the Committee on Economic Revitalization, Business, & Military Affairs

Thursday, March 11, 2010, 8:30 am, Room 312

On SB2137 SD1 Relating to Health Clubs

Chair McKelvey, Vice Chair Choy, and Members of the Committee:

Our chapter of 500 retired and currently serving officers of the Uniformed Services continues to strongly support SB2137 SD1, as amended, which allows a deploying military member to cancel or suspend a health club membership.

This committee previously heard the companion bill, HB 1944, and passed it without amendment. This bill differs in that the Senate Draft makes important changes to the amount of the refund made to the club member and does not allow charges for contract administration.

We support these changes as being more protective of the service member's rights.

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.**

Thank you for the opportunity to provide this testimony.