

DAVID Y. IGE
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MARIA E. ZIELINSKI
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To: The Honorable Sylvia Luke, Chair
and Members of the House Committee on Finance

Date: Thursday, April 2, 2015
Time: 2:00 P.M.
Place: Conference Room 308, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 519, S.D. 2, H.D. 2, Relating to Taxation

The Department of Taxation (Department) opposes in part and supports in part S.B. 519, S.D. 2, H.D. 2.

S.B. 519, S.D. 2, H.D.2 adds new definitions to the Transient Accommodations Tax Law for the terms "transient" and "transient accommodations broker." This measure also grants the Department the authority to issue cease and desist citations to operators of transient accommodations who fail to display their Transient Accommodations Tax license (TAT license) on the premises of the transient accommodation or in online advertisements of the transient accommodation. This measure also extends Act 326 for one year, and requires the Department to submit an annual report to the Legislature on the Act's implementation. H.D. 2 has a defective effective date of July 1, 2112.

The Department respectfully opposes the creation of a definition of "transient" as set forth in Section 2 of the bill. The term "transient" is already defined under section 18-237D-1-06, Hawaii Administrative Rules, where it clearly excludes renters of a primary residence, including under month-to-month leases. The definition of "transient" as proposed in H.D. 2 would potentially conflict with the existing definition and is arguably broader in scope than the currently existing definition in the Hawaii Administrative Rules.

The Department is also opposed to Section 5 which extends Act 326, Session Laws of Hawaii 2012 (Act 326). While the Department supports the State's effort to address unlawful transient accommodations, most of the requirements in Act 326 are insufficient to adequately address all issues raised by illegal transient accommodations and are not directly related to the

Department's tax collection function. For this reason, the Department respectfully requests that section 5 of this measure be deleted, and Act 326 be allowed to sunset.

The Department supports Section 4 of this measure, which adds the provisions related to fines for failure to display TAT license numbers in section 237D-4, Hawaii Revised Statutes. The previous committees adopted the Department's suggested amendments to Section 4. The Department appreciates consideration of its suggested amendments.

The Department also supports the concept of requiring a "transient accommodations broker" to display the TAT license number and mandatory disclosure language as a condition to posting an online advertisement. Clarification of the penalties that would be imposed if a "transient accommodations broker" fails to meet these requirements may be necessary.

Thank you for the opportunity to provide comments.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Eighth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
April 2, 2015

S.B. 519, S.D. 2, H.D. 2 –
RELATING TO TAXATION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of S.B. 519, S.D. 2, H.D. 2. This important legislation will enhance the enforcement of our state's transient accommodations tax (TAT) on home-based vacation rentals. S.B. 519, S.D. 2, H.D. 2 requires operators of transient accommodations and plan managers of resort timeshare vacation plans to comply with specific registration requirements in advertisements. This legislation also clarifies the definition of "transient accommodations," and increases penalties for operators and plan managers who do not comply with the law, including escalating civil penalties for repeat violators.

Tighter enforcement is necessary because illegal home-based vacation rentals are not paying their fair share of the TAT. The Hawaii Tourism Authority (HTA) recently commissioned a study which revealed that home-based rentals account for 25% of all visitor lodging units statewide. The same survey found that there are more than 22,000 in-home vacation units statewide – more than three times the estimate of 6,943 in 2013. While the counties decide how to deal with the rapid growth of illegal vacation rentals, the State of Hawaii should collect TAT revenue from these properties to pay for the additional community services that are directly related to their use and lower the tax burden on local residents.

Until this particular market is better regulated at the county level, it is difficult to know how many millions of dollars to the state are lost from homeowners who are operating home-based vacation rentals and not paying the TAT. In the meantime, there must be enforcement of the TAT so that the playing field is level. It is only fair that anyone doing business as a lodging entity pay some form of the TAT through proper taxation. The HTA study highlighted the scope of this problem. Now, state officials must respond with stricter enforcement of the TAT.

Thank you for the opportunity to testify in support of S.B. 519, S.D. 2, H.D. 2.

Respectfully submitted,


for Randy Perreira
Executive Director



March 31, 2015
Honorable Representative Luke
Honorable Members of the House Committee on Finance

Re: SB519 SD2 HD2

Rentals by Owner Awareness Association (RBOAA) strongly OPPOSES (with comments) SB519 SD2 HD2.

RBOAA had supported all previous versions of this bill, but the last committee modified SB519 regarding the definition of "local contact" for the purported need to clarify conflict with Landlord Tenant and Real Estate Codes. The currently enacted definition of "local contact" in Act 326 presents no conflict with Landlord Tenant or Real Estate Codes.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and
- b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

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Section 4(c), as written, is inconsistent with Act 326 and the Landlord Tenant Act. The proposed wording in SB519 is appropriate for a hotel which is governed under the Real Estate Code, but not for a commercial enterprise based in a private property, which is governed under the Landlord Tenant Act.

If the committee elects not to delete the Section 4(c) disclosure, in order to be consistent with the Landlord Tenant Act, it could be amended to read: "*The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations.*"

Rationale

Any owner, regardless of residence, can rent and manage his/her own property. If she lives off-island, she must engage a local contact or agent resident on island. If the owner elects not to manage her own property, either a Caretaker / Custodian (who, under the real estate code, can only work for one owner and is not a real estate broker), a Condo Hotel operator or a real estate broker must be engaged.

1. The existing wording in SB519 SB2 HD2 conflates the role of local contact and owner. In doing so, it sets a different requirement for owners based on residence. When this issue first arose in 2012, the Attorney General of Hawaii wrote "...The bill may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." *This is how we got the "local contact" originally, and changing it now would cause a problem.*
2. The Real Estate Commission in their August 2014 Bulletin wrote who could be a local contact and what the duties were.
 - a. Who: "*The local contact may be an individual or an entity with a principal place of business on that same island. The local contact does not necessarily have to be a licensed real estate broker or salesperson.*"
 - b. Duties: "*The "local contact" is identified by the operator of the transient accommodation. The "local contact", because they are on the same island as the transient accommodation, may be able to assist with issues which may arise relevant to the transient accommodation.*"
3. The "local contact" does not need to be a real estate licensee. The Hawaii Association of Realtors has repeatedly testified "*The designated agent must be licensed only if engaging in any activity for which a real estate license is required*" (i.e. buying, selling leasing, renting, managing a property).
 - a. As the "local contacts" are not engaged to perform the activity for which a real estate license is required and are engaged to provide consumer protection, they do not need to be licensed.

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- b. An owner can self-manage his property or he can elect to engage someone to manage his property for him. In either case, he needs to engage a local contact if he does not reside on the same island as the property.

Act 326 Session 2012 defines local contact as “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” This definition needs to be reinstated into SB519.

Mahalo for the opportunity to testify.

Neal Halstead
President, RBOAA

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ABBEY VACATION RENTALS

purveyors of paradise

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April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD1, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:
I am Sue Fyffe writing to testify on behalf of the Abbey Vacation Rentals. This testimony is written in **Support of SB 519 SD2 HD2**.

Abbey Vacation Rentals, located in Kailua-Kona, is a locally owned and operated business specializing in short term vacation rentals for visitors to Hawaii Island's west coast. Our company has been in business for over 15 years, and our team is comprised of over 25 Hawaii employees & vendors.

As a local business, we seek to support our community however possible. In this spirit, Abbey Vacation Rentals and the Kona-Kohala Chamber of Commerce sponsored the 4th of July and New Year fireworks for Kailua-Kona for years. With the onslaught of illegal Transient Accommodation operators over the past 7 years, we have had to discontinue our sponsorship of this community activity until this illegal Transient Accommodation problem has been corrected.

Our company also acts as a tax agent for the State of Hawaii, a "Third Party Rent Collectors" per 237D-8.5. All rental monies for any property Abbey Vacation Rentals manages are collected by Abbey Vacation Rentals, and held in our Trust Accounts, to insure an accurate 1099 reporting of all property owner rental monies are made to Hawaii's Department of Taxation.

Beyond identifying these Transient Accommodation rental monies to the Department of Taxation, on behalf of most of the property owners we serve, we also file and pay the Hawaii GET and TAT due to the State of Hawaii on their rental monies. We also insure that all of the vendors serving us have the appropriate Hawaii Tax license, and provide the Department of Taxation a 1099 for each of these vendors every year.

Being long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, our team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in achieving this objective.

The committee may wish to consider adding a "Whistle Blower" aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by the Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax

problem. As Hawaii Tourism professionals, our team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2.

Sincerely yours,

A handwritten signature in blue ink that reads "Sue Fyffe". The signature is written in a cursive, flowing style.

Sue Fyffe
Abbey Vacation Rentals

Apr 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

Please accept this letter as **Support for SB 519 SD2 HD2**.

Kona Coast Vacations is a small business operating in Kailua Kona on the Big Island. The company started in 2006 by my partners, Chris Zeigler and Lorrie Zimmerman. At the time they thought there was a better way to conduct vacation rental management so Lorrie became a Real Estate Broker and Chris a realtor. The better way included letting off island property owners know their property was rented, following realtor code of ethics, including the proper use of trust accounts and having the owners pay taxes.

We currently employ 15 (fifteen) full time and 5 (five) part time people. We are proud to cover health care for our full time employees as well as to support and cover the expense of our team members becoming licensed realtors. This ensures our people understand the laws and taxes of Hawaii and how to interpret them when working with property owners and with potential, future and current vacation renters/guests.

Kona Coast Vacations are agents for almost 140 home owners of which the majority are off island and non-residents, we ensure that they are registered and licensed as a business in the State of Hawaii. We submit 1099's on these property owners' behalf (last year we prepared 1099's valued at over seven million dollars) and submit the majority of our property owners' TA and GE taxes.

We are involved locally in the support of high school baseball as well as annual giving to local charities.

Being long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

We have met property owners who are not aware of the TA and GE taxes or have chosen to ignore them. We have met untrained "property managers" who are working for cash, providing rental funds to the property owners many months before the reservations are due, and/or are not using trust accounts. We have met people who operate as other service companies providing "property management" services for property owners who are receiving the rental funds directly. All of these "under the table" or opportunists are hurting the entire lodging (Transient Accommodation) industry and the State. If we all pay taxes, the entire lodging industry is on the same playing field.

The committee may wish to consider adding a "Whistle Blower" aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2.

Mahalo for taking the time to review my testimony of support,

Sincerely,

Ted Klassen MBA

Kona Coast Property Management LLC
Dba Kona Coast Vacations
74-5565 Luhia Street
Suite 101
Kailua Kona, HI 96740
808-329-2140
www.konacoastvacations.com

April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Margaret M. Alderman. This letter is written in **Support of SB 519 SD2 HD2**.

I am an owner of West Hawaii Property Services, Inc. We have been professionally managing transient accommodations in Hawaii for two decades. We have one full-time employee – a broker in charge and I am the primary broker. We pay payroll taxes to the state and issue 1099s to over 100 owners each year. We also pay state taxes for almost fifty owners. West Hawaii Property Services is a participant in various civic activities including The Wounded Warrior Project and The Kris Kelly Foundation.

Being a long time Tourism professional offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

The committee may wish to consider adding a “Whistle Blower” aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professional, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a “Whistle Blower” concept to SB 519 SD2 HD2.

Mahalo,

Margaret M. Alderman

Margaret M. Alderman, President
West Hawaii Property Services, Inc.

April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Jack Alderman. This letter is written in **Support of SB 519 SD2 HD2**.

I am an owner of West Hawaii Property Services, Inc. We have been professionally managing transient accommodations in Hawaii for two decades. We have one full-time employee – a broker in charge. We pay payroll taxes to the state and issue 1099s to over 100 owners each year. We also pay state taxes for almost fifty owners. West Hawaii Property Services is a participant in various civic activities including The Wounded Warrior Project and The Kris Kelly Foundation.

Being a long time Tourism professional offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

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Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professional, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a “Whistle Blower” concept to SB 519 SD2 HD2.

Mahalo,

Jack Alderman

Jack Alderman, President
West Hawaii Property Services, Inc.

April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Leigh Ann Conway. This letter is written in **Support of SB 519 SD2 HD2**.

I work at West Hawaii Property Services, Inc. We have been professionally managing transient accommodations in Hawaii for two decades. We have one full-time employee – a broker in charge. We pay payroll taxes to the state and issue 1099s to over 100 owners each year. We also pay state taxes for almost fifty owners. West Hawaii Property Services is a participant in various civic activities including The Wounded Warrior Project and The Kris Kelly Foundation.

Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

The committee may wish to consider adding a “Whistle Blower” aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a “Whistle Blower” concept to SB 519 SD2 HD2.

Mahalo,

Leigh Ann Conway

Leigh Ann Conway
West Hawaii Property Services, Inc.

April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TOTAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Jennifer Conway. This letter is written in **Support of SB 519 SD2 HD2**.

I work at West Hawaii Property Services, Inc. We have been professionally managing transient accommodations in Hawaii for two decades. We have one full-time employee – a broker in charge. We pay payroll taxes to the state and issue 1099s to over 100 owners each year. We also pay state taxes fro almost fifty owners. West Hawaii Property Services is a participant in various civic activities including The Wounded Warrior Project and The Kris Kelly Foundation.

Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

The committee may wish to consider adding a “Whistle Blower” aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a “Whistle Blower” concept to SB 519 SD2 HD2.

Mahalo,

Jennifer Conway

Jennifer Conway
West Hawaii Property Services, Inc.

April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TOTAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Christopher Conway. This letter is written in **Support of SB 519 SD2 HD2**.

I have worked at West Hawaii Property Services, Inc. We have been professionally managing transient accommodations in Hawaii for two decades. We have one full-time employee – a broker in charge. We pay payroll taxes to the state and issue 1099s to over 100 owners each year. We also pay state taxes fro almost fifty owners. West Hawaii Property Services is a participant in various civic activities including The Wounded Warrior Project and The Kris Kelly Foundation.

Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

The committee may wish to consider adding a “Whistle Blower” aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a “Whistle Blower” concept to SB 519 SD2 HD2.

Mahalo,

Christopher Conway

Christopher Conway
West Hawaii Property Services, Inc.



Dear Hawaii State Legislature,

This letter is written to SUPPORT and COMMENT upon SB519 SD2

I am the owner and President of South Kohala Management (SKM), a property management firm handling over 100 vacation rentals in the resort communities of the Kohala Coast, on Hawaii Island since 1982. The tourism industry is a key industry in Hawaii and needs to be regulated effectively in order for our state to prosper. There is a lot of opportunity to increase occupancy at the local hotels and vacation rental properties across our island, but business is being siphoned away from these legal and professional tourism sectors to the exploding prevalence of "illegal" vacation rentals. The predominance of "illegal" vacation rentals on the Big Island's Kohala Coast are properties that are managed by the non-resident property owner from out of state, which violates Hawaii's Real Estate Code and Landlord Tenant Code, HRS 467 and HRS 521.

Illegal operators of vacation rentals are advertising properties for rent online, executing rental contracts from outside the state of Hawaii, collecting rental deposits that are not held in qualified trust accounts, and evading Hawaii taxes and laws for their own profit. Vacation rentals managed by local licensed businesses, like South Kohala Management, collect the GE and TA taxes (currently 13.416% on Hawaii Island) and have to compete against rentals that do not impose this mandatory tax. This has suppressed nightly rates for many years and the problem is growing. This situation is hurting all sectors of the lodging industry that are forced to compete with the illegal vacation rentals that don't charge these taxes and undercut our prices. The result is millions of dollars of lost revenue to Hawaii-based businesses and tax revenue to the state.

Local companies like SKM provide jobs, follow the laws, pay our taxes and provide a needed service in Hawaii's tourism and real estate industries. The state has been aware of the illegal vacation rental problem for years but very little if no enforcement has been demonstrated. Local workers are frustrated that the state holds us to the standards of the law (as it should) but does not do the same for out-of-state property owners and investors. Who does the legislature represent?

When Tax Act 326 was passed in 2012 it was a step in the right direction for the state of Hawaii to take a more serious stance on the enforcement and collection of these vital taxes for our state. But there was a critical flaw in the construction of Act 326 that has almost single-handedly done the opposite to curb these illegal rentals and instead has been cited as a justification for these out-of-state VR operators to expand their illegal business. The problem with Act 326 is the term "Local Contact" used in Section 2 to describe the on-island agent. By using a term to describe the on-island agent, Act 326 is at least acknowledging the need for this individual/entity, but the definition of "Local Contact" does not describe a legal operator of vacation rentals as dictated by the Hawaii Real Estate Code HRS 467 and the Hawaii Landlord Tenant Code HRS 521. The real estate law in Hawaii clearly states that an owner who does not reside on the same island as their property must appoint either:

- a) Any individual, who for compensation or valuable consideration, is employed as an employee by the operator of a transient accommodation to provide services required by this section, and this individual may provide these required services for a single operator only.*
- or*
- b) A Hawaii Real Estate Broker, a Hawaii Real Estate Salesperson under the direction of a Hawaii Real Estate Broker, or a Hawaii CHO.*

The real estate law is very clear but the tax bill counterpart, Act 326, is not very clear. The purpose for my testimony is to plead with this Committee to pass bill SB 519 SD2 and to change the definition of the term "Local Contact" to be consistent with the requirements of the statutes that govern the renting or leasing of residential real estate in the state of Hawaii. The term "Local Contact" should be defined as, "a legal operator of a transient accommodation as governed by the Hawaii state Real Estate Code HRS 467 and the Hawaii Landlord Tenant Code HRS 521." This term "Local Contact" is single handedly provided a loophole for many of these illegal operators to cite when defending their rights to lease/offer for rent their Hawaiian **property as a vacation rental** from out-of-state with no appointed property manager or employee caretaker. It is important that the terminology be clear in the tax code because for many non-resident property owners, they have no familiarity with Hawaii real estate law, but do have an obligation to be knowledgeable about tax law and are liable for compliance.



Luxury Vacation Rentals

Vacation rental managers in Hawaii are not asking for the law to be changed, we are asking for the law to be written clearly, properly communicated to property owners in Hawaii, and ENFORCED. Please support local law-abiding businesses and the efforts of HAVRM (Hawaii Association of Vacation Rental Managers) to make these needed corrections. It is imperative that the legislature and the DCCA hold ALL PERSONS ENGAGING IN BUSINESS IN HAWAII TO THE SAME STANDARDS WITH EQUAL APPLICATION AND ENFORCEMENT OF THE LAW. The interests of our local workers, the enforcement of our laws and the protection of our tourism industry are vital and worthy causes to fight for. Please stop allowing Hawaii law to be something only locals must abide by while wealthy second homeowners get a free pass for their own profit.

Sincerely,

A handwritten signature in dark ink, appearing to read "Malia Rozetta", written in a fluid, cursive style.

Malia Rozetta
President

Condominium Rentals Hawaii



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April 1, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

Re: S.B. 519 SD2 HD2, RELATING TO TAXATION

Aloha Chair Luke, Vice Chair Nishimoto and Members of the Committee:

This letter is written in **Support of SB 519 SD2 HD2**.

Our company has been in the vacation rental business in Kihei since 1975 and under our current ownership since 1982. We are a locally owned and operated business that employs a staff of 36 full-time Hawaii residents along with over 60 vendors we use on a regular basis. We pride ourselves on the services we provide to our condo owners as well as the thousands of guests we service every year.

During the past 33 years we have seen many changes in our industry. One of the more significant changes was when the State had the foresight to determine that the vacation rental industry needed to be regulated. In the early eighties it became mandatory that to operate a vacation rental business in Hawaii one must be a licensed real estate brokerage. ACT 326 created an exception by creating something called a "local contact", who could be anyone from your housekeeper to your neighbor's child. The changes proposed in SB519 SD2 HD2 correct this conflict with the existing real estate and landlord tenant codes that were written many years ago.

Owners in our rental management program are offered many services including:

- Maintaining all guests' deposits in a client trust account which are not dispersed until after the guests' departure.
- Collecting, filing and the payment of the owners' GE and TA taxes to the State.
- Generation of Form 1099-MISC for the State reporting the owners' gross rental proceeds along with Form 1099-MISC being issued for the various vendors who have performed services in the condo owners' property throughout the year.

These tax collection and payment services along with the Form 1099-MISC reports ensure the State is able to track and collect the taxes due on this segment of the visitor industry. Without these tools the Department of Taxation has no manageable way of knowing who is and who isn't paying their legally required taxes.

I appreciate the opportunity to submit testimony and respectfully ask that SB519 SD2 HD2 be passed.

Yours very truly,

R. Allan Raikes
President

RAR/lm

NORTHWEST
PUBLIC AFFAIRS

April 1, 2015

Honorable Representative Sylvia Luke
and Members of the House Committee on Finance
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Dear Honorable Representative Luke and Members of the Committee:

I **oppose** SB519 SD2 HD2, and urge you to do the same.

In SB519 SD2 HD2, the proposed definition of “local contact,” as written by the previous committee, fails in four ways:

1. The proposed definition of “local contact” in SB519 SD2 HD2 puts *Act 326* in contradiction with both the *Landlord Tenant Act* and the *Real Estate Code*;
2. the proposed definition of “local contact” in SB519 SD2 HD2 incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not;
3. the proposed definition of “local contact” in SB519 SD2 HD2 sets a different requirement for owners based on residence; and,
4. the proposed definition of “local contact” in SB519 SD2 HD2 misquotes the *Real Estate Code*.

In SB519 SD2 HD2, the proposed definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not. In 2012, the Attorney General of Hawaii addressed this precise situation, in stating that such language:

... may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against non-residents or discrimination in favor of “in-state” residents.

To be sure, the North American Free Trade Agreement, which supersedes and enjoys primacy to Hawaii law in respect of international trade with Canada and cross-border investments by Canadians, makes the same point when it notes, at Chapter 11, National Treatment, in *Articles 1102, 1104 and 1106*, the following:

Per Article 1102, each Party [Hawaii is a Party to NAFTA] shall accord to investors of another Party [Canada is also a Party to NAFTA] and investments of investors of another Party, *treatment no less favorable than that it accords, in like circumstances, to investments of its own investors with respect to the establishment, acquisition, expansion, management, conduct, operation, and sale or other disposition of investments* Per Article 1104, each Party [Hawaii] shall accord to investors of another Party [Canada] and to investments of investors of another Party [Canada] the *better of the treatment* required by Article 1102. Per Article 1106, no Party [Hawaii] may impose or enforce the requirement, or enforce any commitment or undertaking, in connection with the establishment, acquisition, expansion, management, conduct or operation of an investment of an investor of a Party [Canada] in its territory to purchase, use or accord a preference to goods produced or services provided in its territory, or to purchase goods or services from persons in its territory

Accordingly, SB519 SD2 HD2 deeply offends the U.S. Constitution, and NAFTA, and citizens of the United States and Canada who uphold these historic foundation agreements for their role in individual and investment rights and protections. SB519 SD2 HD2 should rightly offend those sworn to uphold the U.S. Constitution and the laws and agreements legally forged within the enumerated purview of the U.S. Government.

In opposing the toxic SB519 SD2 HD2, I therefore urge the Committee to replace this bill, in its entirety, with the wording of SB519 SD2. The Committee, in replacing SB519 SD2 HD with the wording of SB519 SD2 will secure three positive and desirable outcomes:

1. The wording of SB519 SD2 will ensure *Act 326* remains legally consistent with the *Landlord Tenant Act* and the *Real Estate Code*;
2. the wording of SB519 SD2 will maintain the *status quo* while the sunrise analysis contemplated by HCR48 is considered; and,
3. the wording of SB519 SD2 will greatly simplify the conference process.

Should the Committee reject use of the wording in SB519 SD2 to replace SB519 SD2 HD2 in its entirety, I would ask that the Committee, at a minimum, undertake the following with respect to SB519 SD2 HD2:

1. Reinstate the original definition of “local contact” contained in *Act 326*, which provides that the local contact is “[A]n individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact”; and,
2. delete the Disclosure in Section 4(c).

I would hope the Committee would replace SB519 SD2 HD2, in its entirety, with the wording of SB519 SD2. If the Committee chooses not to do this, I would ask that the Committee make the two amendments proposed immediately above this paragraph in order that constitutionally-valid and NAFTA-compliant *Act 326* remains consistent with existing legislation.

With kind regards,

Original Signed By

Adam Leamy
President



April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TOTAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Patrick T. Sullivan. This letter is written in **Support of SB 519 SD2 HD2.**

I have been a licensed Broker in the State of Hawaii since 1979 and Sullivan Properties, Inc. has been in business for 26 years. Sullivan Properties Inc. has over 100 Vacation Rental Condominiums on West Maui. I presently employ 7 people and we file over 200 1099's electronically with the State (Owners, Vendors, etc.). We also file approximately 80 GET and 80 TAT. **Illegal Off- Island Owner Renters need to be held accountable for paying GET/TAT, & 1099's.**

Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

The committee may wish to consider adding a **"Whistle Blower"** aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2.

Mahalo,

Patrick T. Sullivan
Sullivan Properties Inc- Owner and Principal Broker

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:00 PM
To: FINTestimony
Cc: thelowfamily5@icloud.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Low	Big Island Paradise Partnership	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:04 PM
To: FINTestimony
Cc: hawaiianhaven@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Barrett	Hawaiian Haven, LLC	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:00 PM
To: FINTestimony
Cc: timberlineventures@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Long	Timberline Land Co. HI, LLC	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. James Long

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:44 AM
To: FINTestimony
Cc: ValleyIsleResort@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Valley Isle Resort ROG	Valley Isle Resort Rental Owners Group	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:05 AM
To: FINTestimony
Cc: voigtus@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Voigt	Maui Kihei Condo Rentals LLC	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:03 AM
To: FINTestimony
Cc: bonnie@mauiownercondos.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bonnie Pauli	South Maui Condos Owner Direct Rental Network	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:13 PM
To: FINTestimony
Cc: dtbenson@telus.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dale Benson	TADA Holdings Ltd.	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: 1. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and 2. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:42 PM
To: FINTestimony
Cc: bridgestoparadise@live.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Bridges	Bridges to Paradise Rentals Inc.	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Dan Monck, here to testify on behalf of the Hawai'i Association of Vacation Rental Managers ("HAVRM"). This letter is written in **SUPPORT of SB 519 SD2 HD2**.

The Hawaii Association of Vacation Rental Managers, representing tourism professionals providing transient accommodations on Hawaii's four major islands, believes that the problem of illegal vacation rentals poses a serious challenge to the State's communities and consumer protection, and that this challenge needs to be meaningfully addressed.

Illegal Transient Accommodation operators are costing the State of Hawaii millions of tax dollars annually. While much attention has been spent focusing upon this loss, minimal attention or focus has been spent upon the much larger tax revenue amount that has yet to be lost, and how best to defend these revenues. Attachment 1 to this testimony provides an indicative illustration of Hawaii's short term Transient Accommodation tax revenue picture.

Similarly, much discussion has been had upon websites renting Hawaii Vacation Rentals, and how the State might audit these sites to pursue tax evaders. Attachment 2 to our testimony highlights the large number of websites renting Hawaii Vacation Rentals. The strategy of "auditing websites" is destined to fail due to the large number of these websites, the large number of operators using these websites, and the ease tax evaders can change between them.

HAVRM and its members understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in achieving this objective.

HAVRM members have decades of experience conducting Transient Accommodations, and believe that an effective strategy that the committee may wish to consider for addressing Transient Accommodation tax evasion is to augment SB 519 SD2 HD2 to include a "Whistle Blower" concept. With a "Whistle Blower", if an operator were operating outside of Hawaii TAT law, an identification of the operator could be readily made to the Department of Taxation, and this identification to the Department of Taxation will then be actively followed up upon by the Department.

While it may be difficult for the State to identify Transient Accommodation operators who are not abiding by the TAT code from afar, entities close to the rental activity such as Counties, associations, or local legal Transient Accommodation operators, can easily identify and/or know who these noncompliant Transient Accommodation operators are in their neighborhoods.

Credible enforcement is the only path to resolving this Transient Accommodation tax problem. As Hawaii Tourism professionals specializing in short term Transient Accommodations, we thoroughly understand this problem, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Dan Monck", with a long, sweeping horizontal line extending to the right.

Dan Monck

President

Hawaii Association of Vacation Rental Managers (HAVRM)
www.HAVRM.org



Hawaii Vacation Rentals Tax Loss Study - House Finance Committee - April 2, 2015

Assumptions

22,000 TVRs in Hawaii - 2015 HTA Study
11,000 Illegal TVRs
\$50,000/yr gross income per TVR

GET + TA Taxes due on Illegal TVRs
\$50,000/TVR x 13.417% = \$6708/TVR

\$6708/TVR x 11,000 Illegal TVRs \$73,793,500

Assuming 30% not paid to Hawaii, **\$22,138,050**

Approximate Lost Hawaii Tax @ 30% = \$22,138,050 + \$12,544,895

~ \$35,000,000

Assumptions

22,000 TVRs in Hawaii - 2015 HTA Study
11,000 legal TVRs in Hawaii
\$50,000/yr gross income per TVR

GET + TA Taxes due on legal TVRs
\$50,000/TVR x 13.417% = \$6708/TVR

\$6708/TVR x 11,000 legal TVRs ****\$73,793,500**
** Revenue identified to State by Third Party Rent Collector 1099s

GET + TA Taxes lost due to ~ 17% legal operator price erosion competing with illegal TVRs since 2007

\$73,793,500 x 17% = \$12,544,895 (Does not include GET & TAT revenue erosion from Hotels)

Attachment 1



Just a Few Large Web Sites for Hawaii Vacation Rentals

VRBO.Com	AirBnB.com	TripAdvisor.com	Rentalspot.com
HomeAway.com	HawaiiGaga.com	MauiHawaiiVacations.com	VacationRoost.com
VacationRentals.com	MauiCondoHomes.com	Perfect Places.com	VayCayHero.com
HawaiianBeachRentals.com	LeisureLink.com	Redawning.com	StopSleepGo.com
Obrhi.com	AlohaCondos.com	HawaiiBeachHomes.com	AlternativeHawaii.com



Maui Hotel & Lodging

ASSOCIATION

Testimony of

Lisa H. Paulson

Executive Director

Maui Hotel & Lodging Association

on

SB519 SD2 HD2

Relating To Taxation

COMMITTEE ON FINANCE

Thursday, April 2, 2015, 2pm

Conference Room 308

Dear Chair Luke, Vice Chair Nishimoto and Members of the Committee,

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry. Our membership includes over 150 property and allied business members in Maui County – all of whom have an interest in the visitor industry. Collectively, MHLA's membership employs over 20,000 local residents and represents over 19,000 rooms. The visitor industry is the economic driver for Maui County. We are the largest employer of residents on the Island - directly employing approximately 40% of all residents (indirectly, the percentage increases to 75%).

MHLA **supports with comments** SB519 SD2 HD2 which extends Act 326, SLH 2012, for one year. Requires DOTAX to submit an annual report to the legislature on the implementation of Act 326, SLH 2012. Authorizes DOTAX to enforce civil penalties for operators and plan managers who fail to display the certificate of registration and registration ID numbers for transient accommodations. Authorizes fines to be deposited into the Tax Administration Special Fund. Amends the definitions of "local contact" and "transient accommodations"

MHLA **supports** this measure with the following suggestions:

- Extending the Act back to 5 years as previously written.
- Put more responsibility on the online marketers by adding the following:
 - Require online marketers to list GET/TAT numbers on any Individual Advertised Units (IAU) Hawaii listing and as a condition of listing.
 - Require IAU Hawaii property online listings to include a specific disclosure as to state and county IAU-related law and requirements.
 - Require IAU owners however marketed/rented to include specific disclosure statement as to key management, safety, other info.

Thank you for the opportunity to testify.

Maui Island Escape
Ocean View Vacation Rentals on the South Shore of Maui

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

My wife and I have owned and rented our Maui condominium resort apartments as transient accommodations for fifteen years. We collect and remit all TAT and GET as required by Hawaii State law and regulation. We file a Hawaii State income tax return every year. We pay non-resident Hotel zoned property taxes. And contractors who we hold accountable to the highest performance and responsiveness standards represent us on island. We have never had complaint about the on-island support or service provided by our cleaning and maintenance contractors. And we are reachable and accountable as the owners, during normal Hawaii business hours, while our on-island contractors are available to handle emergencies 24-hours a day.

We object to the selfish toll seeking by the real-estate industry and their attempt to legislatively suppress our right to directly manage the relationships with our tenants, and to freely select our contractors, as provided in the landlord-tenant code and the transient accommodations acts.

Specifically,

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a **Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact."** and
- b **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Mahalo,

Miller Abel

Owner, Maui Island Escape
miller@MauislandEscape.com

Hawaii Tax ID #W04868670-01



1012 Kapahulu Avenue #110 Honolulu, Hawaii 96816 Phone: 808-735-5588 Fax: 808-737-8733
www.CaptainCookRealEstate.com and www.CaptainCookResorts.com

April 1, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO TAXATION.

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Bob Cook. This letter is written in **Support of SB 519 SD2 HD2.**

A little about my company:

Captain Cook Real Estate (est 1991) and Captain Cook Resorts (est 1995)
We are located in Honolulu at the street front address above where we have been since 2008. Prior to that we were next door at Kilohana Square for nearly ten years.

We have over 20 employees and independent contractors. We do 1099's for all of the nearly 300 property management clients we represent. We pay the GET and TAT for most of the owners we represent. Those that we don't, have opted to pay their own. Last year we paid the state over \$500,000 in GET and TAT for these owners.

Being a long time tourism professional offering transient accommodations to Hawaii visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii tax revenues from off island transient accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective.

I also strongly encourage you to have this legislation match the long standing law we have that requires professional management for off island owners of rental property. To do otherwise could possibly open the flood gates for others to try to avoid such management.

Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation in these efforts

Mahalo,

A handwritten signature in blue ink that reads 'Bob Cook'.

Bob Cook, Realtor
President and Principal Broker

The Honorable Sylvia Luke, Chair
House Committee on Finance
Honolulu, HI 96813

RE S.B. 519 SD2 HD2, Support of

Dear Chairman and Committee Member

SunQuest Vacations has been managing and reporting income from managed properties for over 35 years. By enabling off Island management, and unprofessional management the state is opening up an entire new problem. The problem exists because of not enforcing laws already on the books. By auditing websites you have no control over what is actually charged on a booking. We use 1099s to keep you informed and for most of our owners, we pay the taxes on their behalf. This problem was an enforcement problem and now the flood gates are being opened to rentals and funds being handled completely off island with no accountability. These changes need to be looked at very carefully and in their entirety. I support S.B. 519 but with modifications and oversight.

Pamela Higgins,
SunQuest Vacations

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:38 PM
To: FINTestimony
Cc: jpepper317@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Pepper	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 1:59 PM
To: FINTestimony
Cc: rick.beck55@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Beck	Individual	Comments Only	No

Comments: Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact" If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code." Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations." Thank you.

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Sent: Tuesday, March 31, 2015 3:34 PM
To: FINTestimony
Cc: mauiyc@me.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Martinez	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Dear Honorable Representative Luke and
Members of the House Committee on Finance:

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

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a) Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and
b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Laurence and Sandra Knight

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:23 PM
To: FINTestimony
Cc: pualanipat@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Starkie	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:38 PM
To: FINTestimony
Cc: kelli@xmission.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kelli Lundgren	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:35 PM
To: FINTestimony
Cc: a.wilson@jwr.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Wilson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:38 PM
To: FINTestimony
Cc: donutking22@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Goldman	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:44 PM
To: FINTestimony
Cc: poulterm002@hawaii.rr.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
michael poulter	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:46 PM
To: FINTestimony
Cc: ekahi2f@olypen.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pat Morgan	Individual	Oppose	No

Comments:

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Sent: Tuesday, March 31, 2015 3:49 PM
To: FINTestimony
Cc: traciehawaii56@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tracie A Rosendahl	Individual	Oppose	No

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Sent: Tuesday, March 31, 2015 3:51 PM
To: FINTestimony
Cc: nsweatt@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
n. sweat	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 3:53 PM
To: FINTestimony
Cc: sheehan.kathyharnett@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Sheehan	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kathleen Sheehan, Ph.D.

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Sent: Tuesday, March 31, 2015 3:50 PM
To: FINTestimony
Cc: john.eckel@pinninvest.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
john eckel	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 3:51 PM
To: FINTestimony
Cc: gbaker1953@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gail Baker	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: davegiacomini@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David Giacomini	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: gayle.kona101@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gayle	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: rj@jennyent.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Jenny	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gayle M.	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: tarasweet@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
t. sweet	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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Cc: wwardo@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Will Ward	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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Sent: Tuesday, March 31, 2015 4:03 PM
To: FINTestimony
Cc: joanne@harbormall.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joanne Allen	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Joanne Allen

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Dear Honorable Representative Luke and
Members of the House Committee on Finance:

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please
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b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:14 PM
To: FINTestimony
Cc: k404honuakai@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Austin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: motuman@cox.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM
Attachments: OPPOSE SB519.pdf

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rob J	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 4:15 PM
To: FINTestimony
Cc: m.jordan@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
M. G. Jordan	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. M. G. Jordan

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Cc: mhubner@halehubner.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Hubner	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." b. and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 4:15 PM
To: FINTestimony
Cc: marshavaughn3@att.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Marsha Vaughn	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: crumps5@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Crump	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:16 PM
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Cc: dorene72@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dorene Furtado	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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Cc: kumuna@alaska.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Geeseman	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: krellersgetaway@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brad Kreller	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 4:12 PM
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Cc: aaquitaine@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Butter	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 “...*may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.*”

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Susy Downer

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:22 PM
To: FINTestimony
Cc: matthai@att.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Matthai	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Stofer	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: jimelder008@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Elder	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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Sent: Tuesday, March 31, 2015 4:22 PM
To: FINTestimony
Cc: andyiuliano@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
andy iuliano	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tim Hailey	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo Nui, Tim Hailey

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Sent: Tuesday, March 31, 2015 4:25 PM
To: FINTestimony
Cc: tell2tami@hotmail.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
tami	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:26 PM
To: FINTestimony
Cc: trillianated@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sara fabres	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2 . This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo,

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March 31, 2015

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of "local contact" which is "an individual or company contracted by the**

operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and

- b. Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Tracey Stefanyk

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

I strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent with existing legislation.

Thank you for the opportunity to testify.

Ronald Hansen

Wailuku HI

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:09 PM
To: FINTestimony
Cc: pauloreilly@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Paul O'Reilly	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. To join or to donate: <http://www.rboaa.org/membership-signup/> Mahalo, Paul O'Reilly

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:42 PM
To: FINTestimony
Cc: paudin@msn.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patti Udin	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:28 PM
To: FINTestimony
Cc: hailmaui@att.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Vicky Hailey	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo, Vicky Hailey

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:15 PM
To: FINTestimony
Cc: pg.davidson@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Davidson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:36 PM
To: FINTestimony
Cc: visawin@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Jacobsen	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:33 PM
To: FINTestimony
Cc: manfred@hiddenmauiparadise.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Manfred Wagner	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:20 PM
To: FINTestimony
Cc: kaymadnani@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Koshu Madnani	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:05 PM
To: FINTestimony
Cc: martink004@hawaii.rr.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Martin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kenneth Martin

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:39 PM
To: FINTestimony
Cc: puamanakauai@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Hill	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:51 PM
To: FINTestimony
Cc: mauioceansiderentals.net@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Pugmire	Individual	Comments Only	No

Comments: Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact" If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code." Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. " In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations." Thank you, Katie Pugmire

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Thank you,

**Einar and Katie Nyborg
Haleiwa**

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:05 PM
To: FINTestimony
Cc: judynewpt@mac.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Kent	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c).

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Cc: jjcrews1@msn.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Crews	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo, John Crews

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To: FINTestimony
Cc: joe@joedorsey.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Dorsey	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Sincerely, Joe Dorsey 190 Hauoli St #410 Wailuku, HI 96793

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Cc: joeslabe@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joe Slabe	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Joe Slabe C312, 2531 S Kihei Road Kihei, HI 96753

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Cc: janethoch@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Hoch	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
JaNell McCullough	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Taylor	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Dr. Stephen Taylor
Victoria, B.C.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Voit	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Marilyn Hybiske	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Marilyn Hybiske

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lucy Snyder	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Kristin Yarish

SB 519 - Testimony in Opposition, April 2, 2015

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and

b. Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent with existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:38 PM
To: FINTestimony
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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Meera Kohler	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, and b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will: a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Meera Kohler 30 Hauoli Rd, #107 Waikiki, Maui

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Cc: bigdahg@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Glen	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Krambs	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: Elen Stoops <stoopse@gmail.com>
Sent: Tuesday, March 31, 2015 5:30 PM
To: FINTestimony
Subject: FIN Hearing 4/2/2015, SB519 SD2 HD2 - OPPOSE

**Dear Honorable Representative Luke and
Members of the House Committee on Finance,**

Thank you for the opportunity to provide testimony.

I am an owner of a transient accommodation in Maui in a Resort/Commercial zone and am in compliance with Act. 326.

I OPPOSE SB519 SD2 HD2 and strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

In SB519 SD2 HD2 the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not.

Attorney General of Hawaii stated in 2012, [this] "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

Hawaii Legislative Oath defends that US Federal Law takes Precedent over State Law. Any **pre-existing** or **proposed new laws** of the State of Hawaii, that are in conflict with US Constitutional or similar Federal laws with precedent are in conflict with Hawaii State Legislators' Oath of Office. Hawaii Constitution Section 4 reads:

"All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii,
and that I will faithfully discharge my duties as to best of my ability."

This bill discriminates between the non-resident and resident with no compelling legal need satisfied. It creates an indirect taxation to be imposed on the non-resident owner of property in Hawaii.

A number of legal precedents on the subject of restraint of trade or violation of interstate commerce exist, including:

Baldwin v G. A. F. Seelig (1935) where Justice Cardozo wrote that when "a state tries to isolate itself economically" it must show an important interest for doing so and that it had no less discriminatory means open for accomplishing its goal. Cardozo's test has become the standard test for evaluating state laws that discriminate against out-of-state commerce.

This bill is in likely violation of Fifth Amendment and Fourteenth Amendment protections as it attempts to coercively require non-residents owners who formerly were able to enter into a legal agreement at will to be required to enter into an agreement for a service they may not desire. The resulting mandate will be to force owners to enter into agreements with a market that has monopolistic or oligopolistic characteristics, and to do so with no "just compensation".

This bill is in violation of US Constitution Article 4, Section 2 that holds: the Supreme Court, which has held that the clause means that a state may not discriminate against citizens of other states in favor of its own citizens. In [Corfield v. Coryell](#), 6 F. Cas. 546 (C.C.E.D. Pa. 1823), the federal circuit court held that privileges and immunities in respect of which discrimination is barred include protection by the Government; the enjoyment of life and liberty ... the right of a citizen of one State to pass through, or to reside in any other State, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefits of the [writ of habeas corpus](#); to institute and maintain actions of any kind in the courts of the State; to take, hold and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the State.

This bill is in violation of the Cardozo test in that Less Discriminatory Means exist to accomplish the goal of this bill whose stated purpose is for tax remittance and consumer protection. To meet the standard set by Baldwin v. GAF Seelig, where Justice Cardozo wrote that when "a state tries to isolate itself economically" it must show an important interest for doing so and that it had no less discriminatory means open for accomplishing its goal. Cardozo's test has become the standard test for evaluating state laws that discriminate against out-of-state commerce.

No compelling need has been established by the state to discriminate between Non-Resident and Resident in the matter of assistance to the Department of Taxation with respect to either tax enforcement or auditing. No scientific study exists to support any claims or statements made about tax remittance for ANY class of owners of vacation rentals. This would include resident vs. non-resident, owners of property managed by property managers or self-managed rentals, those who own and rent property are legally zoned or permitted, or those who own and rent property where they are not legally permitted.

The last study performed by the Hawaii State Department of Taxation is [equal to or approximately] 10 years old and this report indicated that there were no differences in tax remittance rates between non-resident and resident owners. Further it said that non-resident owners of vacation rentals were "generally in compliance".

This Bill violates my rights as a Property Owner. A requirement that I turn over the control of my property to a Property Manager denies ownership rights and use of my property afforded to residents of the State of Hawaii.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

Please reinstate the complete language of SB519 SD2 and make Act 326 Permanent Law.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to provide testimony.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:24 PM
To: FINTestimony
Cc: donhealy@pcmc.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donald	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:27 PM
To: FINTestimony
Cc: dj.kinzel@frontier.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Kinzel	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:51 PM
To: FINTestimony
Cc: dburow@tracesoftware.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David Burow	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:36 PM
To: FINTestimony
Cc: trevoralt@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Trevor Alt	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 7:11 PM
To: FINTestimony
Cc: gecko.hale@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sherron Bull	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please (a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and (b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent with existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:55 PM
To: FINTestimony
Cc: tjf702@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Flynn	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:20 PM
To: FINTestimony
Cc: richardwaugh@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Waugh	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Respectively, Richard Waugh and Nina Nychporuk

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:14 PM
To: FINTestimony
Cc: polyshores@hawaiiantel.net
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
richard biederman	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:34 PM
To: FINTestimony
Cc: vistab103@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Reginald E. Smith	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:13 PM
To: FINTestimony
Cc: faytoy@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nancie Fay	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. To join or to donate: <http://www.rboaa.org/membership-signup/> Mahalo, Team RBOAA //www.rboaa.org Registered 501(c)(6) Non-Proft Organization Copyright © 2015 Rental By Owner Awareness Association, All rights reserved. You are receiving this email because you joined our organization or showed interest in joining. Our mailing address is: Rental By Owner Awareness Association 3350 L. Honoapiilani Rd #215 PMB 453 Lahaina, HI 96761

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:10 PM
To: FINTestimony
Cc: eyesk8@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lou Newbold	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mary Lou Newbold, Victoria, B.C.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tuan Vu	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
SL Adams	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Ochsenbein	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 7:12 PM
To: FINTestimony
Cc: kkraskowsky@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen K. Raskowsky	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kathleen Raskowsky

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 6:32 PM
To: FINTestimony
Cc: jodi@whalepods.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jodi Evans	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Jodi Evans

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary A Bodine	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jann Mittlestead	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Della Halvorson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Conkin	Individual	Oppose	No

Comments: Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact" If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code." Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. " In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations." T Thank you. Rod and Debi Conklin

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Ruhrmann	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Richardson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Cynthia Richardson

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Cc: peaceandaloha@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ellen Ernisse	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Chris Yarish

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 7:47 PM
To: FINTestimony
Cc: ralphschmidt1947@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rev. Ralph G. Schmidt	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 4:42 PM
To: FINTestimony
Cc: cmmackin@msn.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Mackin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:25 PM
To: FINTestimony
Cc: chad_767@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Lopez	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 7:41 PM
To: FINTestimony
Cc: brendan@bigislandbliss.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Hickey	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: donduwe@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Don Duwe	Individual	Oppose	No

Comments: summary testimony Realtors are not a good group to control the travel industry in Hawaii. Where in the world are realtors trusted with such an important industry?

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Cc: cjt@tamblyns.org
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cameron Tamblyn	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: forkona@sonic.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen A. Doran	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kathleen Doran

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 5:08 PM
To: FINTestimony
Cc: brandon_in_seattle@mac.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon Mullenberg	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
kathie west	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
George Hu	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 6:41 PM
To: FINTestimony
Cc: kiheihome@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bradley Tomlinson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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31/03/15

**Dear Honorable Representative Luke and
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I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of "local contact" which is "an individual or company contracted by the**

operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and

- b. Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Bill Deleeuw

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 7:05 PM
To: FINTestimony
Cc: annettelohman@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Lohman	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: jimlajolla@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Sanford	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: idivedeep@aol.com
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SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Norbert Wolszon	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 8:57 PM
To: FINTestimony
Cc: hattyhill60@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hatty	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

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This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is

considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 8:38 PM
To: FINTestimony
Cc: jamescasper@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Casper	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation.

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Dear Honorable Representative Luke and
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I strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

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- b. Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Mahalo for the opportunity to testify

Dana J Seagars
70 N Kainalu Dr
Kailua, HI 96734

cc: Senator Laura H. Thielen senthielen@capitol.hawaii.gov

Representative Cynthia Thielen repthielen@capitol.hawaii.gov

Representative Sylvia Luke repluke@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 8:20 PM
To: FINTestimony
Cc: carabirk@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cara Birkholz	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Cara Birkholz Kihei HI

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Sincerely,

M. Michele Murburg MD

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 8:23 PM
To: FINTestimony
Cc: thinkmaui@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Hove	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." I urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent with existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 7:53 PM
To: FINTestimony
Cc: andre.chabot@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Andre Chabot	Individual	Oppose	No

Comments: Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact" If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code." Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. " In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations." Thank you.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Albert W Merrill, PhD	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Tuesday, March 31, 2015 6:55 PM
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Cc: alarson107@att.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
alarson	Individual	Oppose	No

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ada Eschen	Individual	Oppose	No

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Sent: Tuesday, March 31, 2015 4:30 PM
To: FINTestimony
Cc: aaronmacdaniel@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron MacDaniel	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:35 AM
To: FINTestimony
Cc: GulliversMom@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Miller	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:38 AM
To: FINTestimony
Cc: suekeithahn@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Keithahn	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:32 AM
To: FINTestimony
Cc: mperry-commerce@outlook.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Perry	Individual	Oppose	No

Comments: I am opposed to this bill

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:18 AM
To: FINTestimony
Cc: sjenneve@verizon.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Jenneve	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Stacey and Jamie Jenneve

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 1:48 AM
To: FINTestimony
Cc: satmahajan@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
sat mahajan	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:05 AM
To: FINTestimony
Cc: scerveris@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Cerveris	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:06 AM
To: FINTestimony
Cc: travel@lezardetravel.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sandra L Davis	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:02 AM
To: FINTestimony
Cc: napilipointc37@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Sagerson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 10:47 PM
To: FINTestimony
Cc: brash01@msn.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Brashen	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Richard Brashen 3543 L Honoapiilani Rd. Lahaina HI 96761

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 3:55 AM
To: FINTestimony
Cc: patororke@oahusnorthshore.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia O Rorke	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 4:51 AM
To: FINTestimony
Cc: nhmahi52@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
William M. Shepard	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 4:43 AM
To: FINTestimony
Cc: rmalibu@charter.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Rubin	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:34 AM
To: FINTestimony
Cc: klassykalama@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Johnson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:02 AM
To: FINTestimony
Cc: mgol@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Goldberg	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mark Goldberg

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I **OPPOSE** **SB519** **SD2** **HD2** as written.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 “...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**

- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: tbedros765@aol.com
Sent: Wednesday, April 01, 2015 7:55 AM
To: Rep. Sylvia Luke; FINTestimony
Subject: SB 159 Opposition

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

My family has owned our condominium in Kihei since 1984. Our children grew up playing in the surf every year and Maui is part of our "home," that we hope to retain it as a home for future children in our family. SB 159 would make it harder for family-rented condominium owners to keep their property in Maui. We are middle class and just want to hang on to a wonderful part of paradise. Please do not make it more expensive to do this. Thank you

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Tod and Jan Bedrosian
835 Klein Way
Sacramento, CA 95831
(916)421-5121
and
Kihei Akahi (DG03) in Kihei, Maui

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Gin Wadkins

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 10:30 AM
To: FINTestimony
Cc: mauij205@outlook.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gregg Steuart	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Aloha, Gregg Steuart Maui Kamaole Condo Owner

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance: I**

OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.
Juliann Gornick-Boucher
Condo Home Owner

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:51 AM
To: FINTestimony
Cc: jonandsherry@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Mahoney	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:13 AM
To: FINTestimony
Cc: dduck329@excite.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donald Mischke	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:58 AM
To: FINTestimony
Cc: davidkswenson@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David K Swenson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:18 AM
To: FINTestimony
Cc: rickloans@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rick Scaramella	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and

b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 4:35 AM
To: FINTestimony
Cc: lsilvera@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Silvera	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Linda Silvera

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:38 AM
To: FINTestimony
Cc: bobarcand1@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Arcand	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We str ongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide serves required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and, b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Robert M. Arcand

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:35 AM
To: FINTestimony
Cc: 05arni@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Debi Beckwith Peterson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:34 AM
To: FINTestimony
Cc: dougcurran1@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Curran	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:02 AM
To: FINTestimony
Cc: ehornell@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Hornell	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:26 AM
To: FINTestimony
Cc: carol.shearer@verizon.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Carol and Dennis Shearer	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: kristin.maksic@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: afoxyoder@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kimberly Fox-Yoder	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 5:20 AM
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Cc: k-sanderson@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Sanderson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: fscrooner@hotmail.com
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SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dav	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: kevin.hendra@pacificlife.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Hendra	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kevin Hendra Owner and Taxpayer

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Cc: mahana1213@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Green	Individual	Oppose	No

Comments: The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Judy Alley	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: joniwiggins@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Joni J. Wiggins	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Joni J. Wiggins

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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Drew Snider	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Whitley	Individual	Oppose	No

Comments: *Dear Honorable Representative Luke and **Members of the House Committee on Finance:* *I OPPOSE SB519 SD2 HD2 as written. * The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *"...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents.*" *We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2**.* This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: 1. *Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and* 2. *Delete the Disclosure in Section 4 (c).* *By at least making these two amendments, Act 326 will remain consistent existing legislation.* Thank you for the opportunity to testify.

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Cc: fred.pieracci@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
frederick pieracci	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: lynnpeabody51@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Peabody	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: debbieg1@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Debbie Gigliotti	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 6:34 AM
To: FINTestimony
Cc: wbrudolp@iastate.edu
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Rudolph	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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:

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:51 AM
To: FINTestimony
Cc: gandmklebs@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Klebs	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: jtm0212@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John McDaniel	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: eagrant2@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Ethel Grant	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Ethel Grant

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:22 AM
To: FINTestimony
Cc: JohnTurzer@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Turzer	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 6:00 AM
To: FINTestimony
Cc: jillfletch1966@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jill Fletcher	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Jill Fletcher

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Cc: calfred@vfs.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Alfred	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

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To: FINTestimony
Cc: john.russell@ubs.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John Russell	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 7:30 AM
To: FINTestimony
Cc: kwahed@pacbell.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kathi Wahed	Individual	Oppose	No

Comments: I strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 10:49 AM
To: FINTestimony
Cc: fulghamk@humboldt.edu
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth Fulgham	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Kenneth (K.O.) Fulgham, PhD (BS-HSU-1970) Choctaw CALPAC-SRM-CRM#54; SRM-CPRM#99-58 Emeritus Professor of Rangeland Resource Science Forestry & Wildland Resources Department Humboldt State University, Arcata, CA 95521-8299 707-834-1945 (cell); fulghamk@humboldt.edu; <http://www.humboldt.edu/fwr> EROSION=gravity's way of leveling the playing field with tectonic uplift---kof

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Dear Honorable Representative Luke and
Members of the House Committee on Finance:

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This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a **minimum**, please

- a. Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and
- b. Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:27 AM
To: FINTestimony
Cc: lcolson58@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lloyd Olson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:36 AM
To: FINTestimony
Cc: jjm11870@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Miller	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Dear Honorable Representative Luke and
Members of the House Committee on Finance:

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 “...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

a.Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and

b.Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Mark Simpson

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 10:14 AM
To: FINTestimony
Cc: mschwering@mac.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
MaryAnn Schwering	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. MaryAnn Schwering

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To: FINTestimony
Cc: momobeel@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Maureen Landers	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

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To: FINTestimony
Cc: blancaflor@cox.net
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Millard Blancaflor	Individual	Oppose	No

Comments:

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 11:08 AM
To: FINTestimony
Cc: jimhank114@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Hanke	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

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Sent: Wednesday, April 01, 2015 10:05 AM
To: FINTestimony
Cc: subs@nancyabel.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:06 AM
To: FINTestimony
Cc: kinglau16@yahoo.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
On King Lau	Individual	Oppose	No

Comments:

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:55 AM
To: FINTestimony
Cc: peggykay@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
peggy kay	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c).

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FIN-Jo

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To: FINTestimony
Cc: trmay@hawaiiantel.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rae-Marie May	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Cc: rkgarretson@msn.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Garretson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

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Cc: 3454057@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Miller	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

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Sent: Wednesday, April 01, 2015 7:00 AM
To: FINTestimony
Cc: rlindgren1@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Lindgren	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Rick Lindgren

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FIN-Jo

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Sent: Wednesday, April 01, 2015 6:52 AM
To: FINTestimony
Cc: bobcurran@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Curran	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Robert Curran

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance: I**

OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 11:14 AM
To: FINTestimony
Cc: mcavoysr@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Scott McAvoy	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:52 AM
To: FINTestimony
Cc: stacey@ustechwest.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Kott	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 7:37 AM
To: FINTestimony
Cc: farwig@earthlink.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Farwig	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. To join or to donate: <http://www.rboaa.org/membership-signup/> Mahalo, Team RBOAA [//www.rboaa.org](http://www.rboaa.org)

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Dear Honorable Representative Luke and
Members of the House Committee on Finance:

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please

Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.
STAR HARTHERN JACOBSEN

Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of “local contact” a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact” If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read “Custodian/Caretaker, as defined in HRS467-1 Real Estate Code.” Amend Definition of "Local Contact" Paragraph (3) to read “a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the

same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. ” In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: ”The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations.” Thank you. on needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read “Custodian/Caretaker, as defined in HRS467-1 Real Estate Code.” Amend Definition of "Local Contact" Paragraph (3) to read “a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. ” In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: ”The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations.” Thank you.

Susanne Ball

808-256-4186

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 6:30 AM
To: FINTestimony
Cc: whit11@me.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy Whitmore	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 10:35 AM
To: FINTestimony
Cc: fftsunami@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Wade Elliott	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:26 AM
To: FINTestimony
Cc: willa@mcn.org
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Willa Marten	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

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Dear Honorable Representative Luke and Members of the House Committee on Finance:

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and

b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 3:09 AM
To: FINTestimony
Cc: janet-dunlap@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Dunlap	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Janet K. Dunlap

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Sent: Wednesday, April 01, 2015 5:57 AM
To: FINTestimony
Cc: jamesfsommers@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
James Sommers	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 8:53 AM
To: FINTestimony
Cc: aloha@andrewpendleton.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Pendleton	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Andrew Pendleton Princeville, HI 96722

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:29 AM
To: FINTestimony
Cc: seamaui@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Mischke	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please 1. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and 2. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Anne Mischke

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 10:27 PM
To: FINTestimony
Cc: info@volcanovacationshawaii.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bernadette Boteilho	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Sincerely, Bernadette Boteilho

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April 2, 2015

The Honorable Sylvia Luke, Chair
House Committee on Finance
State Capitol, Room 308
Honolulu, Hawaii 96813

RE: S.B. 519 SD2 HD2, RELATING TO GUESTs

Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee:

I am Bijan Sani. This letter is written in **Support of SB 519 SD2 HD2**.

I have been a guest of West Hawaii Property Services, Inc. West Hawaii Property Services was professional and honest after a terrible experience. I had rented a home from an owner on Maui. It was NOTHING as advertised. It was remote, had no conveniences advertised, in short my two week stay lasted two days! West Hawaii Property Services, though a different island, made my stay in Hawaii much better. They found me great accommodations for a fair rate. If I had not found them I would probably never visit the islands again.

The only way for Hawaii to maintain the reputation of paradise and to attract visitors, in my opinion, is to have the vacation rental market regulated. I highly doubt I am the only visitor with this experience.

I strongly recommend passage of SB 519 to help visitors, such as myself, be assured of a legitimate business relationship with vacation rental managers. Dealing with licensed businesses is the only way a guest has recourse should they not "get what they paid for".

Best Regards,



Bijan Sani, Owner
Pico Postal
Los Angeles, CA

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:48 AM
To: FINTestimony
Cc: blakethemilkman@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Blake Cronin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 4:48 AM
To: FINTestimony
Cc: cc.travl@verizon.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Coppel	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent with existing legislation. Thank you for your time.

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Dear Members of the House Committee on Finance:

I OPPOSE SB519 as written.

The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code.

Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact"

If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors:

Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code."

Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. "

In addition, Section 4(c), as written, is inconsistent with Act 326

Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations."

Thank you.

Charles R. Zachem

5340 Honoiki Rd

Princeville, HI 96722

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 31, 2015 9:22 PM
To: FINTestimony
Cc: cruhrmann@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Christian Ruhrmann	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

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As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Murray and Darlene Yarish

SB519 Testimony

April 1, 2015

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

SB519 Testimony

April 1, 2015

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:08 AM
To: FINTestimony
Cc: dhoward53@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
deborah howard	Individual	Oppose	No

Comments: You are saying goodbye to aloha with this bill.

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**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

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We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Diane Lees
Hawaii Tax ID W00167621-01

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 8:33 AM
To: FINTestimony
Cc: don.debienne@icloud.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donald Debienne	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." I strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a) Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b) Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Donald Debienne

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Sent: Tuesday, March 31, 2015 10:56 PM
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Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 3/31/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Pawliw	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 5:03 AM
To: FINTestimony
Cc: mitdoug43@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Douglas Mitchell	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord

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Sent: Wednesday, April 01, 2015 5:14 AM
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Cc: farziemumm@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
farzie mumm	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 9:24 AM
To: FINTestimony
Cc: partnersinparadise@verizon.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Skardina	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:10 AM
To: FINTestimony
Cc: garylamouria@yahoo.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Gary Lamouria	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:52 AM
To: FINTestimony
Cc: konahawaiicondos@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gene Phipps	Individual	Comments Only	No

Comments: I OPPOSE SB519 SD2 HD2 as written. Better enforcement laws that are already on the books is a better solution. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents."

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:57 AM
To: FINTestimony
Cc: ivar@ivarp.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

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Submitted By	Organization	Testifier Position	Present at Hearing
Ivar Pedersen	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 4:19 AM
To: FINTestimony
Cc: jev2@bellsouth.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jack Vandelaar	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Members of the House Committee on Finance:**

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- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 11:28 AM
To: FINTestimony
Cc: agudenkauf@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Gudenkauf	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 11:29 AM
To: FINTestimony
Cc: gfall@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Carole Fall	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
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To: FINTestimony
Cc: gfall98177@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Fall	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 12:36 PM
To: FINTestimony
Cc: drewgila@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Drew Erickson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Laura Mergen

FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 1:12 PM
To: FINTestimony
Cc: mikekelley1125@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Kelley	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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FIN-Jo

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 1:12 PM
To: FINTestimony
Cc: pattimak@hotmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia McLaughlin	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 1:56 PM
To: FINTestimony
Cc: hskoda@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Hana Skoda	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation.

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:02 PM
To: FINTestimony
Cc: lehuao@kvrre.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lehua Ornellas	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:04 PM
To: FINTestimony
Cc: napilicondos@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Marlene Wiggins	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: ascooney10@comcast.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Cooney	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: fludviks@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Falk Ludviksen	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:14 PM
To: FINTestimony
Cc: venturagary42@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Stephens	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:19 PM
To: FINTestimony
Cc: lehuao@kvrre.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lehua Ornellas	Individual	Support	No

Comments: The Honorable Sylvia Luke, Chair House Committee of Finance State Capitol, Room 308 Honolulu, HI 96813 Aloha Chair Luke and Members of the Committee, I wish to express my support for SB 519 SD2 HD2. My name is Lehua Ornellas. I am a license agent living and working on Kaua'i. I have worked n the Visitor Industry most of my Professional life. It's been my pleasure to share the Aloha Spirit with my community and our Visitors. I have worked in the Vacation Rental Industry over the past 16 years. I have seen tremendous growth in our field of expertise. We manage over 200 accommodations on Kaua'i. Our home owners appreciate the care and integrity of our services. Our home owners GET and TAT are submitted to the Tax office on a timely manner on their behalf. This can only continue when Licensed Professionals in the State of Hawaii full fill their Fiduciary roll to the home owners. I appreciate your time in this important matter. Mahalo nui Loa, Lehua Ornellas Kauai Vacation Rentals 808 245-8841

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 2:47 PM
To: FINTestimony
Cc: puako@lava.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Pattie Freeman	Individual	Support	No

Comments: I am Patricia K. Freeman, Licensed Realtor and Business owner with over 30 years in the business in Hawaii. This letter is written in Support of SB 519 SD2 HD2. I strongly feel there is very good cause to require the use of licensed professionals in managing vacation rental properties. I have run a successful Vacation Rental Business on the Big Island for over 20 years. We are professional and make sure all taxes for the State are collected on behalf of our Vacation Home Owner's. We are also available 24 hours a day to help a guest (consumer) should they have any needs while on vacation. I have lost business to house painters, housekeepers and Owner's themselves who can undercut our costs. I have one owner right now trying to rent and manage his home from California. I am dropping him since he is not willing to pay us to manage the property and be available to the guests. He clearly does not understand the laws and I feel pretty certain that he is not paying the excise and transient accommodation taxes. Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective. The committee may wish to consider adding a "Whistle Blower" aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department. Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2. Warmest Aloha, Pattie
Pattie Freeman, Real Estate Broker Hawaii Vacation Rentals, Inc. www.VacationBigIsland.com Direct 808.882.7000 | fax 808.882.7607 puako@lava.net | seaside@aloha.net Follow updates on Twitter and Facebook Always new things about the Big Island <http://twitter.com/#!/PuakoPattie/followers>
<http://www.facebook.com/HawaiiVacationRentalsInc> LinkedIn:
www.linkedin.com/in/pattiefreemanpuakopattie77 P. O. Box 2880 Kamuela, HI 96743

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Sent: Wednesday, April 01, 2015 2:13 PM
To: FINTestimony
Cc: cooneyshirley@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shirley Cooney	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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finance1-Kim

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:40 AM
To: FINTestimony
Cc: a.wilson@jwr.ca
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Wilson	Individual	Oppose	No

Comments:

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To: FINTestimony
Cc: mauial604@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Al Williams	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 11:53 AM
To: FINTestimony
Cc: sbuck315@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

LATE

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Shauna	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: Jim Albone <jim@hawaiiandreamproperties.com>
Sent: Thursday, April 02, 2015 11:38 AM
To: FINTestimony
Subject: Fwd: Testimony on SB519

LATE

----- Forwarded message -----

From: "Jim Albone" <jim@hawaiiandreamproperties.com>
Date: Apr 2, 2015 11:08 AM
Subject: Testimony on SB519
To: <fintestimony@capital.hawaii.gov>
Cc:

Aloha Committee Members,

I would like to submit testimony in support of this bill. We have managed vacation rentals here on the Big Island since 2004 and as a licensed Realtor/Broker, we are responsible for making sure our owners pay the GET and TAT collected from our guests. Also, as being the on island representatives for our owners, ensure that our visitors have a great time and that any issues with the rental are taken care of quickly. We also make sure they are informed about any local emergencies such as tsunamis and hurricanes.

We have experienced what happens with off Island representation from guests calling us for a rental since the one they came to rent was either dirty, bug infested or just not what was represented in the ad they replied to. Some guests have also come over to find the place they were to rent was double booked.

By having the requirement of an on island representative being a licensed Realtor, you are ensuring that the state is being represented fairly and receiving all taxes due as we all have a vested interest in keeping Hawaii strong.

Mahalo and Aloha

Jim Albone
Hawaiian Dream Properties
[808-987-5985](tel:808-987-5985)

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 11:11 AM
To: FINTestimony
Cc: dianatalbott@outlook.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Diana Talbott	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents. We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: 1. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and 2. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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LATE

Dear Members of the House Committee on Finance:

I OPPOSE SB519 as written.

The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code.

Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact"

If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors:

Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code."

Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. "

In addition, Section 4(c), as written, is inconsistent with Act 326

Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations."

Thank you.


Chip Doyle

From: mailinglist@capitol.hawaii.gov
 Sent: Wednesday, April 01, 2015 4:15 PM
 To: FINTestimony
 Cc: haegers@sbcglobal.net
 Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Geoff Haeger	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. To join or to donate: <http://www.rboaa.org/membership-signup/> Mahalo, Team RBOAA //www.rboaa.org Registered 501(c)(6) Non-Proft Organization Copyright © 2015 Rental By Owner Awareness Association, All rights reserved. You are receiving this email because you joined our organization or showed interest in joining. Our mailing address is: Rental By Owner Awareness Association 3350 L. Honoapiilani Rd #215 PMB 453 Lahaina, HI 96761 Add us to your address book unsubscribe from this list update subscription preferences Email Marketing Powered by MailChimp

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LATE

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.



Testimony of George Szigeti
President & CEO
HAWAI'I LODGING & TOURISM ASSOCIATION
House Committee on Finance
Hearing on April 2, 2015, 2:00 p.m.
SB 519 SD2 HD2 - Relating to Taxation

Dear Chair Luke, Vice Chair Nishimoto, and Members of the Committee. My name is George Szigeti and I am the President and CEO of the Hawai'i Lodging & Tourism Association.

The Hawai'i Lodging & Tourism Association (HLTA) is a statewide association of hotels, condominiums, timeshare companies, management firms, suppliers, and other related firms that benefit from and strengthen Hawai'i's visitor industry. Our membership includes over 150 lodging properties, representing over 50,000 rooms, and over 400 other Allied members. The visitor industry was responsible for generating \$14.9 billion in visitor spending in 2014 and supported 170,000 jobs statewide – we represent one of Hawai'i's largest industries and a critical sector of the economy.

On behalf of HLTA, permit me to offer comments regarding SB 519 SD2 HD1 which extends Act 326, SLH 2012, for one year. Requires DOTAX to submit an annual report to the legislature on the implementation of Act 326, SLH 2012. Authorizes DOTAX to enforce civil penalties for operators and plan managers who fail to display the certificate of registration and registration ID numbers for transient accommodations. Authorizes fines to be deposited into the Tax Administration Special Fund, and amends the definitions of "local contact" and "transient accommodations"

The Hawai'i Lodging & Tourism Association supports the intent of Senate Bill 519 SD2 HD2. Act 326, session laws of Hawai'i 2012, offers to create parity between the individually advertised vacation rentals and the rest of the lodging industry, by requiring businesses who furnish transient accommodations to register with the Department of Taxation (DoTAX) and display their registration number on advertisements. We appreciate the added enforcement of penalties to operators who fail to display their certificate of registration and ID numbers in the hopes that this will help pinpoint the illegal transient accommodation providers.

We however wish to strengthen the scope of Act 326 by requiring online marketers to list GET and TAT numbers on any Hawai'i individually advertised units Hawai'i listing and as a condition of listing. Require the individually advertised unit owners to include specific disclosure statements that address key management, safety and other info; and we also respectfully ask that the committee extend Act 326 back to the 5 years originally stated in SB519 SD2.

Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
 Sent: Wednesday, April 01, 2015 5:10 PM
 To: FINTestimony
 Cc: paffpenny@gmail.com
 Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Penny Paff	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: waikoloavrm@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Dalton	Individual	Support	No

Comments: Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee: We represent over 100 owners of vacation rentals on the Kohala Coast of the Big Island. While we assure that taxes are collected and paid for these owners there are a significant amount of owners in the area and islands wide that are not doing thing. I think the revisions to this bill move things in the right direction to resolving the issue. One thing to consider is the specifics of the civil penalties. In luxury areas some owners are avoiding over \$10,000 in tax dollars/year. The penalties will need to be stiff enough to make them think twice about not paying them. It is also important that the terminology, definitions, etc here are consistent with the real estate code as many of the owners that are dodging paying taxes are also dodging many of the real estate laws that have been in this state for decades. Thank you for your time, Rob Dalton

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 Cc: casbrightideas@gmail.com
 Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Carol Sutherland	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Wednesday, April 01, 2015 8:20 PM
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Cc: kim@resorticahawaii.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Horton	Resorticahawaii.com	Support	No

Comments: The Honorable Sylvia Luke, Chair House Committee on Finance State Capitol, Room 308 Honolulu, Hawaii 96813 RE: S.B. 519 SD2 HD2, RELATING TO TAXATION. Aloha Chair Luke, Vice Chair Nishimoto, and Members of the Committee: I am Kim Horton and this letter is written in Support of SB 519 SD2 HD2. ResorticaHawaii.com has been in business over seven years. We are based on the Big Island of Hawaii. We currently have 12 employees and utilize the services of several licensed vendors in our area. We issue 1099s to all of our owners and pay their GET and TAT taxes on behalf of many owners. We do all of these activities under the license of a real estate brokerage company. Our guests and owners know they can trust us because of our licensing status. Being a long time Tourism professionals offering Transient Accommodations to Hawaii Visitors, my team and I understand the challenge the State faces in preventing the loss of Hawaii Tax revenues from off island Transient Accommodation operators, as well as identifying these illegal operators, so that the State can effectively enforce our tax laws. SB 519 SD2 HD2 can greatly help the State in this objective. The committee may wish to consider adding a "Whistle Blower" aspect to this Bill where if a person is operating outside of Hawaii Tax law, an identification of the individual can be readily made to the Department of Taxation, and that this identification to the Department of Taxation will be actively followed up upon by Department. Credible enforcement is the only path to take in resolving this Transient Accommodation Tax problem. As a Hawaii Tourism professionals, my team and I understand Transient Accommodations, and we pledge our support / assistance to the Department of Taxation should the committee elect to consider the addition of a "Whistle Blower" concept to SB 519 SD2 HD2. Mahalo, Kim Horton

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 6:31 PM
To: FINTestimony
Cc: Birgitbluestone@yahoo.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Birgit Eisner	Individual	Oppose	No

Comments: Dear Members of the House Committee on Finance: I OPPOSE SB519 as written. The proposed definition of "local contact" a) contradicts existing legislation in both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not and c) incorrectly misquotes the Real Estate Code. Please reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact" If the Committee feels the definition needs to change, the following AMENDMENTS are needed to fix the above noted errors: Amend Definition of "Local Contact" Paragraph (1) to read "Custodian/Caretaker, as defined in HRS467-1 Real Estate Code." Amend Definition of "Local Contact" Paragraph (3) to read "a person who is owner of the premises or, if the owner does not live on the same island as the premises, a person or company contracted by the owner to provide services required by this section who is resident on the same island as the premises. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact. " In addition, Section 4(c), as written, is inconsistent with Act 326 Section 4(c) disclosure should either be deleted or read: "The owner of this property is registered with the State of Hawaii to offer transient accommodation. All who provide transient accommodation in Hawaii must collect and remit transient accommodation tax on the gross rents collected from any person renting the property. Hawaii Law also provides further requirements of property owners who rent transient accommodations." Thank you. Birgit Eisner

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From: mailinglist@capitol.hawaii.gov
 Sent: Wednesday, April 01, 2015 5:56 PM
 To: FINTestimony
 Cc: karen@honu-nalu.com
 Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Howard	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 5:47 PM
To: FINTestimony
Cc: ajh@mauimahana.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Alicia Humiston	Individual	Oppose	No

Comments: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 5:34 AM
To: FINTestimony
Cc: nancybourassa@sympatico.ca
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

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SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Bourassa	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 6:23 AM
To: FINTestimony
Cc: cmhiatt@gmail.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Hiatt	RBOAA	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Thursday, April 02, 2015 6:08 AM
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Cc: gayela@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Richard M Phillips	Individual	Comments Only	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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LATE

**Dear Honorable Representative Luke and
Members of the House Committee on Finance:**

I OPPOSE SB519 SD2 HD2 as written.

The proposed definition of “local contact” as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code.

As written, the current definition of “local contact” puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 *“...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of “in state” residents.”*

We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2.

This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process.

If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please:

- a. **Reinstate the original definition of “local contact” which is “an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact.” and**
- b. **Delete the Disclosure in Section 4 (c).**

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Lynelle Pierzchalski

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 5:55 AM
To: FINTestimony
Cc: bob@vshl.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

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SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Bob Emslie	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please a. Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b. Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation.

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Cc: evanelk@shaw.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

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SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Diederick L. van Elk	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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To: FINTestimony
Cc: mauicolorado@aol.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

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SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Palmer	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please a.Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and b.Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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Sent: Thursday, April 02, 2015 4:55 AM
To: FINTestimony
Cc: linda.waite@lhfs.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

LATE

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Waite	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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- b) Delete the Disclosure in Section 4 (c).

By at least making these two amendments, Act 326 will remain consistent existing legislation.

Thank you for the opportunity to testify.

Gayla Conway

LATE

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Members of the House Committee on Finance:

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Delete the Disclosure in Section 4 (c).

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Thank you for the opportunity to testify.

Daniel Kruzel

69-555 Waikoloa Beach Drive #1201

Waikoloa, HI 96738

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, April 01, 2015 9:09 PM
To: FINTestimony
Cc: mauibeachhouse@homesbykaren.ca
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/1/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Raymond	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify. Mahalo, Don&Karen Raymond

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 10:03 AM
To: FINTestimony
Cc: paul@SunshineRainbows.com
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Shields	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 10:01 AM
To: FINTestimony
Cc: crewson@telus.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Verla Crewson	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
 Sent: Thursday, April 02, 2015 10:51 AM
 To: FINTestimony
 Cc: jen@sprynet.com
 Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Talbott	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." We strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SB2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SB 2 is not appropriate, at a minimum, please: Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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LATE TESTIMONY

Aloha Chairman Luke, Vice Chairman Nishimoto and members of the House Committee on Finance

My name is Bonnie Aitken, owner of a legal licensed TVR on Kauai.

I am in opposition to SB519 S.D.2 H.D.2 as currently written.

The current definition of "Local Contact" in SB519 S.D.2 H.D.2 was erroneously inserted into this bill during the last committee.

Replacing this version of the bill with SB519 S.D.2 is the easiest and most effective solution. as the current version severely restricts the non- resident owner's ability to self-manage their property.

Current Hawaii legislation distinguishes two roles in the real estate industry. Role #1 concerns those who DO have fiduciary responsibility to the property owner. These people manage properties, collect rent etc. They must be either real estate licensees or a caretaker custodian employed by a single owner. That is the law.

Role #2 concerns those who DO NOT have fiduciary responsibility to the property owner. These people have a consumer protection role and are referred to as Local Contacts in Act 326 or as Agents in the Landlord Tenant Act. The Local Contact, because he is NOT handling funds for the property owner, Can work for many owners.

The revised definition of the Local Contact forces the non- local owner of the TVR to hire either a real estate agent or a Caretaker custodian who may only work for one owner; both have a fiduciary responsibility to the owner. This would severely restrict the number of people who could serve as Local contacts making it extremely difficult for the non-resident owner to self- manage his property – which is a right granted to the owner under the Real Estate Code. A local owner does not have this problem..

Act 326 made it quite clear that the role of the local contact was for consumer protection in case of emergency, answer questions about the premises and to facilitate communication between the owner and the tenant. The local contact IS NOT in a fiduciary position and therefore Can work for more than one owner.

Neither the real estate code nor the landlord tenant act require the local contact be a real estate licensee. Both the Real Estate Commission and the Hawaii Association of Realtors have submitted testimony saying exactly this.

[We also have to go back to 2012 to remember why Act 326 and the local contact came into being in the first place. By creating different sets of rules for owners based solely on residence concerned the Hawaii Attorney General at the time. He stated that to do so "*...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents*"]

Replacing this version of the bill with SB519 S.D.2 is the easiest and most effective solution.as the current version severely restricts the non- resident owner's ability to self-manage their property.

I thank you for the opportunity to testify and hopefully help the legislators implement a method to collect taxes for the state while protecting both the consumer and all property owners.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2015 2:02 PM
To: FINTestimony
Cc: remich4206@aol.com
Subject: *Submitted testimony for SB519 on Apr 2, 2015 14:00PM*

LATE

SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemary E. Michaels	Individual	Oppose	No

Comments:

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Sent: Thursday, April 02, 2015 2:20 PM
To: FINTestimony
Cc: dmsfremont55@sbcglobal.net
Subject: Submitted testimony for SB519 on Apr 2, 2015 14:00PM

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SB519

Submitted on: 4/2/2015

Testimony for FIN on Apr 2, 2015 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dianne Smith	Individual	Oppose	No

Comments: Dear Honorable Representative Luke and Members of the House Committee on Finance: I OPPOSE SB519 SD2 HD2 as written. The proposed definition of "local contact" as written by the previous committee a) puts Act 326 in contradiction with both the Landlord Tenant Act and the Real Estate Code, b) incorrectly combines roles of people who owe a fiduciary responsibility to the owner with those who do not, c) sets a different requirement for owners based on residence, and d) incorrectly misquotes the Real Estate Code. As written, the current definition of "local contact" puts a different requirement on a property owner living in Hawaii than one who does not, a situation which the Attorney General of Hawaii stated in 2012 "...may invite a legal challenge under the Commerce Clause, the Equal Protection Clause, and/or the Privileges and Immunities Clause of the United States Constitution. Each of the clauses generally prohibit discrimination against nonresidents or discrimination in favor of "in state" residents." I strongly urge the committee to replace this bill, in its entirety, with the wording of SB 519 SD2. This will a) ensure Act 326 remains legally consistent with the Landlord Tenant Act and the Real Estate Code, b) maintain the status quo while the sunrise analysis of contemplated by HCR48 is considered and c) greatly simplify the conference process. If the committee considers that SB519 SD 2 is not appropriate, at a minimum, please Reinstate the original definition of "local contact" which is "an individual or company contracted by the operator of the transient accommodation to provide services required by this section. Nothing in this section shall be deemed to create an employer-employee relationship between an operator and its local contact." and Delete the Disclosure in Section 4 (c). By at least making these two amendments, Act 326 will remain consistent existing legislation. Thank you for the opportunity to testify.

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