

Honolulu, Hawaii

FEB 28 2020

RE: S.B. No. 2922
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committees on Ways and Means and Judiciary, to which was referred S.B. No. 2922, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,"
beg leave to report as follows:

The purpose and intent of this measure is to make various statutory amendments to simplify and streamline the administration of the transient accommodations tax.

Specifically, this measure amends the State's transient accommodations tax law to:

- (1) Replace the misdemeanor penalty for failing to obtain a transient accommodations tax registration identification number with a monetary fine;
- (2) Authorize the Director of Taxation to hold certain controlling officers personally liable for certain violations;
- (3) Replace the term "operator or plan manager" with "person" or "taxpayer" to close an enforcement loophole and clarify the applicability of the transient accommodations tax;



- (4) Broaden the definition of the term "operator" to clarify that it includes any person who engages in any activity that results in the collection of receipts that are defined as gross rental proceeds under transient accommodations tax law; and
- (5) Repeal outdated references to filing of returns and remittance of payments to specific taxation districts.

Your Committees received written comments in support of this measure from the Department of Taxation.

Your Committees received written comments on this measure from the Tax Foundation of Hawaii.


Your Committees find that this measure will repeal outdated provisions, accommodate recent changes, and clarify other provisions of the State's transient accommodations tax, thereby ensuring the proper administration of the law.

Your Committees have amended this measure by:

- (1) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (2) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Ways and Means and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2922, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2922, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Ways and Means
and Judiciary,



KARL RHOADS, Chair




DONOVAN M. DELA CRUZ, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* <i>SB 2922, SD1</i>	Committee Referral: <i>EET, WAM/JDC</i>	Date: <i>2/26/20</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.				X
KAHELE, Kaiali'i				X
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
MORIWAKI, Sharon Y.	X			
RIVIERE, Gil	X			
SHIMABUKURO, Maile S.L.	X			
TANIGUCHI, Brian T.				X
FEVELLA, Kurt	X			
TOTAL	<i>9</i>			<i>4</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original <input checked="" type="checkbox"/> Yellow <input type="checkbox"/> Pink <input type="checkbox"/> Goldenrod <input type="checkbox"/> File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2922 SD1	Committee Referral: EET, WAM/JDC	Date: 2/26/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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