

Honolulu, Hawaii

FEB 17

RE: S.B. No. 2057  
S.D. 1

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committees on Tourism and Intergovernmental Affairs, to which was referred S.B. No. 2057 entitled:

"A BILL FOR AN ACT RELATING TO TIME SHARE ZONING,"

beg leave to report as follows:

The purpose of this measure is to clarify the language in section 514E-5, Hawaii Revised Statutes, with regard to time share plans in a time share zoning district established by a county.

This measure clarifies that if a county establishes such a district, it may restrict time share units and time share plans in other zoning districts, including areas designated for hotel use, resort use, or transient vacation rentals.

Your Committees received testimony in support of this measure from three Maui Council Members, ILWU Local 142, and four individuals. Your Committees received testimony in opposition to this measure from the Hawaii Hotel & Lodging Association, ARDA-Hawaii, Hilton Grand Vacations Company, Starwood Vacation Ownership, Cendant Vacation Network Group, and Fairfield Resorts.

The Attorney General provided an opinion dated February 8, 2006, in response to a question whether this measure was necessary to give the counties the power to restrict time share use by zoning ordinance. The opinion stated that, although counties presently possess such powers by statute, a statutory amendment such as contained in this measure would serve to clarify existing law.



2780

Section 514E-5(2), Hawaii Revised Statutes, specifically allows counties to limit the allowable locations of time share units, time share plans, and transient vacation rentals.

Your Committees find that this measure clarifies the counties' planning authority over zoning in matters relating to time share locations. Planning and zoning are traditionally local functions. The Hawaii State Constitution, in section 1 of Article VIII, states:

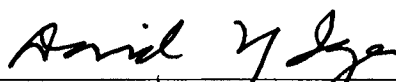
Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. *Each political subdivision shall have and exercise such powers as shall be conferred under general laws.* (Emphasis added.)

This measure supplements section 514E-5(2) by clarifying that the counties may establish by zoning ordinances a time share zoning district. This issue is one of home rule, and your Committees believe that input is needed from the other counties.

Your Committees have amended this measure by changing the effective date to July 1, 2020, to continue discussions due to concerns that only Maui county submitted testimony in support.

As affirmed by the records of votes of the members of your Committees on Tourism and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2057, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2057, S.D. 1, and be referred to the Committee on Commerce, Consumer Protection, and Housing.

Respectfully submitted on  
behalf of the members of the  
Committees on Tourism and  
Intergovernmental Affairs,



DAVID Y. IGE, Chair



DONNA MERCADO KIM, Chair





