

Honolulu, Hawaii

APR 27 2023

RE: S.B. No. 798
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 798, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TIME SHARING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require, as part of a developer's application for time share unit registration or annexation:
 - (A) A list of projects containing out-of-state time share units; and
 - (B) A statement that the developer has verified that those units are in compliance or not prohibited under the laws of the jurisdiction where the units are located; and



- (2) Clarify that a developer is not required to submit any other evidence of such compliance to register in the State.

Your Committee on Conference finds that the 1980 Hawaii Time Share Act's broad language has had the unintended consequence of causing the Department of Commerce and Consumer Affairs to require time share developers to provide evidence that its time share units located outside the State are compliant with the zoning and land use laws and regulations of the jurisdiction where the time share units are located. Therefore, this measure clarifies the intent of the existing law, preempts the Department's current practice, and instead requires only that a developer submit to the Department a list of projects containing out-of-state time share units and a statement that it has complied with the zoning and land use laws and regulations of the jurisdiction where its time share units are located.

Accordingly, your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 798, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 798, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SEAN QUINLAN
Co-Chair



MARK M. NAKASHIMA
Co-Chair



LORRAINE R. INOUE
Chair



JARRETT KEOHOKALOLE
Co-Chair



KARL RHOADS
Co-Chair



Hawai'i State Legislature

CC 24

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.:

Date/Time:

SB 798, SD 1, HD 1

4-24-2023 - 10:07am

[x] The recommendation of the House and Senate managers is to pass with amendments (CD).

[] The Committee is reconsidering its previous decision.

[] The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

[] The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUYE, Lorraine R., Chr.	✓				QUINLAN, Sean, Co-Chr.	✓			
KEOHOKALOLE, Jarrett, Co-Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
RHOADS, Karl, Co-Chr.	✓				KONG, Sam Satoru				✓
					SAYAMA, Jackson D.	✓			
					PIERICK, Elijah				✓
TOTAL	3	0	0	0	TOTAL	3	0	0	2

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: [x] Adopted [] Not Adopted

House Recommendation is: [x] Adopted [] Not Adopted

Senate Lead Chair's or Designee's Signature: *Lorraine R. Inouye*

House Lead Chair's or Designee's Signature: *Sean Quinlan*

Distribution: Original (File with Conference Committee Report), Yellow (House Clerk's Office), Pink (Senate Clerk's Office), Goldenrod (Drafting Agency)