STAND. COM. REP. NO. 866

Honolulu, Hawaii

MAR 0 3 2023

RE: S.B. No. 798

S.D. 1

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

Sir:

Your Committees on Commerce and Consumer Protection and Judiciary, to which was referred S.B. No. 798, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to clarify that a developer is responsible for ensuring that the use of out-of-state time share units for time sharing purposes complies with zoning and land use laws and rules of the jurisdiction where the time share units are located but is not required to submit evidence of such compliance to register in Hawaii.

Your Committees received testimony in support of this measure from Marriot Vacations Worldwide Corporation, American Resort Development Association - Hawaii, and one individual. Your Committees received testimony in opposition to this measure from UNITE HERE! Local 5. Your Committees received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committees find that existing law prohibits time sharing in areas of Hawaii that are not zoned for time sharing. This law was adopted to protect residential neighborhoods in the State from being transient neighborhoods with homes used for time shares. However, this has had the unintended consequence of causing the Department of Commerce and Consumer Affairs to require time share developers to provide evidence that the developers' time share

2023-1961 SSCR SMA.docx

units located outside the State are also in compliance with local zoning laws in their respective locations. No other state requires this information and providing this information is costly and time consuming for developers. This measure restates and clarifies the original intent of the zoning confirmation requirement by requiring developers to ensure that time share units located in Hawaii comply with local zoning laws and clarifies that developers are not required to submit evidence of compliance of out-of-state time share units complying with legal requirements of other jurisdictions upon registering in Hawaii, thus protecting consumers of time share units in Hawaii while streamlining the time share registration process.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 798, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Judiciary,

KARL RHOADS, Chair

Ine M

JARRETT KEOHOKALOLE, Chair

2023-1961 SSCR SMA.docx

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee		Dat		100			
SB798 SDI WTL, CPN/JDC 2/28/23								
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
KEOHOKALOLE, Jarrett (C)		V						
FUKUNAGA, Carol (VC)		✓						
MCKELVEY, Angus L.K.		V						
RICHARDS, III, Herbert M. "Tim"		V						
AWA, Brenton		V						
	 							
1			-					
					 			
			· · ·					
		-						
TOTAL				^				
TOTAL			U		0			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
and John ago								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

*Only one measure per Record of Votes

The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolu		Committee Referral: WTL,CPN UDC Date: 2/28/23						
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
	Members		Aye	Aye (WR)	Nay	Excused		
RHOADS, K	(arl (C)		V			_		
GABBARD,	Mike (VC)		V					
ELEFANTE,	Brandon J.C.		V					
SAN BUEN	AVENTURA, Joy A	١.				V		
AWA, Brent	on							
								
1								
	·							
	· 							
	TOTAL		4					
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution:	Original File with Committee Re	Yellow Pink Goldenrod eport Clerk's Office Drafting Agency Committee File Copy						

^{*}Only one measure per Record of Votes