
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that hands-on, real-world
2 experience is a critical component of higher education,
3 particularly in fields such as hospitality, agriculture,
4 culinary arts, and business management. To provide this
5 essential training, the university of Hawaii must be able to
6 operate "teaching laboratories," facilities that function as
7 active businesses to give students practical experience in their
8 chosen careers.

9 The legislature further finds that these educational
10 laboratories often mimic commercial enterprises in their
11 operations, such as teaching hotels or culinary centers.
12 Consequently, these facilities can face regulatory hurdles at
13 the county level, where zoning codes and requirements for
14 special use permits, designed for commercial entities, are
15 applied to educational institutions. For example, the
16 university of Hawaii Maui college's hospitality academy seeks to
17 operate a limited number of guest rooms for student training but



1 faces zoning challenges regarding the collection of fees and the
2 requirement for special use permits.

3 The legislature determines that the educational mission of
4 the university of Hawaii is a matter of statewide concern.
5 Subjecting university educational programs to varying county
6 zoning ordinances and discretionary permit processes hinders the
7 development of necessary workforce training programs.

8 The purpose of this Act is to authorize the university of
9 Hawaii to engage in enterprise-related activities that have an
10 educational nexus on its campuses statewide, notwithstanding
11 county zoning laws or requirements for special use permits.

12 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§304A- Enterprise-related activities; educational
16 nexus; exemption from county regulation. (a) Notwithstanding
17 any law, county ordinance, or county zoning regulation to the
18 contrary, the university of Hawaii may engage in enterprise-
19 related activities on any lands under its control; provided that
20 the activity has a demonstrable educational nexus.



1 (b) For the purposes of this section, an "educational
2 nexus" exists when the enterprise-related activity:
3 (1) Is integrated into a credit-bearing curriculum,
4 certificate program, or workforce development program
5 offered by the university;
6 (2) Provides practical, hands-on training or research
7 opportunities for students; and
8 (3) Is conducted primarily for educational purposes rather
9 than solely for profit.

10 (c) Activities authorized under this section shall be
11 exempt from county zoning ordinances; land use restrictions; and
12 requirements for special use permits, conditional use permits,
13 or similar county-level land use approvals.

14 (d) Authorized enterprise-related activities may include:
15 (1) Hospitality training laboratories, including the
16 operation of guest rooms and the collection of lodging
17 fees; provided that the hospitality training
18 laboratories are used to train students in
19 hospitality, tourism, or business management;
20 (2) Culinary, agricultural, or retail operations that sell
21 goods or services produced by university programs; and



1 (3) Other training facilities as designated by the board
2 of regents.

3 (e) Any revenue generated by these activities shall be
4 retained by the university to defray costs, maintain facilities,
5 or support student scholarships.

6 (f) While exempt from zoning permits, these facilities
7 shall remain subject to applicable state health and safety codes
8 and, where applicable, general excise and transient
9 accommodations taxes."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect July 1, 3000.



H.B. NO. 2171
H.D. 1

Report Title:

UH; Enterprise-Related Activities; Counties; Zoning

Description:

Authorizes the University of Hawaii to engage in enterprise-related activities for educational purposes, under certain circumstances. Effective 7/1/3000. (HD1)

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