
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, which are facilities that
7 function as active businesses to give students practical
8 experience in their 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 pursuant to article X, section 6, of the Hawaii State
6 Constitution. Subjecting university educational programs to
7 varying county zoning ordinances and discretionary permit
8 processes hinders the development of necessary workforce
9 training programs.

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

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

17 "§304A- Enterprise-related activities; educational
18 nexus; exemption from county regulation. (a) Notwithstanding
19 any law, county ordinance, or county zoning regulation to the
20 contrary, the university of Hawaii may engage in enterprise-



1 related activities on any lands under its control; provided that
2 the activity has a demonstrable educational nexus.

3 (b) Activities authorized under this section shall be
4 exempt from county zoning ordinances; land use restrictions; and
5 requirements for special use permits, conditional use permits,
6 or similar county-level land use approvals.

7 (c) Authorized enterprise-related activities may include:

8 (1) Hospitality training laboratories, including the
9 operation of guest rooms and the collection of lodging
10 fees; provided that the hospitality training
11 laboratories are used to train students in
12 hospitality, tourism, or business management;

13 (2) Culinary, agricultural, or retail operations that sell
14 goods or services produced by university programs; and

15 (3) Other training facilities as designated by the board
16 of regents.

17 (d) Any revenue generated by enterprise-related activities
18 authorized under this section shall be retained by the
19 university to defray costs, maintain facilities, or support
20 student scholarships.



1 (e) While exempt from county zoning permits, the
2 facilities shall remain subject to applicable state health and
3 safety codes and, where applicable, general excise and transient
4 accommodations taxes.

5 (f) For the purposes of this section, an "educational
6 nexus" exists when the enterprise-related activity:

7 (1) Is integrated into a credit-bearing curriculum,
8 certificate program, or workforce development program
9 offered by the university;

10 (2) Provides practical, hands-on training or research
11 opportunities for students; and

12 (3) Is conducted primarily for educational purposes rather
13 than solely for profit."

14 SECTION 3. New statutory material is underscored.

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



Report Title:

UH; Enterprise-Related Activities; Counties; Zoning

Description:

Authorizes the University of Hawaii to engage in enterprise-related activities for educational purposes exempt from certain county zoning requirements, under certain circumstances.
Effective 7/1/3000. (SD1)

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