

JAN 20 2023

A BILL FOR AN ACT

RELATING TO STATE PARKS.

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

1 SECTION 1. The legislature finds that every county in
2 Hawaii has identified "hot spots" in their destination
3 management plans. These "hot spots" are areas or sites that
4 attract visitors due to the sites' popularity, which may result
5 in overcrowding, congestion, degradation of resources, safety
6 hazards, and a negative experience for residents and visitors.

7 The legislature further finds that many of these "hot
8 spots" are state parks. To address overcrowding, the department
9 of land and natural resources' division of state parks has
10 developed management tools such as establishing entry and
11 parking reservation systems, increasing fees, improving
12 interpretive signage, adding park rangers, subcontracting
13 shuttle systems, and making needed park improvements.

14 The legislature finds that the successful Haena state park
15 model, involving community-led, government-sponsored management,
16 has reversed decades of overcrowding, abuse of natural
17 resources, and negative impacts to the surrounding residential



1 community. The installation of a boardwalk through restored
2 loi, operation of a shuttle by a community-based nonprofit
3 organization, parking attendant station and new parking lot, and
4 the potential restoration of seventeen acres of loi has resulted
5 in increased revenue for the state parks special fund and
6 created thirty-five new jobs on Kauai, with north shore
7 residents filling half of these positions. Based on the success
8 of the Haena state park experience, the legislature believes
9 that exempting parking lot operations at state parks from the
10 bidding requirements for concessions operated on public property
11 will allow for similar long-term management partnerships to be
12 enacted through community and place-based nonprofit
13 organizations.

14 The purpose of this Act is to exempt parking lot operations
15 at state parks and operation of concessions at certain state
16 parks from the bidding requirements for concessions operated on
17 public property.

18 SECTION 2. Section 102-2, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:



1 "(b) The bidding requirements of subsection (a) shall not
2 apply to concessions or space on public property set aside for
3 the following purposes:

4 (1) For operation of ground transportation services and
5 parking lot operations at airports, state parks, and
6 small boat harbors, except for motor vehicle rental
7 operations under chapter 437D;

8 (2) For lei vendors;

9 (3) For airline and aircraft operations;

10 (4) For automated teller machines and vending machines,
11 except vending machines located at public schools
12 operated by blind or visually handicapped persons in
13 accordance with section 302A-412;

14 (5) For operation of concessions set aside without any
15 charge;

16 (6) For operation of concessions by handicapped or blind
17 persons; except concessions operated in the public
18 schools by blind or visually handicapped persons in
19 accordance with section 302A-412;

20 (7) For operation of concessions on permits revocable on
21 notice of thirty days or less; provided that no such



1 permits shall be issued for more than a one year
2 period;

3 (8) For operation of concessions or concession spaces for
4 a beach service association dedicated to the
5 preservation of the Hawaii beach boy tradition,
6 incorporated as a nonprofit corporation in accordance
7 with state law, and whose members are appropriately
8 licensed or certified as required by law;

9 (9) For operation of concessions or concession spaces
10 providing for beach or ocean-related recreational
11 services; provided that the concessions are awarded to
12 the responsible offeror whose proposal is determined
13 to be most advantageous, taking into consideration
14 prices and evaluation factors set forth in the request
15 for proposals;

16 (10) For operation of concessions at county zoos, botanic
17 gardens, or county parks that are designated by the
18 respective county director of parks and recreation, in
19 the director's sole discretion, as environmentally,
20 culturally, historically, or operationally unique and
21 are supported by nonprofit corporations incorporated



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1 in accordance with state law solely for purposes of
 2 supporting county aims and goals of the zoo, botanic
 3 garden, or designated county park, and operating under
 4 agreement with the appropriate agency solely for those
 5 purposes, aims, and goals;

6 (11) For operation of concessions at state parks that are
 7 designated by the board of land and natural resources
 8 as environmentally, culturally, historically, or
 9 operationally unique and are supported by nonprofit
 10 corporations incorporated in accordance with state law
 11 solely for purposes of supporting state aims and goals
 12 of the designated state park, and operating under
 13 agreement with the appropriate agency solely for those
 14 purposes, aims, and goals;

15 [~~(11)~~] (12) For operation of concessions at county zoos,
 16 botanic gardens, or county parks that are designated
 17 by the respective county director of parks and
 18 recreation, in the director's sole discretion, as
 19 environmentally, culturally, historically, or
 20 operationally unique; provided that the concessions
 21 are awarded to the responsible offeror whose proposal



1 is determined to be the most advantageous, taking into
2 consideration prices and evaluation factors set forth
3 in the request for proposals;

4 [~~(12)~~] (13) For operation of concessions that furnish goods
5 or services for which there is only one source, as
6 determined by the head of the awarding government
7 agency in writing; provided that the written
8 determination shall be included in the contract file;

9 [~~(13)~~] (14) For any of the operations of the Hawaii health
10 systems corporation and its regional system boards;

11 [~~(14)~~] (15) For airport operation of concessions; and

12 [~~(15)~~] (16) For the operations of the natural energy
13 laboratory of Hawaii authority."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.
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S.B. NO. 963

INTRODUCED BY: *Paul M. ...*
By Request



S.B. NO. 963

Report Title:

State Parks; Parking Lot Operations; Concessions; Bidding
Requirements Exemptions

Description:

Exempts parking lot operations at state parks and operation of concessions at certain state parks from the bidding requirements for concessions operating on public property.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

