THE SENATE THIRTY-SECOND LEGISLATURE, 2023 STATE OF HAWAII

S.B. NO. 963

#### JAN 2 0 2023

### A BILL FOR AN ACT

RELATING TO STATE PARKS.

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

SECTION 1. The legislature finds that every county in
Hawaii has identified "hot spots" in their destination
management plans. These "hot spots" are areas or sites that
attract visitors due to the sites' popularity, which may result
in overcrowding, congestion, degradation of resources, safety
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 organization, parking attendant station and new parking lot, and 3 4 the potential restoration of seventeen acres of loi has resulted in increased revenue for the state parks special fund and 5 6 created thirty-five new jobs on Kauai, with north shore residents filling half of these positions. Based on the success 7 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 will allow for similar long-term management partnerships to be 11 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, is19 amended by amending subsection (b) to read as follows:



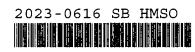
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1	"(b)	The bidding requirements of subsection (a) shall not	
2	apply to	concessions or space on public property set aside for	
3	the following purposes:		
4	(1)	For operation of ground transportation services and	
5		parking lot operations at airports, 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	



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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	[ <del>(11)</del> ]	(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



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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	[ <del>(12)</del> ] <u>(13)</u> 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	[ <del>(13)</del> ] <u>(14)</u> For any of the operations of the Hawaii health
10	systems corporation and its regional system boards;
11	[ <del>(14)</del> ] <u>(15)</u> For airport operation of concessions; and
12	[ <del>(15)</del> ] <u>(16)</u> 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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pun.m. INTRODUCED BY:

By Request



#### 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.

