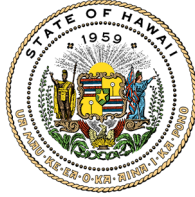


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
TRANSPORTATION

Thursday, February 5, 2026
9:30 AM

State Capitol, Conference Room 430 and Via Videoconference

In consideration of
HOUSE BILL 2375
RELATING TO TOWING PRACTICES

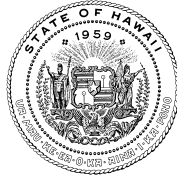
House Bill 2375 proposes to establish uniform standards for parking enforcement and towing practices on State and State-leased lands, including notice requirements, disability protections, consumer payment safeguards, and public reporting. **The Department of Land and Natural Resources (Department) has significant concerns with this approach and offers the following comments.**

This measure would affect parking lots managed by several of the Department's Divisions. The Department is concerned regarding the requirement that enforcement officers order each and every tow that may need to occur on a State lot. While the Department is actively recruiting enforcement officers to increase capacity, it does not currently have the capacity to divert enforcement officers to routine parking enforcement duties. The Department's enforcement officers' specialized training is best utilized enforcing laws that protect Hawai'i's natural and cultural resources and should be devoted to such critical duties, not routine parking monitoring.

This measure does not consider that vehicles may be towed for a number of reasons, including safety and security, such as when vehicles block emergency lanes or park in restricted areas. Additional reasons for towing include parking in posted no parking areas, obstructing accessways, and improper use of recreational or permit designated areas, commercial misuse of recreational stalls, and failure to pay parking fees. Prohibiting parking management contractors from addressing these issues could adversely affect public access and enjoyment of managed public facilities, allow abandoned or derelict vehicles to linger, and reduce revenue that supports the Department's mission.

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 'I 96810-0119

WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
COMMITTEE ON TRANSPORTATION

FEBRUARY 5, 2026, 9:30 A.M.
CONFERENCE ROOM 430 AND VIA VIDEOCONFERENCE, STATE CAPITOL

H.B. 2375

RELATING TO TOWING PRACTICES.

Chair Kila, Vice Chair Miyake, and members of the Committee, thank you for the opportunity to submit testimony on H.B. 2375.

The Department of Accounting and General Services (DAGS) provides comments on H.B. 2375 which establishes uniform standards for parking enforcement and towing practices on state and state-leased lands, including notice requirements, disability protections, consumer payment safeguards and public reporting

DAGS seldom tows vehicles from the 35 parking facilities it manages statewide. On average, DAGS tows approximately one vehicle per year, and only after the vehicle has remained in the parking facility for more than three days without movement.

To promote transparency and public awareness, parking rules under Chapter 3-30, Hawaii Administrative Rules, clearly state that parking is permitted only during the

business hours of the respective agency and may not exceed 24 hours. Vehicles remaining in DAGS parking facilities beyond the end of the business day are cited solely to notify the vehicles owner of the applicable parking restriction. Typically, vehicles are not towed unless they have remained unmoved for at least three days following citation.

While we recognize that not all state parking facilities may be under the control of DAGS, we would recommend that this measure be focused on non-DAGS parking facilities as DAGS has established and effective rules that provide guidance to our parking enforcement team.

Thank you for the opportunity to provide testimony on this measure.

HB-2375

Submitted on: 2/4/2026 11:40:46 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
ROBERT DUERR	Wailoa River and Reeds Bay Boating and User Association 501c-3	Support	Written Testimony Only

Comments:

We Strongly Support HB2375 as the Wailoa River and Reeds Bay Boating and User Association 501c-3. The state is adding more paid parking at beach, harbors, parks and other public places. The state needs coordinated parking regulations and a consistent parking plan.

Letting state agencies set parking fees, penalties and towing requirements is not fair or just. Agencies hiring private parking enforcement contractors with little or no public or legislative oversight is a recipe for trouble.

For example. Cash only payments for car towing like at Ala Wai Small Boat Harbor and surf spot Ala Moana Bowls are highly suspect and bad business. What kind of business demands cash only payments and why? Why is the state subcontracting this unprofessional behavior?

Mahalo, Robert Duerr. Hilo Hawaii.

Wailoa River and Reeds Bay Boating and User Association 501c-3



HB2375 — Written Testimony

February 5, 2026 | info@surfparking.org | 808-383-3334

Aloha Chair Kila, Vice Chair Miyake, and Members of the House Transportation Committee,

Thank you for the opportunity to submit testimony on HB2375. My name is Kate Thompson, and I am the Director of Surfparking.org. For the past three years, our organization has worked to address and prevent state-sanctioned “tow-first” or “instant towing” parking enforcement practices on public land.

Parking enforcement on state and state-leased lands directly affects whether people can access places that belong to all of us, including government buildings, state parks, small boat harbors, monuments, recreational areas, and parking facilities surrounding the State Capitol. These are places residents rely on for work, civic participation, recreation, and essential public services.

Currently, parking enforcement across state sites is often difficult to understand and challenging to track. Standards vary by location and agency, records are not always readily accessible, and the public has limited visibility into how often vehicles are ticketed or towed, for what reasons, and under whose authority. This lack of transparency undermines public trust and creates real hardship for residents, particularly when towing is used for minor parking violations instead of warnings or citations.

As parking enforcement increasingly relies on private contractors and automated technology, strong state-level oversight is essential. Oversight helps ensure enforcement supports safety, public access, and ADA accessibility rather than revenue generation or unnecessary punishment. Clear recordkeeping and public reporting allow lawmakers to evaluate whether enforcement practices are fair, consistent, and aligned with Hawaii’s public trust responsibilities.

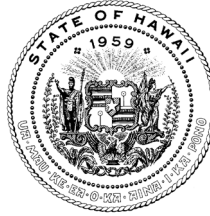
Monitoring parking enforcement is not about removing rules or ignoring violations. It is about ensuring that rules are applied fairly, consistently, and transparently across all state lands. Doing so protects access to public spaces, improves accountability, and ensures enforcement serves the public interest.

Mahalo,

Kate Thompson
Director, Surfparking.org



DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
GOVERNMENT OPERATIONS

Tuesday, February 1, 2022
3:00 PM

State Capitol, Via Videoconference, Conference Room 016

In consideration of
SENATE BILL 2726
RELATING TO PARKING CONCESSIONS

Senate Bill 2726 proposes to exempt parking concessions from the public bidding requirements under the state procurement law. **The Department of Land and Natural Resources (Department) strongly supports this measure.**

The Department operates vehicle parking plans through its various divisions and has found that being restricted to only offering vehicle parking plans by either Chapter 102 or 103D, Hawaii Revised Statutes (HRS), to be disadvantageous and requests the ability to offer vehicle parking plans using different procurement methods other than being limited to using Chapter 102, HRS. This will give the Department the ability to create parking plans that are more advantageous to the State and can be tailored to specific locations and conditions on a case by case basis. The Department will follow the appropriate procurement code when issuing solicitations for parking services.

Thank you for the opportunity to testify on this measure.

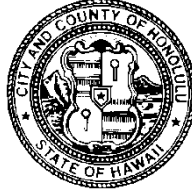
SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

RICK BLANGIARDI
MAYOR



ANDREW T. KAWANO
DIRECTOR

CARRIE CASTLE
DEPUTY DIRECTOR

TESTIMONY OF ANDREW T. KAWANO
DIRECTOR OF BUDGET AND FISCAL SERVICES
CITY AND COUNTY OF HONOLULU
BEFORE THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS
February 1, 2022, 3:00 PM, Conference Room 016 and Videoconference

TO: The Honorable Sharon Y. Moriwaki, Chair
and Members of the Senate Committee on Government Operations

RE: OPPOSITION OF SENATE BILL 2726, RELATING TO PARKING
CONCESSIONS

The Department of Budget and Fiscal Services, City and County of Honolulu (City), **opposes** Senate Bill (SB) 2726, Relating to Parking Concessions.

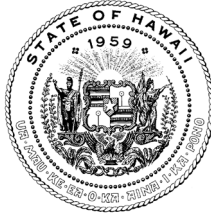
Hawaii Revised Statutes ("HRS") 102-1(2) defines "concessions" as meaning to grant a person the privilege to "operate a parking lot on property owned or controlled by the State with the exception of buildings, facilities, and grounds operated by or otherwise under the jurisdiction of the department of education."

Parking concessions can generate large amounts revenue and it should not be exempt from a fair and transparent competitive process. Agencies should factor in potential delays when planning and soliciting concessions, the same as in procurement contracts for services. The City would support a competitive sealed proposal process under HRS Chapter 102, if the State is looking to receive a "best value" option, but highly opposes removing any type of competition, **especially for parking lot concessions.**

For the reasons stated above, the City respectfully opposes Senate Bill 2726.

Mahalo for the opportunity to testify on this bill. Should you have any questions or concerns, please feel free to contact the Department of Budget & Fiscal Services' Division of Purchasing at 808-768-5535 or bfs purchasing@honolulu.gov.

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, March 22, 2022
9:30 AM

State Capitol, Conference Room 430, Via Videoconference

In consideration of
HOUSE CONCURRENT RESOLUTION 176/HOUSE RESOLUTION 176
URGING THE BOARD OF LAND AND NATURAL RESOURCES TO APPOINT
HARBOR AGENTS AS ENFORCEMENT OFFICERS FOR THE PURPOSES OF
ENFORCING PARKING VIOLATIONS AT SMALL BOAT HARBORS IN THE STATE.

House Concurrent Resolution 176/House Resolution 176 urge the Board of Land and Natural Resources to appoint Harbor Agents as Enforcement Officers to enforce parking violations at state small boat harbors. **The Department of Land and Natural Resources (Department) appreciates the intent of these measures and offers comments.**

When the Small Boat Harbor Program was under Department of Transportation (DOT) jurisdiction, Harbor Agents had authority to cite for parking violations at small boat harbors. However, due to complaints of favoritism and arbitrary citing, the authority was revoked. Additionally, sworn law enforcement officers are trained to provide court testimony, while Harbor Agents are not. In the event a citation is challenged in court, the Department has concerns about the ability of its Harbor Agents to attend and testify in court. The Department's Division of Conservation and Resources Enforcement provides comprehensive training to its officers so that they are equipped to handle all types of enforcement tasks, including parking enforcement and providing court testimony. The Department therefore believes that parking enforcement authority should remain with sworn law enforcement officers only.

Additionally, the Department encountered issues with accepting parking payments due to parking vendor interruptions. Without also being able to address this issue, the Department may not be able to determine which vehicles are violating parking regulations.

Thank you for the opportunity to comment on these measures.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

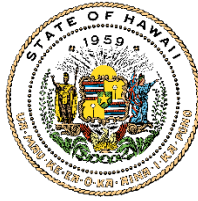
ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

November 7, 2024

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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BUREAU OF CONVEYANCES
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CONSERVATION AND RESOURCES
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Kate Thompson
Sent via Email: katet@me.com

Aloha Ms. Thompson:

Governor Green has asked me to respond to your October 27, 2024, email regarding the towing of vehicles at state small boat harbors (SBHs).

As you are aware, the Division of Boating and Ocean Recreation (DOBOR), which has jurisdiction over state SBHs, has contracted with a vendor for parking management at some SBHs. We understand that you oppose towing of vehicles at SBHs and prefer citing for parking violations, but under existing law, DOBOR's parking vendors do not have authority to issue parking citations.

Your recommendation to have the Division of Conservation and Resources Enforcement (DOCARE) monitor for parking violations daily is not feasible, given that DOCARE is already short-staffed to begin with and should be focusing its efforts on its main mandate and area of expertise: protection of the State's natural resources.

DOBOR is working closely with Secure Parking Hawaii to develop a procedure for providing a one-time warning to a vehicle committing a parking violation. If there are any further parking violations for that vehicle, it would be towed in accordance with applicable signage. However, this warning procedure would not apply to recreational parking areas during closure hours (from 10:30pm to 4:30am), as the parking area would be closed to the public, and any vehicles in these areas after-hours would be subject to immediate tow.

DOBOR is working to finalize the parking concession contract. Upon execution of the contract, Secure Parking Hawaii will be conducting public outreach with the community. We hope you will engage in meaningful discussions with them.

Sincerely,

A handwritten signature in black ink, appearing to be "Dawn N.S. Chang".

Dawn N.S. Chang
Chairperson

c: Governor Green, M.D.
DOBOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawai'i

February 9, 2024

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

SUBJECT: Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Kama'aina Boaters regarding Item J-1 on the August 11, 2023 Board Agenda, titled: *Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC for Management of Vehicular Parking at Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules..*

The Board may go into executive session pursuant to § 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

SUMMARY:

Kama'aina Boaters (hereinafter "Petitioner") filed a contested case hearing ("CCH") petition on August 21, 2023 regarding the continuation of the revocable permit ("RP") issued to Secure Parking Hawaii LLC ("Secure") for management of vehicular parking at Ala Wai Small Boat Harbor, Honolulu, Oahu, which was presented by the Division of Boating and Ocean Recreation ("DOBOR") as Item J-1 of the August 11, 2023 Board of Land and Natural Resources ("Board") meeting. DOBOR recommends that the Board deny the CCH petition because Petitioner has not demonstrated that it is legally entitled to a CCH on the continuance of the RP to Secure.

BACKGROUND:

At the Board's August 11, 2023 meeting under agenda Item J-1, DOBOR requested approval to continue the RP issued to Secure for an additional one-year period, through

Item J-1

September 13, 2024.¹ After approximately an hour of public testimony and consideration, the Board voted to approve DOBOR's recommendation via its Staff Submittal, as verbally amended by DOBOR staff during the meeting, unanimously.²

Kate Thompson orally requested a CCH for Item J-1 at the August 11, 2023 Board meeting. While it is not clear whether Ms. Thompson was requesting a CCH on behalf of Petitioner, Petitioner was one of three individuals who filed written CCH petitions regarding Item J-1. Petitioner's written CCH petition is included as **Attachment A**. In it, Petitioner seeks a CCH to challenge the Board's approval of Item J-1. Petitioner's desired relief includes: revocation of the RP to Secure; initiating rulemaking to establish proper use and operation of a private contractor licensed to perform acts in connection with an RP; and requiring an environmental assessment before issuing the RP.

DISCUSSION:

An administrative agency is only required to hold a CCH when it is required by law, which means that a CCH is required by (1) statute; (2) administrative rule; or (3) constitutional Due Process. *Mauna Kea Anaina Hou v. BLNR*, 136 Hawai'i 376, 390, 363 P.3d 224, 238 (2015). Petitioner claims here that a CCH is warranted pursuant to due process and its constitutional right to a clean environment. DOBOR staff disagrees and recommends denial of the request.

There is a two-step process in determining whether a person is constitutionally entitled to a CCH. First, a court would consider "whether the particular interest which claimant seeks to protect by a hearing is 'property' within the meaning of the due process clauses of the federal and state constitutions." *Flores v. BLNR*, 143 Hawai'i 114, 125, 424 P.3d 469, 480 (2018) (citation and internal brackets omitted). Second, if a court "concludes that the interest is 'property,' th[e] court analyzes what specific procedures are required to protect it." *Id.*

Step one merely requires the court to determine whether a petitioner seeks to protect a constitutionally cognizable property interest. *Id.* To have such a property interest, a person "must clearly have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it." *Sandy Beach Def. Fund v. City & Cty. of Honolulu*, 70 Haw. 361, 377, 773 P.2d 250, 260 (1989). Legitimate claims of entitlement that constitute property interests "are not created by the due process clause itself. Instead, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law[.]" *Flores*, 143 Hawai'i at 125, 424 P.3d at 480 (citation and internal brackets omitted).

¹ The written submittal provided by DOBOR staff in connection with the August 11, 2023 Board meeting's agenda Item J-1 is publicly available via the Board's website, at <https://dlnr.hawaii.gov/wp-content/uploads/2023/08/J-1.pdf>.

² See Audio Recording of the 8/11/2023 Meeting at approximately 1:32:38/ 7:01:57, available at <https://www.youtube.com/watch?v=HQUZpZeZUHg>.

If step one of the analysis is satisfied, then step two analyzes how the government action would affect that interest with and without additional procedural safeguards. With respect to the step two, the Hawai'i Supreme Court has been careful to emphasize that "[d]ue process is not a fixed concept requiring a specific procedural course in every situation." *Sandy Beach*, 70 Haw. at 378, 773 P.2d at 261. Due process "is flexible and calls for such procedural protections as the particular situation demands." *Id.* (quoting *Morrisey v. Brewer*, 408 U.S. 471, 481 (1972)).

Step One Analysis: Petitioner has no Constitutionally Protected Property Interest in the Renewal of a One-Year RP to Secure

Hawaii Administrative Rules ("HAR") Section 13-1-29(b) provides that a formal petition for a contested-case hearing must include, among other things, a statement of "[t]he nature and extent of the requestor's interest that may be affected by board action on the subject matter that entitles the requestor to participate in a contested case[.]"

Petitioner alleges that the specific due process interests being affected by the subject Board action are: "to adequate signage/notice of parking laws and regulations; to have a proper determination made by a duly authorized state official when parking rules and regulations have been violated; and the right to have regulations fairly enforced and not subject to excessive and unreasonable fines and/or payment terms." These are not constitutionally protected property interests affected by the subject Board action because Petitioner has no legitimate claim of entitlement to them. Petitioner did not participate in the original invitation for bids that DOBOR issued in March 2021, which determined the recipient of the parking RP. Secure was the successful bidder and was issued the initial RP for management of vehicular parking for Ala Wai Small Boat Harbor on September 10, 2021, as Board Agenda Item J-1.³

Additionally, Petitioner states as justification for being considered a party entitled to a CCH that its members include "boat owners with a mooring permit at the Ala Wai Boat Harbor that use the parking subject in the [RP]." However, holding a permit to moore a vessel at the Ala Wai small boat harbor does not establish any legitimate claim of entitlement to regarding the details of parking management and enforcement at the harbor's public parking facility. The Board should deny Petitioner's request for a CCH on the continuance of the RP to Secure on this basis alone.

Step Two Analysis: Even if Petitioner Identified a Constitutionally Protected Property Interest, Petitioner Is Not Entitled to a CCH Based Upon the Specific Factual Situation at Issue

Petitioner claims that a CCH is warranted pursuant to the right to a clean environment. However, continuance of the RP to Secure would not cause any significant

³ Staff notes that neither Ms. Thompson nor Petitioner engaged in the sunshine process ahead of the Board's initial RP issuance to Secure.

environmental impacts from the original issuance of the RP to Secure. Further, any repairs and maintenance to the parking areas at Ala Wai Small Boat Harbor would be solely within DOBOR's responsibility to fund and manage, and denying continuance of the RP to Secure would not affect this responsibility.

For the sake of argument, even if Petitioner could establish a constitutionally protected property interest in the RP renewal, Petitioner would still not be entitled to a CCH. The touchstone of due process is "notice and an opportunity to be heard at a meaningful time and in a meaningful manner before governmental deprivation of a significant property interest." *Sandy Beach*, 70 Haw. at 378, 773 P.2d at 261. To determine what further process is due, if any, the administrative agency must examine and balance three factors, repeated from above:

- (1) The private interest which will be affected;
- (2) The risk of an erroneous deprivation of such interest through the procedures actually used, and the probable value, if any, of additional or alternative procedural safeguards; and
- (3) The governmental interest, including the burden that additional procedural safeguards would entail.

Flores, 142 Hawai'i at 126–27, 424 P.3d at 481–82.

Even assuming the first factor could be established, the risk of an erroneous deprivation of any property interest in the absence of a CCH is minimal, as Petitioner was already afforded sufficient due process through Sunshine Law procedures. Any *additional* procedures via an adversarial, trial-type CCH would not add significant value. Petitioner received ample notice of the August 11, 2023 Board meeting, including the publicly available staff submittal, and Petitioner had an opportunity to be heard via the submission of public testimony, which it submitted in opposition to the agenda item. Additionally, Ms. Thompson testified in person and was heard by the Board prior to its decisionmaking on Secure's RP at the August 11, 2023 meeting. Petitioner was therefore afforded ample notice *and* a substantial opportunity to be heard by providing written and oral testimony. *Sandy Beach*, 70 Haw. at 378, 773 P.2d at 261. Petitioner has not demonstrated that there would be any significant value in being allowed to participate in the trial-type procedures of a full CCH on the same.

As to the third factor, the Board should find that the governmental interest, including the burden that holding a CCH would entail, weighs heavily in favor of rejecting the CCH petition. CCHs are expensive and time-consuming endeavors for the Department of Land and Natural Resources. The cost for retaining hearing officers and court reporters alone can be thousands of dollars for even single-day CCHs, and those costs are compounded when considering staff and attorney time. Petitioner has failed to justify why the DOBOR should bear such costs and spend many hours of staff time on a CCH of that would have little to no significant value. Of significant note is that if a CCH were held and issuance of the RP to Secure Parking is stayed or revoked pending the outcome of the CCH, see *Mauna Kea*, 136 Hawai'i at 381, 363 P.3d at 229, there would

be no entity available to perform parking lot management at the Ala Wai, which would only serve to compound the very issues Petitioner seeks to address and would create additional issues with unmonitored and unenforced parking violations. On balance, even if Petitioner could establish a sufficient property interest, the *Sandy Beach* factors weigh in favor of denying the instant petition.

Additional Considerations

There are also procedural requirements that Petitioner failed to satisfy, which additionally support denial of the CCH petition. HAR Section 13-1-29(a), for example, provides: "An oral or written request for a contested case hearing must be made to the board no later than the close of the board meeting at which the subject matter of the request is scheduled for board disposition. An agency or person so requesting a contested case must also file (or mail a postmarked) written petition with the board for a contested case no later than ten calendar days after the close of the board meeting at which the matter was scheduled for disposition. For good cause, the time for making the oral or written request or submitting a written petition or both may be waived."

It was not clear during the August 11, 2023 meeting that Ms. Thompson requested a CCH on behalf of Petitioner, as opposed to making the request in her individual capacity. However, even assuming that Ms. Thompson properly complied with the requirements for requesting a CCH on behalf of Petitioner pursuant to HAR Section 13-1-29(a), Petitioner is still not entitled to a CCH on Agenda Item J-1 of the Board's August 11, 2023 meeting because Petitioner has neither demonstrated a sufficient property interest in continuance of the RP to Secure, nor has it shown that the *Sandy Beach* factors weigh in its favor. Ultimately, Petitioner does not have a due process right to a CCH.

Therefore, Petitioner is not entitled to a CCH, based on the above, and staff recommends that the Board deny the pending petition.

RECOMMENDATIONS:

1. That the Board deny the CCH petition by Petitioner, pursuant to HAR Section 13-1-29.1 because Petitioner does not have a legal right, duty, or privilege entitling it to a CCH regarding continuance of the RP issued to Secure Parking Hawaii LLC; and
2. That the Board authorize the Chairperson to take any and all actions necessary to effectuate its decision.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



DAWN N.S. CHANG, Chairperson
Board of Land and Natural Resources

Attachment:

A. August 21, 2023 Contested Case Hearing Petition by Kama'aina Boaters



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED

2023 AUG 21 PM 4:08

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:
Department of Land and Natural Resources
Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://dlnr.hawaii.gov/forms/contested-case-form/>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in **three (3)** photocopies.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Ka'amaina Boaters (an unincorporated association)	2. Contact Person Kate Thompson	
3. Address [REDACTED]	4. City Kailua	5. State and ZIP HI 96734
6. Email [REDACTED]	7. Phone [REDACTED]	8. Fax

B. ATTORNEY (if represented)		
9. Attorney Name TBD	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

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C. SUBJECT MATTER	
17. Board Action Being Contested Continuation of Revocable Permit ("Permit") Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services ("Licensee") for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor	
18. Board Action Date 8/11/2023	19. Item No. J-1
20. Any Specific Statute or Rule That Entitles Petitioner to a Contested Case HAR 13-1-28; Hawaii constitution Article 1, Section 4 (Due Process), and Article IX, Section 4 (Preservation of a Healthful Environment)	
21. Any Specific Property Interest of Petitioner That Is Entitled to Due Process Protection Due process rights: to adequate signage/notice of parking laws and regulations; to have a proper determination made by a duly authorized state official when parking rules and regulations have been violated; and the right to have regulations fairly enforced and not subject to excessive and unreasonable fines and/or payment terms. Right to clean environment.	
22. Any Disagreement Petitioner May Have with an Application before the Board 1. Board should not have approved the revocable permit because of legitimate reports that (i) signage regarding parking is inadequate, resulting in improper removal of vehicles; (ii) that state officials are not determining whether parking meters are expired before vehicles are towed/removed; (iii), that Licensee is not performing its duties as was reported to the Board and that no licensee representative is patrolling the parking area; and (iv) that fees in connection with towing and enforcement are excessive and unreasonable. Furthermore, Licensee has contracted with towing companies that refuse to accept non-cash forms of payment, indicating potential fraud and misrepresentation of income. 2. DOBOR did not adequately demonstrate that the application was entitled to an exemption from performing an environmental assessment because the Exemption Notice did not comply or did not demonstrate notice compliance with HAR 11.200.1-17 (b) or (c), and mistates Exemption Class 1, Part 1, No. 44 of the Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on March 3, 2020	
23. Any Relief Petitioner Seeks or Deems Itself Entitled to 1. Revocation of the permit; 2. For the Board to engage in rule-making to establish proper use and operation of a private contractor licensed to perform the acts in connection with the revocable license, including procedures to provide adequate signage; determining when parking regulations have been violated; charging reasonable fines and fees in connection with the removal of vehicles; require licensees to require towing contractor to accept typical forms of legal tender including credit cards; require licensees to make the terms and conditions of all agreements with towing companies public, including terms regarding sharing of electronic information, and protections to ensure errors do no result in improper removal of vehicles; and require licensees to produce monthly towing records; and 3. Require an environmental assessment in accordance with Hawaii law, before issuing the license.	

24. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

Preserve due process and environmental rights to the public.

25. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

Petitioners include boat owners with a mooring permit at the Ala Wai Boat Harbor that use the parking subject the removable permit.

☒ Check this box if Petitioner is submitting supporting documents with this form.

☒ Check this box if Petitioner will submit additional supporting documents after filing this form.

Kate Thompson

Petitioner or Representative (Print Name)


Signature

8-21-23
Date

J-1 Meeting Transcript 9-10-21 Passed by the BOARD OF LAND
AND NATURAL RESOURCES for DOBOR J-1

00:00:00

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES:: I think you can. I think you can. Go ahead.

00:00:05

Richard Howard : This is Richard Howard for DOBOR. I've been seeing one is the issuance of a revocable permit to secure parking Hawaii LLC for management of the vehicular parking at the Ala Wai Small Boat Harbor. Staff requests minor amendments. To the submittal before the board votes on this item. The first of which is. Amending the applicant's name on the submittal from Secure Parking LLC to Secure Parking Hawaii LLC. The correct name, i.e. Secure Parking Hawaii LLC was published by Darlene. So I think we're okay with that. The second item. Is the Chapter 343 exemption paragraph on page three. It should read as follows In accordance with Section 11 200.115 Hawaii Administrative rules and the exemption list for the Department of Land and Natural Resources reviewed and concurred in by the Environmental Council on November 10th, 2020. The subject request is exempt. From the preparation of EA pursuant to general exemption type one operations, repairs or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing.

Part one item number 44, which states that permits, licenses, registrations and rights of entry issued by the department that are in routine, that are routine in nature, involving negligible, negligible impacts beyond that previously existing. On the final amendment we have to make is the commencement date. Uh, and that has to be amended from September 15th, 2021 to the first day of the month, determined by the Chair. DOBAR is requesting the issuance of a revocable permit to secure parking Hawaii LLC due to the AG's concerns with the IFB (Invitation For Bid) that we put out, which contained elements of both 102, which deals with concessions and 103 D, which is the procurement code, Uh, the, the issuance of this is will be temporary in nature and it will allow DOBOR to address the AG's concerns while allowing us to collect parking revenue from the Ala Wai Boat Harbor. We are willing to answer any questions.

Petitioners Note from Kate Thompson: Although, there may have been staff meetings on this topic, the 9-10-2021 meeting was the last public meeting on the Revocable Permit status with Secure Parking LLC. In this 2021 meeting, DOBOR requests more time to work on the IFB and to address the AG's concerns.

Yet in the next public meeting two years later on 8-11-2023 DOBOR submits J-1 requesting a 'backdated' permit and forward commitment to a 'Month to Month' permits that only allows release of the permit if the contracted company has violated the the terms of the Revocable Permit.

In Addition, the J-1 Submittal presents Act 163 and DOBOR's authority to contract directly for parking concessions. This would be issue, since DOBOR fulfilled the request of the AG's office outlined in this testimony to the Board of Land and Natural Resources. Plus in the August 11, 2023 meeting DOBOR says the 'previous experience' point with be given for new Revocable Permits and Contracts yet Secure

J-1 Meeting Transcript 9-10-21 Passed by the BOARD OF LAND
AND NATURAL RESOURCES for DOBOR J-1

Parking Hawaii LLC did not meet the original published minimum requirements of five years of experience as a parking vendor. Therefore, to use Act 163 for the future parking contracts and permits, all interested parties should have an equal non-historic 'competitive process', and no additional 'points' should be given for years of experience with this AWSBH property.

00:03:10

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES:
Thank you. And, Mr. Murray, did you want to add anything or. Here. Here for questions.

00:03:20

MAURI, JONATHAN MGR Secure Parking: Uh, good afternoon. Board. No, don't want to add anything. I'm just here to answer any questions if you guys have any.

00:03:26

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES:
Okay. Um. All right. Board member's questions. Mr. Hoy.

00:03:32

Tommy Oi - BLNR: Um.

00:03:33

Tommy Oi - BLNR: To staff. How are you going, how would it determine the free parking? Six hours.

00:03:43

Richard Howard : You want to get that one or do you want me to answer that? Sure.

00:03:46

Ed Underwood DOBOR: We've been working with Mr. Murray on this, too. And one because we now have these new machines, what we could do, an option would be somebody that comes into the free parking area, can pull a ticket, and that'll give them six hours of free parking that they can put on their dash. And then once that's expired, they will have to move the car either to another open stall or vacate the facility or move into the paid area.

00:04:14

Tommy Oi - BLNR: So somebody's going to be within that parking area checking out all the. Tickets, correct?

00:04:23

Ed Underwood DOBOR: Yes.

00:04:23

Ed Underwood DOBOR: That's what Mr. Murray's company is going to be doing, standard parking.

Petitioners Note: In this statement DOBOR administrator Ed Underwoord is not truthful with BLNR Member Tommy Oi because Ed Underwood knows Secure Parking Hawaii LLC has no authority to ticket and that Secure Parking will not be supplying parking attendants to walk around the parking lot.

J-1 Meeting Transcript 9-10-21 Passed by the BOARD OF LAND
AND NATURAL RESOURCES for DOBOR J-1

00:04:27

Tommy Oi - BLNR: Okay. And then the other question is, how are you going to handle employees within that area of parking? In the parking?

00:04:38

Ed Underwood DOBOR: Well, that is very difficult because it's open public parking. Um. They're going to have to pull the ticket as well. When we came before the board, that's one of the reasons we wanted to lower the time frame. So if somebody was in a neighboring employee from a hotel was using it, then they would have to leave their job at least twice a day to deal with the car and hopefully discourage them. But we're going to, uh, Mr. Murray came up with that idea with the ticketing. So I think that might really help discourage people from parking there, especially employees and construction companies and those folks.

00:05:19

Tommy Oi - BLNR: Okay, just answer my question. Thank you.

00:05:23

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES: Thank you. Any other questions? All right. There's no further testimony. Is there a motion to approve as amended?

00:05:36

Vernon Char - BLNR: Move to approve as amended.

00:05:38

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES: Okay. Second from Char. All in favor say aye.

00:05:42

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES: All right.

00:05:44

Suzanne Case Chairperson BOARD OF LAND AND NATURAL RESOURCES: One, two, three, four. One, two, three, four, five. Mr. Yoon, are you. Did you vote? Yes. Okay. That's six votes in favor of Megan being absent. Thank you very much.

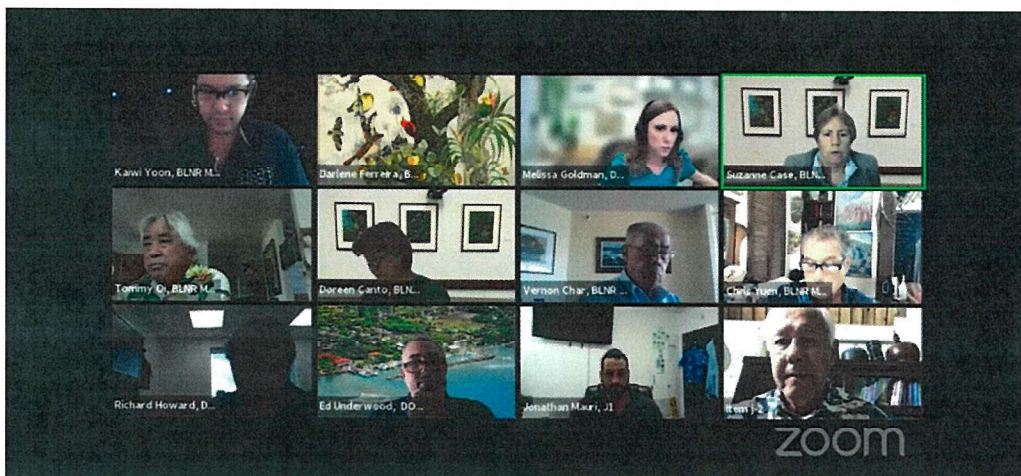


Exhibit A-2

Parking Plan



Screenshot

Exhibit A-2

This is not an accurate map on T-1, 8-11-23

From: "Li, Bin C" <bin.c.li@hawaii.gov>
Date: August 7, 2025 at 2:32:08 PM HST
To: Kate Thompson <katet@me.com>
Subject: Re: [EXTERNAL] Re: UIPA response regarding the number of parking citation issued by DOCARE Officers 2021, 2022, 2023, 2024

Yes. These are parking citation numbers.

Bin C. Li
Department of Land and Natural Resources
Administrative Proceedings Coordinator
1151 Punchbowl St, Rm 131, Honolulu, Hawaii 96813
Phone (808)587-1496, bin.c.li@hawaii.gov

From: Kate Thompson <katet@me.com>
Sent: Thursday, August 7, 2025 2:29 PM
To: Li, Bin C <bin.c.li@hawaii.gov>
Subject: [EXTERNAL] Re: UIPA response regarding the number of parking citation issued by DOCARE Officers 2021, 2022, 2023, 2024

Aloha Bin C. Li

Please clarify. The data in your response email to my UIPA request, is the number of parking citations issued by DOCARE officers in the Ala Wai Small Boat Harbor

and the Ma'alaea Small Boat Harbors 2021, 2022, 2023, and 2024?

Thank you,

Kate Thompson

On Aug 7, 2025, at 1:49 PM, Li, Bin C <bin.c.li@hawaii.gov> wrote:

Aloha Kate,

Please see below for the data you requested. Thank you for your patience.

For Citations at Ma'alaea Small Boat Harbor:

2021 - 22
2022 - 16
2023 - 7
2024 - 49

For Citations at Ala Wai Small Boat Harbor:

2021 — 10
2022 — 1
2023 — 4
2024 -- 4

Bin C. Li
Department of Land and Natural Resources
Administrative Proceedings Coordinator
1151 Punchbowl St, Rm 131, Honolulu, Hawaii 96813
Phone (808)587-1496, bin.c.li@hawaii.gov

NOTICE TO REQUESTER

TO: Kate Thompson
Phone: (808) 387-0321
Email: katet@me.com
(Requester's name)

FROM: Honolulu Police Department
Attn: UIPA/Public Records Requests
801 South Beretania Street
Honolulu, HI 96813
Email: hpdgeneral@honolulu.gov
(Agency, and agency contact person's name, telephone number, & email address)

DATE REQUEST RECEIVED: January 6, 2026

DATE OF ACKNOWLEDGMENT: January 21, 2026

DATE OF THIS NOTICE: February 4, 2026

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

Requesting the number/amount of calls from the Mr. Tow company to HPD for vehicles towed from the Ala Wai Small Boat Harbor, at 1651 Ala Moana Boulevard for 2025, to be combined into "one table" and to include the 2022, 2023, 2024, and 2025 towing numbers.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

☒ Will be granted in its entirety.

Tows from 1651 Ala Moana Blvd (From 2022 thru 2025)

	2022	2023	2024	2025
January	194	116	196	111
February	143	116	267	171
March	199	161	227	160
April	165	153	188	253
May	142	164	185	279
June	142	222	229	246
July	179	203	258	208
August	207	226	333	288
September	173	272	247	235
October	137	273	158	257
November	134	209	119	204
December	105	190	105	174
Totals:	1920	2305	2512	2586

☐ Cannot be granted. Agency is unable to disclose the requested records for the following reason:

- ☐ Agency does not maintain the records. (HRS § 92F-3)
Other agency that is believed to maintain records: _____
- ☐ Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____
- ☐ Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))
- ☐ Requested record(s) does not exist.

ACT 163

H.B. NO. 1432

A Bill for an Act Relating to Concessions on Public Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that section 102-2, Hawaii Revised Statutes, provides that concessions on public property are to be granted by sealed top-dollar bid, with limited exceptions.

Section 102-2, Hawaii Revised Statutes, also allows some concessions to be exempt from bidding requirements because a person or entity offering the most money may not be the best suited or qualified to meet the government's goals to preserve public-owned assets, such as parks, or may not be best suited or qualified to serve the needs of the public, including the enhancement of customer and visitor experiences. Thus, the legislature finds that the controlling factors in the award of concessions should not be limited to pricing or whether a concession is operated by a for profit or nonprofit entity.

The legislature also finds that requiring concessionaires to incur construction costs pose challenges. While public leases may be granted for up to sixty-five years, concession contracts may not exceed fifteen years, making it difficult for agencies to find concessionaires who are willing to invest in the necessary capital improvements to provide satisfactory concession services to visitors and residents of the State. It is difficult for potential concessionaires to generate sufficient revenues to support operations while amortizing the concessions' construction and other costs at the current lease and contract lengths of fifteen years. Accordingly, the legislature believes that it is in the public's best interests to provide flexibility and to authorize the increase of the maximum length of a concession contract. Furthermore, a determination as to whether a county park is environmentally, culturally, historically, or operationally unique for the purpose of determining whether a concession should be exempt from sealed bidding requirements should be made by the director of parks and recreation of the respective county.

The purpose of this Act is to facilitate the provision of concession services to the public by:

- (1) Increasing the maximum length of concession contracts;

- (2) Exempting certain operations of ground transportation services and parking lot operations at small boat harbors from the sealed bid requirements;
- (3) Exempting concessions for beach or ocean-related recreational services from the sealed bid requirements, with certain conditions;
- (4) Providing that a county director of parks and recreation has sole discretion to designate which county parks are environmentally, culturally, historically, or operationally unique for purposes of determining whether a concession at the park is exempt from the sealed bid requirements; and
- (5) Expanding the exemption from the sealed bid requirements for concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to responsible offerors whose proposals are the most advantageous, rather than solely to certain nonprofit corporations.

SECTION 2. Section 102-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Except as otherwise specifically provided by law, no concession or concession space shall be leased, let, licensed, rented out, or otherwise disposed of either by contract, lease, license, permit, or any other arrangement, except under contract let after public notice for sealed bids in the manner provided by law; provided that the duration of the grant of the concession or concession space shall be related to the investment required but in no event to exceed ~~[fifteen]~~ twenty-five years for the initial term, and if amended, any then remaining term plus any agreed extension thereof awarded or granted by the government agency making a lease or contract or other arrangement relating to a concession; provided further that and subject to approval by county council resolution, the ~~[fifteen-year]~~ twenty-five-year limit shall not apply to nonprofit corporations organized pursuant to chapter 414D.

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

- (1) For operation of ground transportation services and parking lot operations at airports[,] and small boat harbors, except for motor vehicle rental operations under chapter 437D;
- (2) For lei vendors;
- (3) For airline and aircraft operations;
- (4) For automated teller machines and vending machines, except vending machines located at public schools operated by blind or visually handicapped persons in accordance with section 302A-412;
- (5) For operation of concessions set aside without any charge;
- (6) For operation of concessions by handicapped or blind persons; except concessions operated in the public schools by blind or visually handicapped persons in accordance with section 302A-412;
- (7) For operation of concessions on permits revocable on notice of thirty days or less; provided that no such permits shall be issued for more than a one year period;
- (8) For operation of concessions or concession spaces for a beach service association dedicated to the preservation of the Hawaii beach boy tradition, incorporated as a nonprofit corporation in accordance with state law, and whose members are appropriately licensed or certified as required by law;

- (9) For operation of concessions or concession spaces providing for beach or ocean-related recreational services; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- [(9)] (10) For operation of concessions at county zoos, botanic gardens, or [other] county parks [which] that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique and are supported[.] by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting county aims and goals of the zoo, botanic garden, or [other] designated county park, and operating under agreement with the appropriate agency solely for [such] those purposes, aims, and goals;
- (11) For operation of concessions at county zoos, botanic gardens, or county parks that are designated by the respective county director of parks and recreation, in the director's sole discretion, as environmentally, culturally, historically, or operationally unique; provided that the concessions are awarded to the responsible offeror whose proposal is determined to be the most advantageous, taking into consideration prices and evaluation factors set forth in the request for proposals;
- [(10)] (12) For operation of concessions that furnish goods or services for which there is only one source, as determined by the head of the awarding government agency in writing; provided that the written determination shall be included in the contract file;
- [(11)] (13) For any of the operations of the Hawaii health systems corporation and its regional system boards;
- [(12)] (14) For airport operation of concessions; [and]
- [(13)] (15) For the operations of the natural energy laboratory of Hawaii authority."

SECTION 3. Section 171-56, Hawaii Revised Statutes, is amended to read as follows:

"§171-56 Contract or license for concessions or concession space. The board of land and natural resources may, subject to chapter 102, dispose of concessions, as defined in chapter 102, and shall enter into contracts or issue licenses for such concessions; provided that the duration of the contract or license shall be related to the investment required, but in no event to exceed ~~[fifteen]~~ twenty-five years."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 27, 2022.)

HB-2375

Submitted on: 2/4/2026 3:08:02 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports HB2375. The public access to State beach parking at the Ala Wai Harbor has been terribly infringed by a private towing company that clears \$165 per tow--none of this money goes to any State agency. This bill addresses that problem.

HB2375 Establishes uniform standards for parking enforcement and towing practices on state and state-leased lands, including notice requirements, disability protections, consumer payment safeguards, and public reporting.

The towing company: Mr. Tow needs to be reined in where the record shows they towed 2,586 vehicles in 2025 while the Division of Conservation & Reserve Enforcement issued under ten \$35 citations last year.

To enhance Mr. Tow's huge towing numbers, they employ sophisticated electronic surveillance of parking meters so if a person is over time by any small amount, the tow trucks have already cleared the vehicle for delivery to the vehicle recovery yard.

Mr. Tow requires cash to redeem vehicles. This is suspicious because of tax reasons.

We hope you will support HB2375. Mahalo for your time.

John & Rita Shockley Coordinators Free Access Coalition.

HB-2375

Submitted on: 2/4/2026 4:57:56 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hardy Spoehr	President, Spoehr Foundation	Support	Written Testimony Only

Comments:

Aloha. Thank you for the opportunity to submit supportive testimony on behalf of HB 2375. I am a longtime paddler and former surfer, For too long parking has been an unresolved issue which boaters and users of our paddling and surfing areas have faced. I believe it can be resolved very quickly if state agencies involved will just follow the recommendations made by the public involved., i.e surfers, paddlers, and boat owners.

Offering citations payable to one state agency (DAGS) by car owners violating parking laws on state lands would be a great start.

Mahalo for this opportunity.

Hardy Spoehr

HB-2375

Submitted on: 2/3/2026 11:55:41 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Margaret Hallahan	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I strongly support HB 2375, which establishes uniform standards for parking enforcement and towing practices on state and state-leased lands.

This measure is an important step toward fairness, transparency, and consumer protection for residents and visitors across Hawai‘i. Towing practices, when inconsistent or poorly regulated, can cause significant financial hardship, confusion, and stress—particularly for working families, kūpuna, and people with disabilities.

I offer my strong support in part from personal experience. My mother used a wheelchair on O‘ahu for several years. During that time, it was consistently easier and safer to access well-marked, clearly enforced parking at shopping malls than at harbors, parks, or waterfront areas. As a result, we often ended up going to malls—not because that was where we wanted to be, but because it was where accessible parking was reliable and enforcement felt predictable. We would have preferred to spend that time in nature, at parks, or by the water, but inconsistent signage and fear of towing made those public spaces far less accessible in practice.

HB 2375 directly addresses this problem by establishing clear notice requirements and disability protections on state and state-leased lands. Accessible parking is only meaningful when it is supported by consistent rules, clear signage, and fair enforcement. Without those protections, people with disabilities are effectively excluded from many of Hawai‘i’s most treasured public places.

The bill’s consumer payment safeguards further protect individuals from excessive or unexpected financial burdens, especially in situations where a vehicle owner may already be facing mobility challenges. These safeguards promote basic fairness and prevent towing practices from becoming punitive or predatory.

Finally, the public reporting requirements promote accountability and transparency. By collecting and reviewing data on towing and parking enforcement, the State can identify problem areas, improve access to public lands, and ensure enforcement practices serve the public interest.

HB 2375 balances the legitimate need for parking management with the rights and dignity of the public. It will help ensure that Hawai‘i’s parks, harbors, and waterfront areas are truly accessible to everyone—not just in theory, but in daily lived experience.

For these reasons, I respectfully urge your support for HB 2375.

Mahalo for the opportunity to submit testimony and for your continued service to the people of Hawai‘i.

Respectfully,
Captain Maggie Hallahan

HB-2375

Submitted on: 2/3/2026 5:46:31 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Individual	Support	Written Testimony Only

Comments:

While I am the Vice Chair of the Waikiki Neighborhood Board, our Board has not met yet to take a position on this measure. Therefore, I write as a private citizen.

I am in particular support of the provision on page 3 which prohibits the towing of vehicles unless a citation has first been issued. Several individuals have brought to our attention that the State has a “tow first” policy at the Ala Wai harbor. This means that tickets are not issued for expired meters, no matter how brief the time period may be that has elapsed. This is completely absurd and unfair to the individuals who are affected. This bill appropriately stops that practice and contains some reasonable provisions which would allow for it if a long time has expired or the vehicle is blocking traffic or parked after hours, etc. I urge the Committee to support this measure.

HB-2375

Submitted on: 2/3/2026 8:03:45 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Haley Greene	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

I'm writing in support of this bill based on what I have personally seen at Ala Wai Harbor and Kewalos Harbor. The towing in these public parking areas is extremely aggressive and I regularly see cars towed multiple times per week.

When people try to pick up their vehicles from towing yards, the towing companies demand cash payment and direct people to on-site ATMs with high fees. \$200 is the max withdrawal amount on these ATMs, but the tow charge is as much as \$380.

So people have to make multiple withdrawals and pay additional service fees, even though towing companies are supposed to accept credit cards.

The sheer volume of towing raises questions about why hundreds of cars are towed from these areas every month and whether towing is being used as a default enforcement tool instead of a last resort.

This bill would limit who can authorize a tow, while still allowing towing when it's truly necessary. I respectfully urge your support.

HB-2375

Submitted on: 2/3/2026 8:13:50 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marisa Pangilinan	Individual	Support	Written Testimony Only

Comments:

Aloha and thank you for your time. I am a frequent user of the beach for surfing and fishing. I have been towed without ticketing from the Ala moana bowls boat harbor. The tow was while I was in a spot that wasn't clearly marked with signage. It was very inconvenient and dangerous as it was late in the evening and I had my children with me. I had to withdraw a large sum of cash from my bank before getting a taxi to the towing company Mr.Tow. It was a very high expense for me and set me back in my monthly budget. I feel like the tow companies prey on poor signage and lack of clear markings to ensure they line their pockets with constant cash flow. The park is paid for with taxes from my income and other local incomes. Why should we have to constantly stress if our car will be there after a surf session? Why is a private company benefiting from the citizens without due process?

HB-2375

Submitted on: 2/3/2026 10:27:38 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacquelyn Wu	Individual	Support	Written Testimony Only

Comments:

I want to add my support for HB 2375 to standardize parking enforcement and towing across state and state leased lands. As a frequent user of parking at Ala Wai Boat Harbor, I believe that instant towing practices and lack of notice are disproportionately harmful to the community and do not align with the intent of state recreational areas. I also strongly support public reporting.

Thank you for your consideration,

Jacquelyn Wu

HB-2375

Submitted on: 2/3/2026 11:35:22 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Brittany Penaroza	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of HB2375. I was born and raised in Hawai‘i and have grown up surfing Bowls and the surrounding areas, relying on access to state lands and harbors like Ala Wai for my entire life. These public spaces are not luxuries — they are part of our daily lives, culture, and community, and access to them should be fair and reasonable.

At Ala Wai State Harbor, over 2,000 vehicles were instant towed last year alone, often without warnings or citations. This approach prioritizes punishment and revenue over education and fairness, creating unnecessary financial hardship for residents simply trying to access public lands. The proposed use of camera-equipped tow vehicles that automatically read license plates and initiate immediate towing is especially concerning, as it removes human discretion and accountability entirely.

HB2375 offers a more balanced and humane approach by encouraging warnings and reasonable notice while maintaining appropriate enforcement. Our public lands should be managed in a way that reflects Hawai‘i’s values of fairness, access, and community care. I respectfully urge you to support HB2375.

Mahalo

HB-2375

Submitted on: 2/4/2026 3:41:51 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Bianca Matthews-Inofinada	Individual	Support	Written Testimony Only

Comments:

I support this bill to end instant towing. Mahalo

HB-2375

Submitted on: 2/4/2026 5:04:07 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keili McEvilly	Individual	Support	Written Testimony Only

Comments:

Aloha esteemed Committee,

My name is Ke‘ili and I live in Waimanalo, I am a frequent surfer, sailer, diver, and all around recreational beach-goer. This bill secures access to state and state leased land for myself and future generations to enjoy. I would like to urge you to support HB2375.

HB 2375 improves parking enforcement and towing practices on state and state-leased lands by: Requiring clear notice before towingProtecting people with disabilitiesAdding consumer payment safeguardsIncreasing transparency with public reportingIn short: fairer rules, fewer surprise tows, more accountability.

Mahalo nui,

Ke‘ili McEvilly

HB-2375

Submitted on: 2/4/2026 6:41:18 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Millin	Individual	Support	Written Testimony Only

Comments:

Aloha Legislature,

I am Amanda Millin, a long-time surfer and mālama 'āina practitioner.

Uniform standards for parking enforcement and towing practices on state and state-leased lands is the pono thing to do.

The community is asking that you please uphold clear notice before towing, protect people with disabilities, add consumer payment safeguards, and increase transparency with public reporting. All are fair and reasonable requests filled with aloha that improve quality of living and using these spaces for all.

Mahalo nui for your time and consideration.

Me ka ha'aha'a,

Amanda

HB-2375

Submitted on: 2/4/2026 8:45:46 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lainey Fischer	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I strongly support HB 2375, which establishes uniform standards for parking enforcement and towing practices on state and state-leased lands.

This measure is an important step toward fairness, transparency, and consumer protection for residents and visitors across Hawai‘i. Towing practices, when inconsistent or poorly regulated, can cause significant financial hardship, confusion, and stress—particularly for working families, kūpuna, and people with disabilities.

I offer my strong support in part from personal experience. My mother used a wheelchair on O‘ahu for several years. During that time, it was consistently easier and safer to access well-marked, clearly enforced parking at shopping malls than at harbors, parks, or waterfront areas. As a result, we often ended up going to malls—not because that was where we wanted to be, but because it was where accessible parking was reliable and enforcement felt predictable. We would have preferred to spend that time in nature, at parks, or by the water, but inconsistent signage and fear of towing made those public spaces far less accessible in practice.

HB 2375 directly addresses this problem by establishing clear notice requirements and disability protections on state and state-leased lands. Accessible parking is only meaningful when it is supported by consistent rules, clear signage, and fair enforcement. Without those protections, people with disabilities are effectively excluded from many of Hawai‘i’s most treasured public places.

The bill’s consumer payment safeguards further protect individuals from excessive or unexpected financial burdens, especially in situations where a vehicle owner may already be facing mobility challenges. These safeguards promote basic fairness and prevent towing practices from becoming punitive or predatory.

Finally, the public reporting requirements promote accountability and transparency. By collecting and reviewing data on towing and parking enforcement, the State can identify problem areas, improve access to public lands, and ensure enforcement practices serve the public interest.

HB 2375 balances the legitimate need for parking management with the rights and dignity of the public. It will help ensure that Hawai‘i’s parks, harbors, and waterfront areas are truly accessible to everyone—not just in theory, but in daily lived experience.

For these reasons, I respectfully urge your support for HB 2375.

Mahalo for the opportunity to submit testimony and for your continued service to the people of Hawai‘i.

Respectfully,

Lainey Fischer

HB-2375

Submitted on: 2/4/2026 9:15:27 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Natalie Wallsgrove	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Natalie Wallsgrove and I am a constituent residing in Kailua, on the island of O'ahu (96734). I am writing in support of HB2375 as it improves parking enforcement and towing practices on state and state-leased lands by: requiring clear notice before towing, protecting people with disabilities, adding consumer payment safeguards, and increasing transparency with public reporting.

HB-2375

Submitted on: 2/4/2026 9:50:46 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John Fitzpatrick	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

My name is John Fitzpatrick, and I am writing to strongly support HB2375. As a former Captain and long-time user of Ma‘alaea Harbor, I have witnessed first-hand how the current parking management system has failed the public and harbor users.

The current system, where a private concessionaire has unchecked authority to tow vehicles, is predatory and damaging to our local community. I urge you to pass this bill to return oversight to the State and ensure that only state enforcement agents (such as DLNR/DOBOR) can authorize the towing of a vehicle.

I support this bill for three main reasons based on my experience at Ma‘alaea:

1. **Broken Promises and Lack of Investment:** When the current parking operator took over, they represented to the Division of Boating and Ocean Recreation (DOBOR) that they were investing approximately \$80,000 in a specialized vehicle equipped with cameras for enforcement. To date, I have never seen this vehicle at Ma‘alaea. Instead of the high-tech, fair management we were promised, we simply have a company that aggressively tows cars at a cost of \$225 to the owner, without ever issuing intermediate citations or warnings.
2. **Predatory Signage and Practices:** The signage at Ma‘alaea Harbor is horrific and confusing. I personally experienced this when I paid my \$7.00 to park for a shift. Despite paying, my vehicle was towed because I was allegedly in the "wrong section"—a distinction made impossible to understand by the poor signage. Instead of a fair citation or a ticket, I was hit with an immediate tow fee of \$225.
3. **Need for State Oversight:** A private company motivated by profit should not have the unilateral power to seize vehicles. This authority should belong to DLNR agents who can use discretion and issue citations where appropriate, rather than jumping immediately to towing.

The current operator’s behavior feels criminal in its lack of ethics. Please stop these predatory practices and pass HB2375 to restore accountability and proper oversight to our State Harbors.

Mahalo for the opportunity to testify.

John "Fitz" Fitzpatrick
Makawao Hi

HB-2375

Submitted on: 2/4/2026 11:22:22 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
arleen velasco	Individual	Support	Written Testimony Only

Comments:

Please protect the local population and tourist from the predatory practices of Secure Parking and the tow company at our harbors. It is an embarrassment that the two companies share software so that the minute a parking payment lapses, the tow company takes away the car, demands cash and therefore has no record of their revenue. It is a disgrace. Please help create a tourist and beach goer friendly environment at our harbors.

HB-2375

Submitted on: 2/4/2026 11:25:12 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Katarina Ruiz	Individual	Support	Written Testimony Only

Comments:

As someone who surfs and parks here regularly, I strongly support HB 2375 because it creates fair, transparent parking and towing rules on state and state-leased lands. The bill requires clear notice before towing, protects people with disabilities, and adds basic consumer safeguards so people aren't hit with surprise fees or predatory practices. HB 2375 brings accountability and common-sense protections that benefit residents, beach users, and visitors alike.

HB-2375

Submitted on: 2/4/2026 12:08:46 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Alan Urasaki	Individual	Support	Written Testimony Only

Comments:

I am in favor of the passage of HB2375. My car was towed without basis and damaged by the towing company. The company has yet to reply to my many requests. There should be more protections and relief for consumers.

Mahalo

HB-2375

Submitted on: 2/4/2026 2:28:23 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Boyer	Individual	Support	Written Testimony Only

Comments:

Mahalo for attending to fair and equitable parking in public access areas in Hawai'i.

HB-2375

Submitted on: 2/4/2026 3:39:18 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kai Paisley	Individual	Support	Written Testimony Only

Comments:

I strongly support this important bill.

Waikīkī Neighborhood Board Briefing

Tow-First Parking Enforcement at Ala Wai Small Boat Harbor (AWSBH)

Date: January 13, 2026

Brief Introduction

This briefing summarizes key facts and community concerns regarding parking enforcement practices at the Ala Wai Small Boat Harbor (AWSBH). It is intended to provide Waikīkī Neighborhood Board members with a clear, non-repetitive overview of how the current tow-first system operates, its impacts, and policy alternatives available to the State.

Questions & Answers

Question	Answer
What is the current enforcement method at AWSBH?	Towing is the first and only enforcement action for meter overstay. No citation is issued and no enforcement officer authorizes the tow.
What penalties do drivers face for expired meters?	A minimum \$165 tow fee. No lower-cost citation option exists at AWSBH, unlike comparable City and County facilities.
How does this compare to other Honolulu parking systems?	City and County facilities use citation-first enforcement, with fines typically ranging from \$20 to \$40.
Who decides when a vehicle is towed?	The tow truck driver independently determines whether a vehicle is in violation based on meter data.
Who receives towing revenue?	100% of towing fees go to Mr. Tow LLC. The State receives no towing revenue.
How many citations are issued at AWSBH?	Very few. DOCARE issued four citations in 2024 and four in 2023, compared to thousands of annual tows.
How many vehicles are towed annually?	Approximately 2,300 vehicles per year, averaging about 200 tows per month.
How does the tow company access meter information?	Tow drivers access real-time meter expiration data through Secure Parking software provided via, DOBOR policy.
Is an enforcement officer present during towing?	No police officer, no DOCARE officer, no Secure Parking staff member is on site to verify the violations or approve the tow.
What impacts are reported by the community?	Financial hardship, inconvenience of retrieving vehicle, and discouragement from visiting this public harbor.
Has parking signage been formally reviewed?	No comprehensive third-party signage review has been conducted. Existing signage is often unclear.

What authority exists to change the system?	Act 163 (amended in 2022) allows DLNR to issue direct parking concession contracts similar to City and County concession bid models, which avoids the Chapter 103, procurement policy and standards.
What alternatives are available under Act 163?	Citation-first enforcement, lower fines, Secure Parking-issued citations, or DOCARE-issued electronic citations.
What is the primary community concern?	The \$165+ towing penalty is disproportionate compared to typical citation costs of \$20–\$35.

Community-Requested Policy Changes (Summary)

The community is requesting practical, immediately actionable reforms that improve fairness, transparency, and public access while maintaining parking compliance.

- Adopt a citation-first parking enforcement model
- Implement a minimum 4-hour grace period before towing for meter overstay
- Conduct a third-party review and replacement of parking signage
- Increase transparency in citation and towing data
- Consider a Hawai'i resident parking rate at State Small Boat Harbors

Prepared by: Surfparking.org — Advocating for Fair Coastal Access

Presenter: Kate Thompson

Email: info@surfparking.org | Phone: 808-383-3334

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HB-2375

Submitted on: 2/4/2026 8:11:34 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Catherine Marquette	Individual	Support	Written Testimony Only

Comments:

I support HB 2375 because it strengthens fairness, transparency, and consumer protections in parking enforcement and towing practices on state and state-leased lands. This bill helps ensure that individuals receive clear notice before a vehicle is towed, protects access and rights for people with disabilities, and adds reasonable payment safeguards that reduce financial hardship. By requiring public reporting and increasing accountability, HB 2375 helps prevent predatory or surprise towing while promoting consistent and equitable enforcement. Overall, this measure supports responsible oversight while protecting residents, workers, and visitors who rely on safe and fair access to public spaces.

HB-2375

Submitted on: 2/4/2026 9:45:56 PM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Weitz	Individual	Support	Written Testimony Only

Comments:

Aloha,

Please support HB2375.

I have experienced personally and observed inconsistent standards for towing as a form of parking enforcement on state land. I conducted a survey showing that when people were towed immediately (no exaggeration) after a parking violation, with no warning, that led people to distrust the state and also reduce their use of public land. Parking should be simple to manage - its not rocket science. For drivers, it should be forgettable, not the main event.

Instead, inconsistent and unaccommodating rules lead to extremely memorable, negative experiences. This causes people to view the state as incapable and unreasonable. A headache for everyone, that deteriorates the relationship between the government and the public.

These protections in this bill will allow people to live their lives more seamlessly, and do more interesting things with their days than go get their car after its been aggressively towed. And, it'll build respect between community members and the state.

Let's be known for something other than terrible parking management!

Mahalo,

Elizabeth Weitz, Honolulu

HB-2375

Submitted on: 2/5/2026 4:09:37 AM

Testimony for TRN on 2/5/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christiana Hoffman Inesi	Individual	Support	Written Testimony Only

Comments:

HB 2375 improves parking enforcement and towing practices on state and state-leased lands by: Requiring clear notice before towingProtecting people with disabilitiesAdding consumer payment safeguardsIncreasing transparency with public reportingIn short: fairer rules, fewer surprise tows, more accountability. Please END the instant tows.