

ACT 163

A Bill for an Act Relating to State Resort Camps and Services.

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

SECTION 1. The purpose of this Act is to augment the state park program and thereby attain the aims of (1) conservation and development of the natural beauty, objects and places of historic and cultural interest, sightliness and physical good order in the State as set forth in article VIII, section 5, of the Constitution of the State of Hawaii; (2) promotion of conservation, development and utilization of natural resources as set forth in article X, section 1, of the Constitution of the State of Hawaii; and (3) advancing the recreational use of public lands as set forth in Act 32, Session Laws of Hawaii 1962, and in chapter 19, Revised Laws of Hawaii 1955, as amended.

SECTION 2. The department of land and natural resources shall plan for, establish and develop a state resort facility on available and suitable public lands in each county.

SECTION 3. The department of land and natural resources shall also plan, construct, operate and maintain all necessary public improvements and utility services at each site selected by the department for the establishment and development of a state resort facility. Such improvements and services shall include, but not limited to, land improvement, road construction and facilities to provide potable water, electric or gas energy, sanitation, telephone communication, fire prevention, and public safety.

SECTION 4. The development of necessary and appropriate accommodations, facilities and services at each resort facility site for public use and enjoyment consistent with the preservation and conservation of natural resources and places of historic interest may be undertaken under any concession agreement entered pursuant to the provisions of chapter 7B, Revised Laws of Hawaii 1955, as amended; provided that no concession shall be granted if adequate and comparable private accommodations exist to serve the public within the area of a state resort facility.

SECTION 5. The department of land and natural resources shall have the following powers and duties with respect to concessions at state resort facilities:

- (a) To approve plans and specifications for construction of improvements by concessionaires and to require adherence to such plans and specifications in erecting approved structures;
- (b) To require concessionaires to offer a reasonable proportion of their accommodations as low-priced accommodations;
- (c) To limit merchandising in any state resort facility area to items and services appropriate or necessary for public use and enjoyment within such facility area;
- (d) To encourage the sale of appropriate souvenirs of authentic handicraft and of articles associated with or interpretative of the state resort facility area;
- (e) To approve rates and fees to be charged by the concessionaires to the public on the basis of charges for comparable goods and services, in accordance with general custom for similar operations outside of the state resort facility area and with due regard to a reasonable profit, risk of the enterprise, length of season, accessibility, cost, value of the assets, and other relevant factors;
- (f) To require concessionaires to carry such insurance as the department deems necessary;
- (g) To audit the concessionaires' books, records and accounts and to specify information to be included in such books, records and accounts;
- (h) To require, and specify the information to be included in, annual reports from concessionaires;
- (i) To prepare and provide a standard contract to be used between the concessionaires and the department; and
- (j) To promulgate rules and regulations governing the administration and management of state resort facility areas.

SECTION 6. Whenever practicable, the department shall operate and maintain accommodations, facilities and services under concession agreements entered in accordance with chapter 7B, Revised Laws of Hawaii 1955, as amended.

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

(Approved June 3, 1963.) **H.B. 1099.**
