

ACT 141

H.B. NO. 2147

A Bill for an Act Relating to Concessions.

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

SECTION 1. The legislature finds that the rapid development of technology has altered the way in which advertising and sales are rendered. Similarly, communications technology evolves quickly to accommodate changing needs for connectivity and compatibility with personal hardware. Thus, flexible procedures are needed for government contracting to ensure efficiency and best economic results.

The purpose of this Act is to provide government agencies with flexibility in the negotiation of concession contracts, specifically those that involve various evolving media communication technology and advertising.

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

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

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- (1) For operation of ground transportation services and parking lot operations at airports, except for motor vehicle rental operations under chapter 437D;
- (2) For lei vendors;
- (3) For airline and aircraft operations;
- (4) For automatic 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 at county zoos, botanic gardens, or other county parks which are 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 county park, and operating under agreement with the appropriate agency solely for such purposes, aims, and goals;
- (10) 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 that shall be included in the contract file; ~~and~~
- (11) For any of the operations of the Hawaii health systems corporation and its regional system boards~~[-];~~
- (12) For airport operation of concessions providing electronic communication services;
- (13) For airport operation of concessions consisting solely of advertising;
- (14) For the stadium authority operation of concessions providing electronic communication services; and
- (15) For the stadium authority operation of concessions consisting solely of advertising.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval; provided that on June 30, 2021, section 2 of this Act shall be repealed and section 102-2(b), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Approved June 24, 2014.)