

## ACT 303

S.B. NO. 1199

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

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

SECTION 1. Section 102-1, Hawaii Revised Statutes, is amended to read as follows:

**“§102-1 Definition.** The word “concession” as used in this chapter means the grant to a person of the privilege to:

- (1) Conduct operations [~~that are essentially retail in nature,~~] involving the sale of goods, wares, merchandise, or services to the general public[~~, such as restaurants, cocktail lounges, soda fountains, and retail stores,~~] including but not limited to food and beverage establishments, retail stores, motor vehicle rental operations under chapter 437D, advertising, and communications and telecommunication services, in or on buildings or land under the jurisdiction of any government agency; [~~and~~]

- (2) 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[-]; and
- (3) Use, for compensation, space on public property to display advertising, or to conduct operations for communications or telecommunications purposes.”

SECTION 2. Section 102-2, Hawaii Revised Statutes, is amended to read as follows:

**“§102-2 Contracts for concessions; bid required, exception.** (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 [advertisement] notice for sealed [tenders] 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 years.

(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[;], 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 [~~unless the premises covered under the permit is no longer being used for the existing purposes, and that the permit is issued as a temporary use of the premises until the governmental agency proceeds to use the premises for a new purpose; and provided further that no 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 beachboy tradition, incorporated as a nonprofit corporation in accordance with state law, and whose members are appropriately licensed or certified as required by law; [and]
- (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[-]; and
- (10) For operations 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 a writing that shall be included in the contract file.

(c) The bidding requirements of subsection (a) shall not apply to any non-renewable dispositions granting rights for a period not in excess of fourteen days.”

SECTION 3. Section 102-4, Hawaii Revised Statutes, is amended to read as follows:

“**§102-4 Advertisement for bids.** ~~[Publication]~~ Public notice of a call for ~~[tenders]~~ bids shall be made not less than three different days ~~[in a newspaper of general circulation printed and published within the State,]~~ statewide, with respect to any state agency, or ~~[of general circulation]~~ county-wide within the particular county with respect to any county or county agency.”

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

SECTION 5. This Act shall take effect on January 1, 2002.

(Approved June 28, 2001.)