

ACT 72

H.B. NO. 1183

A Bill for an Act Relating to State Parks.

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

SECTION 1. The legislature finds that every county in Hawaii has identified “hot spots” in their destination management action plans. These “hot spots” are areas or sites that attract visitors due to the sites’ popularity, which may result in overcrowding, congestion, degradation of resources, safety hazards, and a negative experience for residents and visitors.

The legislature further finds that many of these “hot spots” are state parks. To address overcrowding, the department of land and natural resources’ division of state parks has developed management tools, such as establishing entry and parking reservation systems, increasing fees, improving interpretive signage, adding park rangers, subcontracting shuttle systems, and making needed park improvements.

The legislature finds that the successful Haena state park model, involving community-led, government-sponsored management, has reversed decades of overcrowding, abuse of natural resources, and negative impacts to the surrounding residential community. The installation of a boardwalk through restored loi, operation of a shuttle by a community-based nonprofit organization, existence of a parking attendant station and new parking lot, and potential restoration of seventeen acres of loi has resulted in increased revenue for the state parks special fund and created thirty-five new jobs on Kauai, with north shore residents filling

half of these positions. Based on the success of the Haena state park experience, the legislature believes that exempting parking lot operations at state parks from the bidding requirements for concessions operated on public property will allow for similar long-term management partnerships to be enacted through community and place-based nonprofit organizations.

The purpose of this Act is to exempt parking lot operations at state parks and operation of concessions at certain state parks from the bidding requirements for concessions operated on public property.

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:

- (1) For operation of ground transportation services and parking lot operations at airports, state parks, 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~~] 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;
- (10) 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 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 designated county park, and operating under agreement with the appropriate agency solely for those purposes, aims, and goals;
- (11) For operation of concessions at state parks that are designated by the board of land and natural resources as environmentally, culturally, historically, or operationally unique and are supported by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting state aims and goals of the designated state park, and operating under agreement with the appropriate agency solely for those purposes, aims, and goals;

ACT 72

- ~~[(41)]~~ (12) 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;
- ~~[(42)]~~ (13) 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;
- ~~[(43)]~~ (14) For any of the operations of the Hawaii health systems corporation and its regional system boards;
- ~~[(44)]~~ (15) For airport operation of concessions; and
- ~~[(45)]~~ (16) For the operations of the natural energy laboratory of Hawaii authority.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 8, 2023.)