JAN 2 7 2021

### 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 in order to
- 2 effectively manage the State as a visitor destination, new tools
- 3 are needed by the division of state parks of the department of
- 4 land and natural resources. In 2018, 11,300,000 residents and
- 5 tourists visited a state park. In 2019, about sixty per cent of
- 6 mainland visitors reported going to the beach and thirty-seven
- 7 per cent reported visiting a park during their stay in Hawaii.
- 8 Due to budget cuts and reduced funding resulting from the
- COVID-19 pandemic, new self-funding tools are needed to 9
- 10 maintain, improve, and enhance the visitor experience at our
- 11 state parks.

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- 12 The legislature further finds that the division needs
- 13 flexible methods to establish user fees to manage entrance,
- 14 parking, camping, and lodging. The private sector, through
- 15 industries such as hotels and airlines, utilizes dynamic pricing
- 16 strategies to manage patronage during fluctuating periods of use
- 17 and demand.



1	The legislature also finds that the administrative					
2	rulemaking process under chapter 91, Hawaii Revised Statutes,					
3	serves the important function of providing the opportunity for					
4	public review and input. However, it is not designed to quickly					
5	respond to rapidly changing resource conditions. An alternative					
6	process with fewer procedural steps would enable the board of					
7	land and natural resources to quickly update fee structures to					
8	respond to rapidly changing conditions, while also providing					
9	opportunity for public review and comment.					
10	The purpose of this Act is to:					
11	(1) Authorize the board of land and natural resources to					
12	adopt, amend, and repeal administrative fee schedules					
13	for the division of state parks within the department					
14	of land and natural resources by formal board action					
15	at a publicly noticed meeting; and					
16	(2) Raise the expenditure ceiling for the state parks					
17	special fund.					
18	SECTION 2. Chapter 184, Hawaii Revised Statutes, is					
19	amended by adding a new section to part I to be appropriately					
20	designated and to read as follows:					

1	" <u>§18</u>	4- Fee	schedule	<u>es.</u> <u>(</u> a	Notwit	hstanding	any law to
2	the contr	ary, the b	oard of l	land an	d natural	resources	may adopt,
3	amend, or	repeal ad	minist_rat	ive fe	e schedul	.es, exempt	from
4	chapter 91, for all camping, lodging, parking, group use, and						
5	special use activities, including entrance to Diamond Head State						
6	Monument, for which the department charges fees. Fee schedules						
7	may be adopted at regular or special meetings of the board of						
8	land and natural resources pursuant to section 171-5.						
9	(b)	The divis	ion of st	ate pa	ks shall	post noti	ce on the
10	division's and department's websites of proposed amendments to						
11	administrative fee schedules at least forty-five days prior to						prior to
12	the meeting of the board of land and natural resources at which						
13	the amended fee schedule is to be considered. The notice shall						
14	include:						
15	(1)	The full	text of t	he prop	osed ame	nded fee s	chedule in
16		Ramseyer	format; a	ind			
17	(2)	The date,	time, an	d place	where t	he board o	f land and
18		natural r	esources	meeting	s is to b	e held and	where
19		intereste	d persons	may pı	ovide wr	itten test	imony or be
20	heard on the proposed fee schedule adoption,						
21		amendment	, or repe	al.			

1	(c) The board of land and natural resources shall afford
2	all interested persons an opportunity to submit data, views, or
3	arguments, orally or in writing. The board of land and natural
4	resources shall fully consider all written and oral submissions
5	respecting the proposed administrative fee schedule and shall
6	make its decision at the public hearing pursuant to
7	section 171-5.
8	(d) Any administrative fee schedule adopted, amended, or
9	repealed pursuant to this section shall become effective ten
10	days after adoption by the board of land and natural resources,
11	unless otherwise specified by the board. If the board of land
12	and natural resources specifies a later effective date, the
13	later date shall be the effective date; provided that no
14	administrative fee schedule shall have an effective date more
15	than thirty days after adoption of the administrative fee
16	schedule by the board.
17	(e) The division of state parks shall maintain a file of
18	administrative fee schedules in Ramseyer format on the
19	division's and department's websites."
20	SECTION 3. There is appropriated out of the state parks
21	special fund the sum of \$ or so much thereof as may b

- 1 necessary for fiscal year 2021-2022 and the same sum or so much
- 2 thereof as may be necessary for fiscal year 2022-2023 for the
- 3 administration of the state parks programs pursuant to the state
- 4 parks special fund under section 184-3.4, Hawaii Revised
- 5 Statutes.
- 6 The sums appropriated shall be expended by the department
- 7 of land and natural resources for the purposes of this Act.
- 8 SECTION 4. New statutory material is underscored.
- 9 SECTION 5. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:

By Request

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#### Report Title:

Department of Land and Natural Resources; Board of Land and Natural Resources; State Parks; Fee Schedules; State Parks Special Fund; Appropriation

#### Description:

Allows the board of land and natural resources to adopt, amend, or repeal administrative fee schedules for certain activities related to state parks through regular or special board meetings rather than through administrative rulemaking. Appropriates funds out of the state parks special fund to raise the expenditure ceiling of the special fund.

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