

JAN 27 2021

A BILL FOR AN ACT

RELATING TO LAND AND NATURAL RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the department of
2 land and natural resources (department) is responsible for
3 managing and administering the natural and cultural resources of
4 the State. These resources are impacted by a variety of
5 economic, environmental, and anthropogenic factors, some of
6 which may change rapidly and frequently. To effectively manage
7 these natural resources, the department charges fees to help
8 defray costs of activities necessary to manage those resources.

9 The legislature further finds that the administrative
10 rule-making process prescribed by chapter 91, Hawaii Revised
11 Statutes, serves the important function of providing opportunity
12 for public review and input. However, it is not designed for
13 implementation of fee structures in response to rapidly changing
14 economic conditions.

15 The legislature finds that an alternative process with
16 fewer procedural steps would enable the department to quickly



1 update fee structures to respond to rapidly changing conditions,
2 while also providing opportunity for public review and input.

3 The purpose of this Act is to authorize the board of land
4 and natural resources to adopt, amend, and repeal administrative
5 fees for the various divisions within the department by formal
6 board action at a publicly noticed meeting.

7 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§171- Administrative fee schedules; adoption,
11 amendment, and repeal. (a) Notwithstanding any other provision
12 of law, the board shall have the authority to adopt
13 administrative fee schedules for all activities for which the
14 department and its divisions charge administrative fees.
15 Adoption of these administrative fee schedules is exempt from
16 the requirements of chapter 91. All department fees established
17 by rule at the date of enactment may be deleted by rule and
18 adopted as an approved administrative fee schedule without the
19 need to comply with the requirements of chapter 91 in deleting
20 the fees from existing rules, subject to amendment or repeal in
21 accordance with the process established by this section.



1 (b) All department divisions shall make available on the
2 department's website each proposed administrative fee schedule
3 and the full text of the division's proposed fee schedule or
4 changes to existing fee schedules.

5 (c) No less than thirty days prior to the board meeting at
6 which the board will consider a proposed fee schedule adoption,
7 amendment, or repeal, divisions shall post notice of the meeting
8 on both the division and the department's website. The notice
9 shall include:

10 (A) The full text of the proposed schedule; and

11 (B) The date, time, and place where the board meeting will
12 be held and where interested persons may provide
13 written testimony or be heard on the proposed fee
14 schedule adoption, amendment, or repeal.

15 (d) The board shall afford all interested persons the
16 opportunity to submit data, views, or arguments, orally or in
17 writing, on any proposed fee schedule adoption, amendment, or
18 repeal. The board shall fully consider all written and oral
19 submissions and shall make its decision at the public meeting.

20 (e) Any administrative fee schedule hereafter adopted,
21 amended, or repealed shall become effective ten days after



1 adoption by the board, or if the board specifies a later
2 effective date, the later date shall be the effective date.

3 (f) Each division shall prepare a copy of the
4 administrative fee schedule changes according to the Ramseyer
5 format and post this copy of the administrative fee schedule
6 changes on the division and the department's website."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2021.

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INTRODUCED BY: *Gil Rivera*



S.B. NO. 1262

Report Title:

DLNR; Administrative Fee Schedules; Board Powers

Description:

Authorizes the board of land and natural resources to adopt, amend, and repeal administrative fee schedules without regard to chapter 91, Hawaii Revised Statutes. Establishes a process for the board to adopt, amend, and repeal administrative fee schedules, including public notice and meeting requirements.

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