
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

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

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§183- Fee schedules. (a) Notwithstanding any law to
5 the contrary, the board may adopt, amend, or repeal
6 administrative fee schedules, exempt from chapter 91, for all
7 fees, including but not limited to camping, cabin rental,
8 parking, group use, commercial activity, and special use
9 activities for which the department charges fees for use of
10 forest reserves. Fee schedules may be adopted at regular or
11 special meetings of the board pursuant to section 171-5.

12 (b) The department shall post notice on the department's
13 website of any proposed amendments to administrative fee
14 schedules at least forty-five days before the meeting of the
15 board at which the amended fee schedule is to be considered.

16 The notice shall include:



1 (1) The full text of the proposed amended fee schedule in
2 Ramseyer format; and

3 (2) The date, time, and place where the board meeting is
4 to be held and where interested persons may provide
5 written testimony or be heard on the proposed fee
6 schedule adoption, amendment, or repeal.

7 (c) The board shall afford all interested persons an
8 opportunity to submit data, views, or arguments, orally or in
9 writing. The board shall fully consider all written and oral
10 submissions respecting the proposed administrative fee schedule
11 and shall make its decision at the meeting pursuant to section
12 171-5.

13 (d) Any administrative fee schedule adopted, amended, or
14 repealed pursuant to this section shall become effective ten
15 days after adoption by the board, unless otherwise specified by
16 the board. If the board specifies a later effective date, the
17 later date shall be the effective date; provided that no
18 administrative fee schedule shall have an effective date more
19 than thirty days after adoption of the administrative fee
20 schedule by the board.



1 (e) The department shall maintain a file of adopted
2 administrative fee schedules on the department's website.

3 (f) For the purposes of this section, "administrative fee
4 schedules" includes a fee range with a minimum and maximum
5 amount to be charged."

6 SECTION 2. Chapter 183D, Hawaii Revised Statutes, is
7 amended by adding a new section to part I to be appropriately
8 designated and to read as follows:

9 "§183D- Fee schedules. (a) Notwithstanding any law to
10 the contrary, the board may adopt, amend, or repeal
11 administrative fee schedules, exempt from chapter 91, for all
12 fees, including but not limited to parking, group use,
13 commercial activity, and special use activities for which the
14 department charges fees for use of wildlife sanctuaries and game
15 management areas and for hunting of game birds and game mammals.
16 Fee schedules may be adopted at regular or special meetings of
17 the board pursuant to section 171-5.

18 (b) The department shall post notice on the department's
19 website of any proposed amendments to administrative fee
20 schedules at least forty-five days before the meeting of the



1 board at which the amended fee schedule is to be considered.

2 The notice shall include:

3 (1) The full text of the proposed amended fee schedule in

4 Ramseyer format; and

5 (2) The date, time, and place where the board meeting is

6 to be held and where interested persons may provide

7 written testimony or be heard on the proposed fee

8 schedule adoption, amendment, or repeal.

9 (c) The board shall afford all interested persons an

10 opportunity to submit data, views, or arguments, orally or in

11 writing. The board shall fully consider all written and oral

12 submissions respecting the proposed administrative fee schedule

13 and shall make its decision at the meeting pursuant to section

14 171-5.

15 (d) Any administrative fee schedule adopted, amended, or

16 repealed pursuant to this section shall become effective ten

17 days after adoption by the board, unless otherwise specified by

18 the board. If the board specifies a later effective date, the

19 later date shall be the effective date; provided that no

20 administrative fee schedule shall have an effective date more



1 than thirty days after adoption of the administrative fee
2 schedule by the board.

3 (e) The department shall maintain a file of adopted
4 administrative fee schedules on the department's website.

5 (f) For the purposes of this section, "administrative fee
6 schedules" includes a fee range with a minimum and maximum
7 amount to be charged."

8 SECTION 3. Chapter 195, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§195- Fee schedules. (a) Notwithstanding any law to
12 the contrary, the board may adopt, amend, or repeal
13 administrative fee schedules, exempt from chapter 91, for all
14 fees, including but not limited to parking, group use,
15 commercial activity, and special use activities for which the
16 department charges fees for use of natural area reserves. Fee
17 schedules may be adopted at regular or special meetings of the
18 board pursuant to section 171-5.

19 (b) The department shall post notice on the department's
20 website of any proposed amendments to administrative fee
21 schedules at least forty-five days before the meeting of the



1 board at which the amended fee schedule is to be considered.

2 The notice shall include:

3 (1) The full text of the proposed amended fee schedule in
4 Ramseyer format; and

5 (2) The date, time, and place where the board meeting is
6 to be held and where interested persons may provide
7 written testimony or be heard on the proposed fee
8 schedule adoption, amendment, or repeal.

9 (c) The board shall afford all interested persons an
10 opportunity to submit data, views, or arguments, orally or in
11 writing. The board shall fully consider all written and oral
12 submissions respecting the proposed administrative fee schedule
13 and shall make its decision at the meeting pursuant to section
14 171-5.

15 (d) Any administrative fee schedule adopted, amended, or
16 repealed pursuant to this section shall become effective ten
17 days after adoption by the board, unless otherwise specified by
18 the board. If the board specifies a later effective date, the
19 later date shall be the effective date; provided that no
20 administrative fee schedule shall have an effective date more



1 than thirty days after adoption of the administrative fee
2 schedule by the board.

3 (e) The department shall maintain a file of adopted
4 administrative fee schedules on the department's website.

5 (f) For the purposes of this section, "administrative fee
6 schedules" includes a fee range with a minimum and maximum
7 amount to be charged."

8 SECTION 4. Chapter 198D, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§198D- Fee schedules. (a) Notwithstanding any law to
12 the contrary, the board of land and natural resources may adopt,
13 amend, or repeal administrative fee schedules, exempt from
14 chapter 91, for all fees, including but not limited to camping,
15 lodging, parking, group use, commercial activity, and special
16 use activities for which the department charges fees for use of
17 Na Ala Hele trails and access, including access as established
18 by agreement with the department for purposes of public access.
19 Fee schedules may be adopted at regular or special meetings of
20 the board of land and natural resources pursuant to section
21 171-5.



1 (b) The department shall post notice on the department's
2 website of any proposed amendments to administrative fee
3 schedules at least forty-five days before the meeting of the
4 board of land and natural resources at which the amended fee
5 schedule is to be considered. The notice shall include:

6 (1) The full text of the proposed amended fee schedule in
7 Ramseyer format; and

8 (2) The date, time, and place where the board of land and
9 natural resources meeting is to be held and where
10 interested persons may provide written testimony or be
11 heard on the proposed fee schedule adoption,
12 amendment, or repeal.

13 (c) The board of land and natural resources shall afford
14 all interested persons an opportunity to submit data, views, or
15 arguments, orally or in writing. The board of land and natural
16 resources shall fully consider all written and oral submissions
17 respecting the proposed administrative fee schedule and shall
18 make its decision at the meeting pursuant to section 171-5.

19 (d) Any administrative fee schedule adopted, amended, or
20 repealed pursuant to this section shall become effective ten
21 days after adoption by the board of land and natural resources,



1 unless otherwise specified by the board. If the board of land
2 and natural resources specifies a later effective date, the
3 later date shall be the effective date; provided that no
4 administrative fee schedule shall have an effective date more
5 than thirty days after adoption of the administrative fee
6 schedule by the board.

7 (e) The department shall maintain a file of adopted
8 administrative fee schedules on the department's website.

9 (f) For the purposes of this section, "administrative fee
10 schedules" includes a fee range with a minimum and maximum
11 amount to be charged."

12 SECTION 5. Section 102-2, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

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

17 (1) For operation of ground transportation services and
18 parking lot operations at airports, state parks, ~~and~~
19 small boat harbors, forest reserves, wildlife
20 sanctuaries, game management areas, natural area
21 reserves, or Na Ala Hele trails and access, including



- 1 access as established by agreement with the department
2 of natural resources, except for motor vehicle rental
3 operations under chapter 437D;
- 4 (2) For lei vendors;
- 5 (3) For airline and aircraft operations;
- 6 (4) For automated teller machines and vending machines,
7 except vending machines located at public schools
8 operated by blind or visually handicapped persons in
9 accordance with section 302A-412;
- 10 (5) For operation of concessions set aside without any
11 charge;
- 12 (6) For operation of concessions by handicapped or blind
13 persons, except concessions operated in the public
14 schools by blind or visually handicapped persons in
15 accordance with section 302A-412;
- 16 (7) For operation of concessions on permits revocable on
17 notice of thirty days or less; provided that no such
18 permits shall be issued for more than a one-year
19 period;
- 20 (8) For operation of concessions or concession spaces for
21 a beach service association dedicated to the



1 preservation of the Hawaii beach boy tradition,
2 incorporated as a nonprofit corporation in accordance
3 with state law, and whose members are appropriately
4 licensed or certified as required by law;

5 (9) For operation of concessions or concession spaces
6 providing for beach or ocean-related recreational
7 services; provided that the concessions are awarded to
8 the responsible offeror whose proposal is determined
9 to be most advantageous, taking into consideration
10 prices and evaluation factors set forth in the request
11 for proposals;

12 (10) For operation of concessions at county zoos, botanic
13 gardens, or county parks that are designated by the
14 respective county director of parks and recreation, in
15 the director's sole discretion, as environmentally,
16 culturally, historically, or operationally unique and
17 are supported by nonprofit corporations incorporated
18 in accordance with state law solely for purposes of
19 supporting county aims and goals of the zoo, botanic
20 garden, or designated county park, and operating under



1 agreement with the appropriate agency solely for those
2 purposes, aims, and goals;

3 (11) For operation of concessions at state parks, forest
4 reserves, wildlife sanctuaries, game management areas,
5 natural area reserves, or Na Ala Hele trails and
6 access, including access as established by agreement
7 with the department of natural resources, that are
8 designated by the board of land and natural resources
9 as environmentally, culturally, historically, or
10 operationally unique and are supported by nonprofit
11 corporations incorporated in accordance with state law
12 solely for purposes of supporting state aims and goals
13 of the designated state park, forest reserve, wildlife
14 sanctuary, game management area, natural area reserve,
15 or Na Ala Hele trail and access, including access as
16 established by agreement with the department of
17 natural resources, and operating under agreement with
18 the appropriate agency solely for those purposes,
19 aims, and goals;

20 (12) For operation of concessions at county zoos, botanic
21 gardens, or county parks that are designated by the



1 respective county director of parks and recreation, in
 2 the director's sole discretion, as environmentally,
 3 culturally, historically, or operationally unique;
 4 provided that the concessions are awarded to the
 5 responsible offeror whose proposal is determined to be
 6 the most advantageous, taking into consideration
 7 prices and evaluation factors set forth in the request
 8 for proposals;

- 9 (13) For operation of concessions that furnish goods or
- 10 services for which there is only one source, as
- 11 determined by the head of the awarding government
- 12 agency in writing; provided that the written
- 13 determination shall be included in the contract file;
- 14 (14) For any of the operations of the Hawaii health systems
- 15 corporation and its regional system boards;
- 16 (15) For airport operation of concessions; and
- 17 (16) For the operations of the natural energy laboratory of
- 18 Hawaii authority."

19 SECTION 6. Section 198D-2, Hawaii Revised Statutes, is
 20 amended by amending subsection (b) to read as follows:



1 "(b) The trail and access program shall use funding for
2 the management, maintenance, and development of trails and trail
3 accesses under the jurisdiction of the department from the
4 following sources:

- 5 (1) A portion of the highway fuel taxes collected under
6 chapter 243;
- 7 (2) Federal government grants;
- 8 (3) Private contributions; and
- 9 (4) Fees, established [~~pursuant to administrative rules~~]
10 by the board of land and natural resources and charged
11 by the department for the [~~commercial and other~~] use
12 of trails and trail accesses under the jurisdiction of
13 the department."

14 SECTION 7. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Forestry and Wildlife; Fees; Bidding Requirements Exemptions

Description:

Authorizes the Board of Land and Natural Resources to adopt, amend, or repeal administrative fee schedules for use of certain lands pursuant to a specified procedure and to exempt parking lot and concessions operations on those lands from the bidding requirements for concessions operated on public property. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

