

## ACT 194

H.B. NO. 1276

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 the division of state parks of the department of land and natural resources needs new tools to effectively manage the State as a visitor destination. In 2018, 11,300,000 residents and tourists visited a state park. In 2019, about sixty per cent of mainland visitors reported going to the beach and thirty-seven per cent reported visiting a park during their stay in Hawaii. Due to budget cuts and reduced funding resulting from the coronavirus disease 2019 (COVID-19) pandemic, new self-funding tools are needed to maintain, improve, and enhance the visitor experience at state parks.

The legislature further finds that the division needs flexible methods to establish user fees to manage entrances, parking lots, camping sites, and lodging. The private sector, through industries such as hotels and airlines, utilizes dynamic pricing strategies to manage patronage during fluctuating periods of use and demand.

The legislature also finds that the administrative rulemaking process under chapter 91, Hawaii Revised Statutes, serves the important function of providing the opportunity for public review and input. However, it is not designed to quickly respond to rapidly changing resource conditions. An alternative process with fewer procedural steps would enable the board of land and natural resources to quickly update fee structures to respond to rapidly changing conditions, while also providing opportunity for public review and comment.

The purpose of this Act is to authorize the board of land and natural resources to adopt, amend, and repeal administrative fee schedules for the division of state parks within the department of land and natural resources by formal board action at a publicly noticed meeting rather than through administrative rulemaking.

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§184- Fee schedules.** (a) Notwithstanding any law to the contrary, the board of land and natural resources may adopt, amend, or repeal administrative fee schedules, exempt from chapter 91, for all user fees, including but not limited to camping, lodging, parking, group use, and special use activities for which the department charges fees. Fee schedules may be adopted at regular or special meetings of the board of land and natural resources pursuant to section 171-5.

(b) The division of state parks shall post notice on the division’s and department’s websites of any proposed amendments to administrative fee schedules at least forty-five days prior to the meeting of the board of land and natural resources at which the amended fee schedule is to be considered. The notice shall include:

- (1) The full text of the proposed amended fee schedule in Ramseyer format; and
- (2) The date, time, and place where the board of land and natural resources meeting is to be held and where interested persons may provide written testimony or be heard on the proposed fee schedule adoption, amendment, or repeal.

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

(d) Any administrative fee schedule adopted, amended, or repealed pursuant to this section shall become effective ten days after adoption by the board of land and natural resources, unless otherwise specified by the board. If the board of land and natural resources specifies a later effective date, the later date shall be the effective date; provided that no administrative fee schedule shall have an effective date more than thirty days after adoption of the administrative fee schedule by the board.

(e) The division of state parks shall maintain a file of a administrative fee schedules in Ramseyer format on the division's and department's websites.

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

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved July 6, 2021.)

### Note

1. Edited pursuant to HRS §23G-16.5.