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 effectively manage the State as a visitor destination, new tools are needed by the division of state parks of the department of land and natural resources. 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 COVID-19 pandemic, new self-funding tools are needed to maintain, improve, and enhance the visitor experience at our state parks.

The legislature further finds that the division needs flexible methods to establish user fees to manage entrance, parking, camping, 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:

(1) 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; and

(2) Raise the expenditure ceiling for the state parks special fund.

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 camping, lodging, parking, group use, and special use activities, including entrance to Diamond Head State Monument, 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 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.
(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 public hearing 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 administrative fee schedules in Ramseyer format on the division's and department's websites."

SECTION 3. There is appropriated out of the state parks special fund the sum of $ or so much thereof as may be
necessary for fiscal year 2021-2022 and the same sum or so much
thereof as may be necessary for fiscal year 2022-2023 for the
administration of the state parks programs pursuant to the state
parks special fund under section 184-3.4, Hawaii Revised
Statutes.

The sums appropriated shall be expended by the department
of land and natural resources for the purposes of this Act.

SECTION 4. New statutory material is underscored.
SECTION 5. This Act shall take effect on July 1, 2021.

INTRODUCED BY: [Signature]

JAN 27 2021
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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