
A BILL FOR AN ACT

RELATING TO STATE SERVICE FEES.

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

1 SECTION 1. Section 92-28, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§92-28 State service fees; increase or decrease of.** Any
4 law to the contrary notwithstanding, the fees or other nontax
5 revenues assessed or charged by any board, commission, or other
6 governmental agency may be increased or decreased by the body in
7 an amount not to exceed fifty per cent of the statutorily
8 assessed fee or nontax revenue, to maintain a reasonable
9 relation between the revenues derived from such fee or nontax
10 revenue and the cost or value of services rendered,
11 comparability among fees imposed by the State, or any other
12 purpose which it may deem necessary and reasonable; provided
13 that:

14 (1) The authority to increase or decrease fees or nontax
15 revenues shall be subject to the approval of the
16 governor and extend only to the following: chapters
17 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,
18 231, [~~269, 271,~~] 321, 338, [~~373, 412, 414, 414D,~~

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1 ~~415A,~~] 417E, [~~419, 421, 421C, 421H, 421I, 425, 425E,~~
2 ~~428, 431, 436E, 436H, 437, 437B, 438, 439, 440, 440E,~~
3 ~~441, 442, 443B, 444, 447, 448, 448E, 448F, 448H, 451A,~~
4 ~~451J, 452, 453, 453D, 455,~~] 456, [~~457, 457A, 457B,~~
5 ~~457C, 458, 459, 460J, 461, 461J, 462A, 463, 463E, 464,~~
6 ~~465,~~] 465D, [~~466, 466D, 466K, 467, 467E, 468E, 468L,~~
7 ~~468M,~~] 469, [~~471,~~] 472, [~~482, 482E, 484, 485A,~~] 501,
8 502, 505, [~~514B, 514E,~~] 572, 574, and 846 (part II),
9 all fees collected by the department of commerce and
10 consumer affairs, and any board, commission, program,
11 or entity created pursuant to title 25 and assigned to
12 the department of commerce and consumer affairs or
13 placed within the department for administrative
14 purposes;

15 (2) The authority to increase or decrease fees or nontax
16 revenues under the chapters listed in paragraph (1)
17 that are established by the department of commerce and
18 consumer affairs shall apply to fees or nontax
19 revenues established by statute or rule;

20 (3) The authority to increase or decrease fees or nontax
21 revenues established by the University of Hawaii under
22 chapter 304A shall be subject to the approval of the

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1 board of regents; provided that the board's approval
2 of any increase or decrease in tuition for regular
3 credit courses shall be preceded by an open public
4 meeting held during or prior to the semester preceding
5 the semester to which the tuition applies;

6 (4) This section shall not apply to judicial fees as may
7 be set by any chapter cited in this section;

8 (5) The authority to increase or decrease fees or nontax
9 revenues pursuant to this section shall be exempt from
10 the public notice and public hearing requirements of
11 chapter 91; and

12 (6) Fees for copies of proposed and final rules and public
13 notices of proposed rulemaking actions under chapter
14 91 shall not exceed 10 cents a page, as required by
15 section 91-2.5."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19

20

INTRODUCED BY: _____



21

BY REQUEST

JAN 21 2020

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Report Title:

Department of Commerce and Consumer Affairs; Service Fee;
Chapter 92

Description:

Applies section 92-28, Hawaii Revised Statutes, to all fees collected by the Department of Commerce and Consumer Affairs.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO STATE SERVICE FEES.

PURPOSE: To apply section 92-28, Hawaii Revised Statutes (HRS), to all fees collected by the Department of Commerce and Consumer Affairs (DCCA or Department).

MEANS: Amend section 92-28, HRS.

JUSTIFICATION: Section 92-28(1), HRS, enumerates the HRS chapters that set fees, including those collected by the DCCA, that may be increased or decreased with the approval of the governor. Currently, this list fails to capture all the fees that the Department collects, and the list is cumbersome in itemizing the statutory chapters subject to the DCCA's authority to increase or decrease its fees.

Impact on the public: None.

Impact on the department and other agencies:
This bill will capture all existing and future DCCA fees and will avoid the need to amend section 92-28(1) whenever the Department's jurisdiction changes.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-191.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.