

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO STATE SERVICE FEES.

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

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

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

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

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

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

(3) The authority to increase or decrease fees or nontax  
revenues established by the University of Hawaii under  
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

# S.B. NO. 2860

**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.