

A Bill for an Act Relating to Professional and Occupational Boards and Commissions.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 26H-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 26H-2 Policy. The legislature hereby adopts the following policies concerning professional and vocational regulation within the State:

- (1) The regulation and licensing of professions and vocations by the State shall be undertaken only where reasonably necessary to protect the health, safety, or welfare of consumers of the services; the purpose of regulation shall be the protection of the public welfare and not that of the regulated profession or vocation;
- (2) Where regulation of professions and vocations is reasonably necessary to protect consumers, government regulation in the form of full licensure or other restrictions on the professions or vocations should be retained or adopted;
- (3) Professional and vocational regulation shall be imposed where necessary to

- protect consumers who, because of a variety of circumstances, may be at a disadvantage in choosing or relying on the provider of the service;
- (4) Evidence of abuses by providers of the service shall be accorded great weight in determining whether government regulation is desirable;
 - (5) Professional and vocational regulation which artificially increases the costs of goods and services to the consumer should be avoided;
 - (6) Professional and vocational regulation should be eliminated where its benefits to consumers are outweighed by its costs to taxpayers; and
 - (7) Regulation shall not unreasonably restrict entry into professions and vocations by all qualified persons.”

[SECTION 2.]†

“**Sec. 26H-5 Evaluation; report.** (a) The legislative auditor shall evaluate each board, commission, and regulatory program created under a chapter repealed by section 26H-4 and shall submit an evaluation report to the legislature prior to the convening of the regular session of the year of the repeal date. The evaluation shall assess whether the regulatory program established by the chapter complies with the policies established by section 26H-2 and whether the public interest requires that the chapter be reenacted, modified, or permitted to expire. Each board or commission and the director shall assist the auditor in collecting and reporting such data as the auditor may require to conduct the evaluation. Even if the auditor finds that the chapter should not be reenacted, the auditor shall evaluate the effectiveness and efficiency of the regulatory program and make appropriate recommendations to improve policies, procedures, and practices. The legislature may hold a public hearing on each evaluation report. If the auditor finds that a regulatory program within the chapter should be permitted to expire, the auditor shall make recommendations, if needed, for appropriate restrictions to be placed on the program subsequent to the termination of regulation.

(b) If the legislative auditor receives written comments from the board, commission, or department of regulatory agencies, the legislative auditor shall append the written comments to each copy of the evaluation report prior to submission to the legislature.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 28, 1980.)

†“SECTION 2” has been supplied by revisor. It is apparent that some material is missing at this point. In S.B. No. 118, S.D. 2, the following reference to §26H-5 appeared: “SECTION 2. Section 26H-5, Hawaii Revised Statutes, is amended to read as follows:”

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.