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## A BILL FOR AN ACT

RELATING TO FEES.

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

1           SECTION 1. The purpose of this Act is to give  
2 administrative agencies more flexibility to increase fees.

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

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

17           (1) ~~[The authority to increase or decrease fees or nontax~~  
18 ~~revenues shall be subject to the approval of the~~



1           ~~governor and extend only to the following: chapters~~  
2           ~~36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,~~  
3           ~~231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,~~  
4           ~~417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,~~  
5           ~~436E, 437, 437B, 438, 439, 440, 441, 442, 443B, 444,~~  
6           ~~447, 448, 448E, 448F, 448H, 451A, 451J, 452, 453,~~  
7           ~~453D, 454, 455, 456, 457, 457A, 457B, 457C, 458, 459,~~  
8           ~~460, 460J, 461, 461J, 462A, 463, 463E, 464, 465, 466,~~  
9           ~~466K, 467, 467E, 468E, 468L, 468M, 469, 471, 482,~~  
10           ~~482E, 484, 485A, 501, 502, 505, 514A, 514B, 514E, 572,~~  
11           ~~574, and 846 (part II);] This section shall not apply  
12           to fees or nontax revenues of the department of  
13           commerce and consumer protection that are subject to  
14           section 26-9(1);~~

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] (2) This~~  
21       section shall not apply to fees or nontax revenues  
22       established by the University of Hawaii under chapter



1           304A [~~shall be subject to the approval of the board of~~  
2           ~~regents; provided that the board's approval of any~~  
3           ~~increase or decrease in tuition for regular credit~~  
4           ~~courses shall be preceded by an open public meeting~~  
5           ~~held during or prior to the semester preceding the~~  
6           ~~semester to which the tuition applies];~~

7       [~~(4)~~] (3) This section shall not apply to judicial fees [~~as~~  
8       ~~may be set by any chapter cited in this section];~~

9       [~~(5)~~] (4) The authority to increase or decrease fees or  
10       nontax revenues pursuant to this section shall be  
11       exempt from the public notice and public hearing  
12       requirements of chapter 91[~~7~~] and the small business  
13       review requirements of chapter 201M; and

14       [~~(6)~~] (5) Fees for copies of proposed and final rules and  
15       public notices of proposed rulemaking actions under  
16       chapter 91 shall not exceed 10 cents a page, as  
17       required by section 91-2.5."

18       SECTION 3. Statutory material to be repealed is bracketed  
19       and stricken. New statutory material is underscored.

20       SECTION 4. This Act shall take effect on July 1, 2009 and  
21       shall be repealed on June 30, 2015; provided that on the repeal



# H.B. NO. 1128

1 of this Act, section 92-28, Hawaii Revised Statutes, shall be  
2 reenacted in the form in which it read on June 30, 2009.

3

INTRODUCED BY:

Celine H. Gray

JAN 28 2009



**Report Title:**

Administrative Agencies; Fees; Increase

**Description:**

Provides flexibility for administrative agencies to increase fees.

