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# A BILL FOR AN ACT

RELATING TO FEES AND OTHER ASSESSMENTS.

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

1           SECTION 1. Section 26-9, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsection (1) to read:

4           "(1) Any law to the contrary notwithstanding, the director  
5 of commerce and consumer affairs may:

6           (1) [~~Establish, increase, decrease, or repeal~~] impose and  
7 collect fees [~~relating to any aspect of the~~] for the  
8 registration, certification, licensure, or any other  
9 administrative process for all laws within the  
10 jurisdiction of the department[~~. Amendments to fee~~  
11 ~~assessments shall be made pursuant to chapter 91~~];

12           (2) [~~Assess fees~~] The fee for copies in any form of media  
13 of the computerized records of the business  
14 registration division [~~or~~] shall be \$ \_\_\_\_\_ ; for  
15 electronic access to the computerized information on a  
16 one-time [~~or~~] basis shall be \$ \_\_\_\_\_ ; and for  
17 electronic access on an on-going basis[~~. The fees~~

1 ~~charged for the copies or access may include billing~~  
2 ~~service fees, network usage fees, and computer~~  
3 ~~consultant fees. In adopting these fees, the director~~  
4 ~~shall take into account the intent to make the~~  
5 ~~division self-supporting. To this end, the fees may~~  
6 ~~reflect the commercial value of the service or~~  
7 ~~information provided. In the case of requests for~~  
8 ~~records by a nonprofit organization, the director may~~  
9 ~~reduce or waive the fees. This paragraph shall~~  
10 ~~control in any instance where there is a conflict~~  
11 ~~between this paragraph and any other statute;] shall~~  
12 ~~be \$ \_\_\_\_\_ ; and~~

- 13 (3) [~~Assess fees~~] The fee for copies of consumer and  
14 business educational publications prepared or issued  
15 by the department[~~]~~ shall be \$ \_\_\_\_\_. Fees  
16 collected under this paragraph shall be deposited into  
17 the compliance resolution fund under subsection (o).  
18 In the case of requests for copies by a nonprofit  
19 organization, the director may reduce or waive the  
20 fees. For purposes of this paragraph, "consumer and  
21 business educational publications" does not include  
22 copies of statutes or administrative rules.

1           The fees collected by the professional and vocational  
2           licensing division and the business registration division shall  
3           be deposited into the compliance resolution fund under  
4           subsection (o).

5           The director may appoint program specialists, not subject  
6           to chapter 76, to assist with the activities of the professional  
7           and vocational licensing division."

8           2. By amending subsection (o) to read:

9           "(o) Every person licensed under any chapter within the  
10          jurisdiction of the department of commerce and consumer affairs  
11          and every person licensed subject to chapter 485A or registered  
12          under chapter 467B shall pay upon issuance of a license, permit,  
13          certificate, or registration a fee of \$ \_\_\_\_\_ and a  
14          subsequent annual fee [~~to be determined by the director and~~  
15          ~~adjusted from time to time to ensure that the proceeds, together~~  
16          ~~with all other fines, income, and penalties collected under this~~  
17          ~~section, do not surpass the annual operating costs of conducting~~  
18          ~~compliance resolution activities required under this section.]~~  
19          of \$ \_\_\_\_\_. The fees may be collected biennially or  
20          pursuant to rules adopted under chapter 91, and shall be  
21          deposited into the special fund established under this  
22          subsection. Every filing pursuant to chapter 514E or section

1 485A-202(a)(26) shall be assessed, upon initial filing and at  
2 each renewal period in which a renewal is required, a fee [~~that~~  
3 ~~shall be prescribed by rules adopted under chapter 91, and]~~ of  
4 \$ \_\_\_\_\_ that shall be deposited into the special fund  
5 established under this subsection. Any unpaid fee shall be paid  
6 by the licensed person, upon application for renewal,  
7 restoration, reactivation, or reinstatement of a license, and by  
8 the person responsible for the renewal, restoration,  
9 reactivation, or reinstatement of a license, upon the  
10 application for renewal, restoration, reactivation, or  
11 reinstatement of the license. If the fees are not paid, the  
12 director may deny renewal, restoration, reactivation, or  
13 reinstatement of the license. [~~The director may establish,~~  
14 ~~increase, decrease, or repeal the fees when necessary pursuant~~  
15 ~~to rules adopted under chapter 91. The director may also~~  
16 ~~increase or decrease the fees pursuant to section 92-28.]~~

17 There is created in the state treasury a special fund to be  
18 known as the compliance resolution fund to be expended by the  
19 director's designated representatives as provided by this  
20 subsection. Notwithstanding any law to the contrary, all  
21 revenues, fees, and fines collected by the department shall be  
22 deposited into the compliance resolution fund. Unencumbered

1 balances existing on June 30, 1999, in the cable television fund  
2 under chapter 440G, the division of consumer advocacy fund under  
3 chapter 269, the financial institution examiners' revolving  
4 fund, section 412:2-109, the special handling fund, section 414-  
5 13, and unencumbered balances existing on June 30, 2002, in the  
6 insurance regulation fund, section 431:2-215, shall be deposited  
7 into the compliance resolution fund. This provision shall not  
8 apply to the drivers education fund underwriters fee, section  
9 431:10C-115, insurance premium taxes and revenues, revenues of  
10 the workers' compensation special compensation fund, section  
11 386-151, the captive insurance administrative fund, section  
12 431:19-101.8, the insurance commissioner's education and  
13 training fund, section 431:2-214, the medical malpractice  
14 patients' compensation fund as administered under section 5 of  
15 Act 232, Session Laws of Hawaii 1984, and fees collected for  
16 deposit in the office of consumer protection restitution fund,  
17 section 487-14, the real estate appraisers fund, section 466K-1,  
18 the real estate recovery fund, section 467-16, the real estate  
19 education fund, section 467-19, the contractors recovery fund,  
20 section 444-26, the contractors education fund, section 444-29,  
21 the condominium management education fund, section 514A-131, and  
22 the condominium education trust fund, section 514B-71. Any law

1 to the contrary notwithstanding, the director may use the moneys  
2 in the fund to employ, without regard to chapter 76, hearings  
3 officers and attorneys. All other employees may be employed in  
4 accordance with chapter 76. Any law to the contrary  
5 notwithstanding, the moneys in the fund shall be used to fund  
6 the operations of the department. The moneys in the fund may be  
7 used to train personnel as the director deems necessary and for  
8 any other activity related to compliance resolution.

9 As used in this subsection, unless otherwise required by  
10 the context, "compliance resolution" means a determination of  
11 whether:

- 12 (1) Any licensee or applicant under any chapter subject to  
13 the jurisdiction of the department of commerce and  
14 consumer affairs has complied with that chapter;
- 15 (2) Any person subject to chapter 485A has complied with  
16 that chapter;
- 17 (3) Any person submitting any filing required by chapter  
18 514E or section 485A-202(a)(26) has complied with  
19 chapter 514E or section 485A-202(a)(26);
- 20 (4) Any person has complied with the prohibitions against  
21 unfair and deceptive acts or practices in trade or  
22 commerce; or

1 (5) Any person subject to chapter 467B has complied with  
 2 that chapter;  
 3 and includes work involved in or supporting the above functions,  
 4 licensing, or registration of individuals or companies regulated  
 5 by the department, consumer protection, and other activities of  
 6 the department.

7 The director shall prepare and submit an annual report to  
 8 the governor and the legislature on the use of the compliance  
 9 resolution fund. The report shall describe expenditures made  
 10 from the fund including non-payroll operating expenses."

11 SECTION 2. Section 141-2.6, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13 "[~~+~~]**\$141-2.6**[~~+~~] **Fees for aquaculture services.** (a) The  
 14 department of agriculture may [~~establish and assess fees~~  
 15 ~~pursuant to chapter 91 for:~~

16 ~~(1) Aquatic]~~ impose and collect a fee of \$ \_\_\_\_\_ for  
 17 animal and plant health diagnostic services[~~+~~and  
 18 ~~(2) Any]~~ .

19 (b) The department may impose and collect a fee of  
 20 \$ \_\_\_\_\_ for items or expert services purchased from the  
 21 department related to aquaculture planning, disease management,  
 22 and the marketing of seafood products[~~+~~

1 ~~provided that the assessment of these fees does not violate any~~  
2 ~~other provision of this chapter]."~~

3 SECTION 3. Section 142-98, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) The department of agriculture may [~~establish and~~  
6 ~~assess~~] impose and collect fees [~~pursuant to chapter 91~~] of  
7 \$ \_\_\_\_\_ for facilities usage, vaccination programs,  
8 emergency transportation of quarantined animals, insecticides,  
9 medication, and other goods and services deemed necessary and  
10 provided by the department of agriculture in enforcing the  
11 provisions of this chapter[~~, provided that the assessment of~~  
12 ~~these fees does not violate any other provision of this~~  
13 ~~chapter]."~~

14 SECTION 4. Section 149A-13.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (c) to read as follows:

16 "(c) The department may [~~set~~] impose and collect fees of  
17 \$ \_\_\_\_\_ for the educational services and training provided  
18 under this section."

19 SECTION 5. Section 150A-48, Hawaii Revised Statutes, is  
20 amended by amending subsection (d) to read as follows:



1           "(d) The department may [~~set~~] impose and collect fees [~~by~~  
2 ~~rule,~~] of \$ \_\_\_\_\_ for educational workshops for certified  
3 importers or applicants for certification."

4           SECTION 6. Section 201-2.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "**§201-2.5 Fees for services rendered and products**

7 **provided.** (a) The department of business, economic  
8 development, and tourism may [~~establish reasonable~~] impose and  
9 collect fees of \$ \_\_\_\_\_ for services rendered and products  
10 provided by the department. [~~The department shall maintain a~~  
11 ~~reasonable relationship between the revenues derived from fees~~  
12 ~~and the cost or fair value of services rendered and products~~  
13 ~~provided.~~

14           ~~(b) The department shall adopt rules pursuant to chapter~~  
15 ~~91 to carry out its responsibilities under this section.]"~~

16           SECTION 7. Section 201-18, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18           "(c) The fund shall be administered by the department of  
19 business, economic development, and tourism. Appropriations or  
20 authorizations from the fund shall be expended by the  
21 department. The department may contract with other public or  
22 private entities for the provision of all or a portion of the

1 services necessary for the administration and implementation of  
2 the loan fund program. The department may ~~set~~ impose and  
3 collect fees or charges of \$ \_\_\_\_\_ for fund management and  
4 technical site assistance provided under this section. The  
5 department may adopt rules pursuant to chapter 91 to carry out  
6 the purposes of this section."

7 SECTION 8. Section 201H-15, Hawaii Revised Statutes, is  
8 amended by amending subsection (c) to read as follows:

9 "(c) The corporation shall adopt rules under chapter 91  
10 necessary to comply with federal and state requirements for  
11 determining the amount of the tax credit allowed under section  
12 42 of the Internal Revenue Code of 1986, as amended, and section  
13 235-110.8. The corporation may ~~establish~~ impose and collect  
14 ~~reasonable~~ fees of \$ \_\_\_\_\_ for ~~administrative expenses~~  
15 ~~incurred in providing~~ the services required by this section~~[7~~  
16 ~~including fees for processing developer applications for the~~  
17 ~~credit]~~. All fees collected for administering these provisions,  
18 including developer application fees, shall be used to cover the  
19 administrative expenses of the corporation."

20 SECTION 9. Section 201H-36, Hawaii Revised Statutes, is  
21 amended by amending subsection (d) to read as follows:

1           "(d) The corporation may [~~establish, revise,~~] charge, and  
2 collect a [~~reasonable service fee, as necessary, in connection~~  
3 ~~with its~~] fee of \$ \_\_\_\_\_ for approvals and certifications  
4 under this section. The fees collected under this section shall  
5 be deposited into the dwelling unit revolving fund."

6           SECTION 10. Section 201H-100, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "~~[+]§201H-100[+]~~ **Housing loan programs; fees.** The  
9 corporation may [~~establish, revise,~~] charge~~[,]~~ and collect fees,  
10 premiums, and charges [~~as necessary, reasonable, or convenient,~~]  
11 of \$ \_\_\_\_\_ for its housing loan programs. The fees,  
12 premiums, and charges shall be deposited into the housing loan  
13 program revenue bond special fund established for the particular  
14 housing loan program or part thereof from which the fees,  
15 premiums, and charges are derived as determined by the  
16 corporation."

17           SECTION 11. Section 201H-144, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19           "(b) The corporation may [~~establish, revise,~~] charge~~[,]~~  
20 and collect fees, premiums, and charges [~~as necessary,~~  
21 ~~reasonable, or convenient in connection with its~~] of \$ \_\_\_\_\_  
22 for its housing loan programs established under this subpart.

1 The fees, premiums, and charges shall be deposited into funds as  
2 determined by the corporation."

3 SECTION 12. Section 205-4.1, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§205-4.1 Fees.** The commission may [~~establish reasonable~~]  
6 charge and collect fees of \$ \_\_\_\_\_ for the filing of  
7 boundary amendment petitions and petitions for intervention [~~to~~  
8 ~~cover the cost of processing thereof~~] and for the reproduction  
9 of maps and documents. The commission also may assess a  
10 reasonable fee or require reimbursements to be made for court  
11 reporter expenses, the inexcusable absence of a party from a  
12 boundary amendment proceeding, and any other reimbursements for  
13 hearing expenses as determined by the commission. Any fees  
14 collected shall be deposited to the credit of the general fund."

15 SECTION 13. Section 206E-113, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§206E-113 Reserved housing loan programs; fees.** The  
18 authority may [~~establish, revise,~~] charge[~~7~~] and collect fees,  
19 premiums, and charges [~~as necessary, reasonable, or convenient,~~]  
20 of \$ \_\_\_\_\_ for its reserved housing loan programs.

21 The fees, premiums, and charges shall be deposited into the  
22 reserved housing loan program revenue bond special fund

1 established for the particular reserved housing loan program or  
2 part thereof from which the fees, premiums and charges are  
3 derived as determined by the authority."

4 SECTION 14. Section 261-7, Hawaii Revised Statutes, is  
5 amended as follows:

6 1. By amending subsection (b) to read:

7 "(b) Except as otherwise provided in this section, in each  
8 case mentioned in subsection (a) (1), (2), (3), and (4), the  
9 department may establish the terms and conditions of [~~the~~  
10 ~~contract, lease, license, or other arrangement, and may fix the~~  
11 ~~charges, rentals, or fees]~~ contracts, leases, licenses, or other  
12 arrangements, including capital improvement projects approved by  
13 the legislature, for the purpose of meeting the expenditures of  
14 the statewide system of airports set forth in section 261-5(a).  
15 The department may impose and collect fees of \$ \_\_\_\_\_ for  
16 [~~the~~] privileges, services, or things granted, conferred, or  
17 made available[~~, for the purpose of meeting the expenditures of~~  
18 ~~the statewide system of airports set forth in section 261-5(a),~~  
19 ~~which includes expenditures for capital improvement projects~~  
20 ~~approved by the legislature. Such charges shall be reasonable~~  
21 ~~and uniform for the same class of privilege, service, or~~  
22 ~~thing]."~~

1           2. By amending subsection (e) to read:

2           "(e) The department may [~~fix and regulate, from time to~~  
3 ~~time, reasonable]~~ impose and collect landing fees of \$ \_\_\_\_\_  
4 for aircraft [~~, including the imposition of landing surcharges or~~  
5 ~~differential landing fees, and other reasonable charges for the~~  
6 ~~use and enjoyment of the airports and the services and~~  
7 ~~facilities furnished by the department in connection therewith,~~  
8 ~~including the establishment of a statewide system of airports~~  
9 ~~landing fees, a statewide system of airports support charges,~~  
10 ~~and joint use charges for the use of space shared by users,~~  
11 ~~which fees and charges may vary among different classes of users~~  
12 ~~such as foreign carriers, domestic carriers, inter-island~~  
13 ~~carriers, air taxi operators, helicopters, and such other~~  
14 ~~classes as may be determined by the director, for the purpose of~~  
15 ~~meeting the expenditures of the statewide system of airports set~~  
16 ~~forth in section 261-5(a), which includes expenditures for~~  
17 ~~capital improvement projects approved by the legislature].~~

18           [~~In setting airports rates and charges, including landing~~  
19 ~~fees, the director may enter into contracts, leases, licenses,~~  
20 ~~and other agreements with aeronautical users of the statewide~~  
21 ~~system of airports containing such terms, conditions, and~~  
22 ~~provisions as the director deems advisable.~~

1 ~~If the director has not entered into contracts, leases,~~  
2 ~~licenses, and other agreements with any or fewer than all of the~~  
3 ~~aeronautical users of the statewide system of airports prior to~~  
4 ~~the expiration of an existing contract, lease, license, or~~  
5 ~~agreement, the director shall set and impose rates, rentals,~~  
6 ~~fees, and charges pursuant to this subsection without regard to~~  
7 ~~the requirements of chapter 91; provided that a public~~  
8 ~~informational hearing shall be held on the rates, rentals, fees,~~  
9 ~~and charges.]~~

10 The ~~[director shall develop rates, rentals, fees, and~~  
11 ~~charges in accordance with a residual methodology so that the]~~  
12 statewide system of airports shall be, and shall always remain,  
13 self-sustaining. The rates, rentals, fees, and charges shall be  
14 set at ~~[such levels as]~~ \$ \_\_\_\_\_ to produce revenues which,  
15 together with aviation fuel taxes, shall be at least sufficient  
16 to meet the expenditures of the statewide system of airports set  
17 forth in section 261-5(a), including expenditures for capital  
18 improvement projects approved by the legislature, and to comply  
19 with covenants and agreements with holders of airport revenue  
20 bonds.

21 ~~[The director may develop and formulate methodology in~~  
22 ~~setting the various rates, rentals, fees, and charges imposed~~

1 ~~and may determine usage of space, estimate landed weights, and~~  
2 ~~apply such portion of nonaeronautical revenue deemed appropriate~~  
3 ~~in determining the rates, rentals, fees, and charges applicable~~  
4 ~~to aeronautical users of the statewide system of airports.~~

5 ~~The rates, rentals, fees, and charges determined by the~~  
6 ~~director in the manner set forth in this subsection shall be~~  
7 ~~those charges payable by the aeronautical users for the periods~~  
8 ~~immediately following the date of expiration of the existing~~  
9 ~~contract, lease, license, or agreement. If fees are established~~  
10 ~~pursuant to this section, the department shall prepare a~~  
11 ~~detailed report on the circumstances and rates and charges that~~  
12 ~~have been established, and shall submit the report to the~~  
13 ~~legislature no later than twenty days prior to the convening of~~  
14 ~~the next regular session.~~

15 ~~If a schedule of rates, rentals, fees, and charges~~  
16 ~~developed by the director in accordance with this section is~~  
17 ~~projected by the department to produce revenues which, together~~  
18 ~~with aviation fuel taxes, will be in excess of the amount~~  
19 ~~required to meet the expenditures of the statewide system of~~  
20 ~~airports set forth in section 261-5(a), including expenditures~~  
21 ~~for capital improvement projects approved by the legislature,~~  
22 ~~and to comply with covenants and agreements with holders of~~



1 ~~airport revenue bonds, the department shall submit the schedule~~  
2 ~~of rates, rentals, fees, and charges to the legislature prior to~~  
3 ~~the convening of the next regular session of the legislature.~~  
4 ~~Within forty-five days after the convening of the regular~~  
5 ~~session, the legislature may disapprove any schedule of rates,~~  
6 ~~rentals, fees, and charges required to be submitted to it by~~  
7 ~~this section by concurrent resolution. If no action is taken by~~  
8 ~~the legislature within the forty-five-day period the schedule of~~  
9 ~~rates, rentals, fees, and charges shall be deemed approved. If~~  
10 ~~the legislature disapproves the schedule within the forty-five-~~  
11 ~~day period, the director shall develop a new schedule of rates,~~  
12 ~~rentals, fees, and charges in accordance with this section~~  
13 ~~within seventy-five days of the disapproval. Pending the~~  
14 ~~development of a new schedule of rates, rentals, fees, and~~  
15 ~~charges, the schedule submitted to the legislature shall remain~~  
16 ~~in force and effect.]~~

17       Notwithstanding any other provision of law to the contrary,  
18 the department may waive landing fees and other aircraft charges  
19 established under this section at any airport owned or  
20 controlled by the State whenever:

21       (1) The governor declares a state of emergency; and

1           (2) The department determines that the waiver of landing  
2           fees and other charges for the aircraft is consistent  
3           with assisting in the delivery of humanitarian relief  
4           to disaster-stricken areas of the State."

5           3. By amending subsections (g) and (h) to read:

6           "(g) The department [~~from time to time~~] may [~~establish~~]  
7           impose and collect a developmental [rates] rate for buildings  
8           and land areas used exclusively for general aviation activities  
9           [~~at rates not less than~~]. The rate shall be fifty per cent of  
10          the fair market rentals of the buildings and land areas [~~and~~].  
11          The department may restrict the extent of buildings and land  
12          areas to be used.

13          (h) [~~Notwithstanding any laws to the contrary, the~~  
14          ~~department may establish, levy, assess, and collect~~] The rental  
15          motor vehicle customer facility charges, which shall be paid to  
16          the department periodically as determined by the department[~~er~~],  
17          shall be \$ \_\_\_\_\_. These charges shall be used to pay for,  
18          or finance on a long-term basis where appropriate, the design,  
19          planning, construction, and other uses of the rental motor  
20          vehicle customer facility charges as set forth by the rental  
21          motor vehicle customer facility charge special fund in section  
22          261-5.6.

1           The rental motor vehicle customer facility charges shall be  
2 levied, assessed, and collected from all rental motor vehicle  
3 customers who benefit from the use of any type of rental motor  
4 vehicle facility or service provided by the department at a  
5 state airport.

6           All rental motor vehicle customer facility charges shall be  
7 collected by lessors as defined in section 437D-3 and who  
8 operate a car rental concession awarded by the department at a  
9 state airport; provided that customers of lessors, as defined in  
10 section 437D-3, who do not operate a car rental concession at a  
11 state airport but whose customers benefit from the use of a car  
12 rental facility or service at a state airport paid for by rental  
13 motor vehicle customer facility charges, shall collect from such  
14 car rental customers, rental motor vehicle customer facility  
15 charges in an amount determined by the department that  
16 represents a fair share of the cost and ongoing expenses  
17 relating to customer use of such a facility or service. All  
18 rental motor vehicle customer facility charges collected by such  
19 lessor shall be paid to the department.

20           Notwithstanding any law to the contrary, the department may  
21 contract the management, maintenance, and operations of the  
22 facility and related services with airport concessions or their

1 designee that share in the use of a rental motor vehicle  
2 customer facility at a state airport."

3 SECTION 15. Section 304A-2152, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) The [~~university may establish appropriate charges and~~  
6 ~~fees~~] fee to individuals who are provided professional liability  
7 coverage under this section[~~, the~~] shall be \$ \_\_\_\_\_. The  
8 proceeds [~~of which~~] collected by the university under this  
9 section shall be deposited in accounts and credited to the  
10 University of Hawaii at Manoa malpractice special fund."

11 SECTION 16. Section 304A-2156, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) There is established the University of Hawaii  
14 community services special fund. Except as otherwise provided  
15 by law, all revenues, including interest, derived and collected  
16 from the university's provision of public service programs shall  
17 be deposited into the University of Hawaii community services  
18 special fund. The university may [~~establish~~] impose and collect  
19 fees [~~and charges~~] of \$ \_\_\_\_\_ for public service programs.  
20 All revenues deposited into the University of Hawaii community  
21 services special fund shall be used exclusively for the costs of  
22 providing public service programs. The university may establish

1 accounts under the community services special fund to facilitate  
2 the administration of this fund among the various campuses and  
3 operating units of the University of Hawaii system. All  
4 expenditures from this fund shall be subject to legislative  
5 appropriation."

6 SECTION 17. Section 304A-2157, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) There is established the University of Hawaii  
9 auxiliary enterprises special fund. Except as otherwise  
10 provided by law, all revenues, including interest, derived and  
11 collected from the university's provision of auxiliary services  
12 shall be deposited into the University of Hawaii auxiliary  
13 enterprises special fund and shall be expended solely for the  
14 costs of providing these services. The university may  
15 [~~establish~~] impose and collect fees [~~and charges~~] of \$ \_\_\_\_\_  
16 for the costs of providing these services. The university also  
17 may transfer other funds into the University of Hawaii auxiliary  
18 enterprises special fund to offset the cost of these services.  
19 The university may establish accounts under the University of  
20 Hawaii auxiliary enterprises special fund to facilitate the  
21 administration of this fund among the various campuses and  
22 operating units of the University of Hawaii system. All

1 expenditures from this fund shall be subject to legislative  
2 appropriation."

3 SECTION 18. Section 304A-2274, Hawaii Revised Statutes, is  
4 amended by amending its title and subsection (a) to read as  
5 follows:

6 "~~§~~304A-2274~~§~~ **University of Hawaii real property and**  
7 **facilities use revolving fund.** (a) There is established the  
8 University of Hawaii real property and facilities use revolving  
9 fund into which shall be deposited all revenues collected by the  
10 university for the use of university real property and  
11 facilities, except as otherwise provided by law. The board of  
12 regents may ~~establish~~ impose and collect prices, fees, and  
13 charges, ~~[including those]~~ established by law, for the sale,  
14 lease, or use of university real property and facilities, which  
15 include land, buildings, grounds, furnishings, and equipment;  
16 provided that the university shall comply with all statutory and  
17 common law requirements in the disposition of ceded lands. ~~[The~~  
18 ~~board of regents shall be exempt from the public notice and~~  
19 ~~public hearing requirements of chapter 91 in establishing and~~  
20 ~~amending the fees and charges.]~~ The university may establish  
21 separate accounts within the revolving fund for major program  
22 activities. Funds deposited into the revolving fund accounts

1 shall be expended to pay the costs of operating university  
2 facilities, including maintenance, administrative expenses,  
3 salaries, wages, and benefits of employees, contractor services,  
4 supplies, security, furnishings, equipment, janitorial services,  
5 insurance, utilities, and other operational expenses. Revenues  
6 not expended as provided in this section may be transferred to  
7 other university funds to be invested or expended for the  
8 administrative or overhead costs of the university. All  
9 expenditures from this revolving fund shall be subject to  
10 legislative appropriation."

11 SECTION 19. Section 321-1, Hawaii Revised Statutes, is  
12 amended by amending subsection (g) to read as follows:

13 "(g) The department may [~~establish charges~~] impose and  
14 collect fees of \$ \_\_\_\_\_ for any of its services; provided  
15 that the department shall not refuse to provide services to any  
16 person due to the person's inability to pay the fee for the  
17 service. The department, through the director, shall make an  
18 annual report to the governor, showing in detail all its  
19 expenditures and transactions, and such other information  
20 regarding the public health as the department may deem of  
21 special interest."

1 SECTION 20. Section 321-11.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§321-11.5 Establishment of fees.** (a) The department of  
4 health, by rules adopted pursuant to chapter 91, may [~~establish~~  
5 ~~reasonable~~] impose and collect fees of \$ \_\_\_\_\_ for the  
6 issuance or renewal of licenses, permits, variances, and various  
7 certificates required by law or by the department's rules. The  
8 fees may include the cost of related examinations, inspections,  
9 investigations, and reviews.

10 (b) All fees paid and collected pursuant to this section  
11 and rules adopted in accordance with chapter 91 from facilities  
12 seeking licensure or certification by the department of health,  
13 including hospitals, nursing homes, home health agencies,  
14 intermediate care facilities for the mentally retarded,  
15 freestanding outpatient surgical facilities, adult day health  
16 care centers, rural health centers, laboratories, adult  
17 residential care homes, expanded adult residential care homes,  
18 developmental disability domiciliary homes, assisted living  
19 facilities, therapeutic living programs, and special treatment  
20 facilities, shall be deposited into the office of health care  
21 assurance special fund created under section 321-1.4. Any other  
22 entities required by law to be licensed by the department of



1 health shall also be subject to [~~reasonable~~] fees of \$ \_\_\_\_\_  
2 [~~established~~] imposed and charged by the department of health  
3 [~~by rules adopted in accordance with chapter 91~~].

4 (c) Other than the fees collected under subsection (b),  
5 all other fees collected under this section and section 321-15  
6 shall be deposited into the environmental health education fund  
7 established under section 321-27."

8 SECTION 21. Section 325-78, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10 "(a) The department of health may [~~establish charges~~]  
11 impose and collect fees of \$ \_\_\_\_\_ for any diagnostic,  
12 medical, or treatment services relating to tuberculosis  
13 treatment or control; provided that the department shall not  
14 refuse to provide diagnostic, medical, or treatment services  
15 relating to tuberculosis treatment or control to any patient due  
16 to the patient's inability to pay for the service relating to  
17 tuberculosis treatment or control. Voluntary payments,  
18 contributions, or gifts for such purposes may be received, but  
19 shall not be requested or solicited from any patient or any of  
20 the patient's relatives[~~7~~] by the department."

21 SECTION 22. Section 328-96, Hawaii Revised Statutes, is  
22 amended by amending subsection (d) to read as follows:

1           "(d) The department shall provide for distribution of the  
2 Hawaii additions and deletions list and its revisions and  
3 supplements, and the dissemination of notices of changes to the  
4 compendia of therapeutically equivalent generic drug products to  
5 all pharmacies in the State and to any other interested  
6 individuals. The [~~department may establish fees to be charged~~  
7 ~~to~~] fee for persons who receive the Hawaii additions and  
8 deletions list and its revisions and supplements, and notices of  
9 changes to the compendia of therapeutically equivalent generic  
10 drug products[~~-~~] shall be \$ \_\_\_\_\_. [~~The amounts of the fees~~  
11 ~~charged shall be approximately the same as the costs of~~  
12 ~~producing and distributing the Hawaii additions and deletions~~  
13 ~~list and its revisions and supplements, and the notices of~~  
14 ~~changes to the compendia of therapeutically equivalent generic~~  
15 ~~drug products.]"~~

16           SECTION 23. Section 342D-13, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**[+]§342D-13[+] Fees.** The director may [~~establish~~  
19 ~~reasonable~~] impose and collect fees of \$ \_\_\_\_\_ for the  
20 issuance of permits and variances to cover the cost of issuance  
21 thereof and for the implementation and enforcement of the terms  
22 and conditions of permits and variances (not including court

1 costs or other costs associated with any formal enforcement  
2 action). The fees shall be deposited to the credit of the  
3 general fund."

4 SECTION 24. Section 342D-86, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~§~~342D-86~~§~~] **Revolving fund; fees, interest, and**  
7 **investment on accounts.** (a) The director may [~~establish~~]  
8 impose and collect fees of \$ \_\_\_\_\_ for loans, loan and bond  
9 guarantees, debt purchase and refinancing, interest rate  
10 subsidies, and other credit enhancement or liquidity support  
11 issued or provided through the revolving fund.

12 (b) The director shall adopt rules pursuant to chapter 91  
13 for the purposes of this part [~~, including fees for loans and~~  
14 ~~other financial assistance, and penalties for default of loan~~  
15 ~~and other financial assistance repayments]~~.

16 [~~(c) If established, fees shall cover the costs of current~~  
17 ~~activities, including the issuance of loans and other financial~~  
18 ~~assistance, monitoring of loans and other financial assistance~~  
19 ~~repayments and conditions, technical review of the planning and~~  
20 ~~design documents, monitoring of construction activities,~~  
21 ~~conducting operation and maintenance inspections of wastewater~~

1 ~~facilities, and other activities of the revolving fund pursuant~~  
2 ~~to Title 33 United States Code sections 1381 to 1387.~~

3 ~~(d)]~~ (c) All moneys collected as fees shall be deposited  
4 into an administrative expense account or accounts as needed to  
5 comply with Title 33 United States Code section 1383(d)(7) and  
6 shall be used exclusively to support the activities of the  
7 revolving fund.

8 [~~e)]~~ (d) Moneys in the revolving fund shall be placed in  
9 interest bearing investments or otherwise invested at the  
10 discretion of the director until such time as the moneys may be  
11 needed. All interest accruing from the investment of these  
12 moneys shall be credited to the revolving fund; provided that  
13 moneys which are pledged as security for payment of revenue  
14 bonds may be invested as provided in section 342D-91."

15 SECTION 25. Section 342F-14, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§342F-14 Fees.** The director may [~~establish reasonable~~]  
18 impose and collect fees of \$ \_\_\_\_\_ for the issuance of  
19 permits and variances [~~to cover the cost of issuance thereof and~~  
20 ~~for the implementation and enforcement of the terms and~~  
21 ~~conditions of permits and variances (not including court costs~~  
22 ~~or other costs associated with any formal enforcement action)] .~~

1 All fees collected pursuant to this section shall be deposited  
2 into the noise, radiation, and indoor air quality special fund  
3 established pursuant to section 342P-7."

4 SECTION 26. Section 342F-14.5, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~+~~]**S342F-14.5**[~~+~~] **Fees for notification.** The director may  
7 [~~establish reasonable~~] impose and collect fees of \$ \_\_\_\_\_  
8 for notifications and to cover the cost of implementation,  
9 recordkeeping, and any necessary inspections to ascertain  
10 compliance with the provisions of the state community notice  
11 rules."

12 SECTION 27. Section 342H-13, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~+~~]**S342H-13**[~~+~~] **Fees.** The director may [~~establish~~  
15 ~~reasonable~~] impose and collect fees of \$ \_\_\_\_\_ for the  
16 issuance of permits and variances [~~to cover the cost of issuance~~  
17 ~~thereof and for the implementation and enforcement of the terms~~  
18 ~~and conditions of permits and variances (not including court~~  
19 ~~costs or other costs associated with any formal enforcement~~  
20 ~~action)]]. The fees shall be deposited to the credit of the  
21 general fund."~~

1 SECTION 28. Section 342J-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§342J-13 Fees.~~ The director may [~~establish reasonable~~]  
4 impose and collect fees of \$ \_\_\_\_\_ for the issuance of  
5 permits [~~to cover the cost of issuance thereof and for the~~  
6 ~~implementation and enforcement of the terms and conditions of~~  
7 ~~permits (not including court costs or other costs associated~~  
8 ~~with any formal enforcement action)]]. The fees shall be  
9 deposited to the credit of the general fund."~~

10 SECTION 29. Section 342L-14, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "~~§342L-14 Fees.~~ [~~Notwithstanding section 342L-36.5 to the~~  
13 ~~contrary, the director may establish reasonable fees]~~ The  
14 following fees shall apply:

15 (1) [~~for the registration]~~ Registration of underground  
16 storage tanks or tank systems, \$ \_\_\_\_\_ ;

17 (2) [~~for the issuance,~~] Issuance, renewal, and  
18 modification of permits and variances [~~to cover the~~  
19 ~~cost of issuance thereof and]~~ \$ \_\_\_\_\_ ;

20 (3) [~~for the implementation]~~ Implementation and  
21 enforcement of the terms and conditions of permits and  
22 variances including inspections and necessary site

1 visits (not including court costs or other costs  
2 associated with any formal enforcement action),  
3 \$ \_\_\_\_\_; and  
4 (4) [~~for the review,~~] Review, evaluation, and approval of  
5 plans regarding release response activities[~~],~~  
6 \$ \_\_\_\_\_. The fees shall be deposited to the  
7 credit of the general fund."

8 SECTION 30. Section 342P-28, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§342P-28 Fees.** The director may [~~establish reasonable~~]  
11 impose and charge fees of \$ \_\_\_\_\_ for the issuance of  
12 notifications, certificates, licenses, permits, and variances  
13 [~~to cover the cost of issuance thereof,~~] and for the  
14 implementation and enforcement of the terms and conditions of  
15 permits and variances not including court costs or other costs  
16 associated with any formal enforcement action. The fees shall  
17 be deposited to the credit of the asbestos and lead abatement  
18 special fund or noise, radiation, and indoor air quality special  
19 fund."

20 SECTION 31. Section 348F-8, Hawaii Revised Statutes, is  
21 amended to read as follows:

1           "~~[§348F-8]~~ **Fees.** The ~~[board may establish fees,~~  
2 ~~pursuant to chapter 91,~~] fee for applicants seeking state  
3 credentialing of interpreters~~[.]~~ shall be \$ \_\_\_\_\_."

4           SECTION 32. Section 396-5.1, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) The director may ~~[establish]~~ impose and collect fees  
7 ~~[pursuant to chapter 91]~~ of \$ \_\_\_\_\_ to be charged for the  
8 following:

- 9           (1) Any aspect relating to the issuance of permits,  
10           certificates, or licenses required by this chapter or  
11           rule adopted by the director;
- 12           (2) Searching, reviewing, segregating, and providing  
13           records pursuant to chapter 92F requests ~~[where such~~  
14           ~~fees are not provided for under rules adopted by the~~  
15           ~~office of information practices];~~
- 16           (3) The costs of training materials used in department  
17           sponsored workshops; and
- 18           (4) The costs of public notices required for variances,  
19           and public requests for adoption, amendment, or repeal  
20           of rules."

21           SECTION 33. Section 412:2-105, Hawaii Revised Statutes, is  
22 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) The [~~commissioner may charge an examination fee based~~  
3 ~~upon the cost per hour per examiner~~] examination fee for all  
4 financial institutions examined by the commissioner or the  
5 commissioner's staff[~~.]~~ shall be \$ \_\_\_\_\_ per hour.  
6 [~~Effective July 1, 1995, the hourly fee shall be \$40. After~~  
7 ~~July 1, 1996, the commissioner may establish, increase,~~  
8 ~~decrease, or repeal the hourly fee when necessary pursuant to~~  
9 ~~rules adopted in accordance with chapter 91.]"~~

10 2. By amending subsection (d) to read:

11 "(d) The commissioner[~~, by rules adopted in accordance~~  
12 ~~with chapter 91, may set reasonable fee amounts to be collected~~  
13 ~~by the division in connection with its~~] may impose and collect  
14 fees of \$ \_\_\_\_\_ for regulatory functions, including, without  
15 limitation, [~~any fees for~~] renewals, applications, licenses, and  
16 charters. Unless otherwise provided by statute, all such fees  
17 shall be deposited into the compliance resolution fund  
18 established pursuant to section 26-9(o)."

19 SECTION 34. Section 412:2-109, Hawaii Revised Statutes, is  
20 amended by amending subsection (g) to read as follows:

21 "(g) The commissioner [~~may~~] shall annually charge each  
22 financial institution subject to examination by the commissioner

1 the sum of \$500 plus \$100 for each office, agency, and branch  
2 office maintained by the financial institution, payment of which  
3 shall be made before July 2 and thereafter credited to the  
4 compliance resolution fund. [~~The commissioner may establish,  
5 increase, decrease, or repeal this fee when necessary pursuant  
6 to rules adopted in accordance with chapter 91.~~]"

7 SECTION 35. Section 412:3-102, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§412:3-102 Change of name.** To change its name, a Hawaii  
10 financial institution shall file an application with the  
11 commissioner and pay [~~the fees as the commissioner may  
12 establish.~~] a fee of \$ \_\_\_\_\_ . The application shall be  
13 approved if the commissioner is satisfied that the new name  
14 complies with this chapter and chapter 414. Any change of name  
15 of a stock financial institution pursuant to this section shall  
16 be effected in accordance with chapter 414. Any change of name  
17 shall not affect a financial institution's rights, liabilities,  
18 or obligations existing prior to the effective date thereof, and  
19 no documents of transfer shall be necessary to preserve the  
20 rights, liabilities, or obligations; provided that the  
21 commissioner may require notice to be given to the public and  
22 other governmental agencies."

**Report Title:**

Administratively Established Fees; Fees and Other Assessments

**Description:**

Removes administrative agencies' authority to establish fees and replaces administratively established fees with statutory fees.

Effective 7/1/2050. (SD1)

1 SECTION 36. Section 440-13, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§440-13 License fees.** (a) License fees shall be paid  
4 annually to the State by every applicant to whom a license is  
5 issued to participate in the conduct of professional boxing in  
6 any of the capacities set forth in this chapter: promoter,  
7 physician, referee, judge, matchmaker, manager, timekeeper,  
8 second, and professional boxer. The charge for a duplicate of a  
9 license and all fees required by this chapter shall be [~~as~~  
10 ~~provided in rules adopted by the director pursuant to chapter~~  
11 ~~91]~~ \$ \_\_\_\_\_ and shall be deposited with the director to the  
12 credit of the compliance resolution fund established pursuant to  
13 section 26-9(o).

14 (b) The director [~~may establish a schedule of license fees~~  
15 ~~for participation in amateur boxing contests, and]~~ may waive  
16 payment of license fees for amateur boxing contests."

17 SECTION 37. Section 456-9, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) The attorney general shall charge and collect the  
20 following fees for:

21 (1) Issuing the original commission, \$40; and

22 (2) Renewing the commission, \$40.

1       ~~[Notwithstanding the foregoing, the attorney general may~~  
2 ~~establish and adjust fees pursuant to chapter 91.]"~~

3       SECTION 38. Section 457A-5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5       "~~{}~~**\$457A-5**~~{}~~ **Fees.** The director may ~~establish~~ impose  
6 and charge fees for services rendered to carry out the purposes  
7 of this chapter."

8       SECTION 39. Section 516-124, Hawaii Revised Statutes, is  
9 amended to read as follows:

10       "**\$516-124 Acquisition loan programs; fees.** The  
11 corporation may ~~establish, revise,~~ charge and collect fees,  
12 premiums, and charges ~~[as necessary, reasonable, or convenient,]~~  
13 for its acquisition loan programs.

14       The fees, premiums, and charges shall be deposited into the  
15 fee title acquisition loan program revenue bond special fund  
16 established for the particular acquisition loan program or part  
17 thereof from which the fees, premiums, and charges are derived  
18 as determined by the corporation."

19       SECTION 40. Section 321-382, Hawaii Revised Statutes, is  
20 repealed.

21       ~~["~~{}~~**\$321-382**~~{}~~ **Fees.** The director may establish fees by~~  
22 ~~rules pursuant to chapter 91."]~~

1 SECTION 41. All fees established by administrative rule by  
2 the department of commerce and consumer affairs, department of  
3 agriculture, board of land and natural resources, department of  
4 business, economic development and tourism, Hawaii housing  
5 finance and development corporation, land use commission, Hawaii  
6 community development authority, department of transportation,  
7 department of education, University of Hawaii, board of regents  
8 of the University of Hawaii, department of health, disability  
9 and communication access board, commissioner of financial  
10 institutions, and Attorney General by rules shall remain in  
11 effect at the amounts or rates in effect on June 30, 2009, until  
12 codified in the Hawaii Revised Statutes, statutorily amended, or  
13 repealed; provided that each of the foregoing departments,  
14 agencies, and offices, shall submit to the legislature, no later  
15 than twenty days prior to the convening of the regular session  
16 of 2010, recommended legislation that proposes to establish  
17 these fees and set their amounts and rates in the Hawaii Revised  
18 Statutes.

19 SECTION 42. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 43. This Act shall take effect on July 1, 2050.