

STAND. COM. REP. NO.

1065

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 1728
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1728, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FEES,"

begs leave to report as follows:

The purpose of this measure is to increase government agency fiscal options during this economic downturn by giving administrative agencies more flexibility to increase fees and other nontax revenues from July 1, 2009, until July 1, 2015.

Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that during these difficult times and considering the grave fiscal condition the State is facing, all options must be kept open. The intent of this measure is to allow the administrative agencies more discretionary authority to set fees pursuant to statutory authority.

Your Committee has amended this measure by deleting its contents and inserting the provisions of Senate Bill No. 1343, S.D. 2 (2009), a measure that statutorily establishes certain governmental fees and having a sunset date of July 1, 2050 to continue the discussions.

Your Committee finds that this amended measure addresses concerns raised in the Hawaii Supreme Court's opinion in *Hawaii*

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Insurers Council v. Lingle. Establishing these fees by statute rather than by administrative rule would help avoid a conflict with the separation of powers doctrine, while also making administrative fees more uniform.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1728, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1728, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

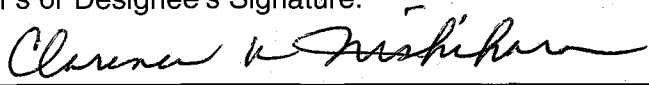


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1728, HD1	JGO, NAM	3/20/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes