

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

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

3       "**§92-28 State service fees; increase or decrease of.** Any  
4 law to the contrary notwithstanding, the fees or other nontax  
5 revenues assessed or charged by any board, commission, or other  
6 governmental agency may be increased or decreased by the body in  
7 an amount not to exceed fifty per cent of the statutorily  
8 assessed fee or nontax revenue, to maintain a reasonable  
9 relation between the revenues derived from such fee or nontax  
10 revenue and the cost or value of services rendered,  
11 comparability among fees imposed by the State, or any other  
12 purpose which it may deem necessary and reasonable; provided  
13 that:

14       (1) The authority to increase or decrease fees or nontax  
15 revenues shall be subject to the approval of the  
16 governor and extend only to the following: chapters  
17 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,  
18 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,



1 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,  
2 436E, 437, 437B, 438, 439, 440, 441, 442, 443B, 444,  
3 447, 448, 448E, 448F, 448H, 451A, 451J, 452, 453,  
4 453D, 454, 455, 456, 457, 457A, 457B, 457G, 458, 459,  
5 460J, 461, 461J, 462A, 463, 463E, 464, 465, 466, 466K,  
6 467, 467E, 468E, 468L, 468M, 469, 471, 482, 482E, 484,  
7 485A, 501, 502, 505, 514A, 514B, 514E, 572, 574, and  
8 846 (part II);

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

14 (3) The authority to increase or decrease fees or nontax  
15 revenues established by the University of Hawaii under  
16 chapter 304A shall be subject to the approval of the  
17 board of regents; provided that the board's approval  
18 of any increase or decrease in tuition for regular  
19 credit courses shall be [~~preceded by an open public~~  
20 ~~meeting~~] subject to the public notice, public hearing,  
21 and gubernatorial approval requirements of chapter 91;  
22 provided further that the public hearing shall be held



1 during or prior to the semester preceding the semester  
2 to which the tuition applies;

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

5 (5) The authority to increase or decrease fees or nontax  
6 revenues pursuant to this section shall be exempt from  
7 the public notice and public hearing requirements of  
8 chapter 91; provided that this paragraph shall not  
9 apply to the University of Hawaii board of regents'  
10 approval of any increase or decrease in tuition for  
11 regular credit courses; 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. Section 304A-403, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[~~§~~304A-403] **Public [~~meetings exemption.]~~ hearings and**  
19 **gubernatorial approval.** In establishing the resident tuition  
20 fees and the differential fees for nonresident students, the  
21 board of regents shall be [~~exempt from~~] subject to the public  
22 notice, public hearing, and gubernatorial approval requirements



1 of chapter 91[~~. The fees shall be established at an open public~~  
2 ~~meeting subject to the requirements of chapter 92~~]; provided  
3 that:

4 (1) The [~~open public meeting~~] public hearing is held  
5 during or prior to the semester preceding the semester  
6 to which the fees apply; and

7 (2) A copy of the schedule of resident tuition fees and  
8 the differential fees for nonresident students is  
9 filed in the office of the lieutenant governor prior  
10 to taking effect."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.  
14

INTRODUCED BY: *[Signature]*  
*[Signature]*



**Report Title:**

University of Hawaii; Tuition and Fee Changes

**Description:**

Subjects the University of Hawaii Board of Regents' approval of tuition and fee differential changes to the public notice, public hearing, and gubernatorial approval requirements of the administrative procedure law in Chapter 91, Hawaii Revised Statutes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

