

# H.B. NO. 1080

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## A BILL FOR AN ACT

RELATING TO THE AUTHORITY TO ADJUST PROFESSIONAL AND VOCATIONAL  
LICENSING FEES.

**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,

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1 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,  
2 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,  
3 436E, 436H, 437, 437B, 438, 439, 440, 440E, 441, 442,  
4 443B, 444, 447, 448, 448E, 448F, 448H, 451A, 451J,  
5 452, 453, 453D, [~~454,~~] 455, 456, 457, 457A, 457B,  
6 457G, 458, 459, 460J, 461, 461J, 462A, 463, 463E, 464,  
7 465, 465D, 466, 466D, 466K, 467, 467E, 468E, 468L,  
8 468M, 469, 471, 472, 481E, 482, 482E, 484, 485A, 501,  
9 502, 505, 514A, 514B, 514E, 572, 574, and 846 (part  
10 II) [~~+~~] and any board, commission, program, or entity  
11 created pursuant to title 25 and assigned to the  
12 department of commerce and consumer affairs or placed  
13 within the department for administrative purposes;  
14 (2) The authority to increase or decrease fees or nontax  
15 revenues under the chapters listed in paragraph (1)  
16 that are established by the department of commerce and  
17 consumer affairs shall apply to fees or nontax  
18 revenues established by statute or rule;  
19 (3) The authority to increase or decrease fees or nontax  
20 revenues established by the University of Hawaii under  
21 chapter 304A shall be subject to the approval of the  
22 board of regents; provided that the board's approval

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1 of any increase or decrease in tuition for regular  
2 credit courses shall be preceded by an open public  
3 meeting held during or prior to the semester preceding  
4 the semester to which the tuition applies;

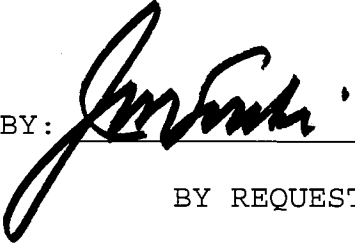
5 (4) This section shall not apply to judicial fees as may  
6 be set by any chapter cited in this section;

7 (5) The authority to increase or decrease fees or nontax  
8 revenues pursuant to this section shall be exempt from  
9 the public notice and public hearing requirements of  
10 chapter 91; and

11 (6) Fees for copies of proposed and final rules and public  
12 notices of proposed rulemaking actions under chapter  
13 91 shall not exceed 10 cents a page, as required by  
14 section 91-2.5."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

18  
19 INTRODUCED BY:  \_\_\_\_\_

20 BY REQUEST

JAN 23 2017

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**Report Title:**

State Service Fees; Professional and Vocational Licensing Areas

**Description:**

Updates section 92-28, Hawaii Revised Statutes, to include all of the Department of Commerce and Consumer Affairs' professional and vocational licensing chapters to allow for the flexibility of decreasing or increasing fees in a timely manner, subject to the approval of the Governor.

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

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO THE AUTHORITY TO ADJUST PROFESSIONAL AND VOCATIONAL LICENSING FEES.

PURPOSE: To provide the Department of Commerce and Consumer Affairs' (DCCA) Professional and Vocational Licensing Division (PVLD) with the flexibility to decrease or increase fees in a timely manner, subject to the approval of the Governor. Specifically, this measure amends section 92-28, Hawaii Revised Statutes (HRS), by extending the authority to adjust licensing fees to six licensing laws (chapters 436H, 440E, 465D, 466D, 472, and 481E, HRS), and by adding language to allow for the automatic inclusion of all future licensing regulatory areas specifically and statutorily assigned to the DCCA pursuant to title 25, HRS.

MEANS: Amend section 92-28, HRS.

JUSTIFICATION: Section 92-28, HRS, was last updated in 2007. Since then, six new licensing areas have been added to the PVLD for regulation. The six areas are Athletic Trainers, Behavior Analysts, Mixed Martial Arts, Respiratory Therapists, Uniform Athlete Agents, and Veterinary Technicians. This measure also updates section 92-28, HRS, to include language that will allow for the automatic inclusion of any new PVLD licensing laws or other laws creating boards, commissions, or programs within DCCA pursuant to title 25, HRS. To ensure that all of PVLD's licensing areas are treated fairly and impartially, the amendments to the bill are essential, in order to timely decrease or increase fees, subject to the approval of the Governor.

Impact on the public: Minimal impact on the public is expected.

Impact on the department and other agencies:  
The impact on PVLD will be positive as PVLD will be able to more timely respond to changing economic conditions by offering discounts to all of its licensing areas, when and if PVLD is fiscally able to do so.

It is not anticipated that this bill will impact other governmental agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: CCA-105.

OTHER AFFECTED  
AGENCIES: None anticipated.

EFFECTIVE DATE: Upon approval.