
A BILL FOR AN ACT

RELATING TO FARM PRODUCE.

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

1 SECTION 1. The purpose of this Act is to establish the
2 farm produce dealers special fund under the department of
3 agriculture.

4 SECTION 2. Chapter 145, Hawai'i Revised Statutes, is
5 amended by adding a new section to part I to be appropriately
6 designated and to read as follows:

7 "§145- Farm produce dealers special fund. (a) There
8 is established within the state treasury the farm produce
9 dealers special fund.

10 (b) The following moneys shall be deposited into the farm
11 produce dealers special fund:

12 (1) Fees, charges, expenses, and other moneys collected
13 under this part;

14 (2) Fines collected from violations of this part; and

15 (3) Interest earned on the moneys in the special fund.

16 (c) The moneys in the special fund shall be expended for
17 the licensure of commission merchants, dealers, brokers, agents,



1 processors, and retail merchants and the administration,
2 operation, and enforcement of this part.

3 No moneys from the general fund or other special or
4 revolving fund shall be expended for the administration,
5 operation, or enforcement of this part by the department of
6 agriculture; provided that the expenditure of moneys from the
7 general fund for central services and departmental
8 administrative expenses shall be permitted."

9 SECTION 3. Section 145-14, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§145-14 Disposition of fees and charges.** All fees,
12 charges, expenses, and other moneys collected pursuant to this
13 [~~chapter~~] part shall be [~~deposited with~~] transmitted to the
14 state director of finance [~~to the credit of the general~~] for
15 deposit into the farm produce dealers special fund."

16 SECTION 4. (a) Between July 1, 2010 and September 30,
17 2010, the department of agriculture shall adopt new or amend
18 existing rules to impose or increase fees authorized to be
19 charged under chapter 145, part I, Hawaii Revised Statutes,
20 without regard to the public notice and public hearing
21 requirements of section 91-3, Hawaii Revised Statutes, the small
22 business impact review requirements of chapter 201M, Hawaii



1 Revised Statutes, or the limit on fee increases under section
 2 92-28, Hawaii Revised Statutes. The department shall set the
 3 fees at amounts intended to generate sufficient revenues to pay
 4 the operation and maintenance costs of implementing chapter 145,
 5 part I, Hawaii Revised Statutes, and central services and
 6 departmental administrative expense assessments of section 36-27
 7 and section 36-30, Hawaii Revised Statutes.

8 (b) If, by September 30, 2010, the department of
 9 agriculture has not complied with subsection (a), then the fee
 10 charged for the licensure of or license renewal for a commission
 11 merchant, dealer, broker, agent, processor, or retail merchant
 12 shall be \$ commencing October 1, 2010.

13 (c) Any subsequent amendments to the rules adopted or
 14 amended pursuant to subsection (a) or the fee established under
 15 subsection (b) shall be subject to all applicable provisions of
 16 chapter 91, chapter 201M, and section 92-28, Hawaii Revised
 17 Statutes.

18 SECTION 5. Statutory material to be repealed is bracketed
 19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:
 HB LRB 10-0252-1.doc


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Report Title:

Farm Produce Dealers Special Fund; Establishment

Description:

Establishes a farm produce dealers special fund. Requires fees for the certification of farm produce dealers and other moneys to be deposited into the special fund. Requires expenditures from the special fund to be made for the farm produce dealers licensure program.

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