
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 145, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§145- Department of agriculture operations special
5 fund. (a) There is established the department of agriculture
6 operations special fund to be administered by the department and
7 into which shall be deposited:

8 (1) Legislative appropriations to the special fund;

9 (2) All fees, charges, expenses, and other moneys
10 collected pursuant to this chapter;

11 (3) All interest earned or accrued on moneys deposited in
12 the special fund; and

13 (4) Any other moneys made available to the fund.

14 (b) Moneys in the special fund shall be expended for the
15 purposes of this chapter; provided that the department shall
16 expend \$ to establish and operate the online system under
17 section 145-2."



1 SECTION 2. Section 145-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§145-2 Licenses. No person shall act as a commission
4 merchant, dealer, broker, agent, processor, or retail merchant
5 without having obtained a license as prescribed by rules of the
6 department.

7 In addition to the general requirements applicable to all
8 classes of applications as prescribed by rule, the following
9 requirements shall apply to each class of application noted:

10 (1) Commission merchants and brokers: Each application
11 shall include a schedule of commissions and charges
12 for services, and the designated commissions and
13 charges shall not be changed or varied for the license
14 period except by written contract between the parties.

15 In addition, each application shall be accompanied by
16 the surety bond required by section 145-4.

17 (2) Agents: Each application shall include the name and
18 address of each commission merchant, dealer, or broker
19 represented or sought to be represented by the agent,
20 the written indorsement or nomination of the
21 commission merchant, dealer, or broker, and [~~such~~]
22 additional information as the department may consider



1 proper or necessary. The department shall thereupon
2 issue to the applicant a license entitling the
3 applicant to conduct the business described in the
4 application at the place named in the application for
5 a year from the date thereof, or until the [~~same~~]
6 license is revoked for cause; provided that the
7 license of an agent shall expire upon the date of
8 expiration of the license of the principal for whom
9 the agent acts. The department may also issue to each
10 agent a card or cards which shall bear the signature
11 of the agent, separate cards being required for each
12 principal. Any agent shall show the card or cards
13 upon the request of any interested person. Any agent
14 who displays a void or expired license card shall be
15 punished as provided in section 145-12.

16 Fraud or misrepresentation in making any application shall
17 ipso facto work a revocation of any license granted thereunder.
18 All indicia of the possession of a license shall be at all times
19 the property of the State and each licensee shall be entitled to
20 the possession thereof only for the duration of the license.

21 For filing the application for license, each applicant
22 shall pay a fee as prescribed by the department.

1 Should any commission merchant, dealer, broker, agent,
2 processor, or retail merchant refuse, fail, or neglect to apply
3 for the renewal of a preexisting license within thirty days
4 after the expiration thereof, a penalty of forty per cent shall
5 apply to and be added to the original fee as prescribed by the
6 department, and shall be paid by the applicant before the
7 renewal license may be issued.

8 Any person who has applied for and obtained a license
9 within the classification of commission merchant, in the manner
10 and upon payment of the fee set forth, may apply for and secure
11 a license in the other classifications without payment of
12 further fee, and upon further complying with those provisions of
13 this part regulating the licensing of the other particular
14 classification involved. All licenses held by any licensee
15 under this section shall automatically expire on the expiration
16 date for the particular license for which the license fee was
17 paid.

18 The department shall establish and maintain an online
19 system that allows persons to submit an application for a
20 license electronically through the Internet."

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



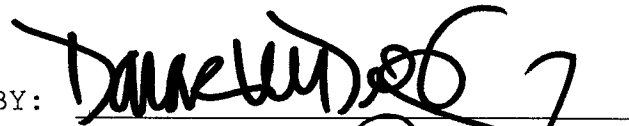


1 "§145-14 Disposition of fees and charges. All fees,
 2 charges, expenses, and other moneys collected pursuant to this
 3 chapter shall be deposited [~~with the state director of finance~~
 4 ~~to the credit of the general fund.~~] into the department of
 5 agriculture operations special fund established pursuant to
 6 section 145- and expended for the purposes of this chapter."

7 SECTION 4. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2012.

10

INTRODUCED BY:


S.B. NO. 2351

Report Title:

DOA; Licenses; Electronic Application; Special Fund

Description:

Requires the DOA to establish and maintain an online system of licensure for commission merchants, dealers, brokers, agents, processors, and retail merchants of farm products. Establishes the department of agriculture operations special fund.

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

