

A Bill for an Act Relating to Feed.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 144-5, Hawaii Revised Statutes, is amended to read as follows:

“§144-5 **Inspection fees.** (a) There shall be paid to the department for all [commercial] feeds distributed or imported for use or sale in this State [an inspection fee; provided that custom-mixed feeds are exempted if the inspection fee is paid on the commercial feeds which they contain; and provided further that sales of commercial feeds to manufacturers or exchanges between them are exempted if the commercial feeds so sold or exchanged are used solely in the manufacture of commercial feeds which are registered;], inspection fees to reasonably cover the costs of inspecting, sampling, and analyzing feed for the requirements of this chapter and rules adopted pursuant to it; provided that the department shall exempt by rule the payment of inspection fees on feed not subject to specific requirements of this chapter; and provided further that a distributor shall pay an annual registration fee for each brand of [commercial] feed distributed in individual packages of ten pounds or less, and the distributor of the brand shall not be required to pay the inspection fee on the packages of the brand so registered; and provided further that toll-milled feeds are exempted]. All fees collected shall be deposited with the state director of finance to the credit of the general fund.

(b) Every person, except as hereinafter provided, who distributes or imports for use or sale [commercial or custom-mixed] feed in this State shall:

- (1) File, not later than the last day of January, last day of April, last day of July, and last day of October of each year, quarterly statements, setting forth the number of net tons of [commercial or custom-mixed] feeds distributed or imported in this State during the preceding calendar quarter; and upon filing the statements shall pay the inspection [fee.] fees. Inspection fees which are due and owing and have not been remitted to the department within thirty days following the due date shall have a penalty fee [of five per cent] in an amount established by rules of the department added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the department from taking other action as provided in this chapter. When more than one person is involved in the distribution or importation of a [commercial] feed, the person who imports or distributes to the consumer is responsible for reporting the tonnage and paying the inspection fee unless the report and payment have been made by a prior distributor, seller, or

exporter of the [commercial] feed. [If the inspection fee has been paid on a commercial simple feed which is subsequently converted into a commercial mixed or custom-mixed feed for distribution, the person responsible for the mixing shall be required to pay an additional inspection fee per ton on the amount of commercial simple feed that has been so converted.]

- (2) Keep such records as may be necessary or required by the department to indicate accurately the tonnage of [commercial or custom-mixed] feed distributed in this State, and the department shall have the right to examine the records to verify statements of tonnage. Failure to make accurate statement of tonnage or to pay the inspection fee or to comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for the distributor.

(c) The department may require the filing of further reports with respect to importation and distribution of feed by carriers, seller's agents, distributors, and named consignees."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect 240 days after approval or upon adoption of rules by the department of agriculture establishing new inspection fees and exemptions, whichever comes first.

(Approved May 1, 1984.)