

ACT 8

H.B. NO. 3-S

A Bill for an Act Relating to Coffee.

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

SECTION 1. Chapter 147, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§147- Coffee inspection revolving fund. There is established a revolving fund for use by the department of agriculture in providing inspection services to ascertain and certify the grade, classification, quality, or condition of fresh or processed coffee. Moneys in the fund may be expended for materials, salaries, equipment, training, and other costs related to provide inspection services. The department of agriculture shall fix, assess, and collect fees for coffee inspection services provided. The fees shall be in an amount necessary to cover all costs of the administration and provision of coffee inspection services; provided that the department shall establish charges for traveling expenses and extraordinary services when the performance of the services involves unusual cost in their performance. The fees and charges established by the department shall not be subject to chapter 91. Notwithstanding section 147-10, moneys derived from the inspection services provided shall be deposited in the fund. Coffee inspectors appointed under this section shall be exempt from the provisions of chapters 76 and 77.”

SECTION 2. Section 147-7, Hawaii Revised Statutes, is amended to read as follows:

“§147-7 Inspection and classification of agricultural commodities; fees. The department of agriculture may contract with the United States Department of Agriculture for obtaining the services of a supervising inspector employed by the federal department and the establishment of a cooperative inspection service with

the United States government. The board of agriculture, or the supervising inspector, with the approval of the board, may designate any competent employee or agent of the department as an inspector to inspect or classify agricultural commodities in accordance with [such] rules [and regulations] as the department may make, and at [such] the time and places as may be designated by the supervising inspector or the board. In addition, [such] the inspectors shall be authorized to inspect or classify agricultural commodities at the request of persons having a financial interest in the commodities and to ascertain and certify to [such] the persons the grade, classification, quality, or condition thereof and other pertinent facts. The department may fix, assess, and collect or cause to be collected fees for [such] the services when they are performed by employees of the department. The fees shall be on a uniform basis and in an amount reasonably necessary to cover the cost of inspection and the administration of this part; provided that the department may prescribe a reasonable charge for traveling expenses and extraordinary services when the performance of the services involves unusual cost in their performance. No fee shall be charged for an inspection unless the inspection was requested by a person having a financial interest in the inspected commodity. [Coffee inspectors appointed under this section shall be exempt from the provisions of chapters 76 and 77.]'

SECTION 3. Section 147-10, Hawaii Revised Statutes, is amended to read as follows:

“§147-10 Income from marketing inspection and agriculture control activities. [All] Except for fees collected by the department pursuant to section 147-, all fees, expenses,¹ and penalties collected by the department pursuant to this part shall be deposited with the director of finance to the credit of the general fund.”

SECTION 4. Section 147-58, Hawaii Revised Statutes, is amended to read as follows:

“§147-58 Department; inspections, etc.; request necessary. The board of agriculture may designate any employee or agent of the department of agriculture to inspect or classify food products, in accordance with such regulations as the department may prescribe, at the request of persons having an interest in the products, and to ascertain and certify to the persons the grade, classification, quality, or condition thereof and [such] other pertinent facts as the department may require. [Such] The inspections, classifications, and certifications shall be requested, and in no case shall be required by the department. [Coffee inspectors appointed under this section shall be exempt from the provisions of chapters 76 and 77.]'

SECTION 5. The department of agriculture shall submit a report to the legislature not later than twenty days before the convening of the regular session of 1996 and the regular session of 1997 on the progress and the actions taken to establish the coffee inspection revolving fund, including a report on the fees collected by the fund.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1, or so much thereof as may be necessary for fiscal year 1995–1996, to be paid into the coffee inspection revolving fund created in section 147- , Hawaii Revised Statutes; provided that the coffee growing industry may deposit funds to the coffee inspection revolving fund for the purposes of this Act.

The sum appropriated by this Act shall be expended by the department of agriculture for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 8. This Act shall take effect on July 1, 1995.

(Approved June 29, 1995.)

Notes

1. Comma should be underscored.
2. Edited pursuant to HRS §23G-16.5.