

S.B. NO. 2691

JAN 25 2012

A BILL FOR AN ACT

RELATING TO THE BOARD OF AGRICULTURE.

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

1 SECTION 1. Section 26-16, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department of agriculture shall be headed by an
4 executive board to be known as the board of agriculture. The
5 board shall consist of ten members:

6 (1) One who shall be a resident of the county of Hawaii;

7 (2) One who shall be a resident of the county of Maui;

8 (3) One who shall be a resident of the county of Kauai;

9 (4) Four at large;

10 (5) The chairperson of the board of land and natural
11 resources, the director of business, economic
12 development, and tourism, and the dean of the
13 University of Hawaii college of tropical agriculture
14 and human resources, or their designated
15 representatives, who shall serve as [an] ex officio
16 voting [member,] members.

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1 ~~[(6) The director of business, economic development, and~~
2 ~~tourism, who shall serve as an ex officio voting~~
3 ~~member; and~~

4 ~~(7) The dean of the University of Hawaii college of~~
5 ~~tropical agriculture and human resources, who shall~~
6 ~~serve as an ex officio voting member.]~~

7 The majority of the members of the board shall be from the
8 agricultural community or the agricultural support sector. The
9 appointment, tenure, and removal of the members and the filling
10 of vacancies on the board shall be as provided in section 26-34.
11 The governor shall appoint a chairperson of the board from the
12 members."

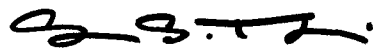
13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:



18

BY REQUEST

S.B. NO. 2691

Report Title:

Board of Agriculture

Description:

Allows ex officio members of the Board of Agriculture to designate a representative for board meetings.

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: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO THE BOARD OF AGRICULTURE.

PURPOSE: To allow ex-officio members of the Board of Agriculture to designate a representative to attend board meetings when they are unable to attend.

MEANS: Amend section 26-16(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, section 26-16 requires that the Board of Agriculture be made up of 10 members, three of which are ex officio voting members: the Chairperson of the Board of Land and Natural Resources, the Director of Business, Economic Development, and Tourism, and the Dean of the University of Hawaii College of Tropical Agriculture and Human Resources. Often, the busy schedules of these ex officio members make it extremely difficult for them to attend board meetings and their inability to attend can result in the lack of their department's unique insight on board agenda items, as well as quorum issues for the board.

Allowing the ex officio members to designate a representative will be a step toward ensuring the unique perspectives provided by the Department of Land and Natural Resources, the Department of Business, Economic Development, and Tourism, and the University of Hawaii College of Tropical Agriculture and Human Resources can be expressed at board meetings. It would also help to solve any quorum issues that could arise from an insufficiency of board members.

This amendment is not without precedent. Currently, the board of the Agribusiness Development Corporation has language that allows ex officio members to designate representatives. Section 163D-3(b), Hawaii Revised Statutes, in describing the members of the board requires "The director of business, economic development, and tourism; the chairperson of the board of agriculture; and the chairperson of the board of land and natural resources, or their designated representatives, shall be ex-officio, voting members of the board".

Impact on the public: Would allow ex officio members to designate representatives to attend board meetings, increasing the likelihood that unique insight from their respective areas of expertise would be available to the board to ensure a more complete consideration of board agenda items. Would also potentially solve any quorum issues that arise, ensuring that board meetings will happen and would decrease delays as a result of a cancelled board meeting.

Impact on the department and other agencies: Would ensure that the unique perspectives of each of the ex officio members' departments would be properly represented in deliberations over agenda items. Would also provide more flexibility to the Chair of the Board of Land and Natural Resources, the Director of the Board of Business, Economic Development, and Tourism, and the Dean of the University of Hawaii College of Tropical Agriculture and Human Resources. Would also ensure a more efficient process due to the decreased likelihood of quorum issues occurring that can delay agenda items.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: AGR 192.

OTHER AFFECTED
AGENCIES:

Department of Land and Natural Resources,
Department of Business, Economic Development
and Tourism, University of Hawaii College of
Tropical Agriculture and Human Resources.

EFFECTIVE DATE: Upon approval.