

JAN 25 2017

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# A BILL FOR AN ACT

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RELATING TO AQUACULTURE.

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

1       SECTION 1. The legislature finds that aquaculture is one  
2 of the fastest growing animal food production sectors and  
3 accounts for nearly half of the supply of fish for consumption  
4 around the world. As such, aquaculture is of fundamental  
5 importance for providing opportunities for revenue generation,  
6 employment, and food security. The legislature further finds  
7 that Hawaii is uniquely suited to benefit from aquaculture, but  
8 that lack of support for the importation of new species or  
9 genetic lines for land-based systems causes food-focused  
10 aquaculture in the State to fall short of its potential.

11       The legislature additionally finds that the plant  
12 quarantine branch of the department of agriculture currently  
13 administers that importation process for aquaculture livestock,  
14 and that the procedures used by the plant quarantine branch  
15 cause unnecessary and avoidable delays in aquatic livestock  
16 species development in Hawaii. The legislature also finds that  
17 the division of animal industry of the department of agriculture



1 could effectively manage the importation and development of  
2 aquaculture livestock because:

3 (1) The division effectively administers or facilitates  
4 the movement of cattle, swine, poultry, sheep, and  
5 goats for Hawaii;

6 (2) Veterinarians working for the division implement the  
7 United States Department of Agriculture's animal  
8 disease traceability framework, which is a system for  
9 moving livestock interstate that involves pre-arrival  
10 disease-free verification, and point-of-entry and  
11 post-arrival inspections to ensure compliance with  
12 program requirements;

13 (3) The division works closely with the United States  
14 Department of Agriculture and can access a global  
15 network of government and industry partners for  
16 additional support on aquatic livestock policy and  
17 development issues; and

18 (4) Veterinarians working for the division possess  
19 training and expertise in animal health and behavior,  
20 production systems, and disease identification and  
21 stay current on animal health and development



1           advancements relevant to aquaculture's role as a  
2           contributing segment of Hawaii's food sustainability  
3           efforts.

4           The purpose of this Act is to transfer responsibility for  
5           the approval, inspection, and quarantine of aquaculture  
6           livestock to the division of animal industry.

7           SECTION 2. Section 150A-6.2, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§150A-6.2 Animal import.** (a) The board shall maintain:

10          (1) A list of conditionally approved animals that require  
11           a permit for import into the State;

12          (2) A list of restricted animals that require a permit for  
13           both import into the State and possession; and

14          (3) A list of animals that are prohibited entry into the  
15           State.

16          (b) The board shall adopt rules, pursuant to chapter 91,  
17           to establish an advisory committee of no fewer than three  
18           members with applicable expertise in vertebrate biology to  
19           identify whether an animal is a prohibited hybrid animal when  
20           the department suspects that the lineage of the animal is not as  
21           stated by the owner or on other official documents.



1           (c) Animals on the lists of conditionally approved and  
2 restricted animals shall be imported only by permit. Any animal  
3 that is not on the lists of conditionally approved, restricted,  
4 or prohibited animals shall be prohibited until the board's  
5 review and determination for placement on one of these lists;  
6 provided that the department may issue a special permit on a  
7 case-by-case basis for the importation and possession of an  
8 animal that is not on the lists of prohibited, restricted, or  
9 conditionally approved animals, for the purpose of remediating  
10 medical emergencies or agricultural or ecological disasters, or  
11 conducting medical or scientific research in a manner that the  
12 animal will not be detrimental to agriculture, the environment,  
13 or humans, if the importer of the animal can meet permit  
14 requirements as determined by the board; and provided further  
15 that the department may issue a short-term special permit on a  
16 case-by-case basis not to exceed ninety days for the importation  
17 and possession of an animal that is not on the lists of  
18 prohibited, restricted, or conditionally approved animals for  
19 the purpose of filming, performance, or exhibition, if the  
20 importer of the animal can meet permit and bonding requirements  
21 as determined by the board.



1        (d) Inspection, quarantine, and approval of aquaculture  
2        livestock animals shall be performed and administered by the  
3        division of animal industry."

4        SECTION 3. All rights, powers, functions, and duties of  
5        the plant quarantine branch within the division of plant  
6        industry of the department of agriculture relating to the  
7        inspection, quarantine, and approval of aquaculture livestock  
8        animals are transferred to the division of animal industry of  
9        the department of agriculture.

10       All employees who occupy civil service positions and whose  
11       functions are transferred to the division of animal industry by  
12       this Act shall retain their civil service status, whether  
13       permanent or temporary. Employees shall be transferred without  
14       loss of salary, seniority (except as prescribed by applicable  
15       collective bargaining agreements), retention points, prior  
16       service credit, any vacation and sick leave credits previously  
17       earned, and other rights, benefits, and privileges, in  
18       accordance with state personnel laws and this Act; provided that  
19       the employees possess the minimum qualifications and public  
20       employment requirements for the class or position to which  
21       transferred or appointed, as applicable; provided further that



1 subsequent changes in status may be made pursuant to applicable  
2 civil service and compensation laws.

3 Any employee who, prior to this Act, is exempt from civil  
4 service and is transferred as a consequence of this Act may  
5 retain the employee's exempt status, but shall not be appointed  
6 to a civil service position as a consequence of this Act. An  
7 exempt employee who is transferred by this Act shall not suffer  
8 any loss of prior service credit, vacation or sick leave credits  
9 previously earned, or other employee benefits or privileges as a  
10 consequence of this Act; provided that the employees possess  
11 legal and public employment requirements for the position to  
12 which transferred or appointed, as applicable; provided further  
13 that subsequent changes in status may be made pursuant to  
14 applicable employment and compensation laws. The chairperson of  
15 the board of agriculture may prescribe the duties and  
16 qualifications of these employees and fix their salaries without  
17 regard to chapter 76, Hawaii Revised Statutes.

18 SECTION 4. All rules, policies, procedures, guidelines,  
19 and other material adopted or developed by the plant quarantine  
20 branch within the division of plant industry of the department  
21 of agriculture relating to the inspection, quarantine, and



1 approval of aquaculture livestock animals shall remain in full  
2 force and effect until amended or repealed by the division of  
3 animal industry pursuant to chapter 91, Hawaii Revised Statutes.  
4 In the interim, every reference to the plant quarantine branch  
5 or the branch chief in those rules, policies, procedures,  
6 guidelines, and other material is amended to refer to the  
7 division of animal industry of the department of agriculture or  
8 administrator, as appropriate.

9 SECTION 5. All appropriations, records, equipment,  
10 machines, files, supplies, contracts, books, papers, documents,  
11 maps, and other personal property heretofore made, used,  
12 acquired, or held by the plant quarantine branch within the  
13 division of plant industry of the department of agriculture  
14 relating to the functions transferred to the division of animal  
15 industry of the department of agriculture shall be transferred  
16 with the functions to which they relate.

17 SECTION 6. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Amir R. Ibragimov*

*Amir R. Ibragimov*  
*Amir R. Ibragimov*  
*Amir R. Ibragimov*



S.B. NO. 1250

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Clarence Fisk  
~~2001~~ DC Kenyon



# S.B. NO. 1250

**Report Title:**

Aquaculture Livestock; Inspection; Plant Quarantine Branch;  
Division of Animal Industry; Department of Agriculture

**Description:**

Transfers responsibility for approval, inspection, and quarantine of aquaculture livestock from the plant quarantine branch within the division of plant industry of the department of agriculture to the division of animal industry of the department of agriculture.

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

