

MAR 09 2018

SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF
THE DEPARTMENT OF AGRICULTURE'S PROCEDURES RELATING TO
AQUACULTURE IMPORTATION PERMIT APPLICATIONS.

1 WHEREAS, the Department of Agriculture is charged with
2 enforcing rules relating to the importation of animals that may
3 be detrimental to the agricultural, horticultural, and
4 aquacultural industries, natural resources, and environment of
5 Hawaii; and

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7 WHEREAS, section 4-71-3, Hawaii Administrative Rules,
8 establishes that "[a]ll importation of animals shall be by
9 permit"; and

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11 WHEREAS, section 4-71-4, Hawaii Administrative Rules,
12 establishes that the Board of Agriculture shall approve or
13 disapprove permit applications for the importation of animals
14 into the State; and

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16 WHEREAS, section 4-71-4.1, Hawaii Administrative Rules,
17 provides for the maximum time periods for permit approvals,
18 disapprovals, extensions, or automatic approvals for the
19 importation of animals into the State; and

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21 WHEREAS, section 4-71-4.1(c), Hawaii Administrative Rules,
22 states that notwithstanding certain exceptions, "an application
23 request for the issuance of a permit shall be given automatic
24 approval if action is not taken by the department [of
25 agriculture] within the established maximum period of time" and
26 that "[a]fter the expiration of the maximum time period is
27 brought to the attention of the department, the department shall
28 have a reasonable amount of time to issue the permit"; and

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30 WHEREAS, local farmers and others are ready and able to
31 bring additional aquaculture to the State that can assist the



1 State in achieving local food production and sustainability
2 goals; and

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4 WHEREAS, there are reports of several incidents in which
5 those seeking to import aquaculture to the State have not
6 received permits from the Department of Agriculture within the
7 maximum time periods or within a reasonable amount of time after
8 the expiration of the maximum time periods established in the
9 Hawaii Administrative Rules; now, therefore,

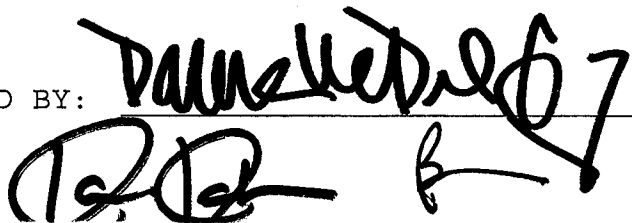
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11 BE IT RESOLVED by the Senate of the Twenty-ninth
12 Legislature of the State of Hawaii, Regular Session of 2018, the
13 House of Representatives concurring, that the State Auditor is
14 requested to conduct a performance audit of the Department of
15 Agriculture's procedures for permit applications relating to the
16 importation of aquaculture to determine the causes of any
17 failure to adhere to applicable Hawaii Administrative Rules; and

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19 BE IT FURTHER RESOLVED that the State Auditor is requested
20 to submit a report of findings and recommendations, including
21 any proposed legislation, to the Legislature no later than
22 twenty days prior to the convening of the Regular Session of
23 2019; and

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25 BE IT FURTHER RESOLVED that the Department of Agriculture
26 is requested to submit a report to the Legislature, no later
27 than twenty days prior to the convening of the Regular Session
28 of 2019, detailing all permit applications relating to the
29 importation of aquaculture received since 2011, including the
30 date of the application, date of approval or disapproval, date
31 of issuance of the permit if applicable, and an explanation
32 describing the reasons for the failure to issue a permit within
33 the maximum time limits or within a reasonable time thereafter,
34 pursuant to the Hawaii Administrative Rules; and

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36 BE IT FURTHER RESOLVED that certified copies of this
37 Concurrent Resolution be transmitted to the State Auditor and
38 each member of the Board of Agriculture.

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41 OFFERED BY:



S.C.R. NO. 165

Michelle Sidani

