

JAN 27 2021

A BILL FOR AN ACT

RELATING TO MEASUREMENT STANDARDS.

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

1 SECTION 1. The purpose of this Act is to effectuate the
2 transfer of the regulation and oversight of measurement
3 standards from the department of agriculture to the department
4 of commerce and consumer affairs.

5 SECTION 2. Section 486-1, Hawaii Revised Statutes, is
6 amended as follows:

7 1. Adding a new definition of "director" to be
8 appropriately inserted and to read:

9 "Director" means the director of the department of
10 commerce and consumer affairs."

11 2. By amending the definition of "department" to read:

12 "Department" means department of [agriculture.] commerce
13 and consumer affairs."

14 3. By repealing the definitions of "board" and
15 "chairperson":

16 ~~["Board" means board of agriculture.]~~



S.B. NO. 944

1 ~~"Chairperson" includes the chairperson of the board of~~
2 ~~agriculture and when specifically designated by the chairperson~~
3 ~~for the purpose of effectuating this chapter, the deputy to the~~
4 ~~chairperson."]~~

5 SECTION 3. Section 486-33, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§486-33 Injunction.** In addition to any other remedy by
8 law provided, the [chairperson] director may apply to any court
9 of competent jurisdiction for, and the court upon hearing and
10 for cause shown may grant, a temporary or permanent injunction
11 restraining any person from violating any provision of the
12 respective parts of this chapter or the rules promulgated
13 thereunder."

14 SECTION 4. Section 486-2, 486-4, 486-6, 486-7, 486-31,
15 486-36, 486-52, 486-53, 486-55, 486-56, 486-102, 486-105, 486-
16 108, 486-109, 486-110, 486-111, 486-112, 486-113, 486-116, 486-
17 117, 486-118, 486-122, 486-132, 486-133, 486-135, and 486-137
18 are amended by substituting the word "department" wherever the
19 word "board" appears, as the context requires.

20 SECTION 5. All rights, powers, functions, and duties of
21 the department of agriculture as they relate to the regulation



1 and oversight of measurement standards are transferred to the
2 department of commerce and consumer protection.

3 All employees who occupy civil service positions and whose
4 functions are transferred to the department of commerce and
5 consumer protection by this Act shall retain their civil service
6 status, whether permanent or temporary. Employees shall be
7 transferred without loss of salary, seniority (except as
8 prescribed by applicable collective bargaining agreements),
9 retention points, prior service credit, any vacation and sick
10 leave credits previously earned, and other rights, benefits, and
11 privileges, in accordance with state personnel laws and this
12 Act; provided that the employees possess the minimum
13 qualifications and public employment requirements for the class
14 or position to which transferred or appointed, as applicable;
15 provided further that subsequent changes in status may be made
16 pursuant to applicable civil service and compensation laws.

17 Any employee who, prior to this Act, is exempt from civil
18 service and is transferred as a consequence of this Act may
19 retain the employee's exempt status, but shall not be appointed
20 to a civil service position as a consequence of this Act. An
21 exempt employee who is transferred by this Act shall not suffer



1 any loss of prior service credit, vacation or sick leave credits
2 previously earned, or other employee benefits or privileges as a
3 consequence of this Act; provided that the employees possess
4 legal and public employment requirements for the position to
5 which transferred or appointed, as applicable; provided further
6 that subsequent changes in status may be made pursuant to
7 applicable employment and compensation laws. The director of
8 commerce and consumer protection may prescribe the duties and
9 qualifications of these employees and fix their salaries without
10 regard to chapter 76, Hawaii Revised Statutes.

11 SECTION 6. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the department of agriculture relating to
15 the functions transferred to the department of commerce and
16 consumer affairs shall be transferred with the functions to
17 which they relate.

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

Mike Hubbard



S.B. NO. 944

Report Title:

Department of Commerce and Consumer Affairs; Department of
Agriculture; Measurement Standards

Description:

Transfers the oversight and regulation of measurement standards
in the State from the department of agriculture to the
department of commerce and consumer affairs.

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not legislation or evidence of legislative intent.*

