
A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

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

1 SECTION 1. The purpose of this Act is to transfer the
2 administrative attachment of the agribusiness development
3 corporation from the department of agriculture to the department
4 of business, economic development, and tourism.

5 SECTION 2. Section 163D-3, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the agribusiness development
8 corporation, which shall be a public body corporate and politic
9 and an instrumentality and agency of the State. The corporation
10 shall be headed by a board of directors. The corporation shall
11 be placed within the department of [~~agriculture~~] business,
12 economic development, and tourism for administrative purposes,
13 but the corporation may later incorporate as a nonprofit
14 corporation if this proves desirable to further its objectives;
15 provided that [~~such~~] reorganization as a nonprofit corporation
16 shall not adversely affect the federal tax status of the



1 interest on any bonds issued to finance any project or project
2 facility."

3 SECTION 3. Section 163D-8.5, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§163D-8.5 Approval of projects, plans, and programs.~~]
6 ~~All agricultural projects, agricultural development plans, and~~
7 ~~project facility programs developed by the corporation must be~~
8 ~~approved by the board of agriculture before implementation."~~]

9 SECTION 4. All rights, powers, functions, and duties of
10 the department of agriculture relating to the agribusiness
11 development corporation are transferred to the department of
12 business, economic development, and tourism.

13 SECTION 5. All appropriations, records, equipment,
14 machines, files, supplies, contracts, books, papers, documents,
15 maps, and other personal property heretofore made, used,
16 acquired, or held by the department of agriculture relating to
17 the functions transferred to the department of business,
18 economic development, and tourism shall be transferred with the
19 functions to which they relate.

20 SECTION 6. All employees who occupy civil service
21 positions and whose functions are transferred to the department



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

14 Any employee who, prior to this Act, is exempt from civil
15 service and is transferred as a consequence of this Act may
16 retain the employee's exempt status, but shall not be appointed
17 to a civil service position as a consequence of this Act. An
18 exempt employee who is transferred by this Act shall not suffer
19 any loss of prior service credit, vacation or sick leave credits
20 previously earned, or other employee benefits or privileges as a
21 consequence of this Act; provided that the employees possess



1 legal and public employment requirements for the position to
2 which transferred or appointed, as applicable; provided further
3 that subsequent changes in status may be made pursuant to
4 applicable employment and compensation laws. The director of
5 business, economic development, and tourism may prescribe the
6 duties and qualifications of these employees and fix their
7 salaries without regard to chapter 76, Hawaii Revised Statutes.

8 SECTION 7. All rules, policies, procedures, guidelines,
9 and other material adopted or developed by the department of
10 agriculture to implement provisions of the Hawaii Revised
11 Statutes that are reenacted or made applicable to the department
12 of business, economic development, and tourism by this Act shall
13 remain in full force and effect until amended or repealed by the
14 department of business, economic development, and tourism
15 pursuant to chapter 91, Hawaii Revised Statutes. In the
16 interim, every reference to the department of agriculture, board
17 of agriculture, or chairperson of the board of agriculture in
18 those rules, policies, procedures, guidelines, and other
19 material is amended to refer to the department of business,
20 economic development, and tourism or director of business,
21 economic development, and tourism, as appropriate.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval.



Report Title:

HDOA; DBEDT; Agribusiness Development Corporation; Transfer

Description:

Transfers the administrative attachment of the Agribusiness Development Corporation from the Department of Agriculture to the Department of Business, Economic Development, and Tourism.
(SD1)

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