
A BILL FOR AN ACT

RELATING TO AQUACULTURE.

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

1 SECTION 1. The legislature finds that the department of
2 agriculture's plant quarantine branch, within the plant industry
3 division, and its animal industry division split the
4 responsibility of movement administration of agriculture plants
5 and animals. Unfortunately, when administrative rules were
6 established in 1941, aquaculture was not a possible livestock
7 sector; therefore, the aquaculture program was placed under the
8 plant industry division at the time. The legislature further
9 finds that inefficiencies and a lack of transparency in the
10 plant quarantine branch process have severely constrained the
11 importation of new aquaculture species, effectively stopping all
12 new aquatic livestock development. Administering the
13 aquaculture program as part of livestock movement administration
14 instead would allow for more effective management of importation
15 and inter-island movement of aquaculture and more robust
16 development of the aquaculture industry in the State.



1 The purpose of this Act is to transfer the rights, powers,
2 functions, and duties of the department of agriculture plant
3 industry division relating to the State's aquaculture program to
4 the animal industry division.

5 SECTION 2. Section 141-52, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established within the [~~department~~]
8 department's animal industry division an aquaculture program
9 that shall:

- 10 (1) Monitor actions taken by industry and by federal,
11 state, county, and private agencies in activities
12 relating to aquaculture, and promote and support
13 worthwhile aquaculture activities;
- 14 (2) Serve as an information clearinghouse for aquaculture
15 activities;
- 16 (3) Coordinate development projects to investigate and
17 solve biological and technical problems involved in
18 raising selected species with commercial potential;
- 19 (4) Actively seek federal funding for aquaculture
20 activities;



1 (5) Undertake activities required to develop and expand
2 the aquaculture industry; and

3 (6) Perform other functions and activities that may be
4 assigned by law."

5 SECTION 3. All rights, powers, functions, and duties of
6 the department of agriculture plant industry division relating
7 to the aquaculture program are transferred to the department of
8 agriculture animal industry division.

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

20 SECTION 5. This Act shall take effect on July 1, 2023.

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H.B. NO. 746

INTRODUCED BY: Amy Peruso
JAN 20 2023



H.B. NO. 746

Report Title:

Aquaculture Program; Transfer; Plant Industry Division; Animal Industry Division; Department of Agriculture

Description:

Transfers the rights, powers, functions, and duties of the department of agriculture plant industry division relating to the State's aquaculture program to the animal industry division.

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