
A BILL FOR AN ACT

RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.

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

SECTION 1. Section 163D-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Agricultural tourism" means commercial activity conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that:

(1) The agricultural tourism activity is accessory and secondary to the principal agricultural use, which shall constitute at least seventy-five per cent of the total farming activity; and

(2) Agricultural tourism shall not interfere with farm operations of adjacent or surrounding farms."

2. By amending the definition of "enterprise" to read:

"Enterprise" means a business with its principal place of business in Hawaii[, which] that is, or proposes to be, engaged



1 in agricultural crop development, development of new value-added
2 products, enhancement of existing agricultural commodities, and
3 the application of existing agricultural appurtenant facilities
4 to productive uses; provided that ~~[the]~~:

5 (1) The majority of whatever the corporation produces
6 shall be produced for export[-]; and

7 (2) Agricultural tourism activities shall not exceed
8 twenty-five per cent of the total farming operation,
9 with at least seventy-five per cent dedicated to
10 active crop production or livestock farming.

11 "Enterprise" includes a business engaged in agricultural
12 tourism."

13 SECTION 2. All rights, powers, functions, and duties of
14 the agricultural development division of the department of
15 agriculture are transferred to the agribusiness development
16 corporation.

17 All rules, policies, procedures, guidelines, and other
18 material adopted or developed by the department of agriculture
19 to implement provisions of the Hawaii Revised Statutes that are
20 reenacted or made applicable to the agricultural development
21 division of the department of agriculture of by this Act shall



1 remain in full force and effect until amended or repealed by the
2 agribusiness development corporation pursuant to chapter 91,
3 Hawaii Revised Statutes.

4 In the interim, every reference to the department of
5 agriculture or chairperson of the board of agriculture in those
6 rules, policies, procedures, guidelines, and other material is
7 amended to refer to the agribusiness development corporation or
8 executive director of the agribusiness development corporation,
9 as appropriate.

10 All deeds, leases, contracts, loans, agreements, permits,
11 or other documents executed or entered into by or on behalf of
12 the agricultural development division of the department of
13 agriculture, pursuant to the provisions of the Hawaii Revised
14 Statutes, that are reenacted or made applicable to the
15 agricultural development division of the department of
16 agriculture by this Act shall remain in full force and effect.
17 Upon the effective date of this Act, every reference to the
18 department of agriculture or the chairperson of the board of
19 agriculture therein shall be construed as a reference to the
20 agribusiness development corporation or the executive director
21 of the agribusiness development corporation, as appropriate.



1 All appropriations, records, equipment, machines, files,
2 supplies, contracts, books, papers, documents, maps, and other
3 personal property heretofore made, used, acquired, or held by
4 the agricultural development division of the department of
5 agriculture relating to the functions transferred to the
6 agribusiness development corporation shall be transferred with
7 the functions to which they relate.

8 All officers and employees whose functions are transferred
9 by this Act shall be transferred with their functions and shall
10 continue to perform their regular duties upon their transfer,
11 subject to the state personnel laws and this Act.

12 No officer or employee of the State having tenure shall
13 suffer any loss of salary, seniority, prior service credit,
14 vacation, sick leave, or other employee benefit or privilege as
15 a consequence of this Act, and such officer or employee may be
16 transferred or appointed to a civil service position without the
17 necessity of examination; provided that the officer or employee
18 possesses the minimum qualifications for the position to which
19 transferred or appointed; and provided that subsequent changes
20 in status may be made pursuant to applicable civil service and
21 compensation laws.



1 An officer or employee of the State who does not have
2 tenure and who may be transferred or appointed to a civil
3 service position as a consequence of this Act shall become a
4 civil service employee without the loss of salary, seniority,
5 prior service credit, vacation, sick leave, or other employee
6 benefits or privileges and without the necessity of examination;
7 provided that such officer or employee possesses the minimum
8 qualifications for the position to which transferred or
9 appointed.

10 If an office or position held by an officer or employee
11 having tenure is abolished, the officer or employee shall not
12 thereby be separated from public employment, but shall remain in
13 the employment of the State with the same pay and classification
14 and shall be transferred to some other office or position for
15 which the officer or employee is eligible under the personnel
16 laws of the State as determined by the head of the department or
17 the governor.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

ADC; DOA; Enterprise; Definition; Agricultural Tourism;
Agricultural Development Division; Transfer

Description:

Includes agricultural tourism in the definition of "enterprise" to authorize the Agribusiness Development Corporation to financially support farming businesses engaged in agricultural tourism. Transfers the Agricultural Development Division of the Department of Agriculture to the Agribusiness Development Corporation. Effective 7/1/3000. (SD1)

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