

JAN 24 2018

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 aquaculture is one
2 of the fastest growing animal food production sectors and
3 accounts for nearly half of the supply of fish for consumption
4 around the world. As such, aquaculture is of fundamental
5 importance for providing opportunities for revenue generation,
6 employment, and food security. The legislature further finds
7 that Hawaii is uniquely suited to benefit from aquaculture, but
8 that lack of support for the importation of new species or
9 genetic lines for land-based systems causes food-focused
10 aquaculture in the State to fall short of its potential.

11 The legislature additionally finds that the plant
12 quarantine branch of the department of agriculture currently
13 administers that importation process for aquaculture livestock,
14 and that the procedures used by the plant quarantine branch
15 cause unnecessary and avoidable delays in aquatic livestock
16 species development in Hawaii. The legislature also finds that
17 the division of animal industry of the department of agriculture



1 could effectively manage the importation and development of
2 aquaculture livestock because:

3 (1) The division effectively administers or facilitates
4 the movement of cattle, swine, poultry, sheep, and
5 goats for Hawaii;

6 (2) Veterinarians working for the division implement the
7 United States Department of Agriculture's animal
8 disease traceability framework, which is a system for
9 moving livestock interstate that involves pre-arrival
10 disease-free verification, and point-of-entry and
11 post-arrival inspections to ensure compliance with
12 program requirements;

13 (3) The division works closely with the United States
14 Department of Agriculture and can access a global
15 network of government and industry partners for
16 additional support on aquatic livestock policy and
17 development issues; and

18 (4) Veterinarians working for the division possess
19 training and expertise in animal health and behavior,
20 production systems, and disease identification and
21 stay current on animal health and development



1 advancements relevant to aquaculture's role as a
2 contributing segment of Hawaii's food sustainability
3 efforts.

4 The purpose of this Act is to transfer responsibility for
5 the inspection, quarantine, and approval of aquaculture
6 livestock to the division of animal industry.

7 SECTION 2. Section 150A-6.2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§150A-6.2 Animal import.** (a) The board shall maintain:

10 (1) A list of conditionally approved animals that require
11 a permit for import into the State;

12 (2) A list of restricted animals that require a permit for
13 both import into the State and possession; and

14 (3) A list of animals that are prohibited entry into the
15 State.

16 (b) The board shall adopt rules, pursuant to chapter 91,
17 to establish an advisory committee of no fewer than three
18 members with applicable expertise in vertebrate biology to
19 identify whether an animal is a prohibited hybrid animal when
20 the department suspects that the lineage of the animal is not as
21 stated by the owner or on other official documents.



1 (c) Animals on the lists of conditionally approved and
2 restricted animals shall be imported only by permit. Any animal
3 that is not on the lists of conditionally approved, restricted,
4 or prohibited animals shall be prohibited until the board's
5 review and determination for placement on one of these lists;
6 provided that the department may issue a special permit on a
7 case-by-case basis for the importation and possession of an
8 animal that is not on the lists of prohibited, restricted, or
9 conditionally approved animals, for the purpose of remediating
10 medical emergencies or agricultural or ecological disasters, or
11 conducting medical or scientific research in a manner that the
12 animal will not be detrimental to agriculture, the environment,
13 or humans, if the importer of the animal can meet permit
14 requirements as determined by the board; and provided further
15 that the department may issue a short-term special permit on a
16 case-by-case basis not to exceed ninety days for the importation
17 and possession of an animal that is not on the lists of
18 prohibited, restricted, or conditionally approved animals for
19 the purpose of filming, performance, or exhibition, if the
20 importer of the animal can meet permit and bonding requirements
21 as determined by the board.



1 (d) Inspection, quarantine, and approval of aquaculture
2 livestock animals shall be performed and administered by the
3 division of animal industry."

4 SECTION 3. All rights, powers, functions, and duties of
5 the plant quarantine branch within the division of plant
6 industry of the department of agriculture relating to the
7 inspection, quarantine, and approval of aquaculture livestock
8 animals are transferred to the division of animal industry of
9 the department of agriculture.

10 All employees who occupy civil service positions and whose
11 functions are transferred to the division of animal industry by
12 this Act shall retain their civil service status, whether
13 permanent or temporary. Employees shall be transferred without
14 loss of salary, seniority (except as prescribed by applicable
15 collective bargaining agreements), retention points, prior
16 service credit, any vacation and sick leave credits previously
17 earned, and other rights, benefits, and privileges, in
18 accordance with state personnel laws and this Act; provided that
19 the employees possess the minimum qualifications and public
20 employment requirements for the class or position to which
21 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. All rules, policies, procedures, guidelines,
19 and other material adopted or developed by the plant quarantine
20 branch within the division of plant industry of the department
21 of agriculture relating to the inspection, quarantine, and



1 approval of aquaculture livestock animals shall remain in full
 2 force and effect until amended or repealed by the division of
 3 animal industry pursuant to chapter 91, Hawaii Revised Statutes.
 4 In the interim, every reference to the plant quarantine branch
 5 or the branch chief in those rules, policies, procedures,
 6 guidelines, and other material is amended to refer to the
 7 division of animal industry of the department of agriculture or
 8 administrator, as appropriate.

9 SECTION 5. All appropriations, records, equipment,
 10 machines, files, supplies, contracts, books, papers, documents,
 11 maps, and other personal property heretofore made, used,
 12 acquired, or held by the plant quarantine branch within the
 13 division of plant industry of the department of agriculture
 14 relating to the functions transferred to the division of animal
 15 industry of the department of agriculture shall be transferred
 16 with the functions to which they relate.

17 SECTION 6. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

Bill Rievers
Anna M. Muroto K.

[Signature]
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S.B. NO. 3085

Assembly of Bahia
Trinidad
3085



S.B. NO. 3085

Report Title:

Aquaculture Livestock; Inspection; Plant Quarantine Branch;
Division of Animal Industry; Department of Agriculture

Description:

Transfers responsibility for inspection, quarantine, and approval of aquaculture livestock from the plant quarantine branch within the division of plant industry of the department of agriculture to the division of animal industry of the department of agriculture.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

