

JAN 21 2022

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. All rights, powers, functions, and duties of
4 the department of agriculture relating to the agribusiness
5 development corporation are transferred to the department of
6 business, economic development, and tourism.

7 SECTION 4. All appropriations, records, equipment,
8 machines, files, supplies, contracts, books, papers, documents,
9 maps, and other personal property heretofore made, used,
10 acquired, or held by the department of agriculture relating to
11 the functions transferred to the department of business,
12 economic development, and tourism shall be transferred with the
13 functions to which they relate.

14 SECTION 5. All employees who occupy civil service
15 positions and whose functions are transferred to the department
16 of business, economic development, and tourism by this Act shall
17 retain their civil service status, whether permanent or
18 temporary. Employees shall be transferred without loss of
19 salary, seniority (except as prescribed by applicable collective
20 bargaining agreements), retention points, prior service credit,
21 any vacation and sick leave credits previously earned, and other



1 rights, benefits, and privileges, in accordance with state
2 personnel laws and this Act; provided that the employees possess
3 the minimum qualifications and public employment requirements
4 for the class or position to which transferred or appointed, as
5 applicable; provided further that subsequent changes in status
6 may be made pursuant to applicable civil service and
7 compensation laws.

8 Any employee who, prior to this Act, is exempt from civil
9 service and is transferred as a consequence of this Act may
10 retain the employee's exempt status, but shall not be appointed
11 to a civil service position as a consequence of this Act. An
12 exempt employee who is transferred by this Act shall not suffer
13 any loss of prior service credit, vacation or sick leave credits
14 previously earned, or other employee benefits or privileges as a
15 consequence of this Act; provided that the employees possess
16 legal and public employment requirements for the position to
17 which transferred or appointed, as applicable; provided further
18 that subsequent changes in status may be made pursuant to
19 applicable employment and compensation laws. The director of
20 business, economic development, and tourism may prescribe the



1 duties and qualifications of these employees and fix their
2 salaries without regard to chapter 76, Hawaii Revised Statutes.

3 SECTION 6. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by the department of
5 agriculture to implement provisions of the Hawaii Revised
6 Statutes that are reenacted or made applicable to the department
7 of business, economic development, and tourism by this Act shall
8 remain in full force and effect until amended or repealed by the
9 department of business, economic development, and tourism
10 pursuant to chapter 91, Hawaii Revised Statutes. In the
11 interim, every reference to the department of agriculture, board
12 of agriculture, or chairperson of the board of agriculture in
13 those rules, policies, procedures, guidelines, and other
14 material is amended to refer to the department of business,
15 economic development, and tourism or director of business,
16 economic development, and tourism, as appropriate.

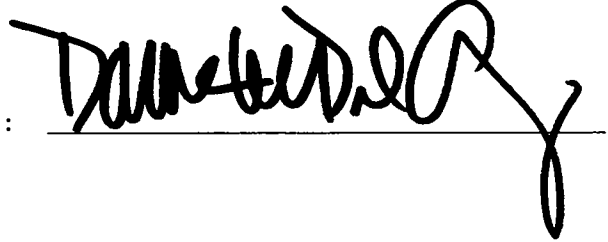
17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and cursive, appearing to read "D. H. ...".



S.B. NO. 2473

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.

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

