

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2284  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Energy,  
Economic Development, and Tourism, to which was referred S.B.  
No. 2284 entitled:

"A BILL FOR AN ACT RELATING TO AQUACULTURE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish provisions of law relating to the Department of Agriculture's governing of aquaculture;
- (2) Grant exclusive property rights to persons who lawfully obtain the cultured progeny of wild plants and animals by brood stock acquisition;
- (3) Clarify that any person who takes aquaculture products without lawful entitlement shall be subject to prosecution for theft;
- (4) Authorize the Department of Agriculture to regulate the transportation, purchase, possession, and sale of specific aquaculture products as may be necessary to protect indigenous species;



- (5) Establish prohibitions relating to the spawning, incubating, or cultivation of transgenic fish species or any exotic species of finfish;
- (6) Make exemptions for certain research activities; and
- (7) Require the Department of Agriculture to prepare programmatic environmental impact reports.

Your Committees received testimony in support of this measure from the Department of Agriculture, Hatch Aquaculture Fund Management LLC, and Kohala Mountain Fish Company. Your Committees received comments on this measure from the Department of Land and Natural Resources and Department of the Attorney General.

Your Committees find that diversification of the State's economy is necessary to lessen its economic dependence on tourism. Globally, seafood demand outpaces supply, making aquacultural industry a promising source of economic growth for the State. This measure supports expansion of Hawaii's aquaculture industry by clarifying and strengthening regulation of aquacultural production. However, your Committees also note the need for the Department of Agriculture to acquire land for aquacultural parks and the potential for significant environmental effects from aquaculture if it is not appropriately managed and regulated.

Your Committees have amended this measure by:

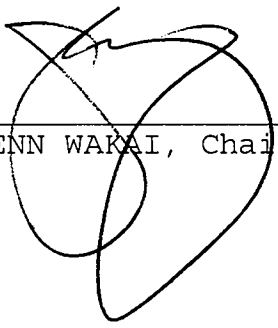
- (1) Removing provisions relating to prohibited and research activities regarding transgenic fish species or any exotic species of finfish;
- (2) Removing the theft provision, for consistency;
- (3) Clarifying that the business of aquaculture is exempt from other provisions relating to the harvesting, processing, and marketing of cultured aquatic life, not from provisions relating to commercial fishing;
- (4) Reorganizing existing aquaculture provisions and new provisions of this measure as a new section in chapter 141, Hawaii Revised Statutes;



- (5) Requiring the Department of Agriculture to acquire land for the purposes of aquaculture;
- (6) Inserting an appropriation for four full-time equivalent (4.0 FTE) positions in the Department of Agriculture for aquaculture;
- (7) Inserting an effective date of July 1, 2022; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Energy, Economic Development, and Tourism that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2284, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2284, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment and Energy, Economic Development, and Tourism,



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GLENN WAKAI, Chair

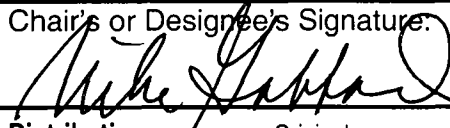


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MIKE GABBARD, Chair

The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Agriculture and Environment**  
**AEN**

Bill / Resolution No.:* <b>SB 2284</b>	Committee Referral: <b>AEN/EET, JDC/WAM</b>	Date: <b>02/14/22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
NISHIHARA, Clarence K. (VC)				/
ACASIO, Laura		/		
RHOADS, Karl	/	/		
FEVELLA, Kurt		/		
<b>TOTAL</b>	<b>2</b>	<b>2</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:            Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Energy, Economic Development, and Tourism**  
**EET**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2284	AEN/EET, JDC/NAM	2/14/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
MISALUCHA, Bennette E. (VC)	✓			
LEE, Chris				✓
RIVIERE, Gil	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	3	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Bennette E. Misalucha</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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