

ACT 28

H.B. NO. 1561

A Bill for an Act Relating to Agribusiness Development.

Be It Enacted by the Legislature of the State of Hawaii:

PART I. GENERAL PROVISIONS

SECTION 1. The purpose of parts I, II, and III of this Act is to establish the operating budget for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021, for state executive branch programs.

SECTION 2. DEFINITIONS. Unless otherwise clear from the context, as used in parts I, II, and III:

“Expending agency” means the department of agriculture.

Abbreviations, where used to denote the expending agency, shall mean the following:

AGR Department of agriculture

“Means of financing” or “MOF” means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in parts I, II, and III. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- W Revolving funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions authorized for a particular program during a specified period or periods, as denoted by an asterisk for permanent full-time equivalent positions and a pound sign for temporary full-time equivalent positions.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the organization responsible for carrying out the program followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the means of financing specified to the expending agencies designated for the fiscal biennium beginning July 1, 2019, and ending June 30, 2021. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each fiscal year, except as provided elsewhere in this part or as provided by general law.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M	FISCAL M
				YEAR O	YEAR O
				2019-2020 F	2020-2021 F
1.	AGR161	- AGRIBUSINESS DEVELOPMENT AND RESEARCH			
				10.00 *	10.00 *
				2.00 #	2.00 #
	OPERATING		AGR	2,030,293 A	930,293 A
			AGR	500,000 B	500,000 B
				12.00 #	12.00 #
			AGR	4,741,879 W	4,544,718 W

PART III. MISCELLANEOUS BUDGET PROVISIONS

SECTION 4. Provided that any funds appropriated pursuant to part II shall be included in the base budget of the AGR161 - agribusiness development and research, as established in the General Appropriations Act of 2019 (House Bill No. 2, H.D. 1, S.D. 1, C.D. 1).¹

SECTION 5. Provided that, notwithstanding any provision contained in the General Appropriations Act of 2019 (House Bill No. 2, H.D. 1, S.D. 1, C.D. 1)¹ that appropriates funds and establishes position ceilings, the positions authorized in part II shall be in addition to the positions authorized for that

program under the General Appropriations Act of 2019; provided further that any incumbent employee shall retain the employee's:

- (1) Civil service status, whether permanent or temporary; and
- (2) Salary, seniority (except as may be prescribed by an applicable collective bargaining agreement), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws.

SECTION 6. Provided that, notwithstanding any law to the contrary, the position ceilings and funds appropriated in this Act may be transferred with the approval of the governor to the General Appropriations Act of 2019 (House Bill No. 2, H.D. 1, S.D. 1, C.D. 1),¹ for program execution and expenditure.

SECTION 7. If any portion of parts I, II, and III or its application to any person, entity, or circumstance is held to be invalid for any reason, then the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of the appropriation to the extent possible.

SECTION 8. If manifest clerical, typographical, or other mechanical errors are found in parts I, II, and III, the governor may correct the errors.

PART IV. STATUTORY PROVISIONS

SECTION 9. Section 163D-19, Hawaii Revised Statutes, is amended to read as follows:

“§163D-19 Annual report. (a) The corporation shall submit to the governor and the legislature, no later than twenty days prior to the convening of each regular session, a complete and detailed report of its plans and activities.

(b) The following information shall be included in the annual report and shall be posted on the corporation's website:

- (1) The number of lots the corporation leased or used, by size and island;
- (2) The number of lots the corporation leased or used, by island, that contain protocols and conditions supporting specialty farm products;
- (3) The number of vacant parcels and unoccupied parcels in the leasing process, by island, including the parcel size, location, and date the parcel was last occupied by a tenant; and
- (4) A description of any lease sales or transfers approved by the corporation, including:
 - (A) A description of the type of farm products produced by the transferring lessee and the farm products to be produced by the accepting lessee on the leased lands; and
 - (B) The date and description of the transferring lessee's last lease approved by the corporation.”

PART V. PERFORMANCE AND FINANCIAL AUDIT

SECTION 10. The auditor shall conduct a performance audit of the agribusiness development corporation, established pursuant to chapter 163D, Hawaii Revised Statutes. The auditor may conduct a financial audit if sufficient

funds are available. The auditor shall submit a report to the legislature of its findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the regular session of 2021.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2019-2020 for the office of the auditor to contract with an accounting firm to conduct a financial audit of the agribusiness development corporation.

The sum appropriated shall be expended by the office of the auditor for the purposes of this part.

PART VI. ENVIRONMENTAL ASSESSMENT AND APPRAISAL

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,000 or so much thereof as may be necessary for fiscal year 2019-2020 for an environmental assessment and appraisal of the property identified as TMK (1) 9-2-001:011-0000.

The sum appropriated shall be expended by the department of agriculture for the purposes of this section.

PART VII. RAMSEYERING PROVISIONS AND EFFECTIVE DATE

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 14. This Act shall take effect on June 28, 2019.

(Approved April 26, 2019.)

Note

1. Act 5.