

MAR 06 2018

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## SENATE RESOLUTION

URGING THE BOARD OF AGRICULTURE TO REVIEW PROCEDURES RELATING TO  
AQUACULTURE IMPORTATION PERMIT APPLICATIONS AND TO SUBMIT A  
REPORT TO THE LEGISLATURE.

1           WHEREAS, the Department of Agriculture is charged with  
2 enforcing rules relating to the importation of animals that may  
3 be detrimental to the agricultural, horticultural, and  
4 aquacultural industries, natural resources, and environment of  
5 Hawaii; and  
6

7           WHEREAS, section 4-71-3, Hawaii Administrative Rules,  
8 establishes that "[a]ll importation of animals shall be by  
9 permit"; and  
10

11           WHEREAS, section 4-71-4, Hawaii Administrative Rules,  
12 establishes that the Board of Agriculture shall approve or  
13 disapprove permit applications for the importation of animals  
14 into the State; and  
15

16           WHEREAS, section 4-71-4.1, Hawaii Administrative Rules,  
17 provides for the maximum time periods for permit approvals,  
18 disapprovals, extensions, or automatic approvals for the  
19 importation of animals into the State; and  
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21           WHEREAS, section 4-71-4.1(c), Hawaii Administrative Rules,  
22 states that notwithstanding certain exceptions, "an application  
23 request for the issuance of a permit shall be given automatic  
24 approval if action is not taken by the department [of  
25 agriculture] within the established maximum period of time" and  
26 that "[a]fter the expiration of the maximum time period is  
27 brought to the attention of the department, the department shall  
28 have a reasonable amount of time to issue the permit"; and  
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30           WHEREAS, local farmers and others are ready and able to  
31 bring additional aquaculture to the State that can assist the  
32 State in achieving local food production and sustainability  
33 goals; and  
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1 WHEREAS, there are reports of several incidents in which  
 2 those seeking to import aquaculture to the State have not  
 3 received permits from the Department of Agriculture within the  
 4 maximum time periods or within a reasonable amount of time after  
 5 the expiration of the maximum time periods established in the  
 6 Hawaii Administrative Rules; now, therefore,

7  
 8 BE IT RESOLVED by the Senate of the Twenty-ninth  
 9 Legislature of the State of Hawaii, Regular Session of 2018,  
 10 that this body urges the Board of Agriculture to review its  
 11 procedures for permit applications relating to the importation  
 12 of aquaculture to determine the causes of any failure to adhere  
 13 to applicable Hawaii Administrative Rules; and

14  
 15 BE IT FURTHER RESOLVED that the Board of Agriculture is  
 16 requested to submit a report to the Legislature, no later than  
 17 twenty days prior to the convening of the Regular Session of  
 18 2019, detailing all permit applications relating to the  
 19 importation of aquaculture received since 2011, including the  
 20 date of the application, date of approval or disapproval, date  
 21 of issuance of the permit if applicable, and an explanation  
 22 describing the reasons for the failure to issue a permit within  
 23 the maximum time limits or within a reasonable time thereafter,  
 24 pursuant to the Hawaii Administrative Rules; and

25  
 26 BE IT FURTHER RESOLVED that a certified copy of this  
 27 Resolution be transmitted to each member of the Board of  
 28 Agriculture.

29  
 30  
 31

OFFERED BY:

*Mark*  
*Clarence K. Kishikawa*  
*James Meradot*  
*James G. Inoué*  
*Michelle Tedani*

*Don Hutz*



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