



NEIL ABERCROMBIE  
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CATHY L. TAKASE  
ACTING DIRECTOR

To: House Committee on Agriculture

From: Cathy L. Takase, Acting Director

Hearing: Wednesday, February 2, 2011, 9:40 a.m.  
State Capitol, Room 312

Re: Testimony on H.B. No. 866  
Relating to Agriculture

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The purposes of this bill are to require beekeepers to register with the Department of Agriculture (DOA) and to require DOA to keep the beekeeper registration information confidential. The Office of Information Practices (OIP) takes no position on the bill's registration requirement but believes that the bill's confidentiality requirement is overly broad and unnecessary.

In past opinions, OIP has concluded that persons required to register specific types of activities or holdings, such as marine vessels, with the government are similarly situated to persons holding licenses or permits and likewise subject to government oversight. The Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA) expressly requires the names and business addresses of licensees and permit holders to be public information. See HRS § 92F-12(a)(13). OIP has previously concluded that the UIPA also requires public disclosure of these items of information, such as names and business addresses, with respect to registrants, such as those registering their marine vessels. See OIP Op. Ltr. No. 99-3.

The reason for the bill's requirement that names and business addresses of beekeepers be kept confidential under this bill is not apparent and is contrary to required public disclosure of these items of information under the UIPA for other types of registrants. Furthermore, although

the bill also requires DOA to keep confidential beekeeper registration information concerning the colonies' locations, honey production, number and composition, this information would already be protected from public disclosure under the UIPA's "frustration of a legitimate government function" exception set forth in section 92F-13(3), HRS, if disclosure would likely result in commercial competitive harm or physical harm to the colonies.

Therefore, OIP recommends the deletion of subsection (b) from the new section in chapter 142, HRS, proposed in this bill. At the very least, the bill should be amended to require public disclosure of the beekeepers' names and business addresses even if the remaining registration information is to be kept confidential.

Thank you for the opportunity to testify.

**NEIL ABERCROMBIE**  
Governor



**RUSSELL S. KOKUBUN**  
Chairperson, Board of Agriculture

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**TESTIMONY OF RUSSELL S. KOKUBUN  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
WEDNESDAY, FEBRUARY 2, 2011  
9:40 A.M.  
CONFERENCE ROOM 312**

**HOUSE BILL NO. 866  
RELATING TO AGRICULTURE**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to comment on House Bill No. 866. This measure proposes to amend Chapter 142 HRS by creating a new section which would require beekeepers to register with the Department of Agriculture (DOA).

The Department supports beekeeper registration but feels that amendments to the bill, as detailed below, are necessary to more effectively support the beekeeping industry. Of primary concern is that the bill should provide funding and positions to effectively carry out these services.

Registration is one of the best preventative measures the state of Hawaii can have in terms of our ability to:

- Identify beekeepers and where they are;
- Survey beekeepers to determine if any new bee pests or diseases have been introduced into Hawaii; and
- Provide services such as pest and disease diagnostics to ensure Hawaii's beekeeping industries remain strong and vibrant.

The lack of registration extremely hindered the initial responses to varroa mite detections on Oahu in 2007 and on Hawaii Island in 2008. While beekeeping associations existed on these islands, precise knowledge of where beekeepers located hives in relation to first detection would have allowed the Department to develop better strategies to respond to varroa mite incursions with careful consideration of the potential impacts on beekeepers. The same would be true for any new incursions, whether it is varroa mite, small hive beetle or new pests or diseases to Hawaii. As such, registration provides the Department of Agriculture with a more effective mechanism to support the beekeeping industry in Hawaii by allowing us to track numbers of hives, determine any trends, and assist with any issues by providing an easy mechanism by which we can contact the industry.

HB 866 is a good first step; however, the Department of Agriculture would like to offer several amendments for your consideration:

- 1) Tax Map Parcel Numbers, while beneficial, are not precise enough for our usage. Rather, it would be preferable for HDOA, upon receipt of an application for registration, obtain pertinent locality data during the course of initial inspection.
- 2) Numbers of queens produced while useful, is not necessary as the queen industry undergoes routine certification inspection for by the Department for export to foreign countries and to states requiring a health certificate.

- 3) Registration by beekeepers should be on an annual basis to allow the Department to gain a better understanding of the rapidly changing nature of beekeeping in Hawaii.
- 4) The intent of registration also needs to be stated in order to obtain support by the beekeepers of Hawaii. The Department of Agriculture does not seek to regulate the industry through registration. Rather the department seeks to:
  - Create a database of beekeepers and their contact information;
  - Identify where beekeepers hives are located;
  - Survey bee colonies to develop a picture of bee pests and diseases existing in the state to develop management strategies;
  - Survey bee colonies to quickly identify new bee pests for rapid response to control new bee pests and diseases by working in collaboration with beekeepers, beekeeping associations and affected industries;
  - Improve communication between beekeepers and the Department;
  - Provide assistance in connecting beekeepers with growers; and
  - Provide guidance to participants in the program on the maintaining healthy bee colonies including the integrated pest management programs.
- 5) For these types of services, the Department anticipates it will need the following:

- Funding to cover permanent positions and program costs for an apiary program consisting of an Apiary Specialist, at least two apiary technicians, an Apiary Planner at an estimated annual cost of \$350,000.
- The ability to charge nominal fees for registration which would be used to support survey and diagnostic work of the Apiary Program.

Thank you for the opportunity to testify on this measure.



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January 30, 2010

To: House Committee on Agriculture  
Re: Hearings on February 2<sup>nd</sup>, 9:40 am, Rm 312  
Subject: Testimony regarding HB 866, HB 284, HB 286, HB 288 & HB 865

Aloha Committee Chair and Committee Members,

I am an organic farmer on the North Shore of Oahu and President of the Hawaii Center for Organic Farming. Please accept my testimony on the subject Bills.

In the case of SB 866: Related to the Registration of Beekeepers. I am opposed to this Bill as written because it appears to have no real purpose other than a bureaucratic registration process. I am a beekeeper; two years ago I had 10 hives; I am now down to 2 hives due to varroa mite. Our Department of Agriculture has been deficient in both their measures for preventing invasive species as well as their rapid response to new infestations. This Bill could have enormous support to our beekeepers if "registration" was part of an overall bee industry invasive species prevention AND treatment program.

In the case of HB 284: Related to Income Tax Exclusions for Small Farmers. I am a small farmer who will benefit by this Bill; however it is far too generous and too inclusive. As written with the \$500,000 limit, this Bill will provide tax exclusions to 97% of our farms including all fake farms, all backyard gardeners and hobbyists. To conform to the State's 2050 Sustainability Plan, supportive legislation must focus on those real farms that grow "local food for local consumption". I recommend this Bill be amended to: 1) restrict tax exemptions to only those farms producing foods for our own local markets, NOT exports; 2) reduce the ceiling to \$100,000 to better focus on "real" small farms and; 3) add a floor of \$25,000 to eliminate fake farms and home gardens.

In the case of HB 286: Related to Excise Tax Exclusions on the Sale of Agricultural Products. I am opposed to this Bill as written because it will exempt ALL farms in the State from the Excise Tax. By our existing Excise Tax Code, farmers are "producers" and already only pay .5% vs 4% (4.5% on Oahu). Any exclusion from our Excise Tax should only be directed to those small farms that grow "local food for local consumption". We should not be exempting large farms or those that produce for export or those that produce non-food items such as GMO corn seed.

In the case of HB 865: Increases the Inspection Fee. Presently, our public monies are being used to subsidize the importation of food which undermines competition of our local farmers. This Bill should be amended to task the Hawaii Department of Agriculture (HDOA) to identify ALL of its budgeted expenses associated with this inspection effort and further amended so that the fee covers and replaces ALL of these budgeted costs.

Al Santoro, Farmer

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