
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii's farms and farmers reflect the heritage
2 and diversity of many cultures and people. They are the
3 cornerstone of the State's goals for food security,
4 sustainability, and self-sufficiency and are essential for
5 producing local food for local consumption.

6 The number of small farms in Hawaii has grown substantially
7 during the last ten years, reflecting a changing agricultural
8 model from plantations to smaller farms with diverse cropping
9 and marketing systems that create new local food sources and
10 significantly increased employment. There is also a renewed
11 interest in school gardens where children learn economic,
12 scientific, and cultural lessons through an agriculture-based
13 curriculum.

14 At the national level, the Food Safety Modernization Act of
15 2011 authorizes the Food and Drug Administration to develop
16 science- and risk-based criteria for preventing food borne
17 illnesses and encourages states to establish similar intrastate



1 criteria for the safe production, distribution, and consumer
2 handling of food.

3 Good agricultural practices focus on science-based
4 guidelines to reduce the potential for food product
5 contamination on farms. These include guidance for farm
6 practices, such as field management, proper hygiene, water
7 quality for irrigation and produce rinse, agricultural
8 chemicals, and the use of animal manure.

9 The legislature finds that the use of existing third party
10 food safety certification audit systems is costly and
11 impractical for many of Hawaii's farmers. The current food
12 safety procedure:

- 13 (1) Has reduced farmers' access to local markets, thereby
14 reducing local consumers' access to local produce;
15 (2) Discourages the development of farms that create food
16 sustainability and self-sufficiency for the State; and
17 (3) Undermines government programs that encourage food
18 self sufficiency and economic development.

19 The purpose of this Act is to support Hawaii's agriculture
20 industry by:



- 1 (1) Establishing a Hawaii good agricultural practices
- 2 program for farms growing local agricultural food
- 3 products for local consumption;
- 4 (2) Exempting certain food products from the Hawaii Public
- 5 Procurement Code; and
- 6 (3) Expanding the economic objectives, policies, and
- 7 priorities in the Hawaii State Planning Act that
- 8 relate to agriculture.

9 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§141- Hawaii good agricultural practices program. (a)

13 There is established the Hawaii good agricultural practices
14 program to be administered by the department of agriculture.

15 The purpose of the program is to develop and support good
16 agricultural practices for Hawaii farms that grow agricultural
17 food products for consumption by the public.

18 (b) Notwithstanding any provision of law to the contrary,
19 the Hawaii good agricultural practices program shall:

20 (1) Develop science- and risk-based good agricultural
21 practices that reasonably reduce the potential for on-
22 farm food borne illness and include specific



- 1 considerations and methodologies for farm sizes,
2 practices, techniques, materials, and crops;
- 3 (2) Develop and implement programs to educate and train
4 Hawaii farmers to use good agricultural practices in a
5 cost-effective and efficient manner;
- 6 (3) Provide procedures for voluntary verification of on-
7 farm implementation of good agricultural practices and
8 subsequent issuing of state compliance certification;
9 and
- 10 (4) Develop a consumer information program for publication
11 and broadcast to teach home practices for the
12 treatment and handling of fresh and processed
13 agricultural food products.
- 14 (c) The department shall consult as necessary with the
15 department of health, the University of Hawaii college of
16 tropical agriculture and human resources, other state and
17 federal agencies, and small farmer stakeholders to develop and
18 implement the Hawaii good agricultural practices program.
- 19 (d) The department may adopt rules under chapter 91 to
20 facilitate the implementation of this section."

21 SECTION 3. Section 103D-102, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:



1 "(b) Notwithstanding subsection (a), this chapter shall
2 not apply to contracts by governmental bodies:

3 (1) Solicited or entered into before July 1, 1994, unless
4 the parties agree to its application to a contract
5 solicited or entered into prior to July 1, 1994;

6 (2) To disburse funds, irrespective of their source:

7 (A) For grants or subsidies as those terms are
8 defined in section 42F-101, made by the State in
9 accordance with standards provided by law as
10 required by article VII, section 4, of the state
11 constitution; or by the counties pursuant to
12 their respective charters or ordinances;

13 (B) To make payments to or on behalf of public
14 officers and employees for salaries, fringe
15 benefits, professional fees, or reimbursements;

16 (C) To satisfy obligations that the State is required
17 to pay by law, including paying fees, permanent
18 settlements, subsidies, or other claims, making
19 refunds, and returning funds held by the State as
20 trustee, custodian, or bailee;

21 (D) For entitlement programs, including public
22 assistance, unemployment, and workers'



- 1 compensation programs, established by state or
2 federal law;
- 3 (E) For dues and fees of organizations of which the
4 State or its officers and employees are members,
5 including the National Association of Governors,
6 the National Association of State and County
7 Governments, and the Multi-State Tax Commission;
- 8 (F) For deposit, investment, or safekeeping,
9 including expenses related to their deposit,
10 investment, or safekeeping;
- 11 (G) To governmental bodies of the State;
- 12 (H) As loans, under loan programs administered by a
13 governmental body; and
- 14 (I) For contracts awarded in accordance with chapter
15 103F;
- 16 (3) To procure goods, services, or construction from a
17 governmental body other than the University of Hawaii
18 bookstores, from the federal government, or from
19 another state or its political subdivision;
- 20 (4) To procure the following goods or services which are
21 available from multiple sources but for which



- 1 procurement by competitive means is either not
2 practicable or not advantageous to the State:
- 3 (A) Services of expert witnesses for potential and
4 actual litigation of legal matters involving the
5 State, its agencies, and its officers and
6 employees, including administrative quasi-
7 judicial proceedings;
- 8 (B) Works of art for museum or public display;
- 9 (C) Research and reference materials including books,
10 maps, periodicals, and pamphlets, which are
11 published in print, video, audio, magnetic, or
12 electronic form;
- 13 (D) Meats and foodstuffs for the Kalaupapa
14 settlement[+], and fresh meat and produce, and
15 animals and plants for use by any governmental
16 body;
- 17 (E) Opponents for athletic contests;
- 18 (F) Utility services whose rates or prices are fixed
19 by regulatory processes or agencies;
- 20 (G) Performances, including entertainment, speeches,
21 and cultural and artistic presentations;



- 1 (H) Goods and services for commercial resale by the
- 2 State;
- 3 (I) Services of printers, rating agencies, support
- 4 facilities, fiscal and paying agents, and
- 5 registrars for the issuance and sale of the
- 6 State's or counties' bonds;
- 7 (J) Services of attorneys employed or retained to
- 8 advise, represent, or provide any other legal
- 9 service to the State or any of its agencies, on
- 10 matters arising under laws of another state or
- 11 foreign country, or in an action brought in
- 12 another state, federal, or foreign jurisdiction,
- 13 when substantially all legal services are
- 14 expected to be performed outside this State;
- 15 (K) Financing agreements under chapter 37D; and
- 16 (L) Any other goods or services which the policy
- 17 board determines by rules or the chief
- 18 procurement officer determines in writing is
- 19 available from multiple sources but for which
- 20 procurement by competitive means is either not
- 21 practicable or not advantageous to the State;



1 (5) Which are specific procurements expressly exempt from
2 any or all of the requirements of this chapter by:

3 (A) References in state or federal law to provisions
4 of this chapter or a section of this chapter, or
5 references to a particular requirement of this
6 chapter; and

7 (B) Trade agreements, including the Uruguay Round
8 General Agreement on Tariffs and Trade (GATT)
9 which require certain non-construction and non-
10 software development procurements by the
11 comptroller to be conducted in accordance with
12 its terms; and

13 (6) With a bidder or offeror who is a United States
14 General Services Administration-approved sole source
15 vendor, who shall be exempt from complying with
16 section 103D-302, 103D-303, or 103D-304, as
17 applicable, in any procurement funded by state and
18 federal matching funds, if the bidder or offeror was
19 responsible for obtaining and was the recipient of the
20 federal funds."

21 SECTION 4. Section 226-7, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:



1 "(b) To achieve the agriculture objectives, it shall be
2 the policy of this State to:

3 (1) Establish a clear direction for Hawaii's agriculture
4 through stakeholder commitment and advocacy.

5 (2) Encourage agriculture by making best use of natural
6 resources.

7 (3) Provide the governor and the legislature with
8 information and options needed for prudent decision
9 making for the development of agriculture.

10 (4) Establish strong relationships between the
11 agricultural and visitor industries for mutual
12 marketing benefits.

13 (5) Foster increased public awareness and understanding of
14 the contributions and benefits of agriculture as a
15 major sector of Hawaii's economy.

16 (6) Seek the enactment and retention of federal and state
17 legislation that benefits Hawaii's agricultural
18 industries.

19 (7) Strengthen diversified agriculture by developing an
20 effective promotion, marketing, and distribution
21 system between Hawaii's producers and [~~consumer~~
22 ~~markets locally, on the continental United States,~~]



- 1 consumers in the State, nationally, and
2 internationally.
- 3 (8) Support research and development activities that
4 strengthen economic productivity in agriculture,
5 stimulate greater efficiency, and enhance the
6 development of new products and agricultural by-
7 products.
- 8 (9) Enhance agricultural growth by providing public
9 incentives and encouraging private initiatives.
- 10 (10) Assure the availability of agriculturally suitable
11 lands with adequate water to accommodate present and
12 future needs.
- 13 (11) Increase the attractiveness and opportunities for an
14 agricultural education and livelihood.
- 15 (12) Expand Hawaii's agricultural base by promoting growth
16 and development of flowers, tropical fruits and
17 plants, livestock, feed grains, forestry, food crops,
18 aquaculture, and other potential enterprises.
- 19 (13) Promote economically competitive activities that
20 increase Hawaii's agricultural self-sufficiency[-],
21 including the increased purchase of Hawaii-grown foods



1 by residents and institutions such as public schools,
2 prisons, hospitals, and the military.

3 (14) Promote and assist in the establishment of sound
4 financial programs for diversified agriculture.

5 (15) Institute and support programs and activities to
6 assist the entry of displaced agricultural workers
7 into alternative agricultural or other employment.

8 (16) Facilitate the transition of agricultural lands in
9 economically nonfeasible agricultural production to
10 economically viable agricultural uses."

11 SECTION 5. Section 226-103, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) Priority guidelines to promote the growth and
14 development of diversified agriculture and aquaculture:

15 (1) Identify, conserve, and protect agricultural and
16 aquacultural lands of importance and initiate
17 affirmative and comprehensive programs to promote
18 economically productive agricultural and aquacultural
19 uses of such lands.

20 (2) Assist in providing adequate, reasonably priced water
21 for agricultural activities.



- 1 (3) Encourage public and private investment to increase
2 water supply and to improve transmission, storage, and
3 irrigation facilities in support of diversified
4 agriculture and aquaculture.
- 5 (4) Assist in the formation and operation of production
6 and marketing associations and cooperatives to reduce
7 production and marketing costs.
- 8 (5) Encourage and assist with the development of a
9 waterborne and airborne freight and cargo system
10 capable of meeting the needs of Hawaii's agricultural
11 community.
- 12 (6) Seek favorable freight rates for Hawaii's agricultural
13 products from interisland and overseas transportation
14 operators.
- 15 (7) Encourage the development and expansion of
16 agricultural and aquacultural activities which offer
17 long-term economic growth potential and employment
18 opportunities.
- 19 (8) Continue the development of agricultural parks and
20 other programs to assist small independent farmers in
21 securing agricultural lands and loans.



1 (9) Require agricultural uses in agricultural subdivisions
2 and closely monitor the uses in these subdivisions.

3 (10) Support the continuation of land currently in use for
4 diversified agriculture.

5 (11) Encourage residents and visitors to support Hawaii's
6 farmers by purchasing locally-grown products."

7 SECTION 6. Section 103D-104.5, Hawaii Revised Statutes, is
8 repealed.

9 ~~["\$103D-104.5 Agricultural products subject to this~~
10 ~~chapter. The following agricultural products shall be subject~~
11 ~~to this chapter.~~

12 ~~(1) Fresh meats and produce, and~~

13 ~~(2) Animals and plants.~~

14 ~~Except for the exemptions under section 103D-102(b), no~~
15 ~~exemptions under this chapter shall apply to this section."]~~

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

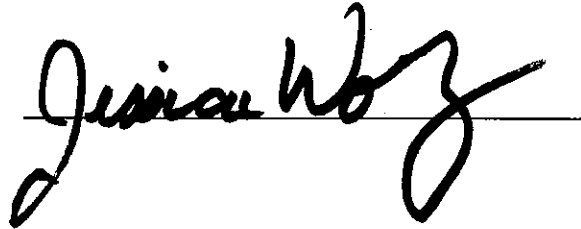
18 SECTION 8. This Act shall take effect on July 1, 2012;
19 provided that amendments made to section 103D-102(b), Hawaii

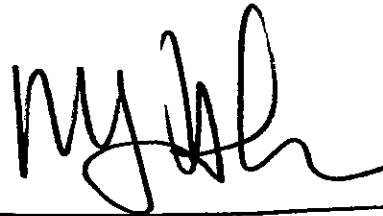


1 Revised Statutes, by this Act shall not be repealed when section
2 103D-102, Hawaii Revised Statutes, is reenacted pursuant to
3 section 14(1) of Act 175, Session Laws of Hawaii 2009.

4

INTRODUCED BY:





JAN 25 2012



H.B. NO. 2836

Report Title:

Agricultural Practices Program; Procurement; State Plan

Description:

Establishes a Hawaii good agricultural practices program. Exempts certain food products from the Hawaii Public Procurement Code. Expands the economic objectives, policies, and priorities in the Hawaii State Planning Act that relate to agriculture. Effective July 1, 2012.

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