
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Chapter 147, Hawaii Revised Statutes, is
2 amended by adding a new section to part VIII to be appropriately
3 designated and to read as follows:

4 "§147- Agricultural practices audit and certification

5 revolving fund. (a) There is established the agricultural

6 practices audit and certification revolving fund to be

7 administered by the department.

8 (b) Fees received by the department for conducting audits

9 and certifications under this part shall be deposited into the

10 revolving fund.

11 (c) The proceeds of the revolving fund shall be expended

12 by the department to establish and update good agricultural

13 practices, conduct the audit and certification services of this

14 part, and assist, train, and educate producers to achieve

15 certification.

16 (d) The department may also receive additional funds from

17 other government agencies, agricultural organizations, and other

1 non-profit organizations to conduct activities under this part.
2 Funds so received shall be deposited into the revolving fund."

3 SECTION 2. Section 147-111, Hawaii Revised Statutes, is
4 amended by adding two new definitions to be appropriately
5 inserted and to read as follows:

6 "Good agricultural practices" means the practices adopted
7 by the department in accordance with section 147-112 and shall
8 be the equivalent of generally accepted agricultural and
9 management practices as referenced in section 165-4; provided
10 that the rules shall reflect that "good agricultural practices"
11 are based on science and risk and include practices that
12 reasonably protect the environment and workers while reducing
13 the potential for introduction of on-farm food borne illnesses
14 and protecting the integrity of agricultural products delivered
15 to the end user or consumer and developed using specific
16 considerations and methodologies for farm sizes, practices,
17 techniques, materials, and crops.

18 "Producer" has the same meaning as defined in section 147-
19 1."

20 SECTION 3. Chapter 147, Hawaii Revised Statutes, is
21 amended by amending its title to read as follows:

"CHAPTER 147

1 **GRADES ~~[AND]~~, STANDARDS, SAFETY, AND SECURITY**"

2 SECTION 4. Section 147-101, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "**§147-101 Certification services revolving fund.** There is
5 established a certification services revolving fund for use by
6 the department of agriculture to support certification or audit
7 services established under parts I, III, IV, [~~VIII~~] and IX.
8 Moneys in the fund may be expended for materials, salaries,
9 equipment, training, travel, and other costs related to
10 providing certification or audit services. Notwithstanding
11 sections 147-10, 147-34, 147-64, [~~147-114~~] and 147-126, moneys
12 derived from the certification or audit services provided by
13 temporary inspectors employed under this part or from charges
14 for traveling expenses or extraordinary services shall be
15 deposited into the fund."

16 SECTION 5. Section 147-102, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**[~~§~~]147-102[~~§~~]** **Certification and audit services.** The
19 department of agriculture shall fix, assess, and collect fees
20 for certification or audit services provided by temporary
21 inspectors employed under this part. The fees shall be in

1 amounts necessary to cover all costs of the administration and
2 provision of the certification or audit services provided under
3 this part; provided that the department of agriculture shall
4 establish charges for traveling expenses and extraordinary
5 services when the performance of the services involves unusual
6 cost. The fees and charges established by the department of
7 agriculture shall not be subject to chapter 91. The department
8 of agriculture may employ temporary inspectors to assist in
9 providing certification or audit services under parts I, III,
10 IV, [~~VIII,~~] and IX, and those temporary inspectors shall be
11 exempt from chapter 76."

12 SECTION 6. Section 147-112, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~[§]147-112[§]—Cooperative agreements and contracts to~~
15 ~~provide] Agricultural safety and security; auditing and~~
16 ~~certification services.~~ (a) The department may ~~[enter into~~
17 ~~cooperative agreements with the United States Department of~~
18 ~~Agriculture or other agreements and contracts with private~~
19 ~~parties or other governmental agencies for the purposes of:]~~
20 establish a program to audit and certify that producers are:

21 (1) ~~[Auditing and certifying that applicants are following~~
22 ~~good agricultural, handling, processing, and~~

1 ~~manufacturing practices;~~ Following good agricultural
2 practices adopted by the department pursuant to
3 subsection (b); and

4 (2) Maintaining food security and [~~product~~] traceability.

5 (b) The department shall adopt good agricultural practices
6 as deemed necessary after giving due consideration to available
7 information of the department and written recommendations from
8 the University of Hawaii college of tropical agriculture and
9 human resources, the department of health, and any other
10 governmental or private organization, the input of which is
11 solicited by the department.

12 The department shall adopt the good agricultural practices
13 without necessity of compliance with the public notice and
14 public hearing requirements of chapter 91; provided that the
15 department shall hold at least one public hearing in each county
16 before adopting or materially revising the good agricultural
17 practices. The determination of whether a proposal requires a
18 public hearing shall rest exclusively with the department.

19 (c) Participation in the program under subsection (a)
20 shall be voluntary for producers. The department shall conduct
21 audit and certification services under the program only for

1 producers who apply, pay the relevant fee, and comply with the
2 requirements set by the department.

3 As part of the program, the department shall collaborate
4 with the University of Hawaii college of tropical agriculture
5 and human resources to assist, train, and educate producers in
6 complying with the applicable good agricultural practices.

7 The department shall not require any producer to be subject
8 to audit or certification if the producer has not applied to
9 participate in the program."

10 SECTION 7. Section 147-113, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~[+]§147-113[+]~~ **Audits and certification; ~~[requests~~**
13 **~~necessary.]~~ employees and agents; agreements and contracts. (a)**

14 The department may designate any employee or agent of the
15 department to conduct the audits and ~~[certification]~~
16 certifications authorized under this part ~~[at the request of~~
17 ~~persons having a financial interest in the business or product.~~
18 ~~These audits and certification may be requested, but in no case~~
19 ~~shall be required by the department].~~

20 (b) The department may enter into cooperative agreements
21 with the United States Department of Agriculture or other
22 agreements and contracts with private parties or other

1 governmental agencies to conduct the audits and certifications
2 authorized under this part.

3 (c) Farms that qualify for the direct marketing exemption
4 under 21 United States Code 350(h)(f) shall be exempt from this
5 section."

6 SECTION 8. Section 147-114, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~§~~147-114~~§~~] **Fees and deposit of moneys.** (a) The
9 department shall fix, assess, and collect fees for the audit and
10 certification services provided under this part. The fees shall
11 be as established under cooperative agreement with the United
12 States Department of Agriculture or other governmental agencies
13 or, if not applicable, as established by rule [~~under section~~
14 ~~147-7.~~] adopted pursuant to chapter 91. The department may also
15 charge an amount necessary to cover all costs [~~of traveling~~
16 ~~expenses~~] for travel and extraordinary services when the
17 performance of the services involves unusual cost in their
18 performance.

19 (b) [~~Except for fees collected by the department pursuant~~
20 ~~to part VII, all~~] All fees and expenses collected by the
21 department pursuant to this part shall be deposited with the

1 director of finance to the credit of the [~~general fund.~~]
2 agricultural practices audit and certification revolving fund."

3 SECTION 9. Section 147-115, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§~~147-115~~§~~ **Certificate as evidence.** A certificate
6 issued under this part and all certificates issued under the
7 authority of the Congress of the United States relating to
8 matters covered by this part shall be acceptable in any court of
9 this State as prima facie evidence of the status of a business
10 or product at the time of its audit.

11 For the purposes of chapter 165, a certificate shall
12 indicate that a producer has complied with good agricultural
13 practices since receipt of the certificate."

14 SECTION 10. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so
16 much thereof as may be necessary for fiscal year 2012-2013 for
17 statewide bee hive research conducted through the University of
18 Hawaii system, including the purchase of hives and related
19 equipment. The appropriated moneys shall be allocated as
20 follows:

21 (1) \$ for the county of Hawaii;

22 (2) \$ for the county of Maui;

- 1 (3) \$ for the city and county of Honolulu;
- 2 (4) \$ for the county of Kauai; and
- 3 (5) \$ for the University of Hawaii at Hilo,
- 4 College of Agriculture, Forestry, and Natural Resource
- 5 Management.

6 The sum appropriated shall be expended by the department of
7 agriculture for distribution to the counties and the University
8 of Hawaii for the purposes of this Act.

9 SECTION 11. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 12. This Act shall take effect on January 20,
12 2020.

Report Title:

Agriculture; Agricultural Safety and Security Program; Bees;
Research; Appropriation

Description:

Authorizes the Department of Agriculture (DOA) to establish an Agricultural Safety and Security Program. Requires, under the program, DOA to conduct audit and certification services. Specifies that the program is voluntary for producers. Requires the charge of fees and expenses. Establishes an Agricultural Practices Audit and Certification Revolving Fund for the Program. Appropriates funds to the Department of Agriculture and the counties for statewide bee hive research. Effective January 20, 2020.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.