

SB 2743

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON WATER, LAND, AND AGRICULTURE
AND COMMERCE, CONSUMER PROTECTION, AND HEALTH**

February 5, 2016
2:45 P.M.
CONFERENCE ROOM 224

**SENATE BILL NO. 2743
RELATING TO KALO**

Chairpersons Gabbard and Baker and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill No. 2743. This bill seeks to protect kalo farming as a State planning objective, and provides zoning, income tax, and general excise tax exemptions for kalo farming activities. The Department of Agriculture supports the intent of this measure, defers to the Department of Taxation with respect to the proposed amendments to Chapters 235 and 237, defers to the counties with respect to the zoning exemption for kalo marketing sites; and offers comments and an amendment with respect to the inclusion of kalo farming as a cultural activity within the Hawaii State Plan (Chapter 226, HRS).

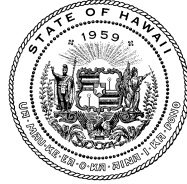
This measure proposes to include kalo farming as a cultural activity to be protected (Bill, page 3, lines 10-11) within the Hawaii State Plan's agricultural objectives and policies (Section 226-7(a)). These agricultural objectives and policies are meant to promote the development of agriculture as a major component of Hawaii's economy. The Department believes the proposed language, "Protection of kalo (*Colocasia esculenta*) farming as a cultural activity" would be more appropriately placed as a policy within Section 226-25, objectives and policies for socio-cultural advancement—culture.

Thank you for the opportunity to submit our testimony.



DAVID Y. IGE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

MARIA E. ZIELINSKI
DIRECTOR OF TAXATION

JOSEPH K. KIM
DEPUTY DIRECTOR

To: The Honorable Mike Gabbard, Chair
and Members of the Senate Committee on Water, Land, and Agriculture

The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Commerce, Consumer Protection, and Health

Date: February 5, 2016
Time: 2:45 P.M.
Place: Conference Room 224, State Capitol

From: Maria E. Zielinski, Director
Department of Taxation

Re: S.B. 2743, Relating to Kalo.

The Department of Taxation (Department) appreciates the intent of S.B.2743, and offers the following comments for your consideration.

S.B. 2743 provides for an exclusion from zoning requirements for kalo marketing sites, makes protection of kalo farming an objective for planning the State's economy with regard to agriculture, and creates income tax and general excise tax benefits for activities related to kalo. Specifically, it excludes any income up to \$75,000 derived from kalo products, kalo farming, or any activity directly related to kalo from the income tax, and exempts all amounts received by a person for kalo products, kalo farming, or any activity directly related to kalo from the general excise tax. The measure is effective upon approval, with both provisions relating to taxation applying to taxable years beginning after December 31, 2016.

The language used for both exemptions provided for in S.B. 2743 is extremely broad, which will create problems with administration of either tax exemption. As currently written, these exemptions would apply to any wholesale or retail sale of any product that contains kalo, including sale of these products by supermarkets or other stores. The Department suggests amending the language of the exemption to narrow its application as the preamble suggests.

Thank you for the opportunity to provide comments.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: INCOME, GENERAL EXCISE, Kalo Production Incentives

BILL NUMBER: SB 2743, HB 1844 (Identical)

INTRODUCED BY: SB by RIVIERE, ENGLISH, KIM, SHIMABUKURO, Galuteria, Inouye;
HB by KEOHOKALOLE, ING, OHNO, POUHA, THIELEN

EXECUTIVE SUMMARY: This measure proposes various incentives, over and above those given to agriculture generally, for kalo farming. Because there is no obvious undue burden of taxes, this measure picks winners and losers in the marketplace and, consequently, is unfair.

BRIEF SUMMARY: Adds a new subsection to HRS section 235-7 to exclude from state income taxation income up to \$75,000 derived from kalo products, kalo farming, or any activity directly related to kalo.

Adds a new paragraph to HRS section 237-24 to provide that amounts received for kalo products, kalo farming, or any activity directly related to kalo shall not be taxable.

Defines "kalo" as taro (*Colocasia esculenta*).

EFFECTIVE DATE: The tax provisions are effective for tax years beginning after December 31, 2016.

STAFF COMMENTS: This measure proposes incentives under the income and general excise tax to encourage the production of kalo in the state.

The use of the tax system to provide financial assistance in the form of preferential tax treatment under the income and general excise tax is an inefficient use of the tax system. This preferential treatment proposed in this measure amounts to nothing more than a subsidy as there is no obvious undue burden of taxes. If this measure is enacted, it will provide one industry with preferential treatment. That is bad tax policy.

Again it should be noted that this measure proposes an exclusion of income from the net income tax as well as an exemption from general excise taxes. It should be remembered, companies only pay taxes when they make a profit, that is income is greater than expenditures. As such, this bill rewards a company for making profits while all other businesses that make profits must pay the income tax. If this operation were not profitable, then income tax would not apply. It would only seem fair that some of the profits made by the company go to pay for the public services provided to that business and its employees. Further, it should be noted that by exempting the business from the state income tax on its profits, it exposes more of those profits to the federal income tax where the rates are much higher. Thus, in the end, this exemption would end up sending more tax dollars to Washington while leaving Hawaii empty handed.

It should be remembered that giving tax breaks to one select group of taxpayers comes at the expense of all other taxpayers. As such, it is an insult to all other taxpayers that they are not deserving of such tax preferences. Rather than singling out a particular area for tax relief, concurrent efforts must be made to improve Hawaii's business climate to enhance the economic prospects for all businesses.

If lawmakers want to subsidize this specific project, then an appropriation of funds is far more accountable as taxpayers will then know who is to receive the subsidy, how much is being spent and then they can judge whether or not this is an appropriate use of state taxpayer dollars.

Digested 2/2/2016

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Subject: *Submitted testimony for SB2743 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 5:30:08 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Support	No

Comments:

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SB2743

Submitted on: 2/2/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Faith Chase	Individual	Support	No

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Cc: ealoi@hawaii.edu
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Date: Thursday, February 04, 2016 12:12:18 PM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Edward Aloii	Individual	Support	No

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Cc: acoutu@centerforfoodsafety.org
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SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Alexandria Coutu	Individual	Support	No

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Date: Thursday, February 04, 2016 10:41:17 AM

SB2743

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Submitted By	Organization	Testifier Position	Present at Hearing
Denise Key	Individual	Support	No

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Date: Thursday, February 04, 2016 10:04:54 AM

SB2743

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Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Rosow	Individual	Support	No

Comments:

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Date: Wednesday, February 03, 2016 5:59:26 PM

SB2743

Submitted on: 2/3/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Benton	Individual	Support	No

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Subject: *Submitted testimony for SB2743 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 11:40:34 AM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Dennis F Lokmer	Individual	Support	No

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Subject: *Submitted testimony for SB2743 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 11:22:03 AM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Daniel Kanahahele	Individual	Support	No

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Date: Wednesday, February 03, 2016 11:33:59 PM

SB2743

Submitted on: 2/3/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Simon Russell	Hawaii Farmers Union United	Support	No

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SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Ian Davidson	Individual	Support	No

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SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

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Subject: *Submitted testimony for SB2743 on Feb 5, 2016 14:45PM*
Date: Thursday, February 04, 2016 12:37:24 PM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Noelani Ahia	Individual	Support	No

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Date: Thursday, February 04, 2016 7:52:32 AM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Mary Ann Pahukoa	Individual	Support	No

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Date: Thursday, February 04, 2016 12:46:55 PM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Maureen Datta	Individual	Support	No

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Subject: *Submitted testimony for SB2743 on Feb 5, 2016 14:45PM*
Date: Wednesday, February 03, 2016 6:31:48 PM

SB2743

Submitted on: 2/3/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Megan Fox	Individual	Support	No

Comments:

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Date: Thursday, February 04, 2016 12:13:30 AM

SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Mitsuko Hayakawa	Individual	Support	No

Comments:

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SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Boyar	Farm Lovers Farmers Markets	Support	No

Comments:

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SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Puanani Rogers	Ho`okipa Network - Kauai and Aha Moku Kauai	Support	No

Comments:

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SB2743

Submitted on: 2/4/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Raphiell Nolin	Individual	Support	No

Comments:

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Date: Tuesday, February 02, 2016 6:50:17 PM

SB2743

Submitted on: 2/2/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy E Mills	Individual	Support	No

Comments: Kalo is another way for Hawaii to become sustainable and it's a great crop to support. Give the farmers who're farming Kalo as much help as possible.

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Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 9:26:47 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
jahnava baldassarre	Individual	Support	No

Comments: I am in favor of the Kalo production state tax and I am a registered voter in Pahoia, Hawaii. Thank you, Jahnava Baldassarre

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Date: Thursday, February 04, 2016 9:19:19 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Quintana	Individual	Support	No

Comments: Kalo farming has been a tradition in Hawaii for over a thousand years that helped support a healthy and thriving population. Please support the Kalo farmers!

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Date: Thursday, February 04, 2016 2:13:45 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Astrid Watanabe	Individual	Support	No

Comments: Growing of Taro should be supported in every way

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Date: Thursday, February 04, 2016 5:35:38 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Support	No

Comments: Aloha, Please support this bill. Kalo farming is of vital importance to Hawaiian community and should be supported and protected in every possible way. Mahalo, Katarina Culina Po box 2142 Pahoa, HI 96778

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Cc: luanajones777@hotmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 4:29:01 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Luana Jones	Individual	Support	No

Comments: Strong Support! It is a Kanaka Maoli birthright! Mahalo for this Bill!

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Date: Wednesday, February 03, 2016 11:48:24 PM

SB2743

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
lucienne de naie	Individual	Support	No

Comments: Our kalo farmers are struggling to produce this healthy crop. Please pass this bill. Mahalo from East Maui

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Cc: unaviami@yahoo.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Tuesday, February 02, 2016 3:27:43 PM

SB2743

Submitted on: 2/2/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Bryna Storch	Commercial Farmer	Support	No

Comments: We need all the help we can get! Mahalo!

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dfisherhi@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 12:04:50 PM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
David B. Fisher	Maui Venture Consulting LLC	Support	No

Comments: I support this effort to lower costs to encourage and support taro cultivation. Growing, creating value added products, and marketing taro (and other diversified ag products) today is economically a very marginal activity. But with a lot of potential if small businesses are encouraged to collaborate and pool resources. I have worked with several growers and one value added company that has received both Hawaii, U.S. Mainland, and international acceptance, but the costs are such that it has not achieved profitability and so has had a difficult time attracting investment. The proposed measure with various kinds of tax and regulatory relief and the encouragement of cooperation may be able to make a difference and is worth an experiment.

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Cc: orchid6128@aol.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 1:07:19 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Mader	Individual	Support	No

Comments: Aloha! My ohana, members of the local Hawai'i Farmer Union United, is in SUPPORT of SB2743. Kalo should be a staple crop. There is no need to import 90% of our food. Let's come together and support local Kalo farmers and get this bill passed. Mahalo for the opportunity to make my voice heard! Deborah Mader Kihei, HI

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: dkanealii02@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 8:51:10 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Diane Kanealii	Individual	Support	No

Comments: Please pass this bill to provide Kalo farmer's support in growing of the kalo which is vital in preserving a food source that nurtures and sustains the Hawaiian people spiritually, mentally and physically. It is NOT just another plant.

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From: mailinglist@capitol.hawaii.gov
To: [WLA Testimony](#)
Cc: nredfeather@kohalacenter.org
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 8:42:30 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Redfeather	Hawaii Island School Garden Network	Support	No

Comments: Kalo Farming in Hawaii needs protection and incentives to increase production. Increased production could lead to institutionalized purchasing for the new Farm to School Program in Hawai'i. If DOE School Food Services could purchase an adequate amount of Kalo, they would purchase it. Our keiki need these protections and incentives so that this kind of farming is a viable career choice for the future. Mahalo

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To: [WLA Testimony](#)
Cc: akamaimom@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 4:22:04 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Felicia Cowden	Individual	Support	No

Comments: Please SUPPORT SB2743 supporting Kalo farming by exempting kalo production from state and county burdens that could crush the viability of continuing the farming of this crop. As an active weekly participant in making poi at Waipa Foundation, I am deeply aware of the significance of cooperative farming potential as well as the importance of honoring cultural farming methods. Loi Kalo are a signature feature of Hanalei whose farmers are already enduring difficulties such as compliance with Federal Fish and Wildlife regulations that hurt their business. The production location for our poi and the consumer supported agriculture distribution of the poi to predominantly Hawaiian families is essential to protect. The small-scale growing of these plants in homes and dryland farms also rely on the continuance of the commercial farmers for dependable huli production. Please pass this legislation.

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To: [WLA Testimony](#)
Cc: gwchyz@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 6:41:56 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
George Chyz	Individual	Support	No

Comments: I support this legislation to make traditional farming more economically viable

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Cc: gkvierra@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 6:22:22 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
George Vierra	Individual	Support	No

Comments: Aloha, I am a native Hawaiian (50%) I was born in Hawaii before we were considered a State. I used to work in the lo'i with my grandfather. I would like to re-open lo'i on our ancestral kuleana lands in Kahoma, but there is no water and we are having a hard time getting access to the land from a relative that married into our family. We also work full time jobs so any help in revitalizing the kalo culture is greatly appreciated. Poi is so expensive, white rice is not healthy this bill makes sense. Mahalo for common sense legislation keep what makes Hawaii unique!

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To: [WLA Testimony](#)
Cc: moikehajr@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 8:41:52 AM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Kanealii	Individual	Support	No

Comments: Kalo is the staple of Hawaiian food for body, mind and spirit. Please support the farmers who work so hard to continue to provide kalo for our families to enjoy and continue to practice our traditions.

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Cc: gladys.baisa@mauicounty.us
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Thursday, February 04, 2016 1:06:50 PM

SB2743

Submitted on: 2/4/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments: The kalo plant is a culturally significant plant to the state. This bill supports kalo farming by designating the protection of kalo farming, provides zoning, income tax and general excise tax exemptions for kalo farming activities.

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Cc: tampaltin@gmail.com
Subject: Submitted testimony for SB2743 on Feb 5, 2016 14:45PM
Date: Wednesday, February 03, 2016 2:54:33 PM

SB2743

Submitted on: 2/3/2016

Testimony for WLA/CPH on Feb 5, 2016 14:45PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Support	No

Comments: Aloha and Mahalo for this bill and for reading my testimony. Kalo is the culture of Hawaii and with all the water struggles going on for decades it is so hard to grow the staple food of our ancestors. Poi is very expensive, White rice causes a number of health issues. We need this bill to help revive the culture and the crop. Mahalo

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