

Honolulu, Hawaii

APR 29 , 2022

RE: H.B. No. 1568
H.D. 2
S.D. 2
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1568, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Require the Department of Education, Department of Health, Department of Public Safety, Department of Defense, and University of Hawaii System to ensure that a certain percentage of food purchased for public schools, youth campuses, public hospitals, public prisons, and academic programs of the University of Hawaii consists of fresh local agricultural products or local value-added, processed, agricultural, or food products; and



- (2) Require each of these entities to annually report to the Legislature on its progress made toward meeting certain established benchmarks.

Your Committee on Conference finds that, while it concurs with the intent of the provision in the S.D. 2 version of this measure that requires the Department of Education, Department of Health, Department of Public Safety, Department of Defense, and University of Hawaii system to prioritize contracts with vendors that use locally sourced food products, the inclusion of this provision may be challenged as an unconstitutional violation of the Dormant Commerce Clause of the United States Constitution, which prohibits states from passing legislation that discriminates against or excessively burdens interstate commerce, should litigation be brought on this issue and as such believes that this provision should be removed from this measure.

Your Committee on Conference has amended this measure by:

- (1) Removing language that would have required the Department of Education, Department of Health, Department of Public Safety, Department of Defense, and University of Hawaii System to prioritize contracts with vendors that use locally sourced food products;
- (2) Changing the effective date to July 1, 2022; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1568, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1568, H.D. 2, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

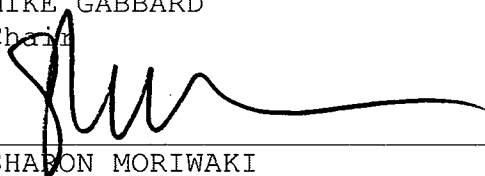
ON THE PART OF THE HOUSE



MIKE GABBARD
Chair



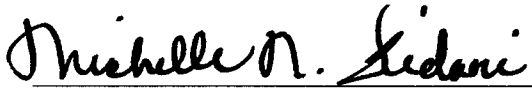
ANGUS R.K. MCKELVEY
Co-Chair



SHARON MORIWAKI
Co-Chair



LISA KITAGAWA
Co-Chair



MICHELLE N. KIDANI
Co-Chair



TINA WILDBERGER
Co-Chair



