



GOV. MSG. NO. 843

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 15, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB1471 HD2 SD1 CD1, without my approval, and with the statement of objections relating to the measure.

HB1471 HD2 SD1 CD1

A BILL FOR AN ACT
RELATING TO FARMS.

Sincerely,


LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1471

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1471, entitled "A Bill for an Act Relating to Farms."

The purpose of this bill is to appropriate \$140,000 from the Hawaii Tourism Authority Special Fund to finance a one year pilot food safety certification program. The program is to be managed by the State Department of Agriculture with the assistance of the Department of Health.

The safety of our food is of utmost concern to all and remains a priority for the State of Hawaii. The Department of Health is responsible for investigating complaints regarding food-borne illnesses and maintains a rigorous inspection and investigation program to ensure that foods are properly handled, particularly in restaurants, hotels, and food markets. They conduct hundreds of inspections each year on behalf of Hawaii consumers and have important enforcement powers to close establishments that do not abide by cleanliness and proper food handling procedures.

Likewise, the State Department of Agriculture has worked with farmers, ranchers, and the fishing industry on their picking, packing, shipping, and sanitation programs. In 2007 the Department started an innovative program to trace certain food products through a radio frequency tracking system starting in

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 1471
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the fields at the farm all the way to the consumer's table. Additionally, Department of Agriculture inspectors conduct regular inspections of food shipments into Hawaii to ensure foods do not contain pests, mold, and harmful insects.

The proposed pilot program contained in this bill diverts State tourism funds to a program that has already been adopted by some Hawaii farmers on a voluntary basis. The link between the uses of the Tourism Special Fund and this program does not meet the criteria set forth in State statutes. In particular, HRS 37-52.3 requires special funds to be used only for the purposes originally sought, must reflect a clear nexus between the benefits and the charges imposed on a particular group of people, and must demonstrate that it can be self-sustaining. The use of tourism dollars in this bill fails to meet these criteria.

Furthermore, this bill does not contain a statutory enforcement mechanism nor does it give the Department of Agriculture rulemaking authority to enforce the food safety certification program. As such, this appears to be a gesture to improve food safety without the teeth necessary to make it a viable program.

For the foregoing reasons, I am returning House Bill No. 1471 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 1471
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO FARMS.

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

1 SECTION 1. The legislature finds that food safety
2 certification is a critical component of food distribution.
3 Hotels, restaurants, and others in the tourism industry often
4 seek to buy as much local produce as they can, and the demand
5 for food safety certification has increased and is required by
6 visitor industry restaurants. This requirement has limited the
7 procurement of locally grown produce.

8 The purpose of this Act is to expand the access of the
9 visitor and hospitality industry to local produce by
10 establishing a safe food certification pilot program to benefit
11 farmers statewide.

12 SECTION 2. (a) There is established in the department of
13 agriculture a safe food certification pilot program to benefit
14 farmers throughout the state.

15 (b) The pilot program shall be managed by the department
16 of agriculture; provided that the department of health shall
17 provide the department of agriculture with assistance as



1 necessary in implementing the pilot program. The pilot program
2 shall:

- 3 (1) Encourage farmers to form agricultural cooperatives;
- 4 (2) Coordinate purchasing agreements between the
5 agricultural cooperatives and hotels, restaurants, and
6 other buyers in the visitor and hospitality
7 industries; and
- 8 (3) Develop and implement "safe" food certification for
9 products under the pilot program to promote fresh,
10 high-quality, locally-grown produce grown by Hawaii
11 farmers.

12 All farmers operating in the state shall be eligible to apply
13 for the pilot program.

14 SECTION 3. There is appropriated out of the tourism
15 special fund the sum of \$140,000 or so much thereof as may be
16 necessary for fiscal year 2009-2010 and such sum shall be
17 transferred to the department of agriculture to establish and
18 administer the safe food certification pilot program established
19 in this Act.

20 SECTION 4. There is appropriated from the
21 interdepartmental appropriation transferred from the Hawaii
22 tourism authority the sum of \$140,000 or so much thereof as may



1 be necessary for fiscal year 2009-2010 for the department of
2 agriculture to establish and administer the safe food
3 certification pilot program established in this Act.

4 The sum appropriated shall be expended by the department of
5 agriculture for the purposes of this Act.

6 SECTION 5. This Act shall take effect on July 1, 2009, and
7 shall be repealed on June 30, 2010.

