

JOSH GREEN M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



GARY S. SUGANUMA
DIRECTOR

KRISTEN M.R. SAKAMOTO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION

Ka 'Oihana 'Auhau
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**TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

TESTIMONY ON THE FOLLOWING MEASURE:

H.B. No. 284, H.D. 1, Relating to Taro

BEFORE THE:

House Committee on Economic Development

DATE: Wednesday, February 15, 2023

TIME: 10:30 a.m.

LOCATION: State Capitol, Room 423

Chair Holt, Vice-Chair Lamosao, and Members of the Committee:

The Department of Taxation ("Department") offers the following comments regarding H.B. 284, H.D. 1, for your consideration.

H.B. 284, H.D. 1, adds a new section to chapter 237, Hawaii Revised Statutes (HRS), exempting from the general excise tax all of the gross proceeds or income received from the sale of any product resulting from the cultivation and production of unprocessed taro, or of any value-added product of which the primary ingredient is taro or taro leaf, with a definition for "primary ingredient" being provided within the bill. This exemption shall not apply to supermarkets, big box stores, or bulk buyers or shippers of raw or value-added taro products. The bill takes effect upon its approval and shall be repealed on June 30, 2028.

The Department appreciates that definitions for the terms "big-box store" and "supermarket" have been added to H.B. 284, H.D. 1. The Department requests that the terms "value-added" and "bulk buyers or shippers" be defined in the bill to avoid ambiguity regarding the scope of the exemption.

Moreover, because this bill will require tax form and system changes, the Department requests that the effective date of the bill is amended to no earlier than January 1, 2024. The Department further notes, however, that due to the number of bills

Department of Taxation Testimony
HB 284, H.D. 1
February 15, 2023
Page 2 of 2

with tax law changes that have been introduced this year, the Department may not have the resources to implement all measures passed this session by January 1, 2024. The Department will continue to monitor the status of proposed legislation and will advise whether some changes will require a later effective date.

Thank you for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT

**WEDNESDAY, FEBRUARY 15, 2023
10:30 A.M.**

CONFERENCE ROOM 423 AND VIDEO CONFERENCING

**HOUSE BILL NO. 284 HD1
RELATING TO AGRICULTURE**

Chairperson Gates and Members of the Committee:

Thank you for the opportunity to present testimony on House Bill 284 HD1 which amends Chapter 237 and establishes an exemption from state general excise tax (GET) gross proceeds arising from the cultivation and production of unprocessed taro. The Department supports this bill with comment.

The Department supports the intent of this measure to reduce the tax burden and create stronger economic incentives for new taro farmers, improve the livelihoods of existing taro farmers, and reduce the cost of poi for local consumption.

The Department appreciates all efforts to increase farmers' income from the sale of any product resulting from the cultivation and production of unprocessed taro or value-added products of which the primary ingredient is taro or taro leaf. We further acknowledge this exemption shall not apply to supermarkets, big box stores, or bulk buyers or shippers of raw/value-added taro products but defers to the Department of Taxation with respect to the proposed amendments in Chapter 237.

Thank you for the opportunity to testify on this measure.



RICHARD T. BISSEN, JR.
Mayor

KEKUHAUPIO R. AKANA
Acting Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI'I 96793
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February 14, 2023

TO: Honorable Rep. Daniel Holt, Chair
Honorable Rep. Rachele F. Lamosao, Vice Chair
House Committee on Economic Development

FROM: Richard T. Bissen, Jr., Mayor
Rogerene K.M. Arce, Director of Agriculture

DATE: February 14, 2023

SUBJECT: **SUPPORT OF HB 284 HD1, RELATING TO TARO**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to create stronger economic incentives for new taro farmers, improve the livelihoods of existing taro farmers, and reduce the cost of poi for local residents by temporarily exempting from the general excise tax the gross proceeds or income from the sale of any product resulting from the cultivation and production of unprocessed taro or of any value-added product whose primary ingredient is taro or taro leaf.

Our administration **SUPPORTS** this measure for the following reasons:

1. This measure will contribute to increasing the cultivation and industry of taro in Hawai'i.
2. This measure will contribute to reducing the cost of taro-based foods for Hawai'i consumers.
3. This measure will support the growth of taro farming in Hawai'i, and contribute to the preservation of an essential cultural practice.

For the foregoing reasons, we offer our **SUPPORT** of this measure.



Officers

Kaipo Kekona
State President

Anabella Bruch
Vice-President

Maureen Datta
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Kohala, Hawaii

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Mauna Kahalawai,
Maui

Kaipo Kekona
Lahaina, Maui

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Molokai

Negus Manna
Lana'i

Brynn Foster
North Shore, O'ahu

Christian Zuckerman
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Ted Radovich
Waimanalo, O'ahu

Vincent Kimura
Honolulu, O'ahu

Ray Maki
Kauai

Aloha Chair Gates, Vice Chair Kahaloa, and Members of the House Agriculture & Food Systems Committee,

The Hawaii Farmers Union United (HFUU) is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB443 and seeks amendments.**

Our state's agricultural sector is a vital component of our economy, and it is important that we take steps to support and promote sustainable farming practices. By providing farmers with education, technical assistance, and financial incentives to implement farm management practices that contribute to healthy soils, we can ensure that our state's farmland remains fertile, productive, and sustainable for future generations.

The Healthy Soils Program is intended to house multiple incentives, like those for cover crops and compost. This approach is similar to California and New Mexico Healthy Soils Programs which fund demonstration and implementation grants that support myriad conservation agriculture practices.

The Healthy Soils Program proposed in SB660 takes a comprehensive and holistic approach to soil health and sustainability. By establishing standards and goals for soil health, as well as incentives for small farmers, ranchers, and landowners to take carbon negative actions, this program will help ensure that our agricultural sector remains strong and resilient in the face of changing environmental conditions. We urge the legislature to pass SB660 and invest in the future of our state's agricultural sector by creating a Healthy Soils Program.

Based on testimony from the 2022 legislative session, HFUU offers updated bill language for consideration on the pages below.

Mahalo for the opportunity to testify.

Kaipo Kekona, President HFUU/HFUF

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

"§141- Healthy soils program; established. (a)

The department of agriculture shall establish a healthy soils program. The healthy soils program shall:

(1) Create a healthy soil assessment and education program

(2) Provide farmers with education and technical assistance to implement farm management practices that contribute to healthy soils, and

(3) operate the healthy soil grants program which shall be funded by the state, with the amount of funding available each year determined by the state legislature;

(4) Administer existing financial incentives to implement farm management practices that contribute to healthy soils, including §141-16 Compost Reimbursement Program and the Cover Crop Reimbursement Pilot program established by Act 312, SLH 2022.

(5) Establish other programs to accomplish the purposes of the Healthy Soils Program Act based on the based on the findings of the greenhouse gas sequestration task force established pursuant to section 225P-4.

(b) In administering the healthy soil assessment and education program, the department shall:

(1) work through technical assistance providers or eligible entities to:

(a) encourage farmers and ranchers and land managers to undertake voluntary soil health measurements;

(b) raise awareness about desirable soil health characteristics;

(c) facilitate on-site, producer-led workshops and training sessions to promote and engender soil health stewardship; and

(d) complete a baseline soil health assessment by testing the organic matter, water infiltration rate, microbiology and aggregate stability of soils, in addition to analyzing phospholipids and monitoring soil cover;

(2) establish a statewide network of champions to promote soil health stewardship, offer guidance to producers and land managers and encourage teamwork;

(3) create a program to provide ongoing training in soil health stewardship and workshop facilitation for champions and eligible entities;

(4) in collaboration with technical assistance providers, sponsor soil health workshops and training sessions at research centers and learning sites throughout the state; and

(5) educate students and the general public about the importance of soil health stewardship.

(c) In administering the healthy soil grant program, the department shall:

(1) award grants to eligible entities to provide technical assistance to producers and land managers in advancing soil health principles and implementing supported methods;

(2) award grants as financial assistance to eligible farmers, ranchers, and other land managers who implement soil health practices on their lands.

(3) develop a user-friendly grant program application and application and reporting processes;

(4) develop criteria for the award of grants; provided that grants shall be awarded equitably and priority may be given to eligible entities serving young producers, veterans, small farms or ranches or for projects that benefit economically or socially disadvantaged communities; and

(5) ensure that grant funds are only used to advance soil health and soil health stewardship.

(d) The department shall encourage producer, land manager, landowner and interagency collaboration in the management of healthy soils and shall:

(1) work with technical assistance providers to advance soil health stewardship across private, state, and federal land jurisdictions by fostering collaboration among producers, land managers and landowners; and

(2) conduct outreach to producers and land managers to promote the program and other federal, state or local grant opportunities that support and promote healthy soils.

(e) The department of agriculture shall submit a report detailing the status and progress of the healthy soils program, including the number of grants awarded, the types of soil health practices being implemented, and the benefits to soil health and agricultural productivity, to the legislature no later than twenty days prior to the convening of each regular session."

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: GENERAL EXCISE, Exemption for Income Derived from Unprocessed Taro

BILL NUMBER: HB 284 HD 1

INTRODUCED BY: House Committee on Agriculture & Food Systems

EXECUTIVE SUMMARY: Exempts the gross proceeds or income received from the sale of any product resulting from the cultivation and production of unprocessed taro from the general excise tax.

SYNOPSIS: Adds a new section to chapter 237, HRS, providing an exemption for all gross proceeds or income received from the sale of any product resulting from the cultivation and production of unprocessed taro, or of any value-added product of which the primary ingredient is taro or taro leaf. This exemption shall not apply to bulk buyers or shippers of raw or value-added taro products, supermarkets, or big box stores.

Defines “big-box store” as a physically large retail establishment that offers a wide variety of products to consumers. A “big-box store” is also known as a “hyperstore”, “supercenter”, “superstore”, or “megastore”.

Defines “primary ingredient” as the ingredient of highest percentage in a product and listed first on the product’s label.

Defines “supermarket” as a self-service store that offers a wide variety of food, beverages, and household products, organized into sections.

EFFECTIVE DATE: Upon Approval, repeals on June 30, 2028.

STAFF COMMENTS: This measure proposes an exemption from the general excise tax to encourage the production of taro in the state.

The use of the tax system to provide financial assistance in the form of preferential tax treatment under the income 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.

Giving tax breaks to one select group of taxpayers comes at the expense of all other taxpayers. 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.

This measure is similar to HB 2466 (2022) which passed the Legislature but was vetoed by Governor Ige in GM 1391 (2022). The Governor's objection to this measure was:

This bill is objectionable because it is not an effective way to achieve the bill's purpose of helping taro farmers by lowering cultivation and production costs through the proposed exemption as a way to reduce the cost of poi for local consumers. The bill's exemption would not apply to "bulk buyers or shippers of raw or value-added taro products, supermarkets, or big box stores" (see bill at page 5, lines 10—12). This was apparently to limit the exemption to taro farmers in the cultivation and production of unprocessed taro, and not to allow retailers and wholesalers to claim the exemption on retail sales of poi and taro products. However, the wording of the bill will still allow certain retail sellers such as drug stores, convenience stores, and restaurants to also claim the exemption from a general excise tax (GET). The exemption will give these retailers a commercial advantage over supermarkets and big box stores that are not entitled to claim the exemption. A more effective way to help taro farmers and avoid the unintended tax benefit to just certain retailers, would be through the provision of direct grants to taro farmers as opposed to the GET exemption in this bill.

We agree that the exemption language in the current bill draft is extremely vague and should be tightened up considerably if this bill is to move forward.

Digested: 2/13/2023



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February 15, 2023

HEARING BEFORE THE
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT

TESTIMONY ON HB 284, HD1
RELATING TO TARO

Conference Room 423 & Videoconference
10:30 AM

Aloha Chair Holt, Vice-Chair Lamosao, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 284, HD1, which exempts the gross proceeds or income received from the sale of any product resulting from the cultivation and production of unprocessed taro from the general excise tax.

The Hawai'i Farm Bureau recognizes taro's importance in Hawai'i's cultural identity and role in local food security. This measure is aimed to assist taro farmers in their efforts to increase their production and viability. We support this effort to improve the taro farmer's ability to not only sustain themselves but also to expand their long-term success.

HFB supports any initiative that reduces the cost of production so that locally produced goods can compete with imported products, strengthening our local economy.

Hawai'i Farm Bureau Policy states: "State tax and monetary policies should be designed to encourage private initiative to help stabilize farm economics in the State of Hawai'i, to promote employment and economic growth, and to distribute the tax burden equitably. Further such policy should be used by the state, when appropriate, to encourage agricultural growth and expansion."

HFB supports HB 284, HD1, which is an investment in Hawai'i's taro farmers.

Thank you for this opportunity to testify in support of this measure.



Food+ Policy Internship 2023

food@purplemaia.org

February 14, 2023

To: Economic Development Chair Holt, Vice Chairs Lamosao, and State Representatives Hussey-Burdick, Kong, Nakamura, Quinlan, and Pierick,

Subject: **HB284**, Relating to Taro

Food+ Policy strongly supports HB284 which would exempt from the general excise tax the gross proceeds or income received from the sale of unprocessed taro and value added products from taro or taro leaf.

We support the taro farmers growing taro in the Hawaiian islands instead of having to ship in 200,000 pounds of taro annually to meet demands. Taro is significant in the Hawaiian creation story and culture. It is the most significant staple food crop of the Hawaiian people. In ancient times, each family had a bowl of poi in their hale, made from taro, which they would never leave empty. They would mix the old poi with the new poi. While taro were consumed daily by Hawaiians, today Hawaiians mostly only eat poi or other taro products like kulolo, luau and laulau, during special occasions. More focus and support is given to specialty crops for export, leaving us with food shipped in from the mainland that has no connection to the culture and people here.

It is not equitable for Native Hawaiians to be taxed for their taro and value added products from taro and taro leaf. Taro farmers are mostly Native Hawaiian. They are over represented in homelessness, poverty, and incarceration. Many have to resort to dry land taro because their water is rerouted away from their lo'i (wetland taro fields). To have to grow taro in dry land requires intensive labor, tools, and cost. Many have had to reduce the amount of lo'i they can have because the water is routed away.

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2023, the cohort of interns are undergraduate and graduate students from throughout the UH System. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

Please we ask that you pass HB284 to allow our taro farmers, our Natives Hawaiians, a chance to eat healthier foods, conducive to their culture, at an affordable rate, perpetuate the Hawaiian culture, and economically support our taro farmers. This may not completely solve the inequities Native Hawaiian taro farmers face, but it's a start in the right direction.

Mahalo,
Kelsey Amos & the Food+ Policy Team
#fixourfoodsystem



HB284 HD1
RELATING TO TARO
House Committee on Economic Development

February 15, 2023

10:30 AM

Room 423

The Office of Hawaiian Affairs (OHA) offers **COMMENTS** on HB284 HD1, which would temporarily exempt the gross proceeds or income from the sale of any product resulting from the cultivation and production of unprocessed kalo from the general excise tax. OHA previously commented on this measure and continues to raise the same concerns.

Established by our state's Constitution,¹ OHA is a semi-autonomous agency of the State of Hawai'i mandated to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees, all of whom are currently Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs. Hawai'i state law recognizes OHA as the principal public agency in the state responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians.² Furthermore, state law directs OHA to advocate on behalf of Native Hawaiians.³

While OHA supports the thrust of this measure to increase access to kalo – for all of the reason stated in this measure – **OHA wishes to emphasize the critical importance of Native Hawaiian agency in the perpetuation of Native Hawaiian traditional and customary practices, while also acknowledging the recognition of this State to constitutionally protect these practices belonging to the Native Hawaiian people.**⁴ This measure acknowledges the critical role that kalo plays in the health of Native Hawaiian families, but is completely silent on the culturally significant role that kalo plays in the identity of Native Hawaiians; the very identity which gave rise to the unique ecological knowledge that, in turn, created those climate change-mitigating and climate change-resilient mechanism that this measure supports. **It is inappropriate for this State to take the traditional and customary practices of the Native Hawaiian people and to encourage their appropriation with an added economic incentive, while watching Native Hawaiians suffer many of the worst socio-economic conditions.**

¹ HAW. CONST., art. XII, §5 (1978).

² Haw. Rev. Stat. § 10-3(3).

³ Haw. Rev. Stat. § 10-3(4).

⁴ HAW. CONST., art. XII, §7 (1978).



HB284 HD1
RELATING TO TARO
House Committee on Economic Development

The majority of Native Hawaiian families, in Hawai‘i, are unable to make ends meet,⁵ with 63% of Native Hawaiians reporting that they are finding it difficult to get by.⁶ Native Hawaiians have the lowest household income.⁷ Native Hawaiians have the highest poverty rates for individuals and families.⁸ Native Hawaiians make less money,⁹ with lower average earnings for both men and women.¹⁰ Native Hawaiians have the highest rate of using public assistance and homeless services.¹¹ Native Hawaiians are overrepresented among the homeless in Hawai‘i.¹² OHA is deeply concerned with Native Hawaiians being driven out of Hawai‘i by economic instability stemming from socio-political-economic upheaval, which has largely disconnected Native Hawaiians from their ‘āina for more than a century. Today, more Native Hawaiians live outside of the Hawaiian Islands, far beyond the boundaries of their own homeland.¹³

This measure proposes a concept that may exacerbate disparities faced by Native Hawaiians, in so far as this mechanism is advanced within a silo and does not work in concert with other instruments specifically designed to lower the pitch of inequity. **With real estate speculation and investment constantly driving up the cost of agricultural lands in Hawai‘i,¹⁴ it will not be the most impoverished group of people that will benefit most from incentives that seek to maintain and encourage new food producers from within that group of people – not without systemic change that holistically dismantles the machine of oppression.**

OHA appreciates this opportunity to offer comments on HB284 HD1 and asks the Legislature to consider our mana‘o. Mahalo nui loa.

⁵ Aloha United Way / United for ALICE, *ALICE in Hawai‘i: 2022 Facts and Figures*, Nov. 2022, p.6.

⁶ *Id.* at 9.

⁷ Dept. of Business, Economic Development and Tourism, *Demographic, Social, Economic, and Housing Characteristics for Selected Race Groups in Hawaii*, Mar. 2018, p.3.

⁸ *Id.* at 13.

⁹ OHA Report, *Affordable Housing for Hawai‘i and Native Hawaiians: Exploring Ideas and Innovation*, Aug. 2020, p.10.

¹⁰ Dept. of Native Hawaiian Health, John A. Burns School of Medicine, *Assessment and Priorities for the Health and Well-Being in Native Hawaiians and Pacific Islanders*, 2020, p.12.

¹¹ *Id.*

¹² Partners In Care, *2022 Point In Time Count*, p.7.

¹³ “Estimates from the American Community Survey showed that in 2011, there were about 296,400 Native Hawaiians in Hawai‘i and about 221,600 on the continental U.S. Just a decade later, those numbers flipped. In 2021, there were about 309,800 Native Hawaiians in Hawai‘i and about 370,000 in other states,” Hawaii Public Radio, *More Native Hawaiians Flock to mainland cities and leave Hawai‘i*, Jan. 23, 2023, *citing high costs*, citing the US Census Bureau’s American Community Survey 2021.

¹⁴ Honolulu Civil Beat, *‘Fake Farms’ Are Squeezing Out Serious Agriculture Potential In Hawaii*, Mar. 15, 2021.

HB-284-HD-1

Submitted on: 2/13/2023 7:09:25 PM

Testimony for ECD on 2/15/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB284 HD1.

HB-284-HD-1

Submitted on: 2/13/2023 9:43:44 PM

Testimony for ECD on 2/15/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hema Kealohanuikaiama Watson	Individual	Support	In Person

Comments:

Aloha mai kākou,

Honorable Chair Daniel Holt, honorable Vice Chair Rachel Lamasao, and all other members of the Economic Development committee, my name is Hema Kealohanuikaiama Watson and I am a senior at Hālau Kū Māna PCS. I am testifying in STRONG SUPPORT of HB 284 and its support of our local farmers.

I have spoken to this bill before, and I hope all committee members see the value in this bill. In a KHON2 Article in 2022, Penny Levin, a taro farmer at Maka’aka Lo’i, said that many farmers gross between \$30,000 to \$40,000 a year. That is too little.

Kalo is not a cash crop at the moment and so to incentivize our peoples food security and help the people making that future a reality we should pass this bill.

Allowing the producers of our kalo get a break and be able to actually provide without having to worry is something sorely needed. Farmers in Hawaii are not the richest and our agricultural needs have only increased, we need to focus on helping our own people put our own food in our own bellies.

In my own personal life, in talking with farmers, they don’t experience profit for the first few years and many farmers I have talked to live harvest to harvest. These farmers didn’t go into this profession to make a quick buck and so we neglect to reward their essential work, they are worth every bit of our support.

With this understanding and the reality that our farms need help I testify in STRONG SUPPORT of HB284 and urge all other ECD committee members to do the exact same.