CONFERENCE COMMITTEE REP. NO. 126 -22

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

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(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.

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Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

MIKE GABBARD Cha

SHADON MORIWAKI Co-Chair

MICHELLE N. KIDANI Co-Chair ON THE PART OF THE HOUSE

ANCE D.K. MCKELVEY Co-Chair

LISA KITAGAWA Co-Chair

TÍNA WILDBERGER Co-Chair



## Hawaii State Legislature

CCR 126-22

## **Record of Votes of a Conference Committee**

Bill / Concurrent Resolution No.: HB 1568, HD 2, SD 2				Date/Time: UU29 2022 W:53am s to pass with amendments (CD)					
The recommendation of the House and Senate managers is to pass with amendments (CD).									
The Committee is reconsidering its previous decision.									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	Е	House Managers	A	ŴR	N	Е
GABBARD, Mike, Chr.	$\overline{\mathbf{V}}$				MCKELVEY, Angus L.K., Co-Chr.	$\overline{V}$			
MORIWAKI, Sharon Y., Co-Chr.	$\overline{\mathbf{V}}$				HITAGAWA, Lisa, Co-Chr.	$\overline{V}$			
KIDANI, Michelle N., Co-Chr.	V			V	WILDBERGER, Tina, Co-Chr.		<b>F</b> .		
FEVELLA, Kurt					COSTALES, Luella	$\overline{V}$			
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$\mathbf{A} = Aye \qquad \qquad \mathbf{WR} = Aye \text{ with Reservation}$				N = Nay $E = Excused$					
Senate Recommendation is:					House Recommendation is:				
Adopted <b>I</b> Not Adopted				Adopted Not Adopted					
Senate Lead Chair's of Designee's Signature:					House Cread Chair's or Designee's Signature:				
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