



July 11, 2016 | ☀️ 80° | 🚗 Check Traffic

Hawaii News

Lee's food tax credit bill wins Rusty Scalpel award

By [Sophie Cocke](#)

Posted July 10, 2016

July 10, 2016



CRAIG T. KOJIMA / 2015

Rep. Chris Lee was given the "Rusty Scalpel" award for his organic food tax credit bill

Good government advocates have given their "Rusty Scalpel" award this year to state Rep. Chris Lee's organic food tax credit bill.

The ignominious award recognizes a bill that has had its contents substantially amended during the legislative session with limited opportunity for the public to

comment or members of the Legislature to weigh in. It's awarded by Common Cause Hawaii and the League of Women Voters of Hawaii.

Lee's House Bill 1689 started out as a measure that affords tax credits to producers of renewable fuels. The bill passed out of two committee hearings in the House and crossed over to the Senate, where it was also passed out of two committee hearings. It then went to conference committee, where a handful of senators and representatives negotiate a bill's final contents with no opportunity for public comment.

Before HB 1689 emerged from conference committee it had been subject to a "gut and replace" maneuver, in which a lawmaker deletes the contents of a bill and inserts entirely new language. In this case, the renewable fuels tax credit bill had morphed into an organic food tax credit bill.

"This makes a travesty of the democratic process. Just because there are enough votes to pass a measure doesn't make it constitutional," wrote Ann Shaver, president of the League of Women Voters of Hawaii, in a news release announcing the award.

The final version "was obviously unrelated to the bill's original purpose," Shaver said. "The content of the (final bill) stunned us; it was passed without a single public hearing. There clearly was no justification."

The bill is now set to become law with or without Gov. David Ige's signature, as it wasn't included on the governor's list of potential bill vetoes due to the Legislature last month.

Lee (D, Kailua-Lanikai-Waimanalo) defended his bill, however, which he maintains is aimed at increasing the state's food security.

While he concedes that the contents of HB 1689 were replaced during the final days of this year's legislative session, he notes that the public did have a chance to comment on the proposed organic food tax credit. The tax credit had been inserted into another bill, Senate Bill 2652, midway through the session. While the organic food tax credit never had a public hearing in the Senate, it was heard in the House.

"We want to make sure the public has had at least a couple chances to comment," Lee said. "It helps frame the outcome of legislation. In this case, the testimony at both public hearings was almost universally supportive."

He said that in the end the contents of the Senate bill were split in two: There was one bill for the renewable fuels tax credit and another for the organic foods tax credit. While they both dealt with the same theme of sustainability, he said, lawmakers wanted to give Ige the chance to review them separately.

But Shaver says that passage of the bill contradicts procedures laid out in the Hawaii Constitution.

"Our Legislature is not supposed to pass a bill whose subject has not had three separate readings in the state House and three separate readings in the state Senate," she said.