

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 4

DATE: MAR 06 2007

TO: S.B. No. 1307 S.D. 2

SECTION 1. Senate Bill 1307, S.D. 2, is amended by:

1. Amending page 2, line 6, to read as follows:

"island fresh beef, pork, chicken, and eggs."

2. Amending page 2, line 7, to read as follows:

"Fresh beef, pork, chickens, and eggs provide essential"

3. Amending page 2, line 12, to read as follows:

"Without these local industries, all beef, milk, pork, chicken,"

4. Amending page 2, line 19, to read as follows:

"disburse funds to qualified cattle, dairy, hog, and poultry farms that"

SECTION 2. Section 2 of Senate Bill No. 1307, S.D. 1, is amended by amending the definition of "qualified producer" in section -1 to read as follows:

"Qualified producer" means any person that at the time of application for and disbursement of funds under this chapter is in the business of producing:

- (1) Milk for a herd, located in Hawaii, if not less than three hundred fifty cows;
- (2) Poultry products form a flock, located in Hawaii, of not less than three thousand birds; [~~or~~]
- (3) Pork from a herd, located in Hawaii, of ten sows or one hundred fifty pigs[~~or~~]; or
- (4) Beef from a herd, located in Hawaii, of not less than head of cattle.

SECTION 3. Section 2 of Senate Bill No. 1307, S.D. 2, is amended by amending subsections (a) and (b) of section -3 to read as follows:

"(a) Applications for grants by qualified producers shall be submitted on a form furnished by the department and shall be filed with accompanying documentation of animal feed costs; provided that:

- (1) The applicant shall comply with applicable federal and state laws prohibiting discrimination against any person on the basis of race, color, national origin, religion, creed, sex, age, sexual orientation, or disability;
- (2) The applicant shall have applied for or received all applicable licenses or permits;
- (3) The applicant shall indemnify and hold harmless the State and its officers, agents, and employees from all claims arising out of or resulting from the feed purchased;
- (4) The subsidy shall not be allowed within a fiscal quarter if the flock or herd size falls per cent or more below the required minimum three thousand birds, minimum three hundred fifty cows, ~~[or]~~ minimum ten sows or one hundred fifty pigs, or minimum head of cattle in any two months of the applicable fiscal quarter; and
- (5) The department may request an applicant to provide necessary information for the purposes of verifying flock or herd size and feed purchases.

(b) Documentation of animal feed costs ~~[and other shipping documents]~~, as requested by the department, shall be filed for feed purchased within the immediate preceding fiscal quarter of filing and shall be effective for feed costs incurred after July 1, 2007."

SECTION 4. Senate Bill No. 1307, S.D. 2, is amended by amending section 3 to read as follows:

"SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$, or so much thereof as may be necessary for fiscal year 2007-2008, and the same sum, or so much thereof as may be necessary for fiscal year 2008-2009, for the market development division of the department of agriculture to disburse funds to qualified producers of beef, milk, pork, and poultry for the cost of feed for beef cattle, dairy cows, hogs, or poultry and to provide for the administrative costs of the livestock revitalization program.

The sums appropriated shall be expended by the department of agriculture for the purposes of this Act."



Offered by: Resaly H. Bal ☒ Carried
() Failed to Carry
() Withdrawn

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The cost of feed for livestock production in
2 Hawaii can comprise up to seventy per cent of total production
3 costs versus close to fifty per cent for mainland producers.
4 There are currently five dairies and six egg farms of
5 significant size, with combined gross annual revenues of
6 \$26,400,000. Within the past year, two egg farms and one dairy
7 farm have gone out of business due to production cost increases,
8 largely attributed to the rising cost of feed for livestock
9 animals. Currently, another dairy farm and another egg farm are
10 threatened by closure. Such closures increase the State's
11 dependence on imported foods and threaten the State's food
12 security and ability to achieve levels of agricultural self-
13 sufficiency. Self-sufficiency is critical to the State's
14 ability to respond effectively in the event of natural disasters
15 or disruptions in transportation.

16 Closure of local dairies and poultry farms also means that
17 children and adults throughout the State will no longer have the
18 option of selecting fresh, locally produced milk, fresh



1 chickens, and eggs. The public throughout the State has often
2 expressed interest in obtaining locally produced milk, but
3 unfortunately, the dairies do not produce enough to meet the
4 public demand. The public has expressed similar interest for
5 island fresh beef, pork, chicken, and eggs.

6 Fresh beef, milk, pork, chickens, and eggs provide
7 essential nutritional needs to consumers. Because these food
8 products are perishable, there is a constant risk of food
9 spoilage caused by long transports that, in turn, can cause
10 food-borne illnesses to consumers.

11 Without these local industries, all beef, milk, pork,
12 chicken, and eggs would have to be imported into the State,
13 incurring up to ten days of shipping before being offered to the
14 consumers. Increased shipping time especially decreases the
15 expected shelf life of fresh milk and eggs.

16 The purpose of this Act is to create a livestock
17 revitalization and food security program to administer and
18 disburse funds to qualified cattle, dairy, hog, and poultry
19 farms that apply for and receive, if properly documented, a
20 reimbursement for up to fifty per cent of each farm's feed
21 expenses. With financial support, the livestock industry will
22 be able to make investments in modern equipment, expand and



1 improve their herds and flocks, and develop new markets and
2 products. This financial support will serve a public purpose by
3 enabling the livestock industries to stabilize their operations,
4 thus, contributing to food security, and make them more
5 competitive with mainland suppliers in the future.

6 SECTION 2. The Hawaii Revised Statutes is amended by
7 adding a new chapter to be appropriately designated and to read
8 as follows:

9 **"CHAPTER**

10 **LIVESTOCK REVITALIZATION PROGRAM**

11 § -1 **Definitions.** As used in this chapter:

12 "Administrative costs" means costs associated with
13 reviewing, approving, and recording expenditures and completing
14 any reporting requirements associated with the grant program.

15 "Department" means the department of agriculture.

16 "Milk" means the lacteal secretion, practically free from
17 colostrums, obtained by the milking of healthy cows normally
18 produced or marketed through the channels of the fluid milk
19 trade.

20 "Poultry products" means chicken eggs, uncooked in shell,
21 egg laying chicks, meat bird chicks, pullets, broilers, fryers,
22 and laying chicken hens.



1 "Qualified producer" means any person that at the time of
2 application for and disbursement of funds under this chapter is
3 in the business of producing:

- 4 (1) Milk from a herd, located in Hawaii, if not less than
5 three hundred fifty cows;
6 (2) Poultry products from a flock, located in Hawaii, of
7 not less than three thousand birds;
8 (3) Pork from a herd, located in Hawaii, of ten sows or
9 one hundred fifty pigs; or
10 (4) Beef from a herd, located in Hawaii, of not less than
11 head of cattle

12 § -2 **Grants.** A qualified producer may receive a
13 reimbursement for up to fifty per cent of each farm's feed
14 expenses, if the qualified producer has properly applied for a
15 grant under this chapter. The amount of reimbursement to each
16 qualified producer shall be calculated under a formula
17 established and adopted by the department.

18 § -3 **Grants; conditions and qualifications.** (a)
19 Applications for grants by qualified producers shall be
20 submitted on a form furnished by the department and shall be
21 filed with accompanying documentation of animal feed costs;
22 provided that:



- 1 (1) The applicant shall comply with applicable federal and
2 state laws prohibiting discrimination against any
3 person on the basis of race, color, national origin,
4 religion, creed, sex, age, sexual orientation, or
5 disability;
- 6 (2) The applicant shall have applied for or received all
7 applicable licenses or permits;
- 8 (3) The applicant shall indemnify and hold harmless the
9 State and its officers, agents, and employees from all
10 claims arising out of or resulting from the feed
11 purchased;
- 12 (4) The subsidy shall not be allowed within a fiscal
13 quarter if the flock or herd size falls per
14 cent or more below the required minimum three thousand
15 birds, minimum three hundred fifty cows, minimum ten
16 sows or one hundred fifty pigs, or minimum head of
17 cattle in any two months of the applicable fiscal
18 quarter; and
- 19 (5) The department may request an applicant to provide
20 necessary information for the purposes of verifying
21 flock or herd size and feed purchases.



1 (b) Documentation of animal feed costs, as requested by
2 the department, shall be filed for feed purchased within the
3 immediate preceding fiscal quarter of filing and shall be
4 effective for feed costs incurred after July 1, 2007.

5 (c) Funds shall be disbursed upon approval by the
6 department and limited to only the feed fed to the qualifying
7 flock or herd, and not applicable to feed purchases for resale
8 or gift.

9 § -4 **Exemption from chapter 42F.** Chapter 42F shall not
10 apply to the grants made pursuant to this chapter, but all
11 reimbursements shall be made only in accordance with the
12 standards and conditions specified in section -3.

13 § -5 **Rules.** The department shall adopt rules pursuant
14 to chapter 91 necessary to effectuate the purposes of this
15 chapter."

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so much
18 thereof as may be necessary for fiscal year 2007-2008, and the
19 same sum, or so much thereof as may be necessary for fiscal year
20 2008-2009, for the market development division of the department
21 of agriculture to disburse funds to qualified producers of milk,
22 pork, and poultry for the cost of feed for beef cattle, dairy

