



GOV. MSG. NO. 1288

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 5, 2011

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

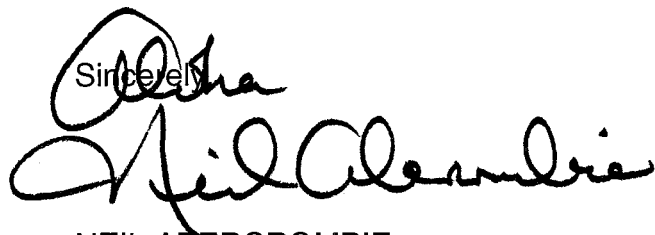
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 5, 2011, the following bill was signed into law:

SB1153 SD1 HD2

RELATING TO AGRICULTURAL LOANS  
**Act 184 (11)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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## A BILL FOR AN ACT

RELATING TO AGRICULTURAL LOANS.

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

1 SECTION 1. The legislature finds that for the State to  
2 meet its sustainability goals, it must become more self-reliant  
3 in food production. To achieve this goal, new farms will have  
4 to be developed. However, one of the limiting factors is the  
5 availability of affordable credit for persons wanting to start  
6 new farm operations.

7 The legislature also finds that due to an increased  
8 interest in diversified agriculture, the number of farms in the  
9 State has been increasing. The state agricultural loan program  
10 has an existing new farmer program, but demand for the program's  
11 new farmer loans has been limited due to the program's high  
12 interest rate of six per cent and relatively low loan limit of  
13 \$100,000. In addition, the program has to share its funding  
14 with the qualified farmer programs.

15 The purpose of this Act is to provide affordable capital  
16 for new farmers by:

- 17 (1) Reducing the new farmer program loan interest rate;  
18 (2) Increasing the program's loan limits; and



1 (3) Reducing the number of credit denials required to  
2 qualify for the program.

3 SECTION 2. Section 155-1, Hawaii Revised Statutes, is  
4 amended by amending the definition of "new farmer program" to  
5 read as follows:

6 "New farmer program" means a new farm enterprise for  
7 qualified new farmers, [~~including persons who are:~~] who by  
8 reason of ability, experience, and training are likely to  
9 successfully operate a farm and who otherwise meet the  
10 eligibility requirements of section 155-10 and includes any of  
11 the following:

- 12 (1) [~~Displaced~~] Persons displaced from employment in an  
13 agricultural production enterprise;
- 14 (2) College graduates in agriculture;
- 15 (3) Community college graduates in agriculture;
- 16 (4) Members of the Hawaii Young Farmer Association and  
17 [~~Future Farmer of America~~] National FFA Organization  
18 graduates with farming projects;
- 19 (5) Persons who have not less than two years' experience  
20 as part-time farmers;
- 21 (6) Persons who have been farm tenants or farm laborers;
- 22 or



1 (7) Other individuals who for the two years last preceding  
2 their application have obtained the major portion of  
3 their income from farming operations[ ~~and~~  
4 ~~(8) Persons who by reason of ability, experience, and~~  
5 ~~training as vocational trainees are likely to~~  
6 ~~successfully operate a farm, who otherwise meet the~~  
7 ~~eligibility requirements of section 155-10]."~~

8 SECTION 3. Section 155-3, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§155-3 Restriction.** Loans provided for by this chapter  
11 shall [~~be authorized only if these loans cannot be made by two~~  
12 ~~lenders, which may include any of the following-]~~ require two  
13 credit denials, except for class "F" loans for new farmer  
14 programs which shall require one credit denial. This  
15 requirement may be waived by the board of agriculture for  
16 emergency loans. Credit denials may be accepted from any of the  
17 following:

- 18 (1) Private lenders;  
19 (2) Members of the farm credit system; or  
20 (3) The United States Department of Agriculture[ ~~and~~  
21 ~~provided that the board of agriculture may waive this~~  
22 ~~requirement for emergency loans]."~~



1 SECTION 4. Section 155-8, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Loans made under this section shall bear simple  
4 interest on the unpaid principal balance, charged on the actual  
5 amount disbursed to the borrower. The interest rate on loans of  
6 class "A", "B", "C", "E", and "G" shall be at a rate of one per  
7 cent below the prime rate or at a rate of seven and one-half per  
8 cent a year, whichever is less. For purposes of this  
9 subsection, the prime rate shall be determined on January 1 and  
10 July 1 of each year, and shall be the prime rate charged by the  
11 two largest banks in the State identified by the department of  
12 commerce and consumer affairs. If the prime rates of the two  
13 largest banks are different, the lower prime rate of the two  
14 shall apply. The interest rate on class "F" loans shall be at a  
15 rate of one and one-half per cent below the prime rate or at a  
16 rate of six per cent a year[-], whichever is less. The interest  
17 rate of class "H" loans shall be three per cent a year. If the  
18 money loaned is borrowed by the department, then the interest on  
19 loans of the classes shall be the rate as determined above or  
20 one per cent over the cost to the State of borrowing the money,  
21 whichever is greater. Interest on [~~class "D"~~] loans made under  
22 this chapter shall not be less than three per cent a year."



1 SECTION 5. Section 155-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (g) to read as follows:

3 "(g) Class F: Loans for new farmer programs shall provide  
4 for costs of a new farm enterprise for qualified new farmers:

5 (1) Initial loans made under this class shall be for  
6 purposes and in accordance with the terms specified in  
7 class "A" and "C" only, and shall be made only for  
8 full-time farming. The loans shall be made for an  
9 amount not to exceed [~~\$100,000~~] \$250,000 or  
10 eighty-five per cent of the cost of the project,  
11 whichever is less;

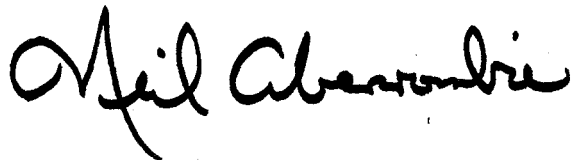
12 (2) Any subsequent loan shall be made from classes "A" to  
13 "D", respectively, depending upon the purpose for  
14 which the loan funds are used; and

15 (3) Borrowers shall comply with special term loan  
16 agreements as may be required by the department and  
17 shall take special training courses as the department  
18 deems necessary."

19 SECTION 6. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect on July 1, 2011.

APPROVED this 5 day of JUL , 2011



GOVERNOR OF THE STATE OF HAWAII