

JAN 24 2013

A BILL FOR AN ACT

RELATING TO LIVESTOCK BIOSECURITY.

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

1 SECTION 1. Hawaii's livestock industry is both
2 economically and culturally significant with its long paniolo
3 history as well as providing whole hog carcasses for imus and
4 Chinatown markets. Livestock operations are susceptible to the
5 introduction of pests and diseases that can affect the health
6 and welfare of the animals and in some cases may affect the
7 health and well-being of people who come in contact with the
8 animals or farm products. Installing biosecurity measures serve
9 to protect the health of poultry and livestock from diseases,
10 pests, and pathogens by reducing their introduction into farm
11 operations as well as the spreading of the disease or pathogen
12 to other farms and are increasingly being required by federal
13 programs to ensure a safe food supply. While these measures
14 help protect the farm and consumers, they often do not result in
15 additional profits for the operation. To help install these
16 vital measures, a low interest biosecurity loan program is being
17 proposed to assist the livestock industry.

S.B. NO. 992

1 SECTION 2. Section 155-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Biosecurity" means a system that serves to protect the
5 health of livestock, poultry, and humans from diseases, pests,
6 and pathogens and measures that prevent disease causing agents
7 from entering, spreading, or leaving the farm premises."

8 SECTION 3. Section 155-5, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Loans insured under this section shall be limited by
11 the provisions of sections 155-9 through 155-13 for purposes of
12 class "A" through class [~~"F";~~] "I"; provided that class "E"
13 loans to food manufacturers shall not be subject to section 155-
14 10."

15 SECTION 4. Section 155-5.5, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Loans guaranteed under this section shall be limited
18 by the provisions of sections 155-9 through 155-13 for purposes
19 of classes "A", "B", "C", [~~and "E";~~] "D", "E", "F", "G", "H",
20 and "I"; provided that class "E" loans to food manufacturers
21 shall not be subject to section 155-10. [~~No class "D" and "F"~~
22 ~~loans shall be made under this section.] "~~

1 SECTION 5. Section 155-6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Participating loans under this section shall be
4 limited by sections 155-9 to 155-13 for purposes of class "A"
5 through class [~~"F"~~] "I", the department's share not to exceed
6 the maximum amounts specified therefor; provided that class "E"
7 loans to food manufacturers shall not be subject to section 155-
8 10."

9 SECTION 6. Section 155-8, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Loans made under this section shall bear simple
12 interest on the unpaid principal balance, charged on the actual
13 amount disbursed to the borrower. The interest rate on loans of
14 class "A", "B", "C", "E", and "G" shall be at a rate of one per
15 cent below the prime rate or at a rate of seven and one-half per
16 cent a year, whichever is less. For purposes of this
17 subsection, the prime rate shall be determined on January 1 and
18 July 1 of each year, and shall be the prime rate charged by the
19 two largest banks in the State identified by the department of
20 commerce and consumer affairs. If the prime rates of the two
21 largest banks are different, the lower prime rate of the two
22 shall apply. The interest rate of class "F" loans shall be at a

1 rate of one and one-half per cent below the prime rate or at a
2 rate of six per cent a year, whichever is less. The interest
3 rate of class "H" and "I" loans shall be three per cent a year.
4 If the money loaned is borrowed by the department, then the
5 interest on loans of the classes shall be the rate as determined
6 above or one per cent over the cost to the State of borrowing
7 the money, whichever is greater. Interest on loans made under
8 this chapter shall not be less than three per cent a year."

9 SECTION 7. Section 155-9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§155-9 Classes of loans; purposes, terms, eligibility.**

12 (a) Loans made under this chapter shall be for the purposes and
13 in accordance with the terms specified in classes "A" through
14 "H" in this section shall be made only to applicants who meet
15 the eligibility requirements specified therein and except as to
16 class "B" loans to associations and class "E" loans, the
17 eligibility requirements specified in section 155-10. The
18 maximum amount of a loan for class "A", "C", "D", and "F" loans
19 to an individual applicant shall also apply to any loan
20 application submitted by a partnership, corporation, or other
21 entity, and for the purpose of determining whether the maximum
22 loan amount to any individual will be exceeded, outstanding

1 loans to any partnership, corporation, or other entity that the
2 individual has a legal or equitable interest in excess of twenty
3 per cent shall be taken into account.

4 (b) Class A: Farm ownership and improvement loans shall
5 provide for:

6 (1) The purchase or improvement of farm land;

7 (2) The purchase, construction, or improvement of adequate
8 farm dwellings, and other essential farm buildings;

9 and

10 (3) The liquidation of indebtedness incurred for any of
11 the foregoing purposes.

12 The loans shall be for an amount not to exceed \$800,000 and
13 for a term not to exceed forty years. To be eligible, the
14 applicant shall (A) derive, or present an acceptable plan to
15 derive, a major portion of the applicant's income from and
16 devote, or intend to devote, most of the applicant's time to
17 farming operations; and (B) have or be able to obtain the
18 operating capital, including livestock and equipment, needed to
19 successfully operate the applicant's farm.

20 (c) Class B: Soil and water conservation loans shall
21 provide for:

22 (1) Soil conservation practices;

- 1 (2) Water development, conservation, and use;
- 2 (3) Drainage; and
- 3 (4) The liquidation of indebtedness incurred for any of
- 4 the foregoing purposes.

5 The loans shall be for an amount not to exceed \$35,000 to
6 an individual or \$200,000 to an association and shall be for a
7 term not to exceed twenty years for a loan to an individual and
8 forty years to an association. To be eligible, an individual
9 applicant shall have sufficient farm and other income to pay for
10 farm operating and living expenses and to meet payments on
11 applicant's existing debts, including the proposed soil and
12 water conservation loan. An association, to be eligible, shall
13 be a nonprofit organization primarily engaged in extending
14 services directly related to the purposes of the loan to its
15 members, and at least sixty per cent of its membership shall
16 meet the eligibility requirements specified in section 155-10.

17 (d) Class C: Farm operating loans shall be for the
18 purpose of carrying on and improving a farming operation,
19 including:

- 20 (1) The purchase of farm equipment and livestock;
- 21 (2) The payment of production and marketing expenses
- 22 including materials, labor, and services;

- 1 (3) The payment of living expenses;
- 2 (4) The liquidation of indebtedness incurred for any of
- 3 the foregoing purposes; and
- 4 (5) The exportation of crops and livestock.

5 The loans shall be for an amount not to exceed \$800,000 and
6 for a term not to exceed ten years. To be eligible, an
7 applicant shall derive, or present an acceptable plan to derive,
8 a major portion of the applicant's income from and devote, or
9 intend to devote, most of his time to farming operations.

10 Qualified farmers affected by state eradication programs
11 may also be eligible for loans under this subsection. Loans
12 made for rehabilitation from eradication programs shall be
13 subject to the terms of class "C" loans; provided that the
14 interest rate shall be three per cent a year and the
15 requirements in section 155-3 shall be waived and paragraph (4)
16 shall not apply.

17 (e) Class D: Emergency loans shall be for the purpose of
18 providing relief and rehabilitation to qualified farmers without
19 limit as to purpose:

- 20 (1) In areas stricken by extraordinary rainstorms,
- 21 windstorms, droughts, tidal waves, earthquakes,
- 22 volcanic eruptions, and other natural catastrophes;

- 1 (2) On farms stricken by livestock disease epidemics and
- 2 crop blights;
- 3 (3) On farms seriously affected by prolonged shipping and
- 4 dock strikes;
- 5 (4) During economic emergencies caused by overproduction,
- 6 excessive imports, and the like; and
- 7 (5) During other emergencies as determined by the board of
- 8 agriculture.

9 The maximum amounts and period for the loans shall be
10 determined by the board of agriculture; provided that the board
11 shall require that any settlement or moneys received by
12 qualified farmers as a result of an emergency declared under
13 this section shall first be applied to the repayment of an
14 emergency loan made under this chapter.

15 (f) Class E: Loans to farmers' cooperatives,
16 corporations, and food manufacturers shall provide credit to
17 entities engaged in marketing, purchasing, and processing, and
18 providing farm business services, including:

- 19 (1) Facility loans to purchase or improve land, building,
20 and equipment for an amount not to exceed \$500,000 and
21 a term not to exceed twenty years;
- 22 (2) Operating loans to finance inventories of supplies and

1 materials, warehousing, and shipping commodities,
2 extension of consumer credit to justified farmer-
3 members, and other normal operating expenses for an
4 amount not to exceed \$300,000 and a term not to exceed
5 seven years; and

6 (3) The exportation of crops and livestock.

7 To be eligible, a farmers' cooperative or corporation shall
8 have a majority of its board of directors and a majority of its
9 membership as shareholders who meet the eligibility requirements
10 of section 155-10 and who devote most of their time to farming
11 operations, and such facility loans shall be for an amount not
12 to exceed \$500,000 or eighty per cent of the cost of the
13 project, whichever is less.

14 To be eligible, a food manufacturer shall be licensed to do
15 business in the State, and the controlling interest of the
16 entity shall possess a minimum of two years of relevant
17 processing or manufacturing experience as acceptable to the
18 department of agriculture. The entity shall process Hawaii-
19 grown agricultural products or use Hawaii-grown agricultural
20 products as an ingredient in the manufacturing process.

21 Facility loans shall be for an amount not to exceed \$500,000 or
22 eighty per cent of the cost of the project, whichever is less.

1 The requirements in section 155-10 shall be waived for food
2 manufacturing loans; however, the entity shall be a sound credit
3 risk with the ability to repay the money borrowed.

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

6 (1) Initial loans made under this class shall be for
7 purposes and in accordance with the terms specified in
8 class "A" and "C" only, and shall be made only for
9 full-time farming. The loans shall be made for an
10 amount not to exceed \$250,000 or eighty-five per cent
11 of the cost of the project, 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 (h) Class G: Loans to part-time farmers shall be for farm
20 improvement and operating purposes for carrying on and improving
21 farming operations, including loans for:

22 (1) The purchase, construction, and improvement of farm

1 production and growing structures;

2 (2) The purchase of farm equipment or livestock; and

3 (3) The payment of production and marketing expenses,
4 including materials, labor, and services.

5 The liquidation of indebtedness incurred for any of the
6 purposes under this subsection and for living expenses shall not
7 be authorized purposes. Each loan shall be for an amount not to
8 exceed \$25,000 and for a term not to exceed ten years.

9 (i) Class H: Farm sustainable project loans shall provide
10 for:

11 (1) The purchase, construction, or improvement of
12 essential farm buildings, including the improvement of
13 existing farm buildings related to the project;

14 (2) The improvement of land that may be required by the
15 project;

16 (3) The purchase of equipment and payment of any related
17 expenses, including materials, labor, and services;

18 (4) Operating expenses associated with the project; or

19 (5) The liquidation of indebtedness incurred for any of
20 the foregoing purposes.

21 The loans shall be for an amount not to exceed \$1,500,000
22 or eighty-five per cent of the project cost, whichever is less,

1 and for a term not to exceed forty years.

2 To be eligible, the applicant shall be a qualified farmer
3 of sound credit rating with the ability to repay the money
4 borrowed, as determined by the department. Income from the
5 applicant's farming activities and any supplemental income that
6 may be generated from the project shall be the sole criterion
7 for the department's determination of the applicant's ability to
8 repay the money borrowed. The department's determination may be
9 based on projections of income and expenses.

10 (j) Class I: Biosecurity project loans shall provide for:

11 (1) The purchase, construction, or improvement of
12 essential farm buildings, including the improvement of
13 existing farm buildings related to the project;

14 (2) The improvement of land that may be required by the
15 project;

16 (3) The purchase of equipment and payment of any related
17 expenses, including materials, labor, signage,
18 training, and services;

19 (4) Operating expenses associated with the project; or

20 (5) The liquidation of indebtedness incurred for any of
21 the foregoing purposes.

22 The loans shall be for an amount not to exceed \$1,000,000

1 or eighty-five per cent of the project cost, whichever is less,
2 and for a term not to exceed twenty-five years.

3 To be eligible, the applicant shall be a qualified farmer
4 of sound credit rating with the ability to repay the money
5 borrowed, as determined by the department. Income from the
6 applicant's farming activities and any supplemental income that
7 may be generated from the project shall be the sole criterion
8 for the department's determination of the applicant's ability to
9 repay the money borrowed. The department's determination may be
10 based on projections of income and expenses."

11 SECTION 8. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY: 

BY REQUEST

S.B. NO. 992

Report Title:

Agricultural Loan; Biosecurity Loans

Description:

Allows for agricultural loans to be administered for livestock biosecurity projects.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO LIVESTOCK BIOSECURITY.

PURPOSE: Allows the department of agriculture to provide agricultural loans for livestock biosecurity projects.

MEANS: Amends sections 155-1, 155-5(b), 155-5.5(b), 155-6(b), 155-8(c), and 155-9, Hawaii Revised Statutes.

JUSTIFICATION: Recently, federal programs have been trending towards increasing the infrastructure requirements for livestock and poultry operations. The goal of increasing these requirements is to prevent the spread of livestock diseases to other animals, herds and humans and to increase the safety of the food supply. However, these increased requirements can result in an increased burden on livestock and poultry operations that are already struggling to make a profit.

The department wishes to help these operations by having the ability to provide low interest loans through a biosecurity loan program that would help livestock and poultry operations to mitigate the costs associated with installing biosecurity measures as required by federal programs. The availability of this funding avenue will assist our livestock and poultry industry in remaining solvent.

Impact on the public: This bill would provide low interest loans to livestock and poultry operations facing increased biosecurity requirements from federal programs and would provide support to ensure

local livestock and poultry operations remain solvent, which would benefit the public by helping to ensure fresh local eggs, beef, and pork remain available.

Impact on the department and other agencies:

This bill would require the department to create a new class of loans within the agricultural loan division.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: AGR 101.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.