

ACT 136

S.B. NO. 336

A Bill for an Act Relating to Agricultural Loans.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 155-4, Hawaii Revised Statutes, is amended to read as follows:

“§155-4 Powers and duties of the department. The department of agriculture shall have the following powers:

- (1) Employ a secretary, who may be exempt from chapter 76, and other full-time and part-time employees, subject to chapter 76, as are necessary to effectuate the purposes of this chapter, subject further to the limitation of funds in the agricultural loan reserve fund;
- (2) Designate agents throughout the State as may be necessary for property appraisal, the consideration of loan applications, and the supervision of farming operations of borrowers. The agents may be compensated for their services at rates the department in its discretion may fix;
- (3) Initiate and carry on a continuing research and education program, utilizing and coordinating the services and facilities of other government agencies and private lenders to the maximum, to inform qualified farmers concerning procedures for obtaining loans and to inform private lenders concerning the advantages of making loans to qualified farmers;
- (4) Cooperate with private and federal government farm loan sources to increase the amount of loan funds available to qualified farmers in the State;
- (5) Assist individual qualified farmers in obtaining loans from other sources. Insofar as available funds and staff permit, counsel and assist individual farmers in establishing and maintaining proper records to prove their farming ability for loan purposes;
- (6) Insure loans made to qualified farmers and food manufacturers by private lenders under section 155-5;
- (7) Participate in loans made to qualified farmers and food manufacturers by private lenders under section 155-6;
- (8) Make direct loans to qualified farmers and food manufacturers under section 155-8;

- (9) Borrow money for loan purposes;
- (10) Assign and sell mortgages;
- (11) Hold title to, maintain, use, manage, operate, sell, lease, or otherwise dispose of personal and real property acquired by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned;
- (12) Sue and be sued in the name of the “State of Hawaii”;
- (13) Exercise incidental powers as are deemed necessary or requisite to fulfill its duty in carrying out the purposes of this chapter;
- (14) Delegate authority to its chairperson to approve loans, where the requested amount plus any principal balance on existing loans to the applicant, does not exceed [~~\$25,000~~] \$50,000 of state funds; and
- (15) Adopt rules pursuant to chapter 91 necessary for the purpose of this chapter.”

SECTION 2. Section 219-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The chairperson may approve loans, where the requested amount, plus any principal balance on existing loans to the applicant, does not exceed [~~\$25,000~~] \$50,000 of state funds.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 30, 2021.)