

YOUR GOVERNMENT
YOUR AFFAIRS
YOUR FARM BUREAU
A SERVICE OF HAWAII FARM BUREAU FEDERATION



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Aloha Friends,

We predicted this session would be especially challenging, given the condition of the state's finances. As such, we tailored our legislative package to not unduly burden the budget. I'm pleased the strategic decisions we made have paid dividends. HFBF's team was successful in helping to pass the majority of legislation it initiated and supported, including milestone legislation concerning trespass, landowner liability and building permit exemptions, biosecurity and food safety.

We were successful in lobbying for inclusion of significant funding in the state budget for irrigation systems statewide, specifically: Lower Hamakua Ditch, Waimanalo irrigation system, Upcountry Maui, Kekaha Ditch on Kauai, Molokai irrigation system, Waiahole water system, Ka'u irrigation system and funding for a statewide agricultural water use development plan and for the livestock slaughterhouse located in Campbell Industrial Park on Oahu.

I urge you to review the outline of passed measures that follows. Please understand how each will impact you and your fellow members. It is important to note that our work is not complete. For a bill to become an Act it must clear the Governor's veto pen. We expect to communicate with Governor Abercrombie, friends, allies and key legislators in the coming weeks to help ensure that this work does not go unfulfilled.

We will get an early start on the 2012 agenda to build on the successes thus far. We will again solicit input from the counties so we may best articulate, strategize and prioritize the issues that are important to our members. We also need to further improve HFBF's communication and representation on national issues.

Allow me to express my deepest appreciation to all those who contributed to this collaborative effort: HFBF members and staff, countless organizations and individuals, legislators and their staff, and State and County officials; without whom none of these results would be possible. I'm proud and honored to have served with each of you.

Warm regards and sincere thanks for your continued support,

A handwritten signature in black ink, appearing to read "Chris Manfredi".

Chris Manfredi
Vice President
Chairperson, Government Affairs

Measures passed by the 2011 Legislature, not yet enacted unless indicated by Act number

Trespass and Landowner Liability HB227 HD2 SD2 CD1; This landmark legislation establishes that farmers and ranchers (on land in excess of four acres that is used primarily for a farming operation) have no liability for any injury, death, loss, or damage suffered by a trespasser unless the farmer/rancher intentionally inflicts harm or is grossly negligent. It also makes entering or remaining unlawfully on unimproved or unused land an offense of second degree criminal trespass if the lands are fenced, enclosed, or a sign is displayed. Finally, it extends second degree criminal trespass to unlawful entering on agricultural land that is fallow or has livestock present even where there are no fences or signs (this is in addition to current trespass law coverage for lands that are fenced OR signed OR with crop).

Inspection fees/Invasive species HB865 HD2 SD2, Act 36; Increases the fee assessed for the inspection, quarantine, and eradication of invasive species contained in any freight from 50 cents to 75 cents for every 1,000 pounds brought into the State to fund pest inspection, quarantine, and eradication. In 2009, 37 of 92 Department of Agriculture inspectors were eliminated. These increased fees will help to avoid layoffs and fund 15 of 22 agriculture inspectors the Legislature helped restore last year.

Biosecurity/Inspection Facilities at Airports and Harbors HB1568 HD2 SD2 CD1; This bill addresses a major problem for Hawaii by requiring the Department of Transportation to coordinate with the Department of Agriculture to facilitate inspections at airports. It also requires DOT to provide space and work with HDOA to design and construct biosecurity and inspection facilities at commercial harbors. Air transportation is the highest risk pathway to Hawaii, transporting introduced and invasive species, pests, and illegal plants and animals that threaten Hawaii's agriculture and ecology. The bill also includes authorization for food safety and security practices at facilities to assure agricultural products are adequately handled in transit.

Alternative to Building Permit Process for Nonresidential Ag Structures HB1230 HD2 SD1 CD1; Allows the construction of nonresidential structures 1,500 sq. ft or less to be used for agricultural/aquacultural operations, without having to navigate the county building permit process, *if* the property is at least three acres, the owner/occupier indemnifies the State and County, and he/she submits a third party certification that the building plan is in compliance with all applicable codes and requirements. HFBB has the opportunity to report to the legislature before next session on amendments to this measure.

Dams and Reservoirs included in Ag Development and Food Security Special Fund SB14 SD2 HD1 CD1; DLNR has recently proposed rules which will increase the cost of owning and operating dams and reservoirs. These costs threaten the continued viability of our agricultural irrigation systems. The legislature was asked for help with the costs of the Dam and Reservoir Safety program. The bill expands the authorized uses of the agricultural development and food security special fund to include the improvement of dams and reservoirs, and water quality testing and improvement, however, no funding was appropriated for this purpose. HFBB continues to work collaboratively with DLNR and stakeholders to minimize the impacts of the new Dam and Reservoir Safety rules on our industries, while meeting public safety needs.

Dams and Reservoirs to be considered Important Water Resources by BLNR SB142 SD1 HD1 CD1; Requires the Board of Land and Natural Resources to consider dams and reservoirs as important water resources for the State that provide significant benefits to the general public, including irrigation for agriculture and other important uses, and acknowledge the need for dams and reservoirs to be consistently maintained and operated in a safe and feasible manner that sustains their roles as important water resources; provided that public safety concerns are addressed.

Preferential energy rates as an IAL incentive SB1559 SD2 HD2; Creates, as an incentive for Important Agricultural Lands, the requirement that the PUC shall establish preferential rates for the purchase of energy used for agricultural activities on IAL. It also clarifies another incentive; that for priority processing of permit applications and renewals for agricultural processing facilities, if all of the crops/livestock processed at the facility are produced on IAL.

PASHA/Young Brothers and PUC decisions SB98 SD2 HD1 CD1; was drafted in response to the recent PUC PASHA decision. It requires that the PUC give notice and hold public hearings on each affected island whenever the commission conducts a public hearing on an application for a certificate. No authorization to operate as a water carrier will be permitted without specific findings and evidence of need.

HDOA Food Safety and Security Program HB667 HD1 SD2 CD1; Creates the food safety and security program within the HDOA with objectives to provide training, certification, support, and assistance to the agricultural industry in achieving food safety and security in a cost-effective and efficient manner, to tie food safety and security with other department mandates, including biosecurity and quality assurance; and respond effectively to federal rules, regulations, and guidelines to minimize harm to Hawaii's agricultural industry.

DLNR Aquaculture leases SB1511 SD1 HD2 CD1; Increases the maximum State lease terms for aquaculture operations from 35 to 65 years. This will help farmers qualify for financing. It allows aquaculture operations in good standing to renew their lease through a direct leasing process rather than through auction and allows for supportive aquaculture activities.

Agricultural Loans to New Farmers SB1153 SD1 HD2; Enhances the new farmer program loan interest rate, increases the loan limits and reduces the number of credit denials required to qualify for the program and appropriates funds.

Coffee Labeling HB1552 HD1 SD2, Act 49; Effective July, 2012, this new law restricts the use of a geographic origin on Hawaii-grown coffee labels to improve the consumer's understanding as to the contents of the package. This measure prevents misleading purchasers and protects Hawaii's geographic origins.

Solar energy facilities on Ag Land SB631 SD1 HD2 CD1; Defines areas within agricultural lands in which solar energy facilities may be constructed.

HDOA Quarantine Station Property Rental SB281 SD2 HD2 CD1; creates the HDOA Animal Industry special fund. It authorizes the use or rental of the Division of Animal Industry property or facilities, including the Quarantine Station for commercial purposes, with income to benefit the Division.

Animal Cruelty SB1068 SD1 HD1 CD1; Provides that killing, or attempting to kill, the pet animal of another person constitutes first degree animal cruelty. We were able to add an exception that will allow farmers/ranchers to protect themselves and their livestock from animals that are attacking them.

Mandatory New and Replacement Outdoor Lighting Fixtures SB1493 SD1 HD3 CD1; Is intended to protect birds that are attracted to the light and to reduce light pollution. This bill requires every new and replacement outdoor light fixture to be fully shielded beginning on July 1, 2013, with certain exemptions. We were able to include an exemption for night-time agricultural operations.