



States' Biofuels Statutes

STATE OF HAWAII

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Current through the 2013 Legislative Session of the Hawaii General Assembly.

§ 155-1. Definitions

Whenever used in this chapter:

“Cooperative” means a nonprofit association of farmers organized under chapter 421.

“Farm land” means land used for agricultural purposes, including general farming, cane growing, fruit growing, flower growing, grazing, dairying, the production of any form of livestock or poultry, and any other form of agricultural activity. It includes land required for an adequate farm dwelling and other essential farm buildings, roads, and wasteland.

“Farm sustainable projects” means projects that improve the operation’s viability but are not directly tied to farm crop production. Projects may include but are not limited to photovoltaic energy, hydroelectric power, wind power generation, methane generation, food safety, product traceability, biodiesel production, and ethanol production.

“Food manufacturers” means entities that process Hawaii-grown agricultural products or that utilize Hawaii-grown agricultural products as an ingredient in the manufacturing process. Processed and manufactured agricultural food products include items such as chips, dairy products, guava and papaya puree, macadamia nut products, fruit drinks, juices, nectars, jams, jellies, packaged coffee, processed vegetables, freeze-dried and fresh poi, processed meat products, cookies, and candies.

“Mortgage” includes classes of liens on farm land and other authorized security as are approved by the department of agriculture and the credit instruments secured thereby.

“New farmer” means a new farm enterprise or a person, who by reason of ability, experience, and training, is likely to successfully operate a farm and who otherwise meets the eligibility requirements of section 155-10 and includes any of the following:

- (1) Persons displaced from employment in an agricultural production enterprise;
- (2) College graduates in agriculture;
- (3) Community college graduates in agriculture;
- (4) Members of the Hawaii Young Farmer Association and National FFA Organization graduates with farming projects;
- (5) Persons who have not less than two years' experience as part-time farmers;
- (6) Graduates from farm trainee programs designed to provide interns with the necessary hands-on skills and management training to successfully operate their own farm;
- (7) Persons who have been farm tenants or farm laborers; or
- (8) Other individuals who have for the two years last preceding their application obtained the major portion of their income from farming operations.

“Part-time farmer” means a person of proven farming ability who:

- (1) Has been operating the person's farm for at least two years on land owned by the person in fee or on land rented or leased from others;
- (2) Is presently devoting a portion of the person's time to farming; and
- (3) Derives between twenty-five to fifty per cent of the person's net cash income from direct participation in farming in its broadest sense.

“Private lender” includes banks, savings and loan associations, credit unions, mortgage companies, and other qualified companies whose business includes the making of loans in the State.

“Qualified farmer” means a person of proven farming ability who operates the person's own farm on land owned by the person in fee or on land rented or leased from others and who is presently devoting, has recently devoted, or intends to devote most of the person's time or who derives a major portion of the person's net cash income from direct participation in farming in its broadest sense. It includes:

- (1) Hawaii partnerships controlled by at least seventy-five per cent by persons who would qualify individually and would meet the eligibility requirements of section 155-10;
- (2) Small corporations where at least seventy-five per cent of each class of stock issued by the corporation is owned by persons who qualify individually and would meet the eligibility requirements of section 155-10 and where seventy-five per cent of the directors are qualified farmers;
- (3) Corporations incorporated in the State primarily for agricultural production purposes; actively

engaged in agricultural production for a minimum of two years; and with at least seventy-five per cent of each class of stock owned by persons who are residents of this State or entities that are domiciled in this State;

(4) Trusts with situs in Hawaii in which the trustee or other individual or entity in control of the operations of the trust would qualify and meet the eligibility requirements of section 155-10; and

(5) Any other legal entity recognized by the State that conducts business in the State and that is capable of acquiring, holding, encumbering, transferring, or otherwise administering property, whether real or personal, or tangible or intangible, and which entity is owned and controlled by persons or other entities, at least seventy-five per cent of which would qualify and would meet the eligibility requirements of section 155-10.

Credits: Laws 1959, ch. 278, § 1; Laws 1959, 2nd Sp. Sess., ch. 1, § 25; Laws 1961, ch. 104, §§ 1(a), 1(b); Laws 1961, ch. 132, § 2; 1965 Supp., § 102-1; H.R.S. § 155-1; Laws 1972, ch. 87, § 1; Laws 1974, ch. 231, § 2(1); Laws 1975, ch. 135, § 1; Laws 1979, ch. 210, § 1; Laws 1984, ch. 90, § 1; Laws 1996, ch. 23, § 1; Laws 1999, ch. 32, § 1; Laws 2000, ch. 51, § 2; Laws 2001, ch. 141, § 1; Laws 2008, ch. 209, § 1, eff. July 1, 2008; Laws 2011, ch. 184, § 2, eff. July 1, 2011; Laws 2013, ch. 201, § 2, eff. July 1, 2013.