

JAN 23 2015

# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

SECTION 1. Act 105, Session Laws of Hawaii 2014, is amended by amending section 3 to read as follows:

"SECTION 3. (a) There is established in the department of agriculture a pesticide subsidy program to be administered by the department for five years beginning on July 1, 2014, and ending on June 30, 2019. The department shall grant subsidies to coffee growers to assist them in offsetting the costs of purchasing any pesticide that is listed by the department pursuant to subsection (f).

(b) Applications for subsidies by coffee growers shall be submitted on a form furnished by the department and shall be filed with accompanying documentation of the costs of purchasing the pesticide; provided that:

(1) The applicant shall indemnify and hold harmless the State and its officers, agents, and employees from all claims arising out of or resulting from the pesticide purchased; and



1           (2) The department may request an applicant to provide  
2           necessary information for the purposes of verifying  
3           the size or sale weight, as applicable, and amount of  
4           the pesticide purchased.

5           (c) Documentation of pesticide costs, as requested by the  
6           department, shall be filed for pesticides purchased within the  
7           immediate preceding fiscal year of filing and shall be effective  
8           for pesticide costs incurred after June 30, 2014, and before  
9           July 1, 2019.

10          (d) Funds shall be disbursed from the pesticide use  
11          revolving fund established under section 149A-13.5, Hawaii  
12          Revised Statutes, upon approval on an annual basis by the  
13          department to the coffee grower for up to seventy-five per cent  
14          of the costs incurred for the purchase of the pesticide before  
15          July 1, 2016, and for up to fifty per cent of the costs incurred  
16          after June 30, 2016, and before July 1, 2019.

17          (e) The department shall aggregate the total subsidy  
18          applications pursuant to this section and divide and distribute  
19          the available subsidy funds on a pro rata basis; provided that  
20          no single coffee grower shall receive subsidies that are more  
21          than \$600 per year per acre of land in coffee production;



1 provided further that no single coffee grower shall receive  
2 subsidies that are more than \$9,000 per year.

3 (f) The department shall establish a list of pesticides  
4 that are registered with the Environmental Protection Agency and  
5 are licensed with the State that contain *Beauveria bassiana*, a  
6 fungus known to eradicate the coffee berry borer, as an active  
7 ingredient.

8 (g) There is established within the department a pesticide  
9 subsidy program manager position, which shall be a full-time,  
10 temporary position exempt from chapters 76 and 89, Hawaii  
11 Revised Statutes. The pesticide subsidy program manager shall  
12 possess a requisite level of knowledge and expertise in the  
13 areas of pesticides and program subsidy management necessary to  
14 carry out the duties of the position. The pesticide subsidy  
15 program manager shall have the following duties:

- 16 (1) Facilitate the efficient division and distribution of  
17 available subsidy funds; and  
18 (2) Manage the day-to-day coordination for the pesticide  
19 subsidy program.

20 ~~[(g)]~~ (h) Not later than twenty days prior to the  
21 convening of the regular session of 2019, the department shall



1 submit a report of its findings and recommendations, including  
2 any proposed legislation, to the legislature on the results of  
3 the subsidy program and whether the program should be allowed to  
4 expire or be extended, and if extended, with or without  
5 modification.

6 ~~[(h)]~~ (i) Actions taken by the department pursuant to this  
7 section shall be exempt from the rulemaking requirements of  
8 section 91-3, Hawaii Revised Statutes."

9 SECTION 2. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so  
11 much thereof as may be necessary for fiscal year 2015-2016 and  
12 the same sum or so much thereof as may be necessary for fiscal  
13 year 2016-2017 for the establishment of one full time-time  
14 equivalent (1.00 FTE) temporary pesticide subsidy program  
15 manager position in the plant pest control branch of the  
16 department of agriculture for the pesticide subsidy program  
17 established under Act 105, Session Laws of Hawaii 2014.

18 The sums appropriated shall be expended by the department  
19 of agriculture for the purposes of this Act.

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



1 SECTION 4. This Act shall take effect on July 1, 2015.

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INTRODUCED BY:

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# S.B. NO. 598

**Report Title:**

Coffee Berry Borer; Appropriations; Pesticide Subsidy Program

**Description:**

Establishes a full-time temporary program manager position in DOA for the pesticide subsidy program. Appropriates moneys.

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