

JAN 19 2018

A BILL FOR AN ACT

RELATING TO COFFEE BERRY BORER.

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

1 SECTION 1. Act 105, Session Laws of Hawaii 2014,
2 established a pesticide subsidy program in the department of
3 agriculture for five years to assist coffee growers with
4 offsetting the costs of purchasing certain pesticides known to
5 be effective against the coffee berry borer, a highly
6 destructive coffee pest that has infested coffee crops on Hawaii
7 island, and more recently has been detected on Oahu and Maui.

8 Act 152, Session Laws of Hawaii 2015, established a
9 pesticide subsidy program manager position as a full-time,
10 temporary position exempt from chapters 76 and 89, Hawaii
11 Revised Statutes. Section 76-16(b)(17), Hawaii Revised
12 Statutes, provides that any exemption created after July 1,
13 2014, shall expire three years after its enactment unless
14 affirmatively extended by an act of the legislature. Pursuant
15 to section 76-16(b)(17), Hawaii Revised Statutes, the exemption
16 from civil service and collective bargaining laws of the
17 pesticide subsidy program manager position will expire on



1 June 30, 2018, three years after it was created by Act 152,
2 Session Laws of Hawaii 2015.

3 Because it took longer than anticipated for Act 105 to be
4 implemented, Act 65, Session Laws of Hawaii 2017, extended the
5 pesticide subsidy program from its original sunset date of
6 June 30, 2019, to a new sunset date of June 30, 2021, to assist
7 coffee growers for the number of years intended when Act 105 was
8 enacted. However, Act 65 did not extend the civil service and
9 collective bargaining laws exemption of the pesticide subsidy
10 program manager position.

11 Pursuant to section 3(c) of Act 105, an application for a
12 subsidy for pesticide purchases made in a fiscal year must be
13 filed in the immediately following fiscal year. For pesticide
14 purchases made in the last fiscal year of the program, from
15 July 1, 2020, to June 30, 2021, applications for subsidies must
16 be filed in the immediately following fiscal year, anytime
17 between July 1, 2021, and July 2022. The manager position will
18 be needed to process these applications for subsidies for costs
19 incurred in the final year of the program.

20 The purpose of this Act is to extend the pesticide subsidy
21 program manager position through the fiscal year immediately



1 following the program sunset date in order to process
2 applications for subsidies for costs incurred in the final year
3 of the program and affirmatively extend the civil service and
4 collective bargaining laws exemption of the program manager
5 position accordingly.

6 SECTION 2. Act 105, Session Laws of Hawaii 2014, section
7 3, as amended by Act 152, Session Laws of Hawaii 2015, section
8 1, as amended by Act 65, Session Laws of Hawaii 2017, section 2,
9 is amended by amending subsection (g) to read as follows:

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

17 (1) Facilitate the efficient division and distribution of
18 available subsidy funds; and

19 (2) Manage the day-to-day coordination for the pesticide
20 subsidy program.



S.B. NO. 2125

1 The pesticide subsidy program manager shall receive a salary of
2 not more than \$50,000 per year. The pesticide subsidy program
3 manager position, including the position's exemption from
4 chapters 76 and 89, Hawaii Revised Statutes, shall expire on
5 June 30, 2022."

6 SECTION 3. New statutory material is underscored.

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

8

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S.B. NO. 2125

Report Title:

Coffee Berry Borer; Pesticide Subsidy Program Manager Position

Description:

Extends the pesticide subsidy program manager position, including the civil service and collective bargaining exemptions for the position, through June 30, 2022, in order to provide assistance to local coffee farmers for coffee berry borer pesticide costs incurred through the final year of the program.

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