

---

# 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 (Act 105),  
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 from  
17 July 1, 2021, to June 30, 2022. The manager position will be  
18 needed to process these applications for subsidies for costs  
19 incurred in the final year of the program.

20 Accordingly, the purpose of this Act is to extend the  
21 pesticide subsidy program manager position through the fiscal



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

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

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

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

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



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 on June 29, 2018.

8



**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. Takes effect 6/29/2018. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

