

ACT 168

H.B. NO. 2503

A Bill for an Act Relating to the Environment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Urban sprawl, combined with the proliferation of “fake farms” and “gentlemen estates” in agricultural districts, has caused an increasing number of incidents in which farmers have been accused of using pesticides irresponsibly. While none of these accusations have been substantiated, they have significantly increased the burden on the department of agriculture’s pesticides branch personnel to ensure that safe and permitted pesticide application and storage practices are being followed.

The pesticide use revolving fund was established by the legislature in 1996 and its authorizing statute was amended in 2000 to allow the fund to be used to pay for personnel costs, but limited those costs to employees performing registration and education services only. With the increased compliance-monitoring workload and reduced staffing and funding caused by the state’s

economic downturn, it is reasonable that this revolving fund be used to pay for compliance-monitoring costs incurred because of public demand for protection of the environment and the public's well-being.

The purpose of this Act is to remove the requirement that personnel costs from the pesticide use revolving fund be used only for the registration and education section of the pesticides branch of the department of agriculture.

SECTION 2. Section 149A-13.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Moneys in the pesticide use revolving fund shall be expended by the department to support the pesticide program's registration and licensing, certification and education, and compliance monitoring activities. The department shall also expend revolving fund moneys on the establishment of pesticide training workshops, educational programs, development of integrated pest management strategies, and other services for pesticide users such as the agricultural pest control industry, the structural pest control industry, and consumer users of pesticides, which provide pesticide instruction in areas including ~~but not limited to~~ the collection, disposal, and recycling of pesticide containers and all other pesticide services deemed necessary by the department. Moneys from the revolving fund may be used for personnel, services, materials, and equipment for the purposes of this section ~~;~~ ~~provided that the use of moneys from the revolving fund for personnel costs shall be limited to those employees under the registration and education section of the department's pesticides branch.~~

Moneys expended by the department from the pesticide use revolving fund for training workshops, educational programs, and other services for the agricultural pest control industry, the structural pest control industry, and consumer groups shall be expended in a manner that appropriately addresses the needs of each category of pesticide user.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.

SECTION 4. This Act shall take effect on July 1, 2010; provided that this Act shall be repealed on June 30, 2015, and section 149A-13.5(b), Hawaii Revised Statutes, shall be reenacted in the form in which it read on June 30, 2010.

(Approved June 22, 2010.)