

ACT 32

H.B. NO. 2305

A Bill for an Act Relating to Coffee Berry Borer.

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

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

Act 152, Session Laws of Hawaii 2015, established a pesticide subsidy program manager position as a full-time, temporary position exempt from chapters 76 and 89, Hawaii Revised Statutes. Section 76-16(b)(17), Hawaii Revised Statutes, provides that any exemption created after July 1, 2014, shall expire three years after its enactment unless affirmatively extended by an act of the legislature. Pursuant to section 76-16(b)(17), the exemption from civil service of the pesticide subsidy program manager position will expire on June 30, 2018, three years after it was created by Act 152, Session Laws of Hawaii 2015.

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

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

The purpose of this Act is to extend the pesticide subsidy program manager position through the fiscal year immediately following the program sunset date in order to process applications for subsidies for costs incurred in the final year of the program and affirmatively extend the position's civil service and collective bargaining laws exemption.

SECTION 2. Section 3 of Act 105, Session Laws of Hawaii 2014, as amended by section 1 of Act 152, Session Laws of Hawaii 2015, as amended

by section 2 of Act 65, Session Laws of Hawaii 2017, is amended by amending subsection (g) to read as follows:

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

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

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

SECTION 3. New statutory material is underscored.

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

(Approved June 7, 2018.)