

JAN 25 2010

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**A BILL FOR AN ACT**

RELATING TO THE ENVIRONMENT.

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

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

10           The pesticides use revolving fund was established by the  
11 legislature in 1996 and its authorizing statute was amended in  
12 2000 to allow the fund to be used to pay for personnel costs,  
13 but limited those costs to employees performing registration and  
14 education services only. With the increased compliance  
15 monitoring workload and reduced staffing and funding caused by  
16 the State's economic downturn, it is reasonable that this  
17 revolving fund be used to pay for compliance monitoring costs

1 incurred because of public demand for protection of the  
2 environment and the public's own perceived well-being.

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

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

S.B. NO. 2656

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

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on July 1, 2010.

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INTRODUCED BY: \_\_\_\_\_

  
BY REQUEST

**Report Title:**

Pesticides; Pesticides Use Revolving Fund

**Description:**

Authorizes an expansion of the permissible uses of the Pesticides Use Revolving Fund to include personnel costs for compliance monitoring.

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO THE ENVIRONMENT.

PURPOSE: Authorizes expansion of the permissible uses of the Pesticides Use Revolving Fund to include personnel costs for compliance monitoring.

MEANS: Amend section 149A-13.5, Hawaii Revised Statutes.

JUSTIFICATION: Urban sprawl combined with the proliferation of "fake farms" and "gentlemen estates" in the agricultural district has resulted in an increasing number of incidents in which farmers have been accused of using pesticides irresponsibly. While none of these accusations has been substantiated, they have significantly increased the burden on the Department of Agriculture pesticides branch personnel to ensure that safe and permitted pesticide application and storage practices are being followed.

With the increased workload and reduced staffing and funding caused by the economic downturn, it is reasonable that the Pesticides Use Revolving Fund be used to pay for compliance monitoring costs which are incurred because of the public's demand for protection of the environment and the public's own perceived well-being.

Impact on the public: Enhanced ability to respond to community complaints and concerns regarding pesticide use.

Impact on the department and other agencies: Increased flexibility to respond in the event of further cuts to general funds.

GENERAL FUND: Potential reduction of general funded pesticide branch positions through shift to revolving fund; reduction of funds returned to the general fund from the revolving fund (all unobligated, unencumbered, or unexpended funds remaining in excess of \$250,000 at the end of the fiscal year lapse to the general fund).

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: AGR-846.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: July 1, 2010.