

JAN 24 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 pesticides 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 chapter 76 and 89, Hawaii Revised
11 Statutes. Section 76-16(b)(17), Hawaii Revised Statutes,
12 provides that any exemption created after July 1, 2014, shall
13 expire three years after its enactment unless affirmatively
14 extended by an act of the legislature. Pursuant to section 76-
15 16(b)(17), the exemption from civil service of the pesticide
16 subsidy program manager position will expire on June 30, 2018,
17 three years after it was created by Act 152, Session Laws of
18 Hawaii 2015.

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

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

18 The purpose of this Act is to extend the civil service
19 exemption of the pesticide subsidy program manager position to
20 correspond with the extension of the program pursuant to Act
21 65 and to further extend the exemption of that position through
22 the fiscal year immediately following the program sunset date in

1 order to process applications for subsidies for costs incurred
2 in the final year of the program.

3 SECTION 2. Act 105, Session Laws of Hawaii 2014, section
4 3, as amended by Act 152, Session Laws of Hawaii 2015, and Act
5 65, Session Laws of Hawaii 2017, is amended by amending
6 subsection (g) as follows:

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

14 (1) Facilitate the efficient division and distribution of
15 available subsidy funds; and

16 (2) Manage the day-to-day coordination for the pesticide
17 subsidy program.

18 The pesticide subsidy program manager shall receive a salary of
19 not more than \$50,000 per year. The pesticide subsidy program
20 manager position shall expire on June 30, 2022."

21 SECTION 3. New statutory material is underscored.

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

S.B. NO. 2732

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INTRODUCED BY: *AMH. M.*
BY REQUEST

Report Title:

Coffee Berry Borer; Pesticide Subsidy Program Manager Position

Description:

Extending through the June 30, 2022, the exemption from chapter 76, Hawaii Revised Statutes, of the pesticide subsidy program manager position in order to provide assistance to local coffee farmers for pesticide costs incurred through the final year of the program.

JUSTIFICATION SHEET

DEPARTMENT: Agriculture

TITLE: A BILL FOR AN ACT RELATING TO COFFEE BERRY BORER.

PURPOSE: To extend the pesticide subsidy program manager position to correspond to the two-year extension of the program by Act 65, Session Laws of Hawaii 2017, and to continue the position for a year beyond the program sunset date in order to process applications for subsidies for costs incurred in the final year of the program.

MEANS: Amend section 3(g) of Act 105, SLH 2014, as amended by Act 152, SLH 2015, and Act 65, SLH 2017.

JUSTIFICATION: The civil service exemption of the pesticide subsidy program manager position exempt from chapter 76 and 89, Hawaii Revised Statutes, that was established after July 1, 2014, will expire 3 years after its establishment by Act 152, Session Laws of Hawaii (SLH) 2015, on June 30, 2018, unless the exemption is affirmatively extended by legislative act. The civil service exemption of the program manager position, which is responsible for division and distribution of available subsidy funds, needs to be extended to correspond to the new program sunset date of June 30, 2021, as extended by Act 65, SLH 2017, and for a year beyond that sunset date because of the particular requirement as to when applications for subsidy must be filed.

Pursuant to section 3(c) of Act 105, SLH 2014, to be eligible for subsidy, applications for 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 subsidy must be filed in the immediately following fiscal year, anytime between July 1, 2021, and 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, which is what Act 105 seems to have envisioned.

Impact on the public: To support Hawaii coffee farmers.

Impact on the department and other agencies:
None.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	AGR 122
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon Approval.