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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Act 105, Session Laws of Hawaii 2014, is  
2 amended by amending section 3 to read as follows:

3 "SECTION 3. (a) There is established in the department of  
4 agriculture a pesticide subsidy program to be administered by  
5 the department for five years beginning on July 1, 2014, and  
6 ending on June 30, 2019. The department shall grant subsidies  
7 to coffee growers to assist them in offsetting the costs of  
8 purchasing any pesticide that is listed by the department  
9 pursuant to subsection (f).

10 (b) Applications for subsidies by coffee growers shall be  
11 submitted on a form furnished by the department and shall be  
12 filed with accompanying documentation of the costs of purchasing  
13 the pesticide; provided that:

14 (1) The applicant shall indemnify and hold harmless the  
15 State and its officers, agents, and employees from all  
16 claims arising out of or resulting from the pesticide  
17 purchased; and



1           (2) The department may request an applicant to provide  
2           necessary information for the purposes of verifying  
3           the size or sale weight, as applicable, and amount of  
4           the pesticide purchased.

5           (c) Documentation of pesticide costs, as requested by the  
6           department, shall be filed for pesticides purchased within the  
7           immediate preceding fiscal year of filing and shall be effective  
8           for pesticide costs incurred after June 30, 2014, and before  
9           July 1, 2019.

10          (d) Funds shall be disbursed from the pesticide use  
11          revolving fund established under section 149A-13.5, Hawaii  
12          Revised Statutes, upon approval on an annual basis by the  
13          department to the coffee grower for up to seventy-five per cent  
14          of the costs incurred for the purchase of the pesticide before  
15          July 1, 2016, and for up to fifty per cent of the costs incurred  
16          after June 30, 2016, and before July 1, 2019.

17          (e) The department shall aggregate the total subsidy  
18          applications pursuant to this section and divide and distribute  
19          the available subsidy funds on a pro rata basis; provided that  
20          no single coffee grower shall receive subsidies that are more  
21          than \$600 per year per acre of land in coffee production;



1 provided further that no single coffee grower shall receive  
2 subsidies that are more than \$9,000 per year.

3 (f) The department shall establish a list of pesticides  
4 that are registered with the Environmental Protection Agency and  
5 are licensed with the State that contain *Beauveria bassiana*, a  
6 fungus known to eradicate the coffee berry borer, as an active  
7 ingredient.

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

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

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

19 The pesticide subsidy program manager shall receive a salary of  
20 not more than \$50,000 per year.



1        [~~g~~] (h) Not later than twenty days prior to the convening  
2 of the regular session of 2019, the department shall submit a  
3 report of its findings and recommendations, including any  
4 proposed legislation, to the legislature on the results of the  
5 subsidy program and whether the program should be allowed to  
6 expire or be extended, and if extended, with or without  
7 modification.

8        [~~h~~] (i) Actions taken by the department pursuant to this  
9 section shall be exempt from the rulemaking requirements of  
10 section 91-3, Hawaii Revised Statutes."

11        SECTION 2. There is appropriated out of the pesticide use  
12 revolving fund the sum of \$75,000 or so much thereof as may be  
13 necessary for fiscal year 2015-2016 and the same sum or so much  
14 thereof as may be necessary for fiscal year 2016-2017 for the  
15 salary and fringe benefits of the pesticide subsidy program  
16 manager position established under this Act.

17        The sums appropriated shall be expended by the department  
18 of agriculture for the purposes of this Act.

19        SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21        SECTION 4. This Act shall take effect on July 1, 2015.

**Report Title:**

Coffee Berry Borer; Pesticide Subsidy Program; Appropriation

**Description:**

Establishes a full-time temporary program manager position in DOA for the Pesticide Subsidy Program. Imposes a salary ceiling for the position. Appropriates funds for the position. (HB482 CD1)

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

