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# 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 (Act 105),  
2 established a pesticide 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 chapters 76 and 89, Hawaii  
11 Revised Statutes. Section 76-16(b)(17), Hawaii Revised  
12 Statutes, provides that any exemption created after July 1,  
13 2014, shall expire three years after its enactment unless  
14 affirmatively extended by an act of the legislature. Pursuant  
15 to section 76-16(b)(17), the exemption from civil service of the  
16 pesticide subsidy program manager position will expire on



1 June 30, 2018, three years after it was created by Act 152,  
2 Session Laws of Hawaii 2015.

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

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

20 The purpose of this Act is to extend the pesticide subsidy  
21 program manager position through the fiscal year immediately



1 following the program sunset date in order to process  
2 applications for subsidies for costs incurred in the final year  
3 of the program and affirmatively extend the position's civil  
4 service and collective bargaining laws exemption.

5 SECTION 2. Section 3 of Act 105, Session Laws of Hawaii  
6 2014, as amended by section 1 of Act 152, Session Laws of Hawaii  
7 2015, as amended by section 2 of Act 65, Session Laws of Hawaii  
8 2017, is amended by amending subsection (g) to read as follows:

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

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

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



1 program manager position, including the position's exemption  
2 from chapters 76 and 89, Hawaii Revised Statutes, shall expire  
3 on June 30, 2022."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Coffee Berry Borer; Pesticide Subsidy Program Manager Position Extension

**Description:**

Extends the pesticide subsidy program manager position through the fiscal year immediately following the program sunset date. Extends the position's civil service and collective bargaining laws exemption until the expiration of the position. Effective 7/1/2050. (SD2)

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