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# A BILL FOR AN ACT

RELATING TO SUSTAINABLE AGRICULTURE.

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

1           SECTION 1. The legislature finds that the use of cover  
2 crops and green manure increases agricultural productivity and  
3 aligns with the State's integrated sustainability goals. Plants  
4 used for this purpose, including grasses, legumes, and forbs,  
5 add nutrients to the soil, act as windbreaks, assist with water  
6 retention, provide habitats for beneficial insects, and help to  
7 prevent soil erosion.

8           The legislature further finds that it is in the interests  
9 of the State to incentivize the use of management practices that  
10 enhance the quality and sustainability of Hawaii's agricultural  
11 lands.

12           Accordingly, the purpose of this Act is to establish and  
13 appropriate moneys for a crop reimbursement pilot program to  
14 reimburse farming operations in the State for the costs of  
15 acquiring cover crop seeds or green manure.

16           SECTION 2. (a) The department of agriculture shall  
17 establish and implement a three-year crop reimbursement pilot



1 program to reimburse farming operations in the State for the  
2 costs of acquiring cover crop seeds or green manure.

3 (b) Applications for cost reimbursements shall be  
4 submitted on a form furnished by the department and shall be  
5 accompanied by documentation of the costs of purchase, pursuant  
6 to subsection (c); provided that:

7 (1) The applicant shall indemnify and hold harmless the  
8 State and its officers, agents, and employees from all  
9 claims arising out of or resulting from the cover crop  
10 seeds or green manure purchased; and

11 (2) The department may request that an applicant provide  
12 additional information for the purposes of verifying  
13 the volume of cover crop or green manure purchased.

14 (c) Applications for reimbursement under the crop  
15 reimbursement pilot program shall be filed for seeds purchased  
16 within the fiscal year immediately preceding the filing and be  
17 effective for costs of purchasing cover crops or green manure  
18 incurred after June 30, 2020, and before July 1, 2023. The  
19 documentation shall include a certification that the amount for  
20 which the applicant seeks reimbursement is not already covered  
21 by other governmental cover crop incentive programs, including



1 the National Resource Conservation Service's environmental  
2 quality incentive payment program or the conservation  
3 stewardship program.

4 (d) Funds shall be dispersed upon approval on an annual  
5 basis by the department to the farmer or rancher for up to one  
6 hundred per cent of the costs incurred for cover crop seeds or  
7 green manure purchased after June 30, 2020, and before July 1,  
8 2023.

9 (e) The department shall aggregate the total reimbursement  
10 applications pursuant to this section and divide and distribute  
11 the available moneys based on the quality of the applicant's  
12 cover crop and green manure practice; provided that no farming  
13 operation shall receive a total reimbursement of more than  
14 \$50,000 per year.

15 (f) There is established within the department a cover  
16 crop reimbursement pilot program manager position, which shall  
17 be a full-time temporary position exempt from chapters 76 and  
18 89, Hawaii Revised Statutes. The cover crop reimbursement pilot  
19 program manager shall receive a salary not to exceed \$50,000 per  
20 year. The cover crop reimbursement pilot program manager shall  
21 possess a requisite level of knowledge and expertise in the area



1 of program management necessary to carry out the duties of the  
2 position. The cover crop pilot reimbursement program manager  
3 shall:

4 (1) Facilitate the division and distribution of available  
5 costs for reimbursement; and

6 (2) Manage the day-to-day coordination of the cover crop  
7 reimbursement pilot program.

8 (g) Any action taken by the department pursuant to this  
9 section shall be exempt from the rulemaking requirements of  
10 chapter 91, Hawaii Revised Statutes.

11 (h) The department shall submit a report of its findings  
12 and recommendations, including any proposed legislation, to the  
13 legislature no later than twenty days prior to the convening of  
14 the regular session of 2024. The report shall include the  
15 department's recommendation on whether the pilot program should  
16 be extended, and if so, with or without modifications.

17 (i) As used in this section:

18 "Cover crop" and "green manure" mean the plants listed in  
19 the cover crop and green manure database maintained by the  
20 university of Hawaii college of tropical agriculture and human  
21 resources.



1 "Department" means the department of agriculture.

2 "Farming operation" has the same meaning as defined in  
3 section 165-2, Hawaii Revised Statutes.

4 SECTION 3. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
6 thereof as may be necessary for fiscal year 2020-2021 for the  
7 department of agriculture to establish, implement, and  
8 administer a cover crop reimbursement pilot program; provided  
9 that up to \$20,000 may be used for administrative costs.

10 The sum appropriated shall be expended by the department of  
11 agriculture for the purposes of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2020.



**Report Title:**

Department of Agriculture; Sustainable Agriculture; Cover Crop Reimbursement Pilot Program

**Description:**

Establishes a cover crop reimbursement pilot program to provide up to one hundred per cent cost reimbursement to farming operations in the State for acquiring cover crop seeds or green manure. Establishes a cover crop reimbursement pilot program manager position within the Department of Agriculture to administer the program. Requires a report to the Legislature. Makes an appropriation. (SD1)

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

