

JAN 22 2021

---

---

# 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 interest of  
9 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 of agriculture  
5 and shall be accompanied by documentation of the costs of  
6 purchase, pursuant 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 of agriculture may request that an  
12 applicant provide additional information for the  
13 purposes of verifying the volume of cover crop or  
14 green manure purchased.

15 (c) Applications for reimbursement under the crop  
16 reimbursement pilot program shall be filed for seeds purchased  
17 within the fiscal year immediately preceding the filing and be  
18 effective for costs of purchasing cover crops or green manure  
19 incurred after June 30, 2021, and before July 1, 2024. The  
20 documentation shall include a certification that the amount for  
21 which the applicant seeks reimbursement is not already covered



1 by other governmental cover crop incentive programs, including  
2 the National Resource Conservation Service's environmental  
3 quality incentive payment program or the conservation  
4 stewardship program.

5 (d) Funds shall be dispersed upon approval on an annual  
6 basis by the department of agriculture to the farmer or rancher  
7 for up to one hundred per cent of the costs incurred for cover  
8 crop seeds or green manure purchased after June 30, 2021, and  
9 before July 1, 2024.

10 (e) The department of agriculture shall aggregate the  
11 total reimbursement applications pursuant to this section and  
12 divide and distribute the available moneys on a first come,  
13 first served basis; provided that no farming operation shall  
14 receive a total reimbursement of more than \$50,000 per year.

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



1 knowledge and expertise in the area of program management  
2 necessary to carry out the duties of the position. The cover  
3 crop pilot reimbursement program manager 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 of agriculture  
9 pursuant to this section shall be exempt from the rulemaking  
10 requirements of chapter 91, Hawaii Revised Statutes.

11 (h) The department of agriculture shall submit a report of  
12 its findings and recommendations, including any proposed  
13 legislation, to the legislature no later than twenty days prior  
14 to the convening of the regular session of 2025. The report  
15 shall include the department's recommendation on whether the  
16 pilot program should be extended, 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 "Farming operation" has the same meaning as defined in  
2 section 165-2, Hawaii Revised Statutes.

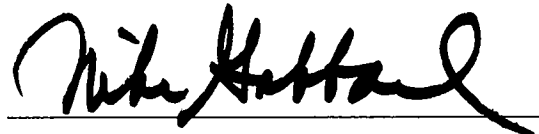
3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$1,000,000 or so much  
5 thereof as may be necessary for fiscal year 2021-2022 and the  
6 same sum or so much thereof as may be necessary for fiscal year  
7 2022-2023 for the department of agriculture to establish,  
8 implement, and administer a cover crop reimbursement pilot  
9 program; provided that up to \$20,000 may be used for  
10 administrative costs.

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

13 SECTION 4. This Act shall take effect on July 1, 2021.

14

INTRODUCED BY:



# S.B. NO. 337

**Report Title:**

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. Appropriates funds.

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

