

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 661 Session of 2019

INTRODUCED BY J. WARD, VOGEL, STEFANO, AUMENT, K. WARD, BAKER
AND BROWNE, MAY 17, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 25, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, ESTABLISHING THE AGRICULTURAL BUSINESS DEVELOPMENT <--
3 CENTER, THE AGRICULTURAL BUSINESS DEVELOPMENT CENTER ADVISORY
4 COMMITTEE AND THE AGRICULTURAL BUSINESS DEVELOPMENT CENTER
5 FUND; providing for the Commonwealth Specialty Crop Block
6 Grant Program and establishing the Commonwealth Specialty
7 Crop Block Grant Fund; PROVIDING FOR AGRICULTURE AND YOUTH <--
8 DEVELOPMENT; ESTABLISHING THE URBAN AGRICULTURAL
9 INFRASTRUCTURE GRANT PROGRAM; AND MAKING A RELATED REPEAL.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Title 3 of the Pennsylvania Consolidated Statutes <--~~
13 ~~is amended by adding a part to read:~~

14 SECTION 1. TITLE 3 OF THE PENNSYLVANIA CONSOLIDATED STATUTES <--
15 IS AMENDED BY ADDING A CHAPTER TO READ:

CHAPTER 48

AGRICULTURAL BUSINESS DEVELOPMENT CENTER

18 SEC.

19 4801. SHORT TITLE OF CHAPTER.

20 4802. DEFINITIONS.

1 4803. ESTABLISHMENT.

2 4804. PURPOSE.

3 4805. AGRICULTURAL BUSINESS DEVELOPMENT CENTER ADVISORY
4 COMMITTEE.

5 4806. GRANT PROGRAMS.

6 4807. LIMITATION ON GRANTS.

7 4808. DISPOSITION OF GRANTS.

8 4809. REGULATIONS.

9 4810. AGRICULTURAL BUSINESS DEVELOPMENT CENTER FUND.

10 § 4801. SHORT TITLE OF CHAPTER.

11 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
12 AGRICULTURAL BUSINESS DEVELOPMENT CENTER ACT.

13 § 4802. DEFINITIONS.

14 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
15 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
16 CONTEXT CLEARLY INDICATES OTHERWISE:

17 "ADVISORY COMMITTEE." THE AGRICULTURAL BUSINESS DEVELOPMENT
18 CENTER ADVISORY COMMITTEE ESTABLISHED UNDER SECTION 4805
19 (RELATING TO AGRICULTURAL BUSINESS DEVELOPMENT CENTER ADVISORY
20 COMMITTEE).

21 "CENTER." THE AGRICULTURAL BUSINESS DEVELOPMENT CENTER
22 ESTABLISHED UNDER SECTION 4803 (RELATING TO ESTABLISHMENT).

23 "FUND." THE AGRICULTURAL BUSINESS DEVELOPMENT CENTER FUND
24 ESTABLISHED UNDER SECTION 4810 (RELATING TO AGRICULTURAL
25 BUSINESS DEVELOPMENT CENTER FUND).

26 § 4803. ESTABLISHMENT.

27 THE AGRICULTURAL BUSINESS DEVELOPMENT CENTER IS ESTABLISHED
28 IN THE DEPARTMENT, WHICH SHALL STAFF AND OPERATE THE CENTER.

29 § 4804. PURPOSE.

30 THE DEPARTMENT SHALL OPERATE THE CENTER FOR THE FOLLOWING

1 PURPOSES:

2 (1) TO PROVIDE FARMERS AND PROSPECTIVE FARMERS A
3 RESOURCE AND REFERENCE CENTER FOR CREATING BUSINESS PLANS AND
4 MANAGEMENT STRATEGIES TO ENHANCE THE LONG-TERM ECONOMIC
5 VIABILITY OF A FARM.

6 (2) TO PROVIDE FARMERS A RESOURCE AND REFERENCE CENTER
7 FOR CREATING PLANS FOR THE TRANSITION OF OWNERSHIP AND
8 OPERATION OF A FARM TO NEW OWNERS AND OPERATORS.

9 (3) TO PROVIDE FARMERS A RESOURCE AND REFERENCE CENTER
10 FOR CREATING PLANS FOR TRANSFER OF OWNERSHIP AND OPERATION OF
11 A FARM WITHIN THE FARMER'S FAMILY.

12 (4) TO PROVIDE A RESOURCE AND REFERENCE CENTER FOR
13 HELPING A FARMER DIVERSIFY AN EXISTING AGRICULTURAL OPERATION
14 TO NEW OR DIFFERENT FORMS OF AGRICULTURAL PRODUCTION,
15 INCLUDING ON-FARM VALUE-ADDED PROCESSING AND AGRITOURISM.

16 (5) TO PROVIDE PERSONS WHO OWN OR OPERATE FARMS THAT ARE
17 SUBJECT TO PERPETUAL AGRICULTURAL CONSERVATION EASEMENTS
18 ACQUIRED UNDER THE ACT OF JUNE 30, 1981 (P.L.128, NO.43),
19 KNOWN AS THE AGRICULTURAL AREA SECURITY LAW, RESOURCES TO
20 HELP MAINTAIN THE LONG-TERM ECONOMIC VIABILITY OF THE FARMS
21 AND PROTECT THE INVESTMENT OF PUBLIC FUNDS IN PRESERVING THE
22 FARMS FOR AGRICULTURAL PRODUCTION.

23 (6) TO PROVIDE A RESOURCE AND REFERENCE CENTER FOR
24 PERSONS PLANNING A FARM EXPANSION OR SEEKING FINANCING FOR
25 FARM GROWTH.

26 (7) TO HELP IDENTIFY AND BUILD TEAMS OF PLANNING
27 FACILITATORS, ACCOUNTANTS, FINANCIAL PLANNERS, LENDERS,
28 MARKETERS, CONSERVATION AND NUTRIENT MANAGEMENT PLANNERS AND
29 VETERINARIANS WHO CAN PROVIDE EXPERTISE.

30 (8) TO DEVISE, AWARD AND ADMINISTER GRANTS TO FARMERS,

1 PROSPECTIVE FARMERS AND OTHERS.

2 § 4805. AGRICULTURAL BUSINESS DEVELOPMENT CENTER ADVISORY
3 COMMITTEE.

4 (A) ESTABLISHMENT.--THERE IS ESTABLISHED THE AGRICULTURAL
5 BUSINESS DEVELOPMENT CENTER ADVISORY COMMITTEE, TO ADVISE THE
6 SECRETARY WITH RESPECT TO THE SECRETARY'S RESPONSIBILITIES UNDER
7 THIS CHAPTER.

8 (B) MEMBERSHIP.--THE ADVISORY COMMITTEE SHALL CONSIST OF THE
9 FOLLOWING MEMBERS:

10 (1) THE SECRETARY, WHO SHALL SERVE AS CHAIRPERSON.

11 (2) THE SECRETARY OF THE DEPARTMENT OF COMMUNITY AND
12 ECONOMIC DEVELOPMENT OR A DESIGNEE.

13 (3) THE DEAN OF THE COLLEGE OF AGRICULTURAL SCIENCES AT
14 THE PENNSYLVANIA STATE UNIVERSITY OR A DESIGNEE.

15 (4) ONE REPRESENTATIVE SELECTED ANNUALLY FROM EACH OF
16 THE FOLLOWING ORGANIZATIONS:

17 (I) THE PENNSYLVANIA BANKERS ASSOCIATION.

18 (II) A FARM CREDIT ASSOCIATION SERVICING CLIENTS IN
19 THIS COMMONWEALTH.

20 (III) THE PENNSYLVANIA ASSOCIATION OF CONSERVATION
21 DISTRICTS.

22 (5) THE FOLLOWING INDIVIDUALS APPOINTED BY THE
23 SECRETARY:

24 (I) A LICENSED VETERINARIAN WHOSE PRACTICE INCLUDES
25 FOOD ANIMALS.

26 (II) A PERSON CERTIFIED TO CREATE NUTRIENT
27 MANAGEMENT PLANS.

28 (III) A CERTIFIED PUBLIC ACCOUNTANT.

29 (IV) A FINANCIAL PLANNER.

30 (V) AN ATTORNEY.

1 (VI) A FARMER WHO HAS EXPERIENCE WITH A FARM
2 TRANSITION OR DIVERSIFICATION OF THE AGRICULTURAL
3 PRODUCTION OF A FARM.

4 (C) TERMS.--

5 (1) THE TERM OF OFFICE FOR EACH ADVISORY COMMITTEE
6 MEMBER UNDER SUBSECTION (B) (5) SHALL BE THREE YEARS, EXCEPT
7 THAT THE INITIAL TERMS SHALL BE STAGGERED AS FOLLOWS:

8 (I) TWO MEMBERS SHALL EACH SERVE A TERM OF ONE YEAR.

9 (II) TWO MEMBERS SHALL EACH SERVE A TERM OF TWO
10 YEARS.

11 (III) TWO MEMBERS SHALL EACH SERVE A TERM OF THREE
12 YEARS.

13 (2) ADVISORY COMMITTEE MEMBERS MAY BE APPOINTED TO
14 SUCCESSIVE TERMS AT THE DISCRETION OF THE SECRETARY, EXCEPT
15 THAT NO MEMBER MAY SERVE MORE THAN TWO THREE-YEAR TERMS.
16 VACANCIES SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL
17 APPOINTMENTS.

18 (D) DUTIES.--THE ADVISORY COMMITTEE SHALL MEET AS OFTEN AS
19 NECESSARY TO ADVISE THE SECRETARY ON SATISFYING THE PURPOSE OF
20 THIS CHAPTER AND ESTABLISHING AND AWARDED GRANTS UNDER THIS
21 CHAPTER.

22 (E) EXPENSES.--ADVISORY COMMITTEE MEMBERS SHALL SERVE
23 WITHOUT COMPENSATION BUT SHALL BE ENTITLED TO EXPENSES WHICH ARE
24 REASONABLE AND NECESSARY IN THE PERFORMANCE OF THEIR DUTIES.

25 § 4806. GRANT PROGRAMS.

26 (A) AUTHORIZATION.--THE DEPARTMENT MAY ESTABLISH PROGRAMS TO
27 AWARD GRANTS FOR THE PURPOSES DESCRIBED IN THIS CHAPTER.

28 (B) GRANT PROGRAM STANDARDS AND REQUIREMENTS.--THE FOLLOWING
29 SHALL APPLY:

30 (1) THE DEPARTMENT SHALL ESTABLISH GRANT PROGRAM

1 STANDARDS AND REQUIREMENTS FOR A GRANT PROGRAM UNDER THIS
2 CHAPTER AND SHALL TRANSMIT NOTICE OF THE GRANT PROGRAM
3 STANDARDS AND REQUIREMENTS TO THE LEGISLATIVE REFERENCE
4 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

5 (2) GRANT PROGRAM STANDARDS AND REQUIREMENTS SHALL DO
6 THE FOLLOWING:

7 (I) ESTABLISH ELIGIBILITY STANDARDS FOR APPLICANTS.

8 (II) DESCRIBE THE OBJECTIVES OF THE GRANT PROGRAM,
9 WHICH OBJECTIVES SHALL BE CONSISTENT WITH THIS CHAPTER.

10 (III) ESTABLISH CAPS, LIMITS AND RESTRICTIONS WITH
11 RESPECT TO GRANT AMOUNTS.

12 (IV) ESTABLISH AN APPLICATION PROCESS AND TIMETABLE.

13 (V) PRESENT THE CRITERIA UNDER WHICH GRANT
14 APPLICATIONS SHALL BE EVALUATED BY THE DEPARTMENT.

15 (VI) ESTABLISH A TIMETABLE WITHIN WHICH THE
16 DEPARTMENT SHALL AWARD OR DISAPPROVE A COMPLETE GRANT
17 APPLICATION.

18 (VII) ESTABLISH PROCEDURES BY WHICH THE DEPARTMENT
19 SHALL VERIFY EXPENDITURES OF GRANT MONEY BY A GRANT
20 RECIPIENT.

21 § 4807. LIMITATION ON GRANTS.

22 (A) AVAILABLE FUNDING.--GRANTS SHALL BE AWARDED TO THE
23 EXTENT MONEY IS MADE AVAILABLE BY THE GENERAL ASSEMBLY.

24 (B) MATCHING.--GRANT AMOUNTS SHALL BE LIMITED TO 75% OF
25 PROJECT COSTS. IN-KIND SUPPORT SHALL NOT BE COUNTED TOWARD AN
26 APPLICANT'S MATCHING CONTRIBUTION.

27 (C) CONDITIONS.--THE SECRETARY MAY APPROVE A GRANT IN LESS
28 THAN THE REQUESTED AMOUNT. THE SECRETARY MAY ALSO IMPOSE
29 RESTRICTIONS OR SPECIAL CONDITIONS UPON THE ISSUANCE OF THE
30 GRANT.

1 § 4808. DISPOSITION OF GRANTS.

2 (A) WRITTEN AGREEMENT.--THE DEPARTMENT MAY REQUIRE A WRITTEN
3 AGREEMENT DESCRIBING THE TERMS AND CONDITIONS OF THE GRANT.

4 (B) RETURN OF GRANT MONEY.--THE DEPARTMENT MAY ESTABLISH
5 CRITERIA UNDER WHICH THE SECRETARY MAY DEMAND THE RETURN OF ALL
6 OR A PORTION OF THE GRANT MONEY.

7 § 4809. REGULATIONS.

8 THE DEPARTMENT MAY PROMULGATE RULES AND REGULATIONS TO
9 ADMINISTER AND ENFORCE THIS CHAPTER.

10 § 4810. AGRICULTURAL BUSINESS DEVELOPMENT CENTER FUND.

11 (A) ESTABLISHMENT.--THE AGRICULTURAL BUSINESS DEVELOPMENT
12 CENTER FUND IS ESTABLISHED IN THE STATE TREASURY AS A SPECIAL
13 FUND WHICH SHALL BE AN INTEREST-BEARING RESTRICTED REVENUE
14 ACCOUNT. MONEY COLLECTED BY THE DEPARTMENT UNDER THIS CHAPTER OR
15 APPROPRIATED, GIVEN, GRANTED OR DONATED FOR THE PURPOSE
16 ESTABLISHED UNDER THIS CHAPTER BY THE COMMONWEALTH OR ANY OTHER
17 GOVERNMENT OR PRIVATE AGENCY OR PERSON SHALL BE DEPOSITED INTO
18 THE FUND.

19 (B) APPROPRIATION.--MONEY IN THE FUND IS APPROPRIATED ON A
20 CONTINUING BASIS TO THE DEPARTMENT FOR THE PURPOSE OF
21 ADMINISTERING THIS CHAPTER. ALL INTEREST AND EARNINGS RECEIVED
22 FROM INVESTMENTS OR DEPOSITS OF THE MONEY IN THE FUND SHALL BE
23 PAID INTO THE ACCOUNT FOR THE PURPOSE AUTHORIZED BY THIS
24 SECTION. UNEXPENDED MONEY AND INTEREST OR EARNINGS ON THE MONEY
25 IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND
26 BUT SHALL REMAIN IN THE ACCOUNT TO BE USED BY THE DEPARTMENT FOR
27 THE PURPOSE SPECIFIED UNDER THIS SECTION.

28 SECTION 2. TITLE 3 IS AMENDED BY ADDING A PART TO READ:

29 PART IX
30 GRANT PROGRAMS

1 Chapter
2 101. (Reserved)
3 103. ~~(Reserved)~~ AGRICULTURE AND YOUTH DEVELOPMENT <--
4 105. Commonwealth Specialty Crop Block Grant Program
5 107. URBAN AGRICULTURAL INFRASTRUCTURE GRANT PROGRAM <--
6 CHAPTER 101
7 (Reserved)
8 CHAPTER 103
9 ~~(Reserved)~~ <--
10 AGRICULTURE AND YOUTH DEVELOPMENT <--
11 SEC.
12 10301. DEFINITIONS.
13 10302. BOARD MEMBERSHIP.
14 10303. AGRICULTURE AND YOUTH ORGANIZATION GRANT PROGRAM.
15 10304. APPLICATIONS.
16 10305. GRANTS.
17 10306. REGULATIONS.
18 10307. FUNDING.
19 § 10301. DEFINITIONS.
20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
22 CONTEXT CLEARLY INDICATES OTHERWISE:
23 "AGRICULTURE AND YOUTH ORGANIZATION." AN ORGANIZATION
24 COMPOSED MAINLY OF YOUTH AND ORGANIZED TO PROMOTE DEVELOPMENT IN
25 THE AREAS OF AGRICULTURE, COMMUNITY LEADERSHIP, VOCATIONAL
26 TRAINING AND PEER FELLOWSHIP. THE TERM INCLUDES, BUT IS NOT
27 LIMITED TO, PENNSYLVANIA FFA, 4-H, AG IN THE CLASSROOM, THE
28 FAMILY, CAREER AND COMMUNITY LEADERS OF AMERICA AND VOCATIONAL
29 EDUCATION PROGRAMS.
30 "BOARD." THE STATE AGRICULTURE AND YOUTH DEVELOPMENT BOARD.

1 "PROGRAM." THE AGRICULTURE AND YOUTH ORGANIZATION GRANT
2 PROGRAM.

3 § 10302. BOARD MEMBERSHIP.

4 THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS, WITH A
5 MAJORITY OF MEMBERS CONSTITUTING A QUORUM:

6 (1) THE SECRETARY OR A DESIGNEE, WHO SHALL SERVE AS
7 CHAIRPERSON.

8 (2) THE SECRETARY OF EDUCATION OR A DESIGNEE.

9 (3) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
10 AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE SENATE OR A
11 DESIGNEE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
12 AGRICULTURE AND RURAL AFFAIRS COMMITTEE OF THE HOUSE OF
13 REPRESENTATIVES OR A DESIGNEE.

14 (4) ONE REPRESENTATIVE FROM THE PENNSYLVANIA ASSOCIATION
15 OF AGRICULTURE EDUCATORS AND ONE FROM THE PENN STATE
16 COOPERATIVE EXTENSION, BOTH OF WHOM SHALL BE APPOINTED BY THE
17 GOVERNOR.

18 (5) THE STATEWIDE PRESIDENT OF THE PENNSYLVANIA FFA.

19 (6) THE 4-H STATEWIDE COUNCIL PRESIDENT.

20 (7) UP TO THREE REPRESENTATIVES, EACH FROM A DIFFERENT
21 PENNSYLVANIA FARM OR RURAL ORGANIZATION HAVING A YOUTH
22 PROGRAM, WHOM SHALL BE APPOINTED BY THE SECRETARY.

23 (8) A REPRESENTATIVE OF AN URBAN AGRICULTURE COMMUNITY
24 PROGRAM.

25 (9) A YOUTH REPRESENTATIVE OF AN URBAN GARDEN OPERATION
26 OR ANOTHER URBAN AGRICULTURE OPERATION.

27 § 10303. AGRICULTURE AND YOUTH ORGANIZATION GRANT PROGRAM.

28 (A) PROGRAM.--THE DEPARTMENT, IN CONSULTATION WITH THE
29 BOARD, SHALL ESTABLISH A PROGRAM OF GRANTS FOR AGRICULTURE AND
30 YOUTH ORGANIZATIONS QUALIFYING TO RECEIVE GRANTS UNDER THIS

1 CHAPTER, TO BE KNOWN AS THE AGRICULTURE AND YOUTH ORGANIZATION
2 GRANT PROGRAM.

3 (B) PURPOSE.--GRANTS AWARDED UNDER THIS CHAPTER MAY BE USED
4 FOR ANY OF THE FOLLOWING PURPOSES:

5 (1) TO COVER THE COSTS OF SPECIAL PROJECTS CONDUCTED BY
6 THE ORGANIZATION AND APPROVED BY THE BOARD.

7 (2) FOR EDUCATIONAL OR WORK FORCE DEVELOPMENT PROGRAMS
8 CONDUCTED BY THE ORGANIZATION AND APPROVED BY THE BOARD.

9 (3) FOR EDUCATIONAL OR WORK FORCE DEVELOPMENT SEMINARS
10 AND FIELD TRIPS CONDUCTED BY THE ORGANIZATION AND APPROVED BY
11 THE BOARD.

12 (4) FOR AGRICULTURAL SAFETY TRAINING PROGRAMS CONDUCTED
13 BY THE ORGANIZATION AND APPROVED BY THE BOARD.

14 (5) FOR CERTAIN CAPITAL PROJECTS AND EQUIPMENT PURCHASES
15 APPROVED BY THE BOARD.

16 § 10304. APPLICATIONS.

17 (A) APPLICATION PROCEDURE.--AN AGRICULTURE AND YOUTH
18 ORGANIZATION MAY MAKE APPLICATION AT THE TIME, IN THE MANNER AND
19 CONTAINING INFORMATION AS THE DEPARTMENT MAY REQUIRE. THE
20 DEPARTMENT SHALL DETERMINE, FROM THE INFORMATION PROVIDED,
21 WHETHER THE APPLICATION IS ELIGIBLE FOR CONSIDERATION BY THE
22 BOARD.

23 (B) ANNUAL MEETING.--THE BOARD SHALL MEET ANNUALLY TO
24 RECOMMEND TO THE DEPARTMENT THE AWARDING OF GRANTS TO QUALIFYING
25 ORGANIZATIONS.

26 (C) OTHER MEETINGS.--THE BOARD SHALL MEET AT THE CALL OF THE
27 CHAIRPERSON TO CONDUCT BUSINESS RELATED TO THE AWARD OF GRANTS.

28 § 10305. GRANTS.

29 (A) GENERAL RULE.--THE DEPARTMENT SHALL MAKE GRANTS IN AN
30 AMOUNT NOT TO EXCEED \$7,500 TO QUALIFYING AGRICULTURE AND YOUTH

1 ORGANIZATIONS UPON THE RECOMMENDATION OF THE BOARD.

2 (B) MATCHING FUNDS.--GRANTS IN AN AMOUNT NOT TO EXCEED
3 \$25,000 SHALL BE AWARDED TO QUALIFYING AGRICULTURE AND YOUTH
4 ORGANIZATIONS SELECTED TO RECEIVE THE AWARDS FOR THE PURPOSES OF
5 CAPITAL PROJECTS. GRANTS FOR CAPITAL PROJECTS MUST BE MATCHED BY
6 PRIVATE MONEY IN AN AMOUNT EQUAL TO THE STATE GRANT.

7 (C) ANNUAL ALLOCATION.--THE BOARD SHALL ESTABLISH ANNUAL
8 ALLOCATION LIMITS FOR EACH FISCAL YEAR.

9 § 10306. REGULATIONS.

10 THE DEPARTMENT SHALL ADMINISTER THE PROVISIONS OF THIS
11 CHAPTER AND, WITH THE APPROVAL OF THE BOARD, SHALL PRESCRIBE AND
12 ADOPT PROGRAM POLICY GUIDELINES OR REGULATIONS TO ADMINISTER AND
13 ENFORCE THIS CHAPTER. UNTIL OR UNLESS SUPPLANTED BY PROGRAM
14 POLICY GUIDELINES OR REGULATIONS ADOPTED UNDER THIS SECTION, THE
15 PROGRAM GUIDELINES PROMULGATED UNDER THE ACT OF AUGUST 6, 1991
16 (P.L.326, NO.33), KNOWN AS THE AGRICULTURE AND RURAL YOUTH
17 DEVELOPMENT ACT, SHALL BE THE POLICY GUIDELINES FOR THE PROGRAM.

18 § 10307. FUNDING.

19 FOR PURPOSES OF IMPLEMENTING THE PROVISIONS OF THIS CHAPTER,
20 THE DEPARTMENT MAY USE:

21 (1) ANY MONEY APPROPRIATED BY THE GENERAL ASSEMBLY TO
22 THE DEPARTMENT TO CARRY OUT THE PROVISIONS OF THIS CHAPTER.

23 (2) ANY OTHER MONEY, CONTRIBUTIONS OR PAYMENTS WHICH MAY
24 BE MADE AVAILABLE TO THE DEPARTMENT BY THE FEDERAL GOVERNMENT
25 OR BY ANY PUBLIC OR PRIVATE SOURCE.

26 CHAPTER 105

27 COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM

28 Sec.

29 10501. Declaration of purpose.

30 10502. Definitions.

- 1 10502.1. Establishment of program.
- 2 10503. Authority.
- 3 10504. Eligible applicants and projects.
- 4 10505. Allocation of money.
- 5 10506. Use of grant money by recipients.
- 6 10507. Audit and recordkeeping.
- 7 10508. Commonwealth Specialty Crop Block Grant Fund.
- 8 10509. Applicability.
- 9 § 10501. Declaration of purpose.

10 The purpose of this chapter is to enhance, but not replace,
11 the Federal Specialty Crop Block Grant Program by establishing a
12 Commonwealth Specialty Crop Block Grant Program to give priority
13 to specialty crops that are not currently eligible for grant
14 payments under the Federal Specialty Crop Block Grant Program.
15 Funding will assist the growth, certification of seed and
16 marketing of high-priority specialty crops, as defined by the
17 secretary under this chapter.

18 § 10502. Definitions.

19 The following words and phrases when used in this chapter
20 shall have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Crop." Plants that are cultivated for sale, production,
23 processing or subsistence. The term does not include wild
24 plants.

25 "Eligible specialty crop." A specialty crop designated as a
26 high-priority specialty crop by the secretary, with priority
27 given to crops, plants and products that are not currently
28 eligible for funding under the Federal Specialty Crop Block
29 Grant Program.

30 "Federal Specialty Crop Block Grant Program." The Specialty

1 Crops Competitiveness Act of 2004 (Public Law 108-465, 118 Stat.
2 3882).

3 "General evaluation criteria." The evaluation criteria
4 established by the department and utilized for the Federal
5 Specialty Crop Block Grant Program.

6 "Horticultural ~~crops~~ CROP." A crop that is used by people <--
7 for food, medicinal purposes and OR aesthetic gratification. <--

8 "Population density." The total population of this
9 Commonwealth as determined by the most recent Federal decennial
10 census, divided by the total area of this Commonwealth in square
11 miles.

12 "Program." The Commonwealth Specialty Crop Block Grant
13 Program established under section 10502.1 (relating to
14 establishment of program).

15 "Rural municipality." A municipality of this Commonwealth
16 with a population density less than the Statewide average
17 population density or a total population less than 2,500, unless
18 more than 50% of the population lives in an urbanized area, as
19 defined by the United States Census Bureau.

20 "Silvicultural product." A product of a forest or woodland,
21 including, but not limited to, timber.

22 "Specialty crop." A horticultural crop or silvicultural
23 product, a plant cultivated and utilized for fiber or biofuel
24 purposes or an apiary product.

25 "Urban municipality." A municipality of this Commonwealth
26 not defined as a rural municipality.

27 § 10502.1. Establishment of program.

28 The Commonwealth Specialty Crop Block Grant Program is
29 established in the department.

30 § 10503. Authority.

1 (a) Duties of department--The department shall have the
2 following duties:

3 (1) To administer this chapter in a manner consistent
4 with the general evaluation criteria, including the
5 application, evaluation and reporting processes required and
6 employed under the annual Federal Specialty Crop Block Grant
7 Program.

8 (2) To develop all necessary documents and transmit a
9 notice of all parameters of the program, including eligible
10 specialty crops, evaluation criteria, submittal dates,
11 application and reporting forms and requirements and template
12 grant agreements to the Legislative Reference Bureau for
13 publication in the Pennsylvania Bulletin and on the
14 department's publicly available Internet website.

15 (b) Specific allocation and nonliability.--The program shall
16 only be administered in years in which money is specifically
17 allocated or received and made available to the department under
18 this chapter for that purpose. The department shall not be
19 liable for any commitment or for completion of a partially
20 completed or partially funded project which cannot be completed
21 due to the unavailability of Commonwealth money or future
22 Commonwealth appropriations.

23 § 10504. Eligible applicants and projects.

24 The following eligibility criteria shall apply to applicants
25 and grant projects:

26 (1) State and local organizations, producer
27 associations, academia, community-based organizations and
28 other eligible specialty crops stakeholders are eligible to
29 apply.

30 (2) Projects shall enhance the competitiveness of

1 eligible specialty crops and benefit the eligible specialty
2 crop industry as a whole and may include, but are not limited
3 to, projects such as:

4 (i) Increasing child and adult nutrition knowledge
5 and consumption of specialty crops.

6 (ii) Participation of industry representatives at
7 meetings of international standard setting bodies in
8 which the Federal Government participates.

9 (iii) Improving efficiency and reducing costs of
10 distribution systems.

11 (iv) Assisting all entities in the specialty crop
12 distribution chains in developing good agricultural
13 practices, good handling practices, good manufacturing
14 practices and in cost-share arrangements for funding
15 audits of such systems for small farmers, packers and
16 processors.

17 (v) Investing in specialty crop research, including
18 organic research to focus on conservation and
19 environmental outcomes and enhancing food safety.

20 (vi) Developing new and improved seed varieties and
21 specialty crops.

22 (vii) Pest and disease control.

23 (viii) Sustainability.

24 (3) To be considered an eligible specialty crop, a
25 specialty crop must meet the parameters established by the
26 secretary. Processed products shall consist of greater than
27 50% of the eligible specialty crop by weight, exclusive of
28 added water.

29 (4) Grants may not be awarded to projects that directly
30 benefit a particular commercial product or provide a profit

1 to a single organization, institution or individual.

2 (5) Grants may be awarded to recipients and projects for
3 up to two years.

4 § 10505. Allocation of money.

5 Money that is allocated to or received by the department
6 under section 10508 (relating to Commonwealth Specialty Crop
7 Block Grant Fund) shall be allocated for administration of this
8 chapter in accordance with the following formula:

9 (1) An amount of up to 8% of the money may be used by
10 the department for administrative costs.

11 (2) An amount equal to 6.2% of the money shall be
12 allocated to recipients and projects located in rural
13 municipalities where at least 20% of the population has been
14 below the Federal poverty line since 1990 based on census
15 data.

16 (3) An amount equal to 3.8% of the money shall be
17 allocated to recipients and projects located in urban
18 municipalities where at least 20% of the population has been
19 below the Federal poverty line since 1990 based on census
20 data.

21 (4) The balance of the money remaining after making
22 allocations under paragraphs (1), (2) and (3) shall be
23 allocated to recipients and projects in a manner which seeks
24 to distribute the money evenly among types of eligible
25 specialty crops and, where practicable, in a manner that
26 distributes the money across this Commonwealth.

27 § 10506. Use of grant money by recipients.

28 (a) Recipients.--Money that is allocated to recipients by
29 the department shall be used only for approved projects in
30 accordance with this chapter, program parameters and grant

1 agreements.

2 (b) Violations.--It shall be unlawful for a person to
3 violate:

4 (1) the terms or provisions of this chapter;

5 (2) the program parameters developed under this chapter;

6 or

7 (3) a signed grant agreement established under this
8 chapter.

9 § 10507. Audit and recordkeeping.

10 (a) Requirements.--The department shall establish and
11 enforce the audit and recordkeeping requirements as established
12 under the annual Federal Specialty Crop Block Grant Program and
13 publish the requirements on the department's publicly accessible
14 Internet website. The department shall transmit notice of the
15 audit and recordkeeping requirements to the Legislative
16 Reference Bureau for publication in the Pennsylvania Bulletin.

17 (b) Authority to investigate.--The department may
18 investigate the records of a recipient under this chapter. The
19 recipient shall provide the recipient's records upon the
20 department's request. A recipient shall allow the department to
21 conduct on-site inspections as necessary to assure compliance
22 with this chapter, the program parameters developed under this
23 chapter or a signed grant agreement established under this
24 chapter.

25 § 10508. Commonwealth Specialty Crop Block Grant Fund.

26 (a) Establishment.--The Commonwealth Specialty Crop Block
27 Grant Fund is established as a special nonlapsing fund in the
28 State Treasury. All money derived from fines and civil
29 penalties, judgments and interest collected or imposed under
30 this chapter shall be paid into the fund. All money placed into

1 the fund and the interest the fund accrues are hereby
2 appropriated to the department on a continuing basis for any
3 activities necessary to meet the requirements of this chapter.

4 (b) Supplements to fund.--The Commonwealth Specialty Crop
5 Block Grant Fund may be supplemented by money received from the
6 following sources:

7 (1) State money appropriated to the department.

8 (2) Federal money appropriated to the department.

9 (3) Gifts and other contributions from public and
10 private sources.

11 § 10509. Applicability.

12 This chapter shall apply to the distribution of money of the
13 Commonwealth Specialty Crop Block Grant Fund allocated or
14 received by the department beginning with the fiscal year 2019-
15 2020 and thereafter.

16 CHAPTER 107

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17 URBAN AGRICULTURAL INFRASTRUCTURE GRANT PROGRAM

18 SEC.

19 10701. LEGISLATIVE INTENT.

20 10702. DEFINITIONS.

21 10703. GRANT PROGRAM.

22 10704. DISTRIBUTION OF GRANT MONEY.

23 10705. FUNDING.

24 § 10701. LEGISLATIVE INTENT.

25 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ESTABLISH A
26 REIMBURSEMENT GRANT PROGRAM UNDER WHICH PERSONS WHO IMPLEMENT
27 PROJECTS THAT IMPROVE AGRICULTURE INFRASTRUCTURE IN URBAN AREAS
28 AND THAT FOCUS ON AGGREGATION OF AGRICULTURAL PRODUCTS, SHARING
29 OF RESOURCES AND SUPPORT FOR COMMUNITY DEVELOPMENT RESOURCES MAY
30 BE REIMBURSED SOME PORTION OF THE COSTS OF THE PROJECTS.

1 § 10702. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
3 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
4 CONTEXT CLEARLY INDICATES OTHERWISE:

5 "ELIGIBLE PROJECT." A PROJECT THAT THE DEPARTMENT DETERMINES
6 DOES ALL OF THE FOLLOWING:

7 (1) IMPROVES AGRICULTURAL INFRASTRUCTURE IN AN URBAN
8 AREA.

9 (2) IMPROVES OR FACILITATES THE AGGREGATION OF
10 AGRICULTURAL PRODUCTS IN AN URBAN AREA.

11 (3) ENTAILS THE SHARING OF RESOURCES AMONG URBAN
12 AGRICULTURAL OPERATIONS, AGRICULTURAL PRODUCERS OR COMMUNITY
13 ORGANIZATIONS.

14 (4) SUPPORTS COMMUNITY DEVELOPMENT IN THE PROJECT AREA.

15 "PERSON." AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION, FIRM,
16 CORPORATION OR ANY OTHER LEGAL ENTITY.

17 "PROGRAM." THE URBAN AGRICULTURAL INFRASTRUCTURE GRANT
18 PROGRAM ESTABLISHED UNDER THIS CHAPTER.

19 § 10703. GRANT PROGRAM.

20 (A) AVAILABILITY.--GRANTS UNDER THIS CHAPTER SHALL ONLY BE
21 OFFERED IN A FISCAL YEAR IN WHICH AND TO THE EXTENT FUNDING IS
22 MADE AVAILABLE TO THE DEPARTMENT. THE FOLLOWING APPLY:

23 (1) IF FUNDING IS EXHAUSTED OR OTHERWISE UNAVAILABLE,
24 THE DEPARTMENT SHALL BE UNDER NO OBLIGATION TO PROVIDE GRANTS
25 UNDER THIS CHAPTER.

26 (2) GRANT MONEY MAY BE PRORATED OR OFFERED AS A
27 PERCENTAGE OF ACTUAL COSTS, AS DETERMINED BY THE DEPARTMENT
28 AND SET FORTH IN AN ORDER BY THE SECRETARY, TO SPREAD
29 AVAILABLE MONEY TO A LARGER NUMBER OF ELIGIBLE PROJECTS. THE
30 SECRETARY SHALL TRANSMIT NOTICE OF AN ORDER TO THE

1 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE
2 PENNSYLVANIA BULLETIN.

3 (B) REIMBURSEMENT GRANTS.--GRANTS UNDER THIS CHAPTER SHALL
4 BE REIMBURSEMENT GRANTS. THE FOLLOWING SHALL APPLY:

5 (1) THE AMOUNT OF REIMBURSEMENT SHALL BE BASED ON ACTUAL
6 ELIGIBLE COSTS SUBMITTED BY AN APPROVED APPLICANT FOR AN
7 APPROVED PROJECT DURING ANY FISCAL YEAR IN WHICH GRANTS ARE
8 OFFERED.

9 (2) GRANT REIMBURSEMENT MONEY SHALL BE LIMITED TO 50% OR
10 LESS OF THE COSTS OF AN ELIGIBLE PROJECT.

11 (3) GRANT REIMBURSEMENT MONEY SHALL NOT BE USED TO
12 REIMBURSE ANY PORTION OF AN IN-KIND CONTRIBUTION TO AN
13 ELIGIBLE PROJECT.

14 (4) GRANT MONEY MAY NOT BE USED TO PAY OR REIMBURSE
15 WAGES OR SALARIES OF GRANT RECIPIENT STAFF.

16 (5) GRANT MONEY MAY NOT BE USED TO REIMBURSE ANY PORTION
17 OF THE PROJECT COSTS WHICH ARE BEING PAID OR REIMBURSED UNDER
18 ANOTHER FEDERAL OR STATE GRANT PROGRAM.

19 (6) A SINGLE APPLICANT MAY NOT BE AWARDED MORE THAN
20 \$100,000 IN GRANTS IN ANY FIVE-YEAR PERIOD, CALCULATED FROM
21 THE DATE THE DEPARTMENT AWARDS THE GRANT.

22 (C) ELIGIBILITY.--A PERSON MAY APPLY TO THE DEPARTMENT, IN
23 ACCORDANCE WITH THE PROGRAM STANDARDS AND REQUIREMENTS UNDER
24 SUBSECTION (D), FOR A DETERMINATION BY THE DEPARTMENT THAT A
25 PROJECT IS AN ELIGIBLE PROJECT THAT MAY RECEIVE A REIMBURSEMENT
26 GRANT UNDER THIS CHAPTER.

27 (D) PROGRAM STANDARDS AND REQUIREMENTS.--THE DEPARTMENT
28 SHALL, CONSISTENT WITH THIS CHAPTER AND ANY APPROPRIATION OF
29 MONEY FOR GRANTS UNDER THIS CHAPTER, ESTABLISH THE TERMS AND
30 CONDITIONS FOR THE APPLICATION PROCESS FOR PROGRAM REIMBURSEMENT

1 GRANTS, INCLUDING THE MAXIMUM REIMBURSEMENT GRANT AMOUNT AN
2 APPLICANT MAY RECEIVE IN ANY SINGLE FISCAL YEAR. THE DEPARTMENT
3 SHALL TRANSMIT NOTICE OF THE REQUIREMENTS TO THE LEGISLATIVE
4 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

5 (E) APPLICATION PROCEDURE.--AN APPLICANT WHO DESIRES TO
6 RECEIVE A PROGRAM REIMBURSEMENT GRANT SHALL SUBMIT A GRANT
7 APPLICATION ON A FORM PROVIDED BY THE DEPARTMENT AND IN
8 ACCORDANCE WITH PROGRAM STANDARDS AND REQUIREMENTS. THE
9 APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION AND OTHER
10 INFORMATION AS REQUIRED BY THE DEPARTMENT:

11 (1) THE APPLICANT'S NAME, BUSINESS ADDRESS AND CONTACT
12 INFORMATION.

13 (2) THE DETAILS OF THE PROJECT FOR WHICH REIMBURSEMENT
14 GRANT MONEY IS SOUGHT, INCLUDING THE FOLLOWING:

15 (I) A PROJECT BUDGET.

16 (II) A STATEMENT OF THE MAXIMUM AMOUNT OF GRANT
17 MONEY SOUGHT FOR THE PROJECT, NOT TO EXCEED 50% OF
18 PROJECT COSTS.

19 (III) A PROJECT CONSTRUCTION AND IMPLEMENTATION
20 SCHEDULE.

21 (IV) A NARRATIVE IDENTIFYING EACH ENTITY THAT WILL
22 ASSIST IN, PARTICIPATE IN AND BENEFIT FROM THE PROJECT.

23 (V) A DESCRIPTION OF HOW THE PROJECT WOULD IMPROVE
24 AGRICULTURAL INFRASTRUCTURE IN AN URBAN AREA.

25 (VI) A DESCRIPTION OF HOW THE PROJECT IMPROVES OR
26 FACILITATES THE AGGREGATION OF AGRICULTURAL PRODUCTS IN
27 AN URBAN AREA.

28 (VII) A DESCRIPTION OF HOW THE PROJECT ENTAILS THE
29 SHARING OF RESOURCES AMONG URBAN AGRICULTURAL OPERATIONS
30 AGRICULTURAL PRODUCERS OR COMMUNITY ORGANIZATIONS.

1 (VIII) A DESCRIPTION OF HOW THE PROJECT SUPPORTS
2 COMMUNITY DEVELOPMENT IN THE PROJECT AREA.

3 (IX) AN ATTESTATION SIGNED BY THE APPLICANT,
4 VERIFYING THE ACCURACY OF THE INFORMATION PRESENTED ON
5 THE APPLICATION.

6 (X) OTHER INFORMATION AS THE DEPARTMENT MAY
7 REASONABLY REQUIRE.

8 (F) GRANT AWARDS.--THE DEPARTMENT SHALL AWARD GRANTS TO
9 APPLICANTS IN ACCORDANCE WITH THIS CHAPTER AND THE APPLICABLE
10 PROGRAM STANDARDS AND REQUIREMENTS.

11 § 10704. DISTRIBUTION OF GRANT MONEY.

12 THE DEPARTMENT SHALL ISSUE PROGRAM REIMBURSEMENT GRANT MONEY
13 TO PAY SOME PORTION OF THE COSTS OF AN ELIGIBLE PROJECT BASED
14 UPON THE APPLICANT'S SUBMISSION OF A VERIFIED STATEMENT THAT THE
15 ELIGIBLE PROJECT HAS BEEN COMPLETED OR IMPLEMENTED, INCLUDING A
16 STATEMENT OF THE PROJECT COMPLETION DATE, PHOTOS OF THE
17 COMPLETED OR IMPLEMENTED PROJECT WITH A NARRATIVE EXPLANATION OF
18 EACH PHOTO, BILLS AND INVOICES FOR WHICH REIMBURSEMENT GRANT
19 MONEY IS SOUGHT AND OTHER INFORMATION AS THE DEPARTMENT MAY
20 REASONABLY REQUIRE.

21 § 10705. FUNDING.

22 THE DEPARTMENT SHALL USE MONEY AS APPROPRIATED BY THE GENERAL
23 ASSEMBLY FOR GRANTS UNDER THIS CHAPTER, AND MAY ALSO USE ANY
24 OTHER MONEY THAT IS MADE AVAILABLE TO THE DEPARTMENT FOR GRANTS
25 UNDER THIS CHAPTER, BY FEDERAL APPROPRIATION, STATE
26 APPROPRIATION, DONATION OR FROM ANY OTHER SOURCE.

27 SECTION 3. REPEALS ARE AS FOLLOWS:

28 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
29 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE ADDITION OF 3
30 PA.C.S. CH. 103.

1 (2) THE ACT OF AUGUST 6, 1991 (P.L.326, NO.33), KNOWN AS
2 THE AGRICULTURE AND RURAL YOUTH DEVELOPMENT ACT, IS REPEALED.
3 Section ~~2~~ 4. This act shall take effect in 60 days. <--