

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 634 Session of 2019

INTRODUCED BY YAW, LAUGHLIN, J. WARD AND STEFANO, MAY 13, 2019

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, JUNE 4, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in soil and conservation, providing for
3 Conservation Excellence Grant Program; AND MAKING AN
4 APPROPRIATION. <--

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Part V of Title 3 of the
8 Pennsylvania Consolidated Statutes is amended to read:

PART V

SOIL AND CONSERVATION

[(Reserved)]

12 Section 2. Part V of Title 3 is amended by adding a chapter
13 to read:

CHAPTER 31

CONSERVATION EXCELLENCE GRANT PROGRAM

16 Sec.

17 3101. Definitions.

18 3102. Establishment.

19 3103. Administration of program.

1 3104. Application guidelines.

2 3105. Grants, loans and tax credits.

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3 3106. Project certification.

4 3107. Criteria for evaluation of applications.

5 § 3101. Definitions.

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

9 "Best management practice." A practice or combination of
10 practices determined by the State Conservation Commission or
11 United States Department of Agriculture Natural Resources
12 Conservation Service to be effective and practical, considering
13 technological, economic and institutional factors, to manage
14 nutrients and sediment to protect surface water and groundwater.

15 "Commission." The State Conservation Commission established
16 under section 4 of the act of May 15, 1945 (P.L.547, No.217),
17 known as the Conservation District Law.

18 "Program." The Conservation Excellence Grant Program
19 established under section 3102 (relating to establishment).

20 "USDA-NRCS." The United States Department of Agriculture
21 Natural Resources Conservation Service.

22 § 3102. Establishment.

23 The Conservation Excellence Grant Program is established
24 within the commission.

25 § 3103. Administration of program.

26 The commission shall administer the program for the purpose
27 of providing technical and financial assistance to farmers and
28 landowners for the implementation of high-quality best
29 management practice projects in high-priority locations within
30 this Commonwealth through a combination of grants, loans and tax

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1 ~~credits~~ GRANTS as authorized under section 4(7) of the act of <--
2 May 15, 1945 (P.L.547, No.217), known as the Conservation
3 District Law.

4 § 3104. Application guidelines.

5 The commission shall establish guidelines for the approval of
6 applications for eligible projects under the program.

7 ~~§ 3105. Grants, loans and tax credits.~~ <--

8 ~~(a) Awards.--The commission may award grants, loans or tax~~ <--
9 ~~credits to applicants for eligible projects that the commission~~
10 ~~determines will further the purpose of the program.~~

11 ~~(b) Appropriation.--The amount of \$2,500,000 is appropriated~~
12 ~~to the commission for the purpose of awarding grants under this~~
13 ~~section~~ CHAPTER. <--

14 ~~(c) Loans. Loans under this section may be awarded through~~ <--
15 ~~the Agriculture Linked Investment Program or any other loan~~
16 ~~program approved by the commission.~~

17 ~~(d) Tax credits. Tax credits under this section may be~~
18 ~~awarded through the Resource Enhancement and Protection Tax~~
19 ~~Credit Program.~~

20 § 3106. Project certification.

21 The commission shall ensure that a project satisfies the
22 requirements of the program in accordance with the following:

23 (1) Except as provided under paragraph (2), if a
24 project's best management practice requires review and
25 certification by a registered professional engineer under the
26 applicable laws or regulations of this Commonwealth, the best
27 management practice shall be certified by a registered
28 professional engineer.

29 (2) Any other project shall be certified by a technical
30 service provider, staff from a conservation district or the

USDA-NRCS or any other person who has appropriate training and expertise and is approved by the commission.

§ 3107. Criteria for evaluation of applications.

In approving applications for eligible projects under the program, the commission shall give priority to applications based upon the following criteria and this order:

(1) Priority locations as follows:

(i) Counties designated by the Department of Environmental Protection as Tier 1 Chesapeake Bay counties.

(ii) Counties designated by the Department of Environmental Protection as Tier 2 and 3 Chesapeake Bay counties.

(iii) All other counties.

(2) Priority practices as follows:

(i) Livestock exclusion fencing.

(ii) Stream-side buffers.

(iii) Streambank restoration.

(iv) Barnyard and feedlot runoff abatement.

(v) Stream crossings.

(vi) Off-stream watering.

(vii) Manure storage facilities.

(viii) Nutrient management plans and manure management plans.

(ix) Agricultural erosion and sedimentation plans.

(x) Any other priority practices approved by the commission.

(3) The level and extent of planning and technical assistance, including inventory and evaluation, design work, permits and similar types of assistance, already completed to

1 allow for accurate estimates of project costs and for
2 completion of the project in a timely fashion.

3 (4) The extent to which an applicant is willing to
4 accept a reasonable mix of grants, loans and tax credits in <--
5 that order, or to supply nongovernmental matching funds for
6 the project.

7 (5) Any other criteria as adopted by the commission.

8 Section 3. This act shall take effect in 60 days.