

AMENDMENTS TO SENATE BILL NO. 634

Sponsor: REPRESENTATIVE CAUSER

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1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 said lines and inserting

3 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
4 Statutes, in soil and conservation, providing for
5 Conservation Excellence Grant Program; and making an
6 editorial change.

7 Amend Bill, page 1, lines 7 through 18; pages 2 through 4,
8 lines 1 through 30; by striking out all of said lines on said
9 pages and inserting

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

PART V

SOIL AND CONSERVATION

[(Reserved)]

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

CHAPTER 31

CONSERVATION EXCELLENCE GRANT PROGRAM

19 Sec.

20 3101. Definitions.

21 3102. Establishment.

22 3103. Administration of program.

23 3104. Application guidelines.

24 3105. Grants, loans and tax credits.

25 3106. Project certification.

26 3107. Criteria for evaluation of applications.

27 3108. Application, review and authorization by commission.

28 3109. Assistance from county conservation districts.

29 3110. Distribution of funds.

30 § 3101. Definitions.

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

34 "Agricultural operation." The management and use of farming
35 resources for the production of crops, livestock or poultry.

1 "Best management practice." A practice or combination of
2 practices determined by the State Conservation Commission or
3 United States Department of Agriculture Natural Resources and
4 Conservation Service to be effective and practical, considering
5 technological, economic and institutional factors, to manage
6 nutrients and sediment to protect surface water and groundwater.

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

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

12 "USDA-NRCS." The United States Department of Agriculture
13 Natural Resources and Conservation Service.
14 § 3102. Establishment.

15 The Conservation Excellence Grant Program is established
16 within the commission.

17 § 3103. Administration of program.

18 The commission shall administer the program for the purpose
19 of providing technical and financial assistance for the
20 implementation of best management practice projects on
21 agricultural operations in high-priority locations within this
22 Commonwealth through grants, loans and tax credits, or a
23 combination of all three, as authorized under section 4(7) of
24 the act of May 15, 1945 (P.L.547, No.217), known as the
25 Conservation District Law.

26 § 3104. Application guidelines.

27 The commission shall establish guidelines for the approval of
28 applications for eligible projects under the program.

29 § 3105. Grants, loans and tax credits.

30 (a) Awards.--The commission may award grants or loans or
31 request that the Department of Revenue issue tax credits to
32 applicants for eligible projects, including costs incurred to
33 satisfy the certification requirements of section 3106 (relating
34 to project certification), that the commission determines will
35 further the purpose of the program.

36 (b) Grants.--Grants shall be awarded to the extent funding
37 is made available by the General Assembly.

38 (c) Loans.--Loans under this section may be awarded through
39 the Agriculture-Linked Investment Program or any other loan
40 program approved by the commission.

41 (d) Tax credits.--Tax credits under this section may be
42 awarded through the Resource Enhancement and Protection Tax
43 Credit Program under Article XVII-E of the act of March 4, 1971
44 (P.L.6, No.2), known as the Tax Reform Code of 1971.

45 § 3106. Project certification.

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

48 (1) Except as provided under paragraph (2), if a
49 project's best management practice requires review and
50 certification by a registered professional engineer under the
51 applicable laws or regulations of this Commonwealth, the best

1 management practice shall be certified by a registered
2 professional engineer.

3 (2) Any other project shall be certified by a technical
4 service provider, staff from a conservation district or the
5 USDA-NRCS or any other person who has appropriate training
6 and expertise and is approved by the commission.

7 § 3107. Criteria for evaluation of applications.

8 In approving applications for eligible projects under the
9 program, the commission shall give priority to complete
10 applications based upon the following criteria:

11 (1) Priority locations as follows and in this order:

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

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

18 (iii) All other counties.

19 (2) Priority practices as follows:

20 (i) Livestock exclusion fencing.

21 (ii) Stream-side buffers.

22 (iii) Streambank restoration.

23 (iv) Barnyard and feedlot runoff abatement.

24 (v) Stream crossings.

25 (vi) Off-stream watering.

26 (vii) Manure storage facilities.

27 (viii) Nutrient management plans and manure
28 management plans.

29 (ix) Conservation plans or agricultural erosion and
30 sedimentation plans.

31 (x) Cover crops.

32 (xi) Any other priority practices approved by the
33 commission.

34 (3) The level and extent of planning and technical
35 assistance, such as inventory and evaluation, design work,
36 permits and similar types of assistance, already completed to
37 allow for accurate estimates of project costs and for
38 completion of the project in a timely fashion.

39 (4) The extent to which an applicant is willing to
40 accept a reasonable mix of grants, loans and tax credits or
41 to supply nongovernmental matching funds for the project.

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

43 § 3108. Application, review and authorization by commission.

44 (a) Application process.--A person must apply to the
45 commission for a grant, loan or tax credit for an eligible
46 project under the program with an application created by the
47 commission. The application must include all of the following
48 information:

49 (1) The location of the project.

50 (2) The type of the project.

51 (3) The status of the project.

1 (4) The type and combination of funding requested under
2 the program.

3 (5) The total cost of the project.

4 (6) Any other information as required by the commission.

5 (b) Review.--The commission shall review complete
6 applications based upon the criteria established under section
7 3107 (relating to criteria for evaluation of applications) on an
8 ongoing basis and in the order received. Within 60 days of
9 receipt of a complete application, the commission shall notify
10 the applicant of all of the following:

11 (1) Whether the project is approved for funding under
12 the program.

13 (2) The total amount of funds approved for the project.

14 (3) The amount of each type of funding approved for the
15 project.

16 (c) Notice of completion.--Upon completion of a project
17 funded under this program, the person who received approval for
18 the project shall notify the commission of the completion of the
19 project. The notice under this subsection shall include the
20 required certification under section 3106 (relating to project
21 certification).

22 (d) Inspection.--Projects funded under this program may be
23 subject to inspection by the commission or the commission's
24 designated agent.

25 § 3109. Assistance from county conservation districts.

26 The commission may, as it deems appropriate, delegate certain
27 duties and responsibilities under this chapter to county
28 conservation districts that are willing to enter into an
29 agreement to carry out these duties and responsibilities.

30 § 3110. Distribution of funds.

31 The commission may advance funds to conservation districts
32 for the purposes authorized by this chapter.

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