

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1517 Session of 2019

INTRODUCED BY ZIMMERMAN, CAUSER, PASHINSKI, BERNSTINE, A. DAVIS, T. DAVIS, DeLISSIO, FEE, FREEMAN, GREINER, HANBIDGE, HERSHEY, HICKERNELL, M. K. KELLER, KINSEY, LONGIETTI, MALAGARI, MILLARD, B. MILLER, MOUL, OWLETT, RADER, RYAN, SAPPEY, SAYLOR, SNYDER, STRUZZI, WEBSTER, IRVIN, BURGOS, RABB, SAINATO AND SIMS, MAY 29, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 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 editorial change.

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.

1 3101. Definitions.

2 3102. Establishment.

3 3103. Administration of program.

4 3104. Application guidelines.

5 3105. Grants, loans and tax credits.

6 3106. Project certification.

7 3107. Criteria for evaluation of applications.

8 3108. Application, review and authorization by commission.

9 3109. ASSISTANCE FROM COUNTY CONSERVATION DISTRICTS.

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10 3110. DISTRIBUTION OF FUNDS.

11 § 3101. Definitions.

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

15 "AGRICULTURAL OPERATION." THE MANAGEMENT AND USE OF FARMING <--  
16 RESOURCES FOR THE PRODUCTION OF CROPS, LIVESTOCK OR POULTRY.

17 "Best management practice." A practice or combination of  
18 practices determined by the State Conservation Commission or  
19 United States Department of Agriculture Natural Resources and  
20 Conservation Service to be effective and practical, considering  
21 technological, economic and institutional factors, to manage  
22 nutrients and sediment to protect surface water and groundwater.

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

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

28 "USDA-NRCS." The United States Department of Agriculture  
29 Natural Resources and Conservation Service.

30 § 3102. Establishment.

1 The Conservation Excellence Grant Program is established  
2 within the commission.

3 § 3103. Administration of program.

4 The commission shall administer the program for the purpose  
5 of providing technical and financial assistance ~~to farmers and~~ <--  
6 ~~landowners~~ FOR AGRICULTURAL OPERATIONS for the implementation of <--  
7 best management practice projects in high-priority locations  
8 within this Commonwealth through a ~~combination of grants, loans~~ <--  
9 and tax credits, OR A COMBINATION OF ALL THREE, as authorized <--  
10 under section 4(7) of the act of May 15, 1945 (P.L.547, No.217),  
11 known as the Conservation District Law.

12 § 3104. Application guidelines.

13 The commission shall establish guidelines for the approval of  
14 applications for eligible projects under the program.

15 § 3105. Grants, loans and tax credits.

16 (a) Awards.--The commission may award grants, ~~loans or~~ OR <--  
17 LOANS OR REQUEST THAT THE DEPARTMENT OF REVENUE ISSUE tax  
18 credits to applicants for eligible projects, INCLUDING COSTS <--  
19 INCURRED TO SATISFY THE CERTIFICATION REQUIREMENTS OF SECTION  
20 3106 (RELATING TO PROJECT CERTIFICATION), that the commission  
21 determines will further the purpose of the program.

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

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

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

1 § 3106. Project certification.

2 ~~(a) Requirements.~~The commission shall ensure that a <--  
3 project satisfies the requirements of the program in accordance  
4 with the following:

5 (1) Except as provided under paragraph (2), if a  
6 project's best management practice requires review and  
7 certification by a registered professional engineer under the  
8 applicable laws or regulations of this Commonwealth, the best  
9 management practice shall be certified by a registered  
10 professional engineer.

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

15 ~~(b) Grants. Money from grants awarded under this chapter~~ <--  
16 may be used to satisfy the requirements under subsection (a).

17 § 3107. Criteria for evaluation of applications.

18 In approving applications for eligible projects under the  
19 program, the commission shall give priority to COMPLETE <--  
20 applications based upon the following criteria and this order: <--

21 (1) Priority locations as follows AND IN THIS ORDER: <--

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

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

28 (iii) All other counties.

29 (2) Priority practices as follows:

30 (i) Livestock exclusion fencing.

- 1           (ii) Stream-side buffers.
- 2           (iii) Streambank restoration.
- 3           (iv) Barnyard and feedlot runoff abatement.
- 4           (v) Stream crossings.
- 5           (vi) Off-stream watering.
- 6           (vii) Manure storage facilities.
- 7           (viii) Nutrient management plans and manure
- 8 management plans.
- 9           (ix) ~~Agricultural~~ CONSERVATION PLANS OR AGRICULTURAL <--
- 10 erosion and sedimentation plans.
- 11           (X) COVER CROPS. <--
- 12           ~~(\*)~~ (XI) Any other priority practices approved by <--
- 13 the commission.
- 14           (3) The level and extent of planning and technical
- 15 assistance, including SUCH AS inventory and evaluation, <--
- 16 design work, permits and similar types of assistance, already
- 17 completed to allow for accurate estimates of project costs
- 18 and for completion of the project in a timely fashion.
- 19           (4) The extent to which an applicant is willing to
- 20 accept a reasonable mix of grants, loans and tax credits or
- 21 to supply nongovernmental matching funds for the project.
- 22           (5) Any other criteria as adopted by the commission.
- 23 § 3108. Application, review and authorization by commission.
- 24           (a) Application process.--A person must apply to the
- 25 commission for a grant, loan or tax credit for an eligible
- 26 project under the program with an application created by the
- 27 commission. The application must include all of the following
- 28 information:
- 29           (1) The location of the project.
- 30           (2) The type of the project.

1           (3) The status of the project.

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

4           (5) The total cost of the project.

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

6           (b) Review.--The commission shall review COMPLETE <--

7 applications based upon the criteria established under section

8 3107 (relating to criteria for evaluation of applications) on a <--

9 ~~first come, first served basis~~ AN ONGOING BASIS AND IN THE ORDER <--

10 RECEIVED. Within 60 days of receipt of an A COMPLETE <--

11 application, the commission shall notify the applicant of all of

12 the following:

13           (1) Whether the project is approved for funding under

14 the program.

15           (2) The total amount of ~~money~~ FUNDS approved for the <--

16 project.

17           (3) The amount of each type of funding approved for the

18 project.

19           (c) Notice of completion.--Upon completion of a project

20 funded under this program, the person who received approval for

21 the project shall notify the commission of the completion of the

22 project. The notice under this subsection shall include the

23 required certification under section 3106 (relating to project

24 certification).

25           (d) Inspection.--Projects funded under this program may be

26 subject to inspection by the commission or the commission's

27 designated agent.

28 § 3109. ASSISTANCE FROM COUNTY CONSERVATION DISTRICTS. <--

29 THE COMMISSION MAY, AS IT DEEMS APPROPRIATE, DELEGATE CERTAIN

30 DUTIES AND RESPONSIBILITIES UNDER THIS CHAPTER TO COUNTY

1 CONSERVATION DISTRICTS THAT ARE WILLING TO ENTER INTO AN  
2 AGREEMENT TO CARRY OUT THESE DUTIES AND RESPONSIBILITIES.  
3 § 3110. DISTRIBUTION OF FUNDS.

4 THE COMMISSION MAY ADVANCE FUNDS TO CONSERVATION DISTRICTS  
5 FOR THE PURPOSES AUTHORIZED BY THIS CHAPTER.

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