

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 THIRD CONSIDERATION, JUNE 17, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for the Commonwealth Specialty Crop Block
3 Grant Program and establishing the Commonwealth Specialty
4 Crop Block Grant Fund.

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

7 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
8 is amended by adding a part to read:

9 PART IX

10 GRANT PROGRAMS

11 Chapter

12 101. (Reserved)

13 103. (Reserved)

14 105. Commonwealth Specialty Crop Block Grant Program

15 CHAPTER 101

16 (Reserved)

17 CHAPTER 103

18 (Reserved)

19 CHAPTER 105

1 COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM

2 Sec.

3 10501. Declaration of purpose.

4 10502. Definitions.

5 10502.1. Establishment of program.

6 10503. Authority.

7 10504. Eligible applicants and projects.

8 10505. Allocation of money.

9 10506. Use of grant money by ~~approved applicants~~ RECIPIENTS. <--

10 10507. Audit and recordkeeping.

11 10508. Commonwealth Specialty Crop Block Grant Fund.

12 10509. Applicability.

13 § 10501. Declaration of purpose.

14 The purpose of this chapter is to enhance, but not replace,
15 the Federal Specialty Crop Block Grant Program by establishing a
16 Commonwealth Specialty Crop Block Grant Program ~~for~~ TO GIVE <--
17 PRIORITY TO specialty crops that are not currently eligible for
18 grant payments under the Federal Specialty Crop Block Grant
19 Program. Funding will assist the growth, certification of seed
20 and marketing of high-priority specialty crops, as defined by
21 the secretary under this chapter.

22 § 10502. Definitions.

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

26 "Crop." Plants that are cultivated for sale, production,
27 processing or subsistence. The term does not include wild
28 plants.

29 "Eligible specialty crop." A specialty crop designated as a
30 high-priority specialty crop by the secretary, with priority

1 given to crops, plants and products that are not currently
2 eligible for funding under the Federal Specialty Crop Block
3 Grant Program.

4 "Federal Specialty Crop Block Grant Program." The Specialty
5 Crops Competitiveness Act of 2004 (Public Law 108-465, 118 Stat.
6 3882).

7 "General evaluation criteria." The evaluation criteria
8 established by the department and utilized for the Federal
9 Specialty Crop Block Grant Program.

10 "Horticultural crops." A crop that is used by people for
11 food, medicinal purposes and aesthetic gratification.

12 "Population density." The total population of this
13 Commonwealth as determined by the most recent Federal decennial
14 census, divided by the total area of this Commonwealth in square
15 miles.

16 "Program." The Commonwealth Specialty Crop Block Grant
17 Program established under section 10502.1 (relating to
18 establishment of program).

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

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

26 "Specialty crop." A horticultural crop or silvicultural
27 product, a plant cultivated and utilized for fiber or biofuel
28 purposes or an apiary product.

29 "Urban municipality." A municipality of this Commonwealth
30 not defined as a rural municipality.

1 § 10502.1. ESTABLISHMENT OF PROGRAM. <--

2 THE COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM IS
3 ESTABLISHED IN THE DEPARTMENT.

4 § 10503. Authority.

5 (a) Duties of department--The department shall have the
6 following duties:

7 (1) To administer this chapter in a manner consistent
8 with THE general evaluation criteria, including the <--
9 application, evaluation and reporting processes required and
10 employed under the annual Federal Specialty Crop Block Grant
11 Program.

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

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

27 § 10504. Eligible applicants and projects.

28 The following eligibility criteria shall apply to applicants
29 and grant projects:

30 (1) State and local organizations, producer

1 associations, academia, community-based organizations and
2 other eligible specialty crops stakeholders are eligible to
3 apply.

4 (2) Projects shall enhance the competitiveness of
5 eligible specialty crops and benefit the eligible specialty
6 crop industry as a whole and may include, but are not limited
7 to, projects such as:

8 (i) Increasing child and adult nutrition knowledge
9 and consumption of specialty crops.

10 (ii) Participation of industry representatives at
11 meetings of international standard setting bodies in
12 which the Federal Government participates.

13 (iii) Improving efficiency and reducing costs of
14 distribution systems.

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

21 (v) Investing in specialty crop research, including
22 organic research to focus on conservation and
23 environmental outcomes and enhancing food safety.

24 (vi) Developing new and improved seed varieties and
25 specialty crops.

26 (vii) Pest and disease control.

27 (viii) Sustainability.

28 (3) To be considered an eligible specialty crop, a
29 specialty crop must meet the parameters established by the
30 secretary. Processed products shall consist of greater than

1 50% of the eligible specialty crop by weight, exclusive of
2 added water.

3 (4) Grants may not be awarded to projects that directly
4 benefit a particular commercial product or provide a profit
5 to a single organization, institution or individual.

6 (5) Grants may be awarded to ~~approved applicants~~ RECIPIENTS <--
7 and projects for up to two years. <--

8 § 10505. Allocation of money.

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

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

15 (2) An amount equal to 6.2% of the money shall be
16 allocated to ~~approved applicants~~ RECIPIENTS and projects <--
17 located in rural municipalities where at least 20% of the
18 population has been below the Federal poverty line since 1990
19 based on census data.

20 (3) An amount equal to 3.8% of the money shall be
21 allocated to ~~approved applicants~~ RECIPIENTS and projects <--
22 located in urban municipalities where at least 20% of the
23 population has been below the Federal poverty line since 1990
24 based on census data.

25 (4) The balance of the money remaining after making
26 allocations under paragraphs (1), (2) and (3) shall be
27 allocated to ~~approved applicants~~ RECIPIENTS and projects in a <--
28 manner which seeks to distribute the money evenly among types
29 of eligible specialty crops and, where practicable, in a
30 manner that distributes the money across this Commonwealth.

1 § 10506. Use of grant money by ~~approved applicants~~ RECIPIENTS. <--

2 (a) ~~Applicants~~ RECIPIENTS.--Money that is allocated to <--

3 ~~approved applicants~~ RECIPIENTS by the department shall be used <--

4 only for approved projects in accordance with this chapter,

5 program parameters and grant agreements.

6 (b) Violations.--It shall be unlawful for a person to

7 violate:

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

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

10 or

11 (3) a signed grant agreement established under this

12 chapter.

13 § 10507. Audit and recordkeeping.

14 (a) Requirements.--The department shall establish and

15 enforce the audit and recordkeeping requirements as established

16 under the annual Federal Specialty Crop Block Grant Program and

17 publish the requirements on the department's publicly accessible

18 Internet website. The department shall transmit notice of the

19 audit and recordkeeping requirements to the Legislative

20 Reference Bureau for publication in the Pennsylvania Bulletin.

21 (b) Authority to investigate.--The department may

22 investigate the records of ~~an approved applicant~~ A RECIPIENT <--

23 under this chapter. The ~~approved applicant~~ RECIPIENT shall <--

24 provide the ~~applicant's~~ RECIPIENT'S records upon the <--

25 department's request. ~~An approved applicant~~ A RECIPIENT shall <--

26 allow the department to conduct on-site inspections as necessary

27 to assure compliance with this chapter, the program parameters

28 developed under this chapter or a signed grant agreement

29 established under this chapter.

30 § 10508. Commonwealth Specialty Crop Block Grant Fund.

1 (a) Establishment.--The Commonwealth Specialty Crop Block
2 Grant Fund is established as a special nonlapsing fund in the
3 State Treasury. All money derived from fines and civil
4 penalties, judgments and interest collected or imposed under
5 this chapter shall be paid into the fund. All money placed into
6 the fund and the interest the fund accrues are hereby
7 appropriated to the department on a continuing basis for any
8 activities necessary to meet the requirements of this chapter.

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

12 (1) State money appropriated to the department.

13 (2) Federal money appropriated to the department.

14 (3) Gifts and other contributions from public and
15 private sources.

16 § 10509. Applicability.

17 This chapter shall apply to the distribution of money of the
18 Commonwealth Specialty Crop Block Grant Fund allocated or
19 received by the department beginning with the fiscal year 2019-
20 2020 and thereafter.

21 Section 2. This act shall take effect in 60 days.