

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 AND RABB, MAY 29, 2019

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 5, 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 § 3101. Definitions.

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

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

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

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

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

26 § 3102. Establishment.

27 The Conservation Excellence Grant Program is established  
28 within the commission.

29 § 3103. Administration of program.

30 The commission shall administer the program for the purpose

1 of providing technical and financial assistance to farmers and  
2 landowners for the implementation of best management practice  
3 projects in high-priority locations within this Commonwealth  
4 through a combination of grants, loans and tax credits as  
5 authorized under section 4(7) of the act of May 15, 1945  
6 (P.L.547, No.217), known as the Conservation District Law.  
7 § 3104. Application guidelines.

8 The commission shall establish guidelines for the approval of  
9 applications for eligible projects under the program.

10 § 3105. Grants, loans and tax credits.

11 (a) Awards.--The commission may award grants, loans or tax  
12 credits to applicants for eligible projects that the commission  
13 determines will further the purpose of the program.

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

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

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

23 § 3106. Project certification.

24 (A) REQUIREMENTS.--The commission shall ensure that a  
25 project satisfies the requirements of the program in accordance  
26 with the following:

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27 (1) Except as provided under paragraph (2), if a  
28 project's best management practice requires review and  
29 certification by a registered professional engineer under the  
30 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 (B) GRANTS.--MONEY FROM GRANTS AWARDED UNDER THIS CHAPTER <--  
8 MAY BE USED TO SATISFY THE REQUIREMENTS UNDER SUBSECTION (A).  
9 § 3107. Criteria for evaluation of applications.

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

13 (1) Priority locations as follows:

14 (i) Counties designated by ~~DEP~~ THE DEPARTMENT OF <--  
15 ENVIRONMENTAL PROTECTION as Tier 1 Chesapeake Bay  
16 counties.

17 (ii) Counties designated by ~~DEP~~ THE DEPARTMENT OF <--  
18 ENVIRONMENTAL PROTECTION as Tier 2 and 3 Chesapeake Bay  
19 counties.

20 (iii) All other counties.

21 (2) Priority practices as follows:

22 (i) Livestock exclusion fencing.

23 (ii) Stream-side buffers.

24 (iii) Streambank restoration.

25 (iv) Barnyard and feedlot runoff abatement.

26 (v) Stream crossings.

27 (vi) Off-stream watering.

28 (vii) Manure storage facilities.

29 (viii) Nutrient management plans and manure  
30 management plans.

1           (ix) Agricultural erosion and sedimentation plans.

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

4           (3) The level and extent of planning and technical  
5           assistance, including inventory and evaluation, design work,  
6           permits and similar types of assistance, already completed to  
7           allow for accurate estimates of project costs and for  
8           completion of the project in a timely fashion.

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

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

13 § 3108. Application, review and authorization by commission.

14           (a) Application process.--A person must apply to the  
15           commission for a grant, loan or tax credit for an eligible  
16           project under the program with an application created by the  
17           commission. The application must include all of the following  
18           information:

19           (1) The location of the project.

20           (2) The type of the project.

21           (3) The status of the project.

22           (4) The type and combination of funding requested under  
23           the program.

24           (5) The total cost of the project.

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

26           (b) Review.--The commission shall review applications based  
27           upon the criteria established under section 3107 (relating to  
28           criteria for evaluation of applications) on a first-come, first-  
29           served basis. Within 60 days of receipt of an application, the  
30           commission shall notify the applicant of all of the following:

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

3           (2) The total amount of money approved for the project.

4           (3) The amount of each type of funding approved for the  
5 project.

6           (c) Notice of completion.--Upon completion of a project  
7 funded under this program, the person who received approval for  
8 the project shall notify the commission of the completion of the  
9 project. The notice under this subsection shall include the  
10 required certification under section 3106 (relating to project  
11 certification).

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

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