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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2926 Session of  
2022

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INTRODUCED BY RABB, HILL-EVANS, FREEMAN, SANCHEZ, D. WILLIAMS,  
HOHENSTEIN AND MADDEN, NOVEMBER 21, 2022

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
NOVEMBER 21, 2022

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AN ACT

1 Establishing the Pennsylvania Agroforestry Program and the  
2 Pennsylvania Agroforestry Fund; providing grants to resident  
3 farmers and resident small businesses; and imposing duties on  
4 Department of Agriculture.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Pennsylvania  
9 Agroforestry Program Act.

10 Section 2. Definitions.

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

14 "Agroforestry." A method or system of farming which  
15 incorporates the use of trees and undergrowth, including, but  
16 not limited to, alley cropping, forest farming, riparian forest  
17 buffers, silvopasture or windbreaks.

18 "Alley cropping." Planting crops between rows of trees to

1 provide income while the trees mature. Alley cropping may be  
2 designed to produce fruits, vegetables, grains, flowers, herbs,  
3 bioenergy feedstocks and other similar products.

4 "Department." The Department of Agriculture of the  
5 Commonwealth.

6 "Forest farming." Farming operations which grow food,  
7 herbal, botanical or decorative crops under a forest canopy that  
8 is managed to provide ideal shade levels as well as other  
9 products.

10 "Program." The Pennsylvania Agroforestry Program established  
11 under section 3.

12 "Resident farmer." A commercial farmer who utilizes lands in  
13 this Commonwealth for the practice of farming as a primary  
14 income and whose primary occupation is farming.

15 "Resident small business." A small business whose owners are  
16 residents of this Commonwealth and which is located and conducts  
17 business in this Commonwealth.

18 "Riparian forest buffers." Natural or reestablished areas  
19 along rivers and streams made up of trees, shrubs and grasses  
20 which help filter farm runoff and prevent erosion.

21 "Silvopasture." Combining trees with livestock and forage on  
22 one piece of land.

23 "Windbreak." Trees planted to shelter crops, animals,  
24 buildings and soil from the elements of the weather.

25 Section 3. Program.

26 (a) Establishment.--The Pennsylvania Agroforestry Program is  
27 established and shall be administered by the department in  
28 consultation with the Department of Conservation and Natural  
29 Resources.

30 (b) Purpose.--The purpose of the program is to:

1 (1) Provide incentives for farmers to incorporate  
2 agroforestry methods into farming practices.

3 (2) Encourage businesses within this Commonwealth to  
4 purchase or process produce derived from agroforestry.

5 (3) Educate the public regarding agroforestry and the  
6 resulting products available in this Commonwealth.

7 Section 4. Administration.

8 (a) Application.--A resident farmer or resident small  
9 business may submit an application to the department, in a form  
10 and manner prescribed by the department, for participation in  
11 the program.

12 (b) Application period.--When money is available for the  
13 program during a fiscal year, the department shall begin to  
14 accept applications from resident farmers and resident small  
15 businesses to obtain money provided for under this act. The  
16 department shall provide notice of the application period and  
17 process on the department's publicly accessible Internet  
18 website.

19 (c) Application deadline.--The department shall establish a  
20 deadline for the submission of applications during a fiscal year  
21 and post the application deadline on the department's publicly  
22 accessible Internet website.

23 (d) Review.--

24 (1) The department shall review completed applications  
25 for participation in the program.

26 (2) If accepted for participation, a resident farmer or  
27 resident small business shall be required to agree, in  
28 writing, to the terms and conditions established by the  
29 department.

30 (3) If participation is denied in whole or in part, the

1 department shall provide the applicant with the reason for  
2 the denial.

3 (e) Agreement.--

4 (1) The department shall require:

5 (i) All participating resident farmers to contribute  
6 at least 20% of the award received under this act toward  
7 the cost of participating in the program.

8 (ii) All participating resident small businesses to  
9 contribute 10% of the award received under this act  
10 toward the cost of participating in the program.

11 (2) The department shall require all participating  
12 resident farmers to establish and maintain agroforestry  
13 practices for a period of 10 years or maintain a tree nursery  
14 to grow conservation trees utilized in agroforestry, such as  
15 fruit and nut trees, that generates an annual income for a  
16 period of 10 years.

17 (3) The department shall require all participating  
18 resident small businesses to purchase or process produce  
19 derived from agroforestry in this Commonwealth subject to the  
20 department's guidelines. The department shall establish  
21 guidelines detailing the amount or percentage of business  
22 that must include the purchasing or processing of produce  
23 derived from agroforestry in this Commonwealth.

24 (4) A participating resident farmer or resident small  
25 business who fails to maintain the required practices and  
26 comply with all the terms of the agreement shall be required  
27 to return all money received under the program.

28 (5) At the successful completion of participation in the  
29 program, a participating resident farmer may agree to  
30 participate in the program for one additional 10-year period

1 and a participating resident small business may agree to  
2 participate in the program for one additional seven-year  
3 period.

4 (f) Awareness.--

5 (1) The department shall engage in efforts to educate  
6 resident farmers and resident small business owners about the  
7 program and increase public awareness of the program,  
8 including the benefits of supporting resident farmers and  
9 resident small business owners who utilize agroforestry  
10 practices in this Commonwealth.

11 (2) The education and awareness efforts shall be  
12 accomplished through printed material, media-related efforts  
13 and other sources that may include public service  
14 announcements, public awareness campaigns and media literacy.

15 Section 5. Pennsylvania Agroforestry Fund and awards.

16 (a) Establishment.--The Pennsylvania Agroforestry Fund is  
17 established as a fund within the State Treasury to be used for  
18 awarding money under this act.

19 (b) Resident farmer award.--

20 (1) The department shall establish award amounts for  
21 each 10-year participation agreement which may not exceed  
22 \$100,000 for a single participating resident farmer, of which  
23 up to \$5,000 may be used by participating resident farmers to  
24 obtain training, advice and support from consultants on  
25 agroforestry practices.

26 (2) The department shall consider the acreage utilized  
27 and number of agroforestry practices applied when determining  
28 the amount of each award.

29 (3) In cases of tree nurseries, the department may  
30 consider the number of tree nurseries within this

1 Commonwealth that are producing conservation trees that  
2 generate an annual income and the output of the existing tree  
3 nurseries.

4 (4) The department may allow larger award amounts for  
5 increased acreage utilized and the utilization of multiple  
6 types of agroforestry practices.

7 (c) Resident small business award.--

8 (1) The department shall award amounts up to \$10,000 for  
9 resident small businesses which agree to purchase or process  
10 produce derived from agroforestry in this Commonwealth.

11 (2) A participating resident small business must agree  
12 to purchase or process a minimum amount of produce each year  
13 for a seven-year period which is established by the  
14 department.

15 (d) Transfer.--

16 (1) In addition to other money appropriated to the  
17 department for awards under the program, the sum of  
18 \$50,000,000 is transferred to the Pennsylvania Agroforestry  
19 Fund from money received by the Commonwealth under section  
20 9901 of the American Rescue Plan Act of 2021 (Public Law 117-  
21 2, 135 Stat. 4) and deposited into the COVID-19 Response  
22 Restricted Account for the purpose of awarding grants under  
23 the program.

24 (2) An amount equal to 20% of the proceeds received by  
25 the Commonwealth from Regional Greenhouse Gas Initiative  
26 auction proceeds under the CO2 Budget Trading Program shall  
27 be transferred to the Pennsylvania Agroforestry Fund annually  
28 for the purpose of awarding grants under the program.

29 (3) The program is authorized to accept additional funds  
30 that may be provided by government or private sources,

1 including donations.

2 (e) Apportionment of awards.--Of the total sums received for  
3 the program, 90% shall be apportioned for awards to  
4 participating resident farmers and 10% shall be apportioned for  
5 awards to participating resident small businesses.

6 Section 6. Effective date.

7 This act shall take effect in 60 days.