

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 767 Session of 2023

INTRODUCED BY BURGOS, MADDEN, RABB, HANBIDGE, SANCHEZ, KENYATTA, PASHINSKI, HOHENSTEIN, DELLOSO, PARKER, FLEMING AND N. NELSON, MARCH 30, 2023

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 6, 2023

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, establishing the Pennsylvania Socially Diverse
3 Farmers Commission and providing for its powers and duties.

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

6 Section 1. Part I of Title 3 of the Pennsylvania
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 13

9 PENNSYLVANIA SOCIALLY DIVERSE FARMERS COMMISSION

10 Sec.

11 1301. Scope of chapter.

12 1302. Definitions.

13 1303. Establishment.

14 1304. Duties.

15 1305. Membership.

16 1306. Meetings.

17 1307. Payments to members.

1 1308. Administrative support.

2 § 1301. Scope of chapter.

3 This chapter relates to the Pennsylvania Socially Diverse
4 Farmers Commission.

5 § 1302. Definitions.

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

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

11 "Commission." The Pennsylvania Socially Diverse Farmers
12 Commission established in section 1303 (relating to
13 establishment).

14 "Economic justice area." A census block as reported in the
15 most recently completed Federal decennial census published by
16 the United States Census Bureau in which 20% or more of
17 individuals live at or below the Federal poverty line, or 30%
18 percent or more of the population identifies as a nonwhite <--
19 minority.

20 ~~"Low income or moderate income community." A census block as <--~~
21 ~~reported in the most recently completed Federal decennial census~~
22 ~~published by the United States Census Bureau that has a poverty~~
23 ~~rate of at least 20%, or in which the median family income does~~
24 ~~not exceed 80% of the greater of the Statewide or metropolitan~~
25 ~~median family income.~~

26 "Socially disadvantaged farmer." A farmer AN INDIVIDUAL WHO <--
27 OWNS OR OPERATES AN AGRICULTURAL OPERATION AND who belongs to a
28 socially disadvantaged group.

29 "Socially disadvantaged group." A group whose members have
30 been subjected to racial, ethnic, ~~sexual preference or gender~~ <--

1 ~~prejudice ECONOMIC, SEXUAL ORIENTATION OR GENDER DISCRIMINATION~~ <--
2 ~~because of their identity as members of the group and without~~
3 ~~regard to their personal qualities.~~

4 ~~"Socially disadvantaged individual." As follows:~~ <--

5 ~~(1) An individual who has been subjected to racial or~~
6 ~~ethnic prejudice or cultural bias within society because of~~
7 ~~the individual's identity as a member of a group and without~~
8 ~~regard to the individual's personal qualities.~~

9 ~~(2) The term includes an individual who is any of the~~
10 ~~following:~~

11 ~~(i) African American.~~

12 ~~(ii) Native American.~~

13 ~~(iii) Alaska Native.~~

14 ~~(iv) Latin American.~~

15 ~~(v) Asian American.~~

16 ~~(vi) Pacific Islander.~~

17 ~~(vii) A member of the LGBTQ community.~~

18 ~~(viii) A woman.~~

19 ~~(ix) A member of a low income or moderate income~~
20 ~~community or underserved community.~~

21 ~~(3) The social disadvantage under this definition must~~
22 ~~stem from circumstances beyond the individual's control.~~

23 ~~"Underserved community." A census block determined to be an~~
24 ~~area with low supermarket access by either the United States~~
25 ~~Department of Agriculture as identified in the Food Access~~
26 ~~Research Atlas or through a methodology that has been adopted~~
27 ~~for use by another governmental or philanthropic healthy food~~
28 ~~initiative.~~

29 § 1303. Establishment.

30 The Pennsylvania Socially Diverse Farmers Commission is

1 established.

2 § 1304. Duties.

3 (a) Reviews and recommendations.--The commission shall
4 review and make recommendations to promote and implement a
5 diversity, equity and inclusion plan within the department aimed
6 at improving opportunities for socially disadvantaged farmers
7 and economic justice areas by incorporating the goal of <--
8 eliminating disparities for socially disadvantaged groups in
9 this Commonwealth. Reviews and recommendations shall be in the
10 following areas:

11 (1) Education and career opportunities for socially <--
12 disadvantaged individuals, socially disadvantaged farmers and
13 socially disadvantaged groups.

14 (2) Current issues facing socially disadvantaged
15 farmers.

16 (3) Grant awards and tax credit processes OPPORTUNITIES <--
17 for socially disadvantaged farmers.

18 (4) Statutory impacts on socially disadvantaged farmers.

19 (5) Capital access for socially disadvantaged farmers.

20 (6) Land access for socially disadvantaged farmers.

21 (7) Local government impacts on socially disadvantaged
22 farmers.

23 (8) Diversity and inclusion training on farms, in retail
24 food establishments and in the agriculture community,
25 including county AGRICULTURAL fairs. <--

26 (9) Policies to improve agricultural education and
27 career opportunities in economic justice areas.

28 (10) Other areas identified by the commission.

29 (b) Additional powers and duties.--The commission shall have
30 the following additional powers and duties:

1 (1) Review, make findings and offer recommendations
2 related to ~~the~~ socially disadvantaged farmers in this <--
3 Commonwealth.

4 (2) Consult with and utilize experts to assist the
5 commission in carrying out the duties under this subsection.

6 (3) Receive input from interested parties.

7 (4) Hold public hearings in different regions of this
8 Commonwealth. Virtual public hearings may be utilized by the
9 commission.

10 (5) Review and consider diversity, equity and inclusion
11 policies and factors utilized throughout farming in the <--
12 United States.

13 (6) Review the administration and operation of State and
14 regional programs and services and make recommendations to
15 implement new policies, statutes and regulations ON IMPROVING <--
16 OPPORTUNITIES FOR SOCIALLY DISADVANTAGED FARMERS.

17 (7) Recommend proposed legislation and regulatory
18 changes based on the commission's findings.

19 (8) Not later than one year after the ~~effective date of~~ <--
20 ~~this paragraph~~ DATE THE COMMISSION CONVENES ITS FIRST MEETING <--
21 UNDER SECTION 1306 (RELATING TO MEETINGS), issue a report of
22 the commission's findings and recommendations to the
23 following:

24 (i) The Governor.

25 (ii) The President pro tempore of the Senate.

26 (iii) The Majority Leader and Minority Leader of the
27 Senate.

28 (iv) The Speaker of the House of Representatives.

29 (v) The Majority Leader and Minority Leader of the
30 House of Representatives.

1 (vi) The chairperson and minority chairperson of the
2 Agriculture and Rural Affairs Committee of the Senate.

3 (vii) The chairperson and minority chairperson of
4 the Agriculture and Rural Affairs Committee of the House
5 of Representatives.

6 § 1305. Membership.

7 (a) Members.--The commission shall consist of the following
8 members:

9 (1) ~~Three~~ TWO individuals appointed by the Governor. <--

10 (2) The secretary or a designee.

11 (3) The Secretary of Community and Economic Development
12 or a designee.

13 (4) The Secretary of Environmental Protection or a
14 designee.

15 (5) The Secretary of Labor and Industry or a designee.

16 (6) The Secretary of Revenue or a designee.

17 (7) One individual appointed by the President pro
18 tempore of the Senate.

19 (8) One individual appointed by the Speaker of the House
20 of Representatives.

21 (9) One individual appointed by the Majority Leader of
22 the Senate.

23 (10) One individual appointed by the Majority Leader of
24 the House of Representatives.

25 (11) One individual appointed by the Minority Leader of
26 the Senate.

27 (12) One individual appointed by the Minority Leader of
28 the House of Representatives.

29 ~~(13) A representative of the Pennsylvania Farm Bureau.~~ <--

30 ~~(14) A representative of PASA Sustainable Agriculture.~~

1 ~~(15) A representative of The Pennsylvania State~~
2 ~~University with expertise in diversity, equity and inclusion.~~

3 ~~(16) A representative of Rodale Institute.~~

4 ~~(17) Three representatives of urban agriculture~~
5 ~~organizations, including representation from Philadelphia,~~
6 ~~Pittsburgh and one other municipality.~~

7 ~~(18) A representative of a farm worker advocacy group or~~
8 ~~organization.~~

9 ~~(19) A member of the public representing youth.~~

10 ~~(20) A representative of Minorities in Agriculture,~~
11 ~~Natural Resources, and Related Sciences (MANRRS).~~

12 ~~(b) Chairperson. The commission shall appoint a member, who~~
13 ~~shall be from a socially disadvantaged group, to serve as~~
14 ~~chairperson of the commission.~~

15 ~~(c) Considerations. The following apply:~~

16 ~~(1) In making appointments, the Governor, the President~~
17 ~~pro tempore of the Senate and the Speaker of the House of~~
18 ~~Representatives shall consider and appoint residents of this~~
19 ~~Commonwealth who:~~

20 ~~(i) have a knowledge of problems facing racial and~~
21 ~~ethnic populations in this Commonwealth;~~

22 ~~(ii) have experience in advocacy relating to racial~~
23 ~~and ethnic farming issues; and~~

24 ~~(iii) provide leadership in programs or activities~~
25 ~~that create and improve opportunities for racial and~~
26 ~~ethnic populations.~~

27 ~~(2) At least half of the appointments shall be from~~
28 ~~socially disadvantaged groups as provided in paragraph (1),~~
29 ~~with appointees from no fewer than five different socially~~
30 ~~disadvantaged groups. If a commission is appointed which~~

~~1 fails to meet this requirement, the secretary shall replace a~~
~~2 nonsocially disadvantaged appointment with a new appointment~~
~~3 from an unrepresented socially disadvantaged group until the~~
~~4 requirement is fulfilled.~~

5 (13) A REPRESENTATIVE OF THE PENNSYLVANIA FARM BUREAU, <--
6 AS CHOSEN ANNUALLY BY THE PENNSYLVANIA FARM BUREAU.

7 (14) A REPRESENTATIVE OF PASA SUSTAINABLE AGRICULTURE,
8 AS CHOSEN ANNUALLY BY PASA SUSTAINABLE AGRICULTURE.

9 (15) A REPRESENTATIVE OF THE PENNSYLVANIA STATE
10 UNIVERSITY WITH EXPERTISE IN DIVERSITY, EQUITY AND INCLUSION,
11 AS CHOSEN ANNUALLY BY THE PENNSYLVANIA STATE UNIVERSITY.

12 (16) A REPRESENTATIVE OF THE RODALE INSTITUTE, AS CHOSEN
13 ANNUALLY BY THE RODALE INSTITUTE.

14 (17) A REPRESENTATIVE OF THE UNITED FOOD AND COMMERCIAL
15 WORKERS INTERNATIONAL UNION (UFCW), AS CHOSEN ANNUALLY BY THE
16 UFCW.

17 (18) A YOUTH REPRESENTATIVE FROM EACH OF THE FOLLOWING:

18 (I) 4-H, AS CHOSEN ANNUALLY BY 4-H.

19 (II) FUTURE FARMERS OF AMERICA, AS CHOSEN ANNUALLY
20 BY FUTURE FARMERS OF AMERICA.

21 (19) A REPRESENTATIVE OF MINORITIES IN AGRICULTURE,
22 NATURAL RESOURCES, AND RELATED SCIENCES (MANRRS), AS CHOSEN
23 ANNUALLY BY MANRRS.

24 (B) CHAIRPERSON.--THE SECRETARY SHALL SERVE AS CHAIRPERSON
25 OF THE COMMISSION UNTIL THE COMMISSION ELECTS A CHAIRPERSON FROM
26 THE MEMBERSHIP.

27 (C) CONSIDERATIONS.--MEMBERS APPOINTED UNDER SUBSECTION (A)

28 (1), (7), (8), (9), (10), (11) AND (12) SHALL:

29 (1) HAVE A KNOWLEDGE OF PROBLEMS FACING SOCIALLY
30 DISADVANTAGED GROUPS IN THIS COMMONWEALTH;

1 (2) HAVE EXPERIENCE IN ADVOCACY RELATING TO SOCIALLY
2 DISADVANTAGED FARMING ISSUES; OR

3 (3) PROVIDE LEADERSHIP IN PROGRAMS OR ACTIVITIES THAT
4 CREATE OR IMPROVE OPPORTUNITIES FOR SOCIALLY DISADVANTAGED
5 GROUPS.

6 § 1306. Meetings.

7 The commission shall hold its first meeting within 45 days of
8 the effective date of this section, ~~regardless of whether all~~ <--
9 ~~legislative caucuses have appointed members to the commission~~
10 WITH QUORUM BASED UPON THE MEMBERS WHO HAVE BEEN APPOINTED. The <--
11 commission shall hold meetings at the call of the chairperson on
12 no fewer than six different dates.

13 § 1307. Payments to members.

14 Members of the commission may not receive compensation for
15 services but ~~shall~~ MAY be reimbursed for all necessary travel <--
16 and other reasonable expenses incurred in connection with the
17 performance of the duties as members of the commission.

18 § 1308. Administrative support.

19 The department shall provide administrative support, meeting
20 space and any other assistance required by the commission to
21 carry out the commission's duties under this chapter. The
22 department shall provide the commission with data, research and
23 other information upon request by the commission.

24 Section 2. This act shall take effect in 30 days.