

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 82

Session of  
1987

INTRODUCED BY KUKOVICH, CAPPABIANCA, WAMBACH, COWELL, PETRONE,  
TRELLO, RYBAK, LUCYK, CALTAGIRONE, PISTELLA, DeWEESE,  
PETRARCA, OLASZ, LaGROTTA, RAYMOND, MICHLOVIC, VAN HORNE,  
KOSINSKI, MAIALE, CARN, D. R. WRIGHT, HALUSKA, MARKOSEK,  
ARTY, DALEY, FREEMAN, D. W. SNYDER, STABACK, YANDRISEVITS,  
LAUGHLIN, LASHINGER, LEVDANSKY, BATTISTO, CIVERA, VEON,  
F. TAYLOR, PHILLIPS, SEVENTY AND EVANS, FEBRUARY 2, 1987

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 2, 1987

### AN ACT

1 Providing for the establishment, operation and administration of  
2 the Emergency Food Program; and making an appropriation.

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14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

1 Section 1. Short title.

2 This act shall be known and may be cited as the Emergency  
3 Food Assistance Act.

4 Section 2. Definitions.

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

8 "Agricultural commodities." All foods or foodstuffs which  
9 are suitable for and fit for human consumption.

10 "Commission." The Emergency Food Assistance Commission which  
11 is established under section 3.

12 "Food processor." Any commercial facility which converts  
13 agricultural commodities into different end products or  
14 repackages agricultural commodities.

15 "Program." The Emergency Food Program established in section  
16 7 to provide food assistance to eligible program participants.

17 "Program participants." Any individual or family unit which  
18 is in need of food assistance as determined by the commission,  
19 in order to prevent hunger or undernutrition or to supplement  
20 the diet of economically depressed households.

21 "Regional food bank." An entity which operates on a  
22 multicounty basis, has the ability to accept tractor-trailer  
23 loads of foodstuffs on pallets and is recognized as a regional  
24 food bank by the Pennsylvania Association of Regional Foodbanks.

25 "Temporary Emergency Food Assistance Program." A Federal  
26 program established pursuant to the Food Security Act of 1985  
27 (Public Law 99-198).

28 Section 3. Emergency Food Assistance Commission.

29 (a) Establishment.--There is hereby created an independent  
30 commission to be known as the Emergency Food Assistance

1 Commission.

2 (b) Purpose.--The purposes of the commission shall be:

3 (1) To administer the distribution of agricultural  
4 commodities donated by the Federal Government.

5 (2) To administer a State-funded Emergency Food Program.

6 (3) To administer such programs or conduct activities as  
7 determined by the General Assembly.

8 (c) Limitation.--The provisions of this act shall apply only  
9 to the Temporary Emergency Food Assistance Program and the  
10 charitable institution and bonus commodity programs for soup  
11 kitchens of the United States Department of Agriculture and the  
12 Emergency Food Program currently funded through the General Fund  
13 and as provided in section 7.

14 Section 4. Selection of commissioners.

15 (a) Appointment of members.--The 11 members of the  
16 commission shall be appointed as follows:

17 (1) Three members shall be appointed by the Governor.

18 (2) Four members shall be appointed by the President pro  
19 tempore of the Senate, two of whom shall be members of the  
20 Senate, one from the majority party and one from the minority  
21 party. The other two appointees shall be skilled in  
22 administering commodity distribution and shall not be elected  
23 officials or State employees.

24 (3) Four members shall be appointed by the Speaker of  
25 the House of Representatives, two of whom shall be members of  
26 the House, one from the majority party and one from the  
27 minority party. The other two appointees shall be skilled in  
28 administering commodity distribution and shall not be elected  
29 officials or State employees.

30 (b) Terms and vacancies.--The terms of the nonlegislative

1 members shall be for two years. The terms of the legislative  
2 members shall be for as long as that member is elected to and  
3 holding a seat in the Senate or House of Representatives from  
4 which the member was appointed by the commission. Any vacancy on  
5 the commission shall be filled by the original appointing  
6 authority for only the unexpired term of office.

7 (c) Compensation.--Members of the commission shall receive  
8 no compensation but shall be reimbursed for all their expenses  
9 actually and necessarily incurred by them in the performance of  
10 their duties under this act.

11 Section 5. Organization and operation of commission.

12 (a) Operation.--The commission shall be governed and all of  
13 its powers exercised by a board of commissioners consisting of  
14 the 11 members appointed under section 4(a).

15 (b) Chairman.--The board of commissioners shall annually  
16 elect from its membership a chairman, vice chairman and  
17 secretary who shall serve one-year terms and shall be eligible  
18 for reelection.

19 (c) Quorum.--Six commissioners shall constitute a quorum for  
20 the transaction of any business unless the regulations of the  
21 commission designate a greater number. An act of a majority of  
22 the six commissioners present shall be deemed an act of the  
23 entire commission.

24 Section 6. Powers and duties of commission.

25 (a) General powers.--The board of commissioners shall have  
26 the following powers and duties:

27 (1) Provide for the holding of regular and special  
28 meetings of the commission.

29 (2) Adopt procedures for the organization,  
30 administration and operation of the commission.

1           (3) Appoint and fix the compensation of an executive  
2           director and such employees as the commission deems  
3           necessary.

4           (4) Provide for the appointment of an executive  
5           committee of not less than five members who, in intervals  
6           between meetings of the commission, may transact such  
7           business of the commission as the board of commissioners may  
8           from time to time authorize.

9           (5) Prepare and supervise the issuance of public  
10          information concerning the provisions of the programs under  
11          its purview.

12          (6) Enter into contracts with the Federal Government,  
13          food processors and distribution agencies, including  
14          contracts for transportation and storage, that meet  
15          established Federal or State criteria for the purpose of  
16          distributing agricultural commodities.

17          (7) Request and accept agricultural commodities made  
18          available to the State for distribution by the Federal  
19          Government.

20          (8) Oversee State funds to supplement available Federal  
21          agricultural commodities for distribution under the Emergency  
22          Food Program or to contract for this service. It is the  
23          intent of the General Assembly to encourage the purchase of  
24          commodities produced in this Commonwealth when appropriate  
25          and feasible.

26          (9) Determine eligibility for participation in the  
27          program to insure compliance with program requirements.

28          (10) Make quarterly reports to the General Assembly  
29          showing program cost and program activities. The reports  
30          shall include, but not be limited to, the number of program

1 participants and the quantity of State and Federal  
2 agricultural commodities distributed.

3 (11) Adopt rules and regulations not inconsistent with  
4 law governing matters relating to its activities and adopt  
5 such other rules and regulations and perform such other acts  
6 as may be necessary or appropriate to comply with applicable  
7 Federal legislation.

8 (12) Perform such other acts and promulgate regulations  
9 as may be necessary or appropriate to carry out the objects  
10 and purposes of the commission specified in this act.

11 (b) County distribution.--Rules and regulations promulgated  
12 by the commission under any provision of this act shall require  
13 the actual distribution of the agricultural and food commodities  
14 obtained through any Federal or State food program to be through  
15 the board of commissioners in each county of this Commonwealth.  
16 The commission shall promulgate rules and regulations which  
17 provide a fair and equitable allocation of all available  
18 agricultural and food commodities so all counties of this  
19 Commonwealth and their needy residents have an opportunity to  
20 benefit from Federal and State food programs. The commission  
21 shall determine the allocation of agricultural and food  
22 commodities in cooperation with the board of commissioners in  
23 each of the counties of this Commonwealth. The board of  
24 commissioners in a county may delegate its authority to an  
25 agency or local county board of volunteer and charitable  
26 organizations within the county.

27 Section 7. Emergency Food Program.

28 (a) Establishment.--There is hereby created the Emergency  
29 Food Program which shall consist of the purchase,  
30 transportation, storage or other acquisition of agricultural

1 commodities for distribution to program participants.

2 (b) Purchase requirements.--The agricultural commodities  
3 that are purchased with State funds shall be purchased in bulk  
4 at the lowest price available. The commission shall be  
5 responsible for monitoring commodity prices to insure that the  
6 purchase price is the lowest price. In addition, the purchased  
7 agricultural commodities shall be selected to maximize the  
8 utilization of available Federal surplus agricultural  
9 commodities.

10 Section 8. Audit and report.

11 (a) Audit.--An independent auditor contracted by the  
12 commission shall annually audit the expenses and activities of  
13 the commission. Payment of the independent auditor shall be made  
14 from funds appropriated to the commission or from the program.

15 (b) Annual report.--Within 30 days after the conclusion of  
16 each fiscal year, the commission shall submit an annual report  
17 to the Governor and the General Assembly which states the amount  
18 of foods purchased or acquired by donation, the amount of free  
19 Federal surplus agricultural commodities received, the amount of  
20 food distributed, the number of eligible participants who  
21 received assistance, the amount of food left undistributed and  
22 the prospects for the upcoming fiscal year.

23 Section 9. Appropriation.

24 The sum of \$122,000, or as much thereof as may be necessary,  
25 is hereby appropriated to the Emergency Food Assistance  
26 Commission for fiscal year beginning July 1, 1987, to June 30,  
27 1988, to carry out the provisions of this act.

28 Section 10. Effective date.

29 This act shall take effect July 1, 1987, or immediately,  
30 whichever is later.