

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1146 Session of
1991

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APRIL 16, 1991

AS REPORTED FROM COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 14, 1991

AN ACT

1 Providing for the establishment, operation and administration of
2 the State Food Purchase Program.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the State Food
7 Purchase Program Act.

8 Section 2. Definitions.

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

12 "Department." The Department of Agriculture of the
13 Commonwealth.

14 "Emergency food provider." A nonprofit organization which
15 operates a food pantry, soup kitchen, food bank or other program

1 to relieve hunger, undernutrition and food shortages among needy
2 individuals and families, homeless people and victims of
3 domestic violence.

4 "Program." The State Food Purchase Program.

5 "Program participant." An individual or household which is
6 in need of food assistance to supplement the diet of
7 economically depressed persons to prevent hunger or
8 undernutrition.

9 "Regional food bank." A nonprofit charitable organization
10 qualified under the provisions of section 501(c)(3) of the
11 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1
12 et seq.) which maintains an established operation involving the
13 provision of food to nonprofit food pantries, soup kitchens,
14 shelters or feeding centers that provide food packages or meals
15 to people in need of food assistance.

16 "U.S.D.A. commodity programs." All food which is available
17 through Federal programs.

18 Section 3. State Food Purchase Program.

19 (a) Establishment.--There is hereby established the State
20 Food Purchase Program to provide funds to county governments,
21 regional food banks or emergency food providers for the
22 purchase, transportation, storage and distribution of food
23 products to program participants, as described in this act.
24 These funds may also be used for repackaging and the processing
25 of food for distribution to program participants. This program
26 shall be administered by the department.

27 (b) Purchase requirements.--Purchases shall be made in
28 accordance with the following standards:

29 (1) The food products that are purchased with State
30 funds shall be procured in household or soup kitchen

1 proportions, depending upon the intended usage.

2 (2) Purchases shall be wholesale, competitive bid prices
3 or better.

4 (3) Food purchased under the program may not duplicate
5 food items available under U.S.D.A. commodity programs or
6 private donations of food to the emergency food providers
7 unless the quantities available through these means are
8 insufficient to meet the county or regional food bank's need
9 for a particular product.

10 (4) The food purchased with program funds shall be
11 combined with food available from other sources to compose a
12 wholesome food package or meal for the program participants.

13 Section 4. Eligibility requirements.

14 The department shall establish procedures and guidelines for
15 determining eligibility of program participants. The
16 department's procedures shall not limit the established
17 guidelines utilized by emergency food providers used for the
18 program. A person who is eligible for food may not be charged
19 for food or be encouraged to contribute money in order to
20 receive food under this program.

21 Section 5. Contracts and subcontracts.

22 The department shall contract with local county governments
23 ~~or authorized agencies for operation of this program. The~~ <—
24 ~~department, in conjunction with county governments or authorized~~
25 ~~agencies, may further designate and subcontract with a regional~~
26 ~~food bank, emergency food provider or county coordinating agency~~
27 ~~to operate this program. If a county chooses to not participate~~
28 ~~in the program or chooses to not designate a county coordinating~~
29 ~~agency~~ FOR OPERATION OF THIS PROGRAM. WITH DEPARTMENT APPROVAL, <—
30 COUNTY GOVERNMENTS MAY DESIGNATE AND SUBCONTRACT WITH A REGIONAL

1 FOOD BANK OR EMERGENCY FOOD PROVIDER TO OPERATE THIS PROGRAM. IF
2 A COUNTY CHOOSES NOT TO PARTICIPATE IN THE PROGRAM AND CHOOSES
3 NOT TO DESIGNATE AN EMERGENCY FOOD PROVIDER to participate on
4 its behalf by the 90th day of the fiscal year, the department
5 shall immediately attempt to contract with ~~a coordinating agency~~ <—
6 AN EMERGENCY FOOD PROVIDER to administer the program within such <—
7 county.

8 Section 6. Advisory committee.

9 There is hereby established an advisory committee within the
10 department, to be known as the Emergency Food Assistance
11 Advisory Committee. This committee shall be composed of food and
12 nutrition advocates, regional food bank representatives, county
13 government representatives and representatives of the department
14 and the Governor's Office. The advisory committee shall elect a
15 chairperson at the first meeting of the calendar year who shall
16 be empowered to call meetings when appropriate. The advisory
17 committee shall be composed of not less than ten but no more
18 than 15 members, appointed by the Secretary of Agriculture, no
19 more than three of whom shall be State employees. Members of the
20 advisory committee shall serve without remuneration except for
21 reimbursement for travel expenses.

22 Section 7. Audit and reporting.

23 (a) Audit.--The program established by this act is subject
24 to audit and review by the Auditor General to determine proper
25 operation and compliance with statutes, regulations and
26 policies. Contractors, subcontractors or approved agencies
27 receiving funds or commodities under this act are subject at
28 reasonable times to audit and review by the Auditor General, the
29 department and persons authorized by the department to determine
30 proper operation and compliance with statutes, regulations and

1 policies.

2 (b) Annual report.--Within 90 days after the conclusion of
3 each fiscal year, the entity with whom the department has
4 contracted with for operation of the program shall submit an
5 annual report to the department which accounts fully for or
6 specifies the expenditure of funds, number of people and
7 households served, variety, pounds and cost of food purchases.
8 Within 180 days of the end of the fiscal year, the Secretary of
9 Agriculture shall submit an annual program report to the
10 Secretary of the Senate and the Chief Clerk of the House of
11 Representatives which shall include, but not be limited to, the
12 allocation and expenditure of funds, the number of people and
13 households served, quantity of food distributed by type of food
14 and total cost and per pound cost of food purchases.

15 Section 8. Prohibited acts.

16 Officials and employees of the county governments, ~~designated~~ <—
17 ~~coordinating agency~~, regional food banks and emergency food
18 providers for the program are prohibited from contracting or
19 providing services for profit under the program.

20 Section 9. Rules and regulations.

21 The DEPARTMENT MAY UTILIZE THE PROGRAM GUIDELINES AND <—
22 POLICIES IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT FOR ONE
23 YEAR. THEREAFTER, THE department shall by regulation develop
24 program guidelines and policies for administration of this act
25 and for a county-by-county allocation formula of funds for this
26 program. The department shall seek the advice and counsel of the
27 Emergency Food Assistance Advisory Committee. The department
28 shall provide technical assistance and information to the
29 emergency food providers, including nutrition information,
30 information about the establishment and operation of emergency

- 1 food services and information about other Federal and State
- 2 nutrition programs.
- 3 Section 10. Effective date.
- 4 This act shall take effect immediately.