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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1300

Session of  
1983

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CAPPABIANCA, ITKIN, MCINTYRE AND FREIND, JUNE 30, 1983

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JUNE 30, 1983

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AN ACT

1 Providing for the establishment, operation and administration of  
2 the Emergency Food Assistance Program; and transferring the  
3 functions, powers and duties of the Bureau of Government  
4 Donated Food.

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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 Emergency  
9 Food Assistance 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 "Agricultural commodities." All foods or foodstuffs which  
15 are suitable for and fit for human consumption.

16 "Commission." The Emergency Food Assistance Commission which  
17 is established under section 3.

18 "Food processor." Any commercial facility which converts  
19 agricultural commodities into different end products or  
20 repackages agricultural commodities.

21 "Program." The Emergency Food Assistance Program established  
22 in section 7 to provide food assistance to eligible program  
23 participants.

24 "Program participants." Any individual or family unit which  
25 is in need of food assistance because the State and Federal  
26 unemployment benefits of the primary wage earner have expired  
27 and the primary wage earner has not been reemployed or the  
28 family unit does not have sufficient means, as determined by the  
29 commission, to purchase food for immediate consumption.

30 "Regional food bank." An entity which operates on a

1 multicounty basis, has the ability to accept tractor-trailer  
2 loads of foodstuffs on pallets and is recognized as a regional  
3 food bank by the Pennsylvania Coalition on Food and Nutrition.  
4 Section 3. Emergency Food Assistance Commission.

5 (a) Establishment.--There is hereby created an independent  
6 commission to be known as the Emergency Food Assistance  
7 Commission.

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

9 (1) To administer the Division of Government Donated  
10 Food as transferred and renamed under section 11.

11 (2) To administer the distribution of Federal Government  
12 donated agricultural commodities.

13 (3) To purchase, administer and distribute agricultural  
14 commodities acquired for the Emergency Food Assistance  
15 Program.

16 Section 4. Selection of commissioners.

17 (a) Appointment of members.--The 19 members of the  
18 commission shall be appointed as follows:

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

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

26 (3) Eight members shall be appointed by the Speaker of  
27 the House of Representatives, six of whom shall be members of  
28 the House, three from the majority party and three from the  
29 minority party. The other two appointees shall be skilled in  
30 administering commodity distribution and shall not be elected

1 officials or State employees.

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

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

13 Section 5. Organization and operation of commission.

14 (a) Operation.--The commission shall be governed and all of  
15 its powers exercised by a board of commissioners consisting of  
16 the 19 members appointed under section 4(a).

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

21 (c) Quorum.--Eleven commissioners shall constitute a quorum  
22 for the transaction of any business unless the regulations of  
23 the commission designate a greater number. An act of a majority  
24 of the 11 commissioners present shall be deemed an act of the  
25 entire commission.

26 Section 6. Powers and duties of commission.

27 The board of commissioners shall have the following powers  
28 and duties:

29 (1) Provide for the holding of regular and special  
30 meetings of the commission.

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

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

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

11          (5) Prepare and supervise the issuance of public  
12          information concerning the provisions of the program.

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

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

21          (8) Accept agricultural commodities donated by the  
22          private sector for distribution under the Emergency Food  
23          Assistance Program.

24          (9) Purchase agricultural commodities with State funds  
25          to supplement available Federal agricultural commodities for  
26          distribution under the Emergency Food Assistance Program or  
27          to contract for this service. It is the intent of the General  
28          Assembly to encourage the purchase of commodities produced in  
29          this Commonwealth when appropriate and feasible.

30          (10) Determine eligibility for participants in the

1 program to insure compliance with program requirements.

2 (11) Determine the contents of food packages to be  
3 distributed under the program to maximize the use of  
4 available Federal agricultural commodities.

5 (12) Make monthly reports to the General Assembly  
6 showing program cost and program activities which shall  
7 include, but not be limited to, the number of program  
8 participants and the quantity of State and Federal  
9 agricultural commodities distributed.

10 (13) Adopt rules and regulations not inconsistent with  
11 law governing matters relating to its activities and adopt  
12 such other rules and regulations and perform such other acts  
13 as may be necessary or appropriate to comply with applicable  
14 Federal legislation.

15 (14) Perform such other acts and promulgate regulations  
16 as may be necessary or appropriate to carry out the objects  
17 and purposes of the commission specified in this act.

18 Section 7. Emergency Food Assistance Program.

19 (a) Establishment.--There is hereby created the Emergency  
20 Food Assistance Program which shall consist of the purchase,  
21 transportation, storage or other acquisition of Federal or State  
22 agricultural commodities for distribution to program  
23 participants.

24 (b) Purchase requirements.--The agricultural commodities  
25 that are purchased with State funds shall be purchased in bulk  
26 at the lowest price available with the commission responsible  
27 for monitoring commodity prices to insure the purchase price is  
28 the lowest price. In addition, the purchased agricultural  
29 commodities shall be selected to maximize the utilization of  
30 available Federal surplus agricultural commodities.

(c) Funding.--All funds necessary for the purposes of this act shall be appropriated from the PennPRIDE Fund.

(d) Storage and distribution.--Regional food banks will have first priority for the storage of commodities under this act. Expenses for the storage and distribution of foodstuffs made available under this act which are incurred by regional food banks and local supplemental food centers shall be reimbursable by the commission. Grants for the purchase of freezer and refrigerator equipment, for leasing warehouse space, for utilities, for paid volunteer coordinators and for order receiving clerks shall be considered on a case-by-case basis.

#### Section 8. Program participation.

##### (a) Eligibility.--

(1) Except as provided in paragraph (2), eligibility shall be determined by the commission in accordance with criteria adopted by the commission. In making a determination that a family unit does not have sufficient means to purchase food for immediate consumption, the commission shall consider the size of the family unit, the income, including all Federal and State assistance, the outstanding and recurring obligations of the family unit and the utilization of available income.

(2) Eligibility shall be automatically granted to any individual or the primary wage earner of a family unit whose Federal and State unemployment benefits have expired and that person has not been reemployed.

##### (b) Amount of assistance.--

(1) Program participants eligible under subsection (a)(1) shall receive packages of food which are sufficient to provide at least one full meal per day for the program

1 participant and the remainder of the family unit for a period  
2 not to exceed seven days.

3 (2) Program participants eligible under subsection  
4 (a)(2) shall receive packages of food which are sufficient to  
5 provide at least one full meal per day to the program  
6 participant and the family unit of the participant for a  
7 period not to exceed 14 days.

8 (c) Reapplication.--Persons who are determined to be  
9 initially eligible for this program shall be required to apply  
10 for other State or Federal supplemental food programs prior to  
11 reapplying for assistance under this section.

12 (d) Penalty.--Any person who submits a false or fraudulent  
13 claim or who aids, abets or assists another person to submit a  
14 false or fraudulent claim or who otherwise violates any  
15 provisions of this act shall, upon conviction, be guilty of a  
16 misdemeanor of the third degree.

#### 17 Section 9. Tax deductible contributions.

18 Notwithstanding the provisions of any law or the provisions  
19 of any certificate of incorporation, charter or other articles  
20 of organization, any person and all corporations or  
21 associations, organized for the purpose of carrying on business  
22 in this Commonwealth or authorized to do business in this  
23 Commonwealth, are hereby authorized to make contributions to the  
24 Emergency Food Assistance Commission and such contributions, or  
25 the value of such contributions, shall be allowed as deductions  
26 in computing the net taxable income of any such person,  
27 corporation or association for purposes of any income tax  
28 imposed by the Commonwealth.

#### 29 Section 10. Audit and report.

30 (a) Audit.--The Auditor General shall annually audit the



1 expenses and activities of the Emergency Food Assistance  
2 Commission and the Emergency Food Assistance Program. The audit  
3 shall be conducted without requiring any payment from the  
4 commission or the program.

5 (b) Annual report.--Within 30 days after the conclusion of  
6 each fiscal year, the Emergency Food Assistance Commission shall  
7 submit an annual report to the Governor and the General Assembly  
8 which states the amount of foods purchased or acquired by  
9 donation, the amount of free Federal surplus agricultural  
10 commodities received, the amount of food distributed, the number  
11 of eligible participants who received assistance, the amount of  
12 food left undistributed and the prospects for the upcoming  
13 fiscal year.

#### 14 Section 11. Transfer.

15 (a) Functions.--

16 (1) The Bureau of Government Donated Food in the  
17 Department of Agriculture, together with all of its  
18 functions, powers and duties, is hereby transferred to the  
19 Emergency Food Assistance Commission and shall be known as  
20 the Division of Government Donated Food.

21 (2) The functions, powers and duties of the Secretary of  
22 Agriculture in relation to the Bureau of Government Donated  
23 Food including those powers related to the distribution of  
24 Federal Government donated agricultural commodities are  
25 hereby transferred to and shall be exercised by the Emergency  
26 Food Assistance Commission.

27 (b) Personnel, assets and appropriations.--All employees,  
28 records, files, property, supplies, equipment, unexpended  
29 appropriations, allocations and contracts of the former Bureau  
30 of Government Donated Food are hereby transferred to the

1 Emergency Food Assistance Commission for use in the Division of  
2 Government Donated Food.

3 Section 12. Termination of program.

4 (a) Statewide.--The program established under section 7  
5 shall cease to exist on a Statewide basis when the economic  
6 emergency in the Commonwealth has been alleviated, which shall  
7 be deemed to occur on the last day of the second month following  
8 a consecutive three-month period in which the unadjusted rate of  
9 unemployment of the civilian labor force in the Commonwealth, as  
10 reported by the Pennsylvania Office of Employment Security for  
11 each month, is equal to or less than the rate of unemployment  
12 for July 1981.

13 (b) Local.--Upon termination of the Statewide program under  
14 subsection (a), that portion of the program which provides  
15 assistance to program participants eligible under section  
16 8(a)(1) shall be transferred to the individual counties and  
17 shall continue in each of the individual counties until the last  
18 day of the second month following a consecutive three-month  
19 period in which the unadjusted rate of unemployment of the  
20 civilian labor force of the affected county as reported by the  
21 Pennsylvania Office of Employment Security is equal to or less  
22 than the rate as reported for the State for July 1981.

23 Section 13. Sunset provisions.

24 The provisions of this act shall expire on June 30, 1985.

25 Section 14. Effective date.

26 This act shall take effect immediately.