

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 912 Session of 2003

INTRODUCED BY WAUGH, WENGER, O'PAKE, MADIGAN, KUKOVICH, KITCHEN, LOGAN, MOWERY, D. WHITE, CORMAN, ERICKSON, DENT, RAFFERTY, M. WHITE, GREENLEAF, MUSTO, LEMMOND, ARMSTRONG, WONDERLING, ROBBINS, WOZNIAK, KASUNIC AND BOSCOLA, SEPTEMBER 16, 2003

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, OCTOBER 4, 2004

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for crop insurance premium payments and
3 for a report by the Department of Agriculture; and making a
4 repeal.

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

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

CHAPTER 47

CROP INSURANCE

11 Sec.

12 ~~4701. Definitions.~~

<—

13 ~~4702. Powers and duties of department.~~

14 ~~4703. Federal crop insurance premiums.~~

15 ~~4704. Funding.~~

16 ~~4705. Report.~~

17 ~~§ 4701. Definitions.~~

1 4701. SHORT TITLE OF CHAPTER.

2 4702. PURPOSE OF CHAPTER.

3 4703. DEFINITIONS.

4 4704. ESTABLISHMENT OF PROGRAM.

5 4705. POWERS AND DUTIES OF DEPARTMENT.

6 4706. CROP INSURANCE FINANCIAL ASSISTANCE.

7 4707. FUNDING.

8 4708. REPORT.

9 § 4701. SHORT TITLE OF CHAPTER.

10 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE CROP  
11 INSURANCE LAW.

12 § 4702. PURPOSE OF CHAPTER.

13 THE PURPOSE OF THIS CHAPTER IS TO ESTABLISH A PROGRAM WITHIN  
14 THE DEPARTMENT TO ENCOURAGE PRODUCERS OF AGRICULTURAL  
15 COMMODITIES TO PURCHASE FEDERAL CROP INSURANCE AND ADOPT RISK  
16 MANAGEMENT PRACTICES, AND TO PROVIDE CROP INSURANCE FINANCIAL  
17 ASSISTANCE, SUBJECT TO THE AVAILABILITY OF FUNDING, TO ELIGIBLE  
18 PRODUCERS FOR CROP INSURANCE PREMIUM COSTS.

19 § 4703. DEFINITIONS.

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

23 "Agricultural commodity." Any of the following, transported  
24 or intended to be transported in commerce:

25 (1) Agricultural, aquacultural, horticultural,  
26 floricultural, viticultural or dairy products.

27 (2) Agricultural crops.

28 (3) Livestock and products of livestock.

29 (4) Poultry and products of poultry.

30 (5) Ranch-raised fur-bearing animals and the products of

1 ranch-raised fur-bearing animals.

2 (6) The products of bee raising.

3 (7) Forestry and forestry products.

4 (8) Any products raised or produced on farms intended  
5 for on farm or human consumption and the processed or  
6 manufactured products of such products intended for human  
7 consumption.

8 "ELIGIBLE PRODUCER." A PRODUCER WHO HAS APPLIED FOR AND HAS <—  
9 RECEIVED FEDERAL CROP INSURANCE FOR THE CROP YEAR FOR WHICH CROP  
10 INSURANCE FINANCIAL ASSISTANCE IS SOUGHT.

11 "Producer." Any person engaged within this Commonwealth in  
12 the business of producing an agricultural commodity or causing  
13 agricultural commodities to be produced.

14 ~~§ 4702. Powers and duties of department.~~ <—

15 § 4704. ESTABLISHMENT OF PROGRAM. <—

16 THE DEPARTMENT SHALL ESTABLISH A PROGRAM TO EDUCATE PRODUCERS  
17 ON THE BENEFITS OF FEDERAL CROP INSURANCE AND RISK MANAGEMENT  
18 PRACTICES. THE PROGRAM SHALL PROMOTE THE PURCHASE OF FEDERAL  
19 CROP INSURANCE AND MAY PROVIDE FINANCIAL ASSISTANCE TO ELIGIBLE  
20 PRODUCERS TO PARTIALLY OFFSET FEDERAL CROP INSURANCE PREMIUMS.  
21 THE PROVISION OF FINANCIAL ASSISTANCE SHALL BE SUBJECT TO THE  
22 AVAILABILITY OF FUNDING.

23 § 4705. POWERS AND DUTIES OF DEPARTMENT.

24 (a) Administration of chapter.--Subject to the conditions  
25 contained in this chapter, the department shall administer this  
26 chapter and shall exercise all administrative powers necessary  
27 to effectuate the purposes of this chapter, including, BUT NOT <—  
28 LIMITED TO, drafting and entering into agreements necessary to  
29 implement this ~~chapter~~. CHAPTER, ESTABLISHING ELIGIBILITY <—  
30 CRITERIA FOR CROP INSURANCE FINANCIAL ASSISTANCE, AND DEVELOPING

1 AN APPLICATION AND APPLICATION PROCEDURE FOR CROP INSURANCE  
2 FINANCIAL ASSISTANCE INCLUDING TIME FRAMES FOR THE SUBMISSION,  
3 REVIEW AND APPROVAL OF APPLICATIONS.

4 (b) Drafting and entering agreements.--The department is  
5 authorized to draft and enter into agreements with Federal  
6 agencies, other Commonwealth agencies and private entities as  
7 necessary to implement this chapter.

8 ~~(c) Program development. The department is authorized to~~ <—  
9 ~~utilize a portion of any funds appropriated by the General~~  
10 ~~Assembly or any funds, contributions or payments which may be~~  
11 ~~made available to the department by another State agency, the~~  
12 ~~Federal Government or any public or private source for the~~  
13 ~~purpose of risk management program development and~~  
14 ~~administration.~~

15 ~~§ 4703. Federal crop insurance premiums.~~

16 (C) REGULATIONS.--THE DEPARTMENT IS AUTHORIZED TO PROMULGATE <—  
17 ANY REGULATIONS THAT MAY BE NECESSARY TO IMPLEMENT THIS CHAPTER.

18 § 4706. CROP INSURANCE FINANCIAL ASSISTANCE.

19 The department may provide ~~payment~~ CROP INSURANCE FINANCIAL <—  
20 ASSISTANCE TO ELIGIBLE PRODUCERS for Federal crop insurance in  
21 an amount up to 10% of the cost of the insurance premiums ~~for~~ <—  
22 ~~producers of agricultural commodities who applied for and~~  
23 ~~received Federal crop insurance for that crop year,~~ in years in  
24 which funds are appropriated or made available to the  
25 department. If sufficient funds are not available to provide for  
26 up to 10% of the cost of the insurance premiums, the department  
27 shall prorate the available funds among all the producers of  
28 agricultural commodities who applied for and received Federal  
29 crop insurance for that crop year.

30 ~~§ 4704. Funding.~~ <—

1 ~~(a) Continuous appropriation. Money under this chapter is~~  
2 ~~continuously appropriated to the department, and the~~  
3 ~~appropriation shall not lapse at the end of any fiscal year.~~

4 ~~(b)~~

5 § 4707. FUNDING. <—

6 (A) Use of specific appropriations, contributions and other  
7 payments.--The department is authorized to use funds  
8 specifically appropriated by the General Assembly for the  
9 purposes of this chapter and any funds, contributions or  
10 payments which may be made available to the department by  
11 another State agency, the Federal Government or any public or  
12 private source for the purpose of implementing this chapter.

13 ~~§ 4705. Report.~~ <—

14 (B) CONTINUING APPROPRIATIONS.--MONEYS APPROPRIATED BY THE <—  
15 GENERAL ASSEMBLY, AFTER THE EFFECTIVE DATE OF THIS SECTION, FOR  
16 THE PURPOSES OF THIS CHAPTER, SHALL BE TWO-YEAR CONTINUING  
17 APPROPRIATIONS AND SHALL LAPSE AT THE CLOSE OF THE FISCAL YEAR  
18 NEXT SUCCEEDING THE FISCAL YEAR IN WHICH THE MONEYS WERE  
19 APPROPRIATED.

20 § 4708. REPORT.

21 The department shall submit annually to the CHAIRMAN AND <—  
22 MINORITY CHAIRMAN OF THE Agriculture and Rural Affairs Committee  
23 of the Senate and the CHAIRMAN AND MINORITY CHAIRMAN OF THE <—  
24 Agriculture and Rural Affairs Committee of the House of  
25 Representatives a report that provides details of the  
26 department's expenditures, including administrative  
27 expenditures, under this chapter.

28 Section 2. Section 5102(b) of the act of December 13, 1999  
29 (P.L.905, No.57), known as the Drought, Orchard and Nursery  
30 Indemnity and Flood Relief Act, is repealed.

1 Section 3. This act shall take effect in 60 days.