
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1552 Session of 1999

INTRODUCED BY CAPPABIANCA, BUNT, LAUGHLIN, HALUSKA, HARHAI,
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McCALL, BASTIAN, TIGUE, CASORIO AND JAMES, MAY 24, 1999

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 24, 1999

AN ACT

1 Amending the act of December 14, 1988 (P.L.1198, No.148),
2 entitled "An act creating a departmental administrative
3 commission known as the Animal Health and Diagnostic
4 Commission; and establishing a fund," further providing for
5 purpose; providing for definitions; further providing for the
6 Animal Health and Diagnostic Commission; and making editorial
7 changes.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 2 of the act of December 14, 1988
11 (P.L.1198, No.148), known as the Animal Health and Diagnostic
12 Act, is amended to read:

13 Section 2. Legislative findings and intent.

14 Veterinary diagnostic support is the linchpin of any network
15 of veterinary epidemic intelligence vital to the maintenance and
16 well-being of a modern animal industry. Many diseases have
17 potentially serious consequences for animal and human health.
18 Much of the research work which is done on animal diseases has a
19 correlating effect on human disease research. The General

1 Assembly has determined there is a need to facilitate an
2 integrated approach to the diagnosis and investigation of
3 disease in farm animals. The avian flu virus brought to the
4 General Assembly's attention that there is not a laboratory in
5 Pennsylvania which can deal with this type of virus, and
6 Pennsylvania poultrymen had to send all samples to Ames, Iowa.
7 The General Assembly also finds that it is important that there
8 be diagnostic capabilities in Pennsylvania since this State is
9 one of the top poultry, dairy and animal-producing states in the
10 country. There is no doubt that the research laboratories at The
11 Pennsylvania State University and the University of Pennsylvania
12 teaching facilities are of utmost importance since they
13 correlate to the medical facilities at both of these
14 universities. To facilitate this program, it is important that
15 each diagnostic laboratory be linked together via the Extension
16 Computer Network to facilitate an integrated approach to the
17 diagnosis and investigation of disease in farm animals. It is
18 also the intent of the General Assembly to provide resources and
19 a cadre of specialists to allow planned interventions in disease
20 outbreaks rather than crisis interventions. A predictable
21 funding basis is the only manner in which to achieve these
22 necessary laboratory research and diagnostic capabilities. It is
23 the intent of the General Assembly to establish a professional
24 expert body which advises the Governor and the General Assembly
25 in a scientific, nonpartisan mannner regarding the development
26 and implementation of animal health policies and programs
27 throughout this Commonwealth.

28 Section 2. The act is amended by adding a section to read:
29 Section 2.1 Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commission." The Animal Health and Diagnostic Commission
4 established in section 3.

5 "Department." The Department of Agriculture of the
6 Commonwealth.

7 "Secretary." The Secretary of Agriculture of the
8 Commonwealth.

9 Section 3. Sections 3, 5 and 6 of the act are amended to
10 read:

11 Section 3. Creation of commission; members.

12 (a) Creation.--There is hereby created in the [Department of
13 Agriculture] department a departmental administrative commission
14 which shall be known as the Animal Health and Diagnostic
15 Commission.

16 (b) Membership.--

17 (1) The commission shall consist of the following [15]
18 19 members:

19 (i) The [Secretary of Agriculture of the
20 Commonwealth] secretary.

21 (ii) The Secretary of Health of the Commonwealth.

22 (iii) The chairmen and minority chairmen of the
23 Agriculture Committees of both the House of
24 Representatives and the Senate.

25 (iv) Three accredited veterinarians appointed by the
26 Governor with the advice and consent of a majority of the
27 members elected to the Senate.

28 (v) [Six] Four active farmers appointed by the
29 Governor with the advice and consent of a majority of the
30 members elected to the Senate. In appointing farmer

1 members, the Governor shall consider nominees suggested
2 by [Statewide farm organizations, the poultry industry
3 and equine and livestock breeding organizations]
4 representative of the agriculture interest groups of this
5 Commonwealth.

6 (vi) One expert in animal nutrition appointed by the
7 Governor with the advice and consent of a majority of the
8 members elected to the Senate. In appointing members
9 under this subparagraph, the Governor shall consider
10 nominees suggested by representatives of agriculture
11 interests in this Commonwealth.

12 (vii) One expert in animal genetics appointed by the
13 Governor with the advice and consent of a majority of the
14 members elected to the Senate. In appointing members
15 under this subparagraph, the Governor shall consider
16 nominees suggested by representatives of agriculture
17 interests in this Commonwealth.

18 (viii) Four active farmers, one each appointed by
19 the:

20 (A) President Pro Tempore of the Senate;

21 (B) Majority Leader of the Senate;

22 (C) Speaker of the House of Representatives; and

23 (D) Minority Leader of the House of

24 Representatives.

25 (2) The [Secretary of Agriculture] secretary shall serve
26 as the chairman of the commission. At the last regular
27 meeting of the commission in the calendar year, the members
28 of the commission shall elect a vice chairman from among the
29 members of the commission. The member elected vice chairman
30 shall serve in that capacity for the ensuing year.

1 (3) Each member of the commission in the categories of
2 paragraph (1)[(i) through](ii) and (iii) may be represented
3 by his designee.

4 (4) Five of the nine members appointed by the Governor
5 shall be appointed to an initial term of two years. All other
6 members appointed by the Governor shall serve for terms of
7 four years. A member appointed by the Governor shall hold
8 office until his successor has been duly appointed and
9 qualified according to law but no longer than six months
10 beyond the period to which the member was appointed. Any
11 members appointed by the Governor to fill a vacancy occurring
12 otherwise than by expiration of a term shall be appointed in
13 the same way and with the same qualifications as set forth in
14 paragraph (1) and shall hold office for the remainder of the
15 unexpired term.

16 (5) Each member of the commission shall be eligible for
17 reappointment, and any member appointed to the commission by
18 the Governor may be removed by the Governor for neglect of
19 duty or malfeasance in office.

20 (6) Members appointed to the commission by the Governor
21 shall receive \$100 per day for each day actually engaged in
22 the business of the commission as compensation for serving as
23 members and shall devote such time and effort to the
24 prosecution of the commission's business as is necessary to
25 fulfill the commission's obligations under law. Such members
26 shall also be entitled to reimbursement in accordance with
27 Commonwealth regulations for reasonable traveling, lodging
28 and other necessary expenses incurred in the discharge of
29 their duties.

30 (7) All members shall be employed or engaged in business

1 in this Commonwealth or, if retired, shall be residents of
2 this Commonwealth.

3 (8) A majority of the members of the commission shall
4 constitute a quorum. All decisions shall require the
5 concurrence of a majority of the members of the commission.
6 The commission shall keep a full and accurate record of all
7 proceedings and of all resolutions, regulations and orders
8 issued or adopted.

9 (c) Executive secretary.--The commission shall employ an
10 executive secretary, independent of the department, who shall be
11 responsible for the daily operation and administrative functions
12 of the commission.

13 Section 5. Powers and duties of commission.

14 The commission shall have the following powers and duties:

15 (1) To adopt, issue, amend and rescind suitable rules
16 and regulations to carry out the provisions and purposes of
17 this act.

18 (2) To hear and determine all grants allowable under
19 this act.

20 (3) To receive funds from Federal, State and private
21 sources, to deposit the funds in an interest-bearing
22 restricted revenue account pursuant to section 4 and to
23 authorize expenditures from this fund for the purposes of
24 carrying out the provisions of this act.

25 (4) To coordinate animal health, animal research and
26 animal diagnostic programs in this Commonwealth, including,
27 but not limited to, those programs conducted at The
28 Pennsylvania State University, the [Department of
29 Agriculture] department and the University of Pennsylvania:
30 Provided, That this coordination shall not affect the

1 [Department of Agriculture] department in discharging its
2 statutory and regulatory authority concerning the prevention,
3 control or eradication of dangerous transmissible diseases of
4 animals or birds.

5 (5) To make grants for, and acquire data regarding,
6 animal health research, including, but not limited to:

7 (i) the determination of long-term animal health
8 trends within the animal health industry, with emphasis
9 upon those areas deemed most critical to the animal
10 agriculture producers, the nutrition and health of the
11 consumers and the quality of life in rural communities;

12 (ii) the prioritization of animal health research
13 projects;

14 (iii) the maximization of receipt of grant funds
15 from Federal agencies for animal health research;

16 (iv) the maximization of receipt of funds from
17 private sources interested in animal health research;

18 (v) the distribution of funds for animal health
19 research projects to those institutions or agencies
20 within the Commonwealth which conduct contracted
21 diagnostic work in animal health;

22 (vi) the evaluation of factors involved in animal
23 health problems to determine which are biologic in origin
24 and which are caused by improper livestock management;

25 (vii) the computerized compilation, maintenance,
26 indexing and dissemination of animal health research
27 projects and results, where available, especially in
28 those cases where research was funded wholly or partially
29 by the Commonwealth;

30 (viii) the determination of the need for capital

1 funding for research facilities and equipment;

2 (ix) the conduct of annual surveys of the veterinary
3 medical profession, the food processing industries and
4 businesses related to livestock agriculture to isolate
5 trends or circumstances which may threaten animal or
6 human health; and

7 (x) the exchange of biomedical research and
8 information between human health and animal health
9 sources, including the isolation of animal disease
10 models.

11 (6) To make grants for, and acquire data regarding,
12 animal disease diagnosis, including, but not limited to:

13 (i) the development of a coordinated reporting and
14 monitoring system for animal disease diagnosis;

15 (ii) the development of toxicological capabilities,
16 especially those related to a drug detection program for
17 horse racing and to a determination of animal health
18 problems because of the close proximity of animal
19 agriculture to mining and to oil and gas drilling;

20 (iii) the expansion of diagnostic virology
21 capabilities, especially those related to virus isolation
22 procedures; and

23 (iv) the determination of the need for capital
24 funding for animal disease diagnostic facilities and
25 equipment.

26 (7) To make recommendations to the General Assembly and
27 to the [Department of Agriculture] department regarding
28 animal health research, animal disease diagnosis and
29 indemnification for losses caused by animal disease.

30 (8) To advise the Governor, the department and the

1 General Assembly regarding the development, implementation
2 and efficacy of animal health policies and programs within
3 this Commonwealth.

4 (9) To make an annual report to the General Assembly on
5 the administration of this act.

6 (10) To make, by February 1, an annual budget request to
7 the Governor and to the General Assembly.

8 Section 6. Assistance by [Department of Agriculture]
9 department.

10 The [Department of Agriculture] department shall assist the
11 commission by providing office space and such personnel and
12 other administrative support as needed for the execution of the
13 commission's function under this act.

14 Section 4. This act shall apply as follows:

15 (1) The addition of section 3(b)(1)(vi) of the act shall
16 apply to the first vacancy reappointment submitted by the
17 Governor under section 3(b)(1)(v) of the act which occurs
18 after the effective date of this act.

19 (2) The addition of section 3(b)(1)(vii) of the act
20 shall apply to the second vacancy reappointment submitted by
21 the Governor under section 3(b)(1)(v) of the act which occurs
22 after the effective date of this act.

23 (3) For purposes of this section, it is not significant
24 whether the reappointment is made because of expiration of
25 term or otherwise.

26 Section 5. This act shall take effect in 60 days.