

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1516 Session of 2019

INTRODUCED BY CAUSER, PASHINSKI, BERNSTINE, BURGOS, A. DAVIS, T. DAVIS, DeLISSIO, FEE, FREEMAN, GREINER, HANBIDGE, HARKINS, HERSHEY, HICKERNELL, M. K. KELLER, LONGIETTI, MALAGARI, MENTZER, MILLARD, MOUL, NEILSON, OWLETT, RADER, RYAN, SAPPEY, SAYLOR, SNYDER, STRUZZI, ULLMAN, WEBSTER, ZIMMERMAN, McNEILL, IRVIN, CIRESI, RABB AND SAINATO, MAY 29, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 12, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, establishing the Agriculture Rapid Response
3 Disaster Readiness Account.

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

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

8 PART X

9 EMERGENCIES

10 Chapter

11 111. Agriculture Rapid Response Disaster Readiness Account

12 CHAPTER 111

13 AGRICULTURE RAPID RESPONSE DISASTER READINESS ACCOUNT

14 Sec.

15 11101. Declaration of purpose.

16 11102. Definitions.

- 1 11103. Authority.
2 11104. Eligible disaster funding.
3 11105. Recordkeeping and audit.
4 11106. Cooperation.
5 11107. Agriculture Rapid Response Disaster Readiness Account.
6 11108. Applicability.
7 § 11101. Declaration of purpose.

8 The purpose of this chapter is to establish a restricted
9 account within the department to provide emergency money for
10 training, equipment and other resources necessary for rapid
11 responses to transmissible diseases, plant pests, plant
12 diseases, controlled and noxious weeds, foodborne illnesses and
13 natural and other disasters affecting agriculture WHICH POSE AN <--
14 IMMEDIATE DANGER TO PUBLIC OR ANIMAL HEALTH, FOOD SAFETY OR
15 ECONOMIC WELL-BEING in this Commonwealth.

16 § 11102. Definitions.

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

20 "Account." The Agriculture Rapid Response Disaster Readiness
21 Account established under section 11107 (relating to Agriculture
22 Rapid Response Disaster Readiness Account).

23 "Controlled plant." As defined under section 1502 (relating
24 to definitions).

25 "Hazardous substance." As defined under section 2303
26 (relating to definitions).

27 "Invasive species." A species declared to be invasive by the
28 Governor's Invasive Species Council of Pennsylvania.

29 "Noxious weed." As defined under section 1502.

30 "Person." An individual, partnership, association, firm,

1 corporation, local agency, agency of the Federal Government or
2 the Commonwealth or other legal entity.

3 "Plant pest." As defined under the act of December 16, 1992
4 (P.L.1228, No.162), known as the Plant Pest Act.

5 "Transmissible disease." As defined under section 2303.
6 § 11103. Authority.

7 (a) Authority and duty.--The department shall have the
8 authority and duty to:

9 (1) Administer the provisions of this chapter.

10 (2) Allocate money in accordance with this chapter.

11 (b) Training programs.--The department may develop training
12 programs and training program requirements and allocate money in
13 a manner consistent with this chapter. CONTRACTS AWARDED UNDER <--
14 THIS SUBSECTION SHALL BE SUBJECT TO 62 PA.C.S. PT. I (RELATING
15 TO COMMONWEALTH PROCUREMENT CODE).

16 ~~(c) Competitive bidding. The department shall use a~~ <--
17 ~~competitive bidding process for contracts awarded under this~~
18 ~~chapter and may not make sole source procurements.~~

19 § 11104. Eligible disaster funding.

20 Purposes for which money from the account may be used by the
21 department shall include, but are not limited to, the following:

22 (1) To mitigate, contain, control, eradicate, prevent or
23 limit the spread of ANY OF THE FOLLOWING IF THE SECRETARY <--
24 DETERMINES ANY OF THE FOLLOWING POSES AN IMMEDIATE DANGER TO
25 PUBLIC OR ANIMAL HEALTH, FOOD SAFETY OR ECONOMIC WELL-BEING
26 IN THIS COMMONWEALTH:

27 (i) Transmissible disease.

28 (ii) Hazardous substance contamination.

29 (iii) Plant pests.

30 (iv) Invasive species.

- 1 (v) Plant diseases.
- 2 (vi) Noxious weeds.
- 3 (vii) Controlled plants.
- 4 (viii) Foodborne illness.

5 (2) To assist in providing transportation of livestock
6 feed from a commercial feed establishment in the event of a
7 disaster declaration issued by the Governor that includes the
8 department.

9 (3) To make grants for and acquire data regarding animal <--
10 health research and animal disease diagnosis ANY ITEM UNDER <--
11 PARAGRAPH (1). No more than \$100,000 may be used for this
12 purpose in a year.

13 (4) To provide additional financial assistance as may be
14 requested in a declaration of disaster issued by the Governor
15 that includes the department.

16 (5) TO PROVIDE UP TO \$250,000 ANNUALLY TO ANIMAL <--
17 RESPONSE TEAMS RECOGNIZED AND APPROVED BY THE PENNSYLVANIA
18 EMERGENCY MANAGEMENT AGENCY FOR PLANNING, DEVELOPING AND
19 MAINTAINING ANIMAL RESPONSE AND RESCUE CAPABILITIES
20 CONSISTENT WITH STANDARDS AND GUIDELINES ESTABLISHED BY THE
21 AGENCY IN CONJUNCTION WITH THE DEPARTMENT.

22 § 11105. Recordkeeping and audit.

23 (a) Eligible person receiving money.--The department shall
24 require a person receiving money under this chapter to keep and
25 provide upon request records as the department believes are
26 necessary to ensure money is spent in accordance with this
27 chapter. The person must reside in this Commonwealth. The <--
28 records shall include the name and address of the person,
29 evidence of the eligible disaster for which the money was
30 received and a copy of each invoice and expenditure to account

1 for the expenditure of money received. The department may
2 request production of the documents and may copy and hold the
3 documents as the department deems necessary. The department may
4 enter onto the premises of the person in order to carry out the
5 department's duties under this chapter.

6 (b) Department records.--The department shall keep a record
7 of all expenditures from the account, which shall include the
8 date, eligible purpose of the expenditure and any eligible
9 entity that may have received the funding. The General Assembly
10 may request a report, including the required records, from the
11 department on a fiscal year basis or as the General Assembly
12 believes necessary.

13 § 11106. Cooperation.

14 In order to increase the efficiency of the department
15 regarding the administration and implementation of this chapter,
16 the department may cooperate and enter into agreements with the
17 appropriate regulatory agencies of the Federal Government and
18 any other Commonwealth agency in furtherance of this chapter.

19 § 11107. Agriculture Rapid Response Disaster Readiness Account.

20 (a) Establishment.--The Agriculture Rapid Response Disaster
21 Readiness Account is established as a special nonlapsing account
22 in the State Treasury. All money allocated to or supplements to
23 the account and the interest collected on money and supplements
24 shall be paid into the account. All money placed into the
25 account and the interest the account accrues are appropriated to
26 the department on a continuing basis for activities necessary to
27 meet the requirements of this chapter.

28 (b) Supplements to account.--The account may be supplemented
29 by money received from the following sources:

30 (1) State money appropriated to the department.

1 (2) Federal money appropriated to the department.

2 (3) Money received from other governmental agencies
3 through an interagency agreement or memorandum of
4 understanding.

5 (4) Gifts and other contributions from public and
6 private sources.

7 (c) Account administration.--The department may adopt
8 procedures for the use of money in the account, including the
9 creation of subaccounts within the account for the purposes of
10 allocation of money authorized under this chapter.

11 (d) Deposit and use of money.--An administrative action may
12 not prevent the deposit of money into the account in the fiscal
13 year in which the money is received. The money shall only be
14 used for the purposes authorized under this chapter and shall
15 not be transferred or diverted to any other purpose by
16 administrative action, except as specifically provided for in
17 section 11106 (relating to cooperation).

18 § 11108. Applicability.

19 This chapter shall apply to the distribution of account money
20 allocated or made available to the department beginning with the
21 2019-2020 fiscal year and each fiscal year thereafter. The
22 department shall not be liable for a commitment or for
23 completion of a partially completed or partially funded project
24 which cannot be completed due to the unavailability of
25 Commonwealth money or future Commonwealth appropriations.

26 Section 2. This act shall take effect in 60 days.