

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1519 Session of 2019

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 17, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for Commonwealth Specialty Crop Block
3 Grant Program; AND ESTABLISHING THE COMMONWEALTH SPECIALTY <--
4 CROP BLOCK GRANT FUND.

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:

9 CHAPTER 105

10 COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM

11 Sec.

12 10501. Declaration of purpose.

13 10502. Definitions.

14 10502.1. ESTABLISHMENT OF PROGRAM. <--

15 10503. Authority.

16 10504. Eligible applicants and projects.

1 10505. Allocation of ~~funds~~ MONEY. <--

2 10506. Use of grant ~~funds~~ MONEY by ~~approved applicants~~ <--

3 RECIPIENTS. <--

4 ~~10507. Entry onto premises.~~ <--

5 ~~10508~~ 10507. Audit and recordkeeping. <--

6 ~~10509. Enforcement and penalties.~~ <--

7 ~~10510. Civil remedy.~~

8 ~~10511.~~ 10508. Commonwealth Specialty Crop Block Grant Fund. <--

9 ~~10512~~ 10509. Applicability. <--

10 § 10501. Declaration of purpose.

11 The purpose of this chapter is to enhance, but not replace,

12 the Federal Specialty Crop Block Grant Program by establishing

13 ~~an annual~~ A Commonwealth Specialty Crop Block Grant Program ~~for~~ <--

14 ~~horticultural~~ TO GIVE PRIORITY TO specialty crops that are not <--

15 currently eligible for grant payments under the Federal

16 Specialty Crop Block Grant Program ~~administered under the~~ <--

17 ~~provisions of the Federal Agricultural Improvement Act of 2018~~

18 ~~(Public Law 115 334).~~ Assured annual funding. FUNDING will <--

19 assist the growth, certification of seed and marketing of high

20 priority ~~horticultural~~ specialty crops, as defined by the <--

21 secretary under this chapter.

22 § 10502. Definitions.

23 The following words and phrases when used in this chapter

24 shall have the meanings given to them in this section unless the

25 context clearly indicates otherwise:

26 "Crop." Plants that are cultivated for sale, production,

27 processing or subsistence. The term does not include wild

28 plants.

29 ~~"Eligible specialty crop." A horticultural crop not~~ <--

30 ~~currently eligible for funding under the Federal Specialty Crop~~

1 ~~Block Grant Program and any future amendment thereto, or a plant~~  
2 ~~cultivated and utilized for fiber or biofuel purposes, which is~~  
3 ~~not currently eligible for funding under the Federal Specialty~~  
4 ~~Crop Block Grant Program, and designated as a high priority~~  
5 ~~specialty crop by the secretary.~~

6 "ELIGIBLE SPECIALTY CROP." A SPECIALTY CROP DESIGNATED AS A <--  
7 HIGH-PRIORITY SPECIALTY CROP BY THE SECRETARY, WITH PRIORITY  
8 GIVEN TO CROPS, PLANTS AND PRODUCTS THAT ARE NOT CURRENTLY  
9 ELIGIBLE FOR FUNDING UNDER THE FEDERAL SPECIALTY CROP BLOCK  
10 GRANT PROGRAM.

11 "Federal Specialty Crop Block Grant Program." The Specialty  
12 Crops Competitiveness Act of 2004 (Public Law 108-465, 118 Stat.  
13 3882).

14 "General evaluation criteria." The evaluation criteria  
15 established by the department and utilized for the Federal  
16 Specialty Crop Block Grant Program.

17 ~~"Horticulture." The branch of agriculture concerned with~~ <--  
18 ~~growing plants "HORTICULTURAL CROP." A CROP that are IS used by~~ <--  
19 ~~people for food, medicinal purposes and aesthetic gratification.~~

20 "Population density." The total population of Pennsylvania,  
21 as determined by the most recent Federal decennial census,  
22 divided by the total area of Pennsylvania in square miles.

23 "PROGRAM." THE COMMONWEALTH SPECIALTY CROP BLOCK GRANT <--  
24 PROGRAM ESTABLISHED UNDER SECTION 10502.1 (RELATING TO  
25 ESTABLISHMENT OF PROGRAM).

26 "Rural municipality." A municipality of this Commonwealth  
27 with a population density less than the Statewide average  
28 population density or a total population less than 2,500, unless  
29 more than 50% of the population lives in an urbanized area as  
30 defined by the United States Census Bureau.

1 "Specialty crops." The term includes fruits and vegetables, <--  
2 tree nuts, dried fruits and horticulture and nursery crops,  
3 including floriculture and crops used for fiber or biofuel  
4 purposes.

5 "SILVICULTURAL PRODUCTS." A PRODUCT OF A FOREST OR WOODLAND, <--  
6 INCLUDING, BUT NOT LIMITED TO, TIMBER.

7 "SPECIALTY CROP." A HORTICULTURAL CROP OR SILVICULTURAL  
8 PRODUCT, A PLANT CULTIVATED AND UTILIZED FOR FIBER OR BIOFUEL  
9 PURPOSES OR AN APIARY PRODUCT.

10 "Urban municipality." A municipality of this Commonwealth  
11 not defined as a rural municipality.

12 § 10502.1. ESTABLISHMENT OF PROGRAM. <--

13 THE COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM IS  
14 ESTABLISHED IN THE DEPARTMENT.

15 § 10503. Authority.

16 (a) Duties of department.--The department shall have the  
17 following duties:

18 (1) To administer this chapter in a manner consistent  
19 with the general evaluation criteria, including the  
20 application, evaluation and reporting processes required and  
21 employed under the annual Federal Specialty Crop Block Grant  
22 Program.

23 (2) To develop all necessary documents and transmit a  
24 notice of all parameters of the Commonwealth Specialty Crop <--  
25 Block Grant Program PROGRAM, including eligible specialty <--  
26 crops, evaluation criteria, submittal dates, application and  
27 reporting forms and requirements and template grant  
28 agreements to the Legislative Reference Bureau for  
29 publication in the Pennsylvania Bulletin and on the  
30 department's publicly available Internet website.

1 (b) Funds available basis SPECIFIC ALLOCATION AND <--  
2 NONLIABILITY.--The Commonwealth Specialty Crop Block Grant <--  
3 Program PROGRAM shall only be administered in years in which <--  
4 funds are MONEY IS specifically allocated or received and made <--  
5 available to the department under this chapter for that purpose.  
6 THE DEPARTMENT SHALL NOT BE LIABLE FOR ANY COMMITMENT OR FOR <--  
7 COMPLETION OF A PARTIALLY COMPLETED OR PARTIALLY FUNDED PROJECT  
8 WHICH CANNOT BE COMPLETED DUE TO THE UNAVAILABILITY OF  
9 COMMONWEALTH MONEY OR FUTURE COMMONWEALTH APPROPRIATIONS.

10 § 10504. Eligible applicants and projects.

11 The following eligibility criteria shall apply to applicants  
12 and grant projects:

13 (1) State and local organizations, producer  
14 associations, academia, community-based organizations and  
15 other eligible specialty crops stakeholders are eligible to  
16 apply.

17 (2) Projects shall enhance the competitiveness of  
18 eligible specialty crops and benefit the eligible specialty  
19 crop industry as a whole and may include, but are not limited  
20 to, projects such as:

21 (i) Increasing child and adult nutrition knowledge  
22 and consumption of specialty crops.

23 (ii) Participation of industry representatives at  
24 meetings of international standard setting bodies in  
25 which the Federal Government participates.

26 (iii) Improving efficiency and reducing costs of  
27 distribution systems.

28 (iv) Assisting all entities in the specialty crop  
29 distribution chains in developing good agricultural  
30 practices, good handling practices, good manufacturing

1 practices and in cost-share arrangements for funding  
2 audits of such systems for small farmers, packers and  
3 processors.

4 (v) Investing in specialty crop research, including  
5 organic research to focus on conservation and  
6 environmental outcomes and enhancing food safety.

7 (vi) Developing new and improved seed varieties and  
8 specialty crops.

9 (vii) Pest and disease control.

10 (viii) Sustainability.

11 (3) To be considered an eligible specialty crop,  
12 eligible plants must be cultivated or managed and used by <--  
13 people for food, medicinal purposes or aesthetic  
14 gratification or other A SPECIALTY CROP MUST MEET THE <--  
15 parameters established by the secretary. Processed products  
16 shall consist of greater than 50% of the eligible specialty  
17 crop by weight, exclusive of added water.

18 (4) Grants may not be awarded to projects that directly  
19 benefit a particular commercial product or provide a profit  
20 to a single organization, institution or individual.

21 (5) Grants may be awarded to eligible applicants <--  
22 RECIPIENTS and projects for up to two years. <--

23 § 10505. Allocation of funds MONEY. <--

24 The funds which the department is allocated or receives under <--  
25 MONEY THAT IS ALLOCATED TO OR RECEIVED BY THE DEPARTMENT UNDER <--  
26 section ~~10511~~ 10508 (relating to Commonwealth Specialty Crop <--  
27 Block Grant Fund) shall be allocated for administration of this  
28 chapter in accordance with the following formula:

29 (1) An amount of up to 8% of the funds MONEY may be used <--  
30 by the department for administrative costs.

1           (2) An amount equal to 6.2% of the money shall be  
2 allocated to ~~eligible applicants~~ RECIPIENTS and projects <--  
3 located in rural municipalities where at least 20% of the  
4 population has been below the Federal poverty line since 1990  
5 based on census data.

6           (3) An amount equal to 3.8% of the money shall be  
7 allocated to ~~eligible applicants~~ RECIPIENTS and projects <--  
8 located in urban municipalities where at least 20% of the  
9 population has been below the Federal poverty line since 1990  
10 based on census data.

11           (4) The balance of the money remaining after making  
12 allocations under paragraphs (1), (2) and (3) shall be  
13 allocated to ~~eligible applicants~~ RECIPIENTS and projects in a <--  
14 manner which seeks to distribute the money evenly among TYPES <--  
15 OF eligible specialty crops and, where practicable, in a  
16 manner that distributes money across this Commonwealth.  
17 § 10506. Use of grant ~~funds~~ MONEY by ~~approved applicants~~ <--  
18 RECIPIENTS. <--

19           ~~(a) Approved applicant. The funds that are allocated to~~ <--  
20 ~~approved applicants by the department, in accordance with this~~  
21 ~~chapter, shall be used only for approved, eligible activities~~  
22 ~~which are permitted in accordance with this chapter, the~~  
23 ~~Commonwealth Specialty Crops Block Grant parameters and the~~  
24 ~~grant agreement.~~

25           (A) RECIPIENTS.--MONEY THAT IS ALLOCATED TO RECIPIENTS BY <--  
26 THE DEPARTMENT SHALL BE USED ONLY FOR APPROVED PROJECTS IN  
27 ACCORDANCE WITH THIS CHAPTER, PROGRAM PARAMETERS AND GRANT  
28 AGREEMENTS.

29           (b) Violations.--It shall be unlawful for a person to  
30 violate:

- 1       (1) the terms or provisions of this chapter;  
2       (2) the program parameters developed under this chapter;  
3       or  
4       (3) a signed grant agreement established under this  
5       chapter.

6 ~~§ 10507. Entry onto premises.~~ <--

7       ~~The department, in the performance of duties required to~~  
8       ~~enforce and assure compliance with this chapter, may, during~~  
9       ~~normal business hours, enter onto the premises of an approved~~  
10       ~~block grant applicant or recipient. Failure to grant access~~  
11       ~~shall be a violation of this chapter.~~

12 ~~§ 10508. Audit and recordkeeping.~~

13       ~~(a) Requirements.--The department shall establish and~~  
14       ~~enforce the audit and recordkeeping requirements as established~~  
15       ~~under the annual Federal Specialty Crop Block Grant Program and~~  
16       ~~publish the requirements on the department's publicly accessible~~  
17       ~~Internet website. The department shall transmit notice of the~~  
18       ~~audit and recordkeeping requirements to the Legislative~~  
19       ~~Reference Bureau for publication in the Pennsylvania Bulletin.~~

20       ~~(b) Authority to investigate.--The department may~~  
21       ~~investigate the records of an approved applicant A RECIPIENT~~ <--  
22       ~~under this chapter. The approved applicant RECIPIENT shall~~ <--  
23       ~~provide the applicant's RECIPIENT'S records upon the~~ <--  
24       ~~department's request. The department shall conduct A RECIPIENT~~ <--  
25       ~~SHALL ALLOW THE DEPARTMENT TO CONDUCT ON-SITE inspections as~~  
26       ~~necessary to assure compliance with this chapter, the program~~  
27       ~~parameters developed under this chapter or a signed grant~~  
28       ~~agreement established under this chapter.~~

29 ~~§ 10509. Enforcement and penalties.~~ <--

30       ~~(a) Revocation, denial and reimbursement. For a violation~~



~~of the terms or provisions of this chapter, the program parameters developed under this chapter or a signed grant agreement established under this chapter, the department may:~~

~~(1) Revoke the approved block grant and recover any grant funds already allocated. Failure of a person to repay all or a portion of the grant funds already allocated shall allow the department to refer the matter to the Office of Attorney General, which shall recover the amount by action in the appropriate court.~~

~~(2) Deny an application filed by the person for a current, future or joint project block grant.~~

~~(b) Civil penalties. The following shall apply:~~

~~(1) In addition to proceeding under any other remedy available at law or in equity for a violation of this chapter, a rule adopted under this chapter or an order issued or agreement entered into under this chapter, the department may assess a civil penalty of not more than the amount of the block grant and cost of prosecution upon an individual or business for each offense.~~

~~(2) No civil penalty shall be assessed unless the person charged has been given notice and opportunity for a hearing on the charge in accordance with law.~~

~~(3) In determining the amount of the penalty, the department shall consider the gravity of the violation. The department may issue a warning in lieu of assessing a penalty.~~

~~(4) In cases of inability to collect the civil penalty or failure of a person to pay all or a portion of the penalty, as the department may determine, the department may refer the matter to the Office of Attorney General, which~~

1 ~~shall recover such amount by action in the appropriate court.~~

2 ~~§ 10510. Civil remedy.~~

3 ~~In addition to any other remedies provided for in this~~  
4 ~~chapter, the Attorney General, at the request of the department,~~  
5 ~~may initiate, in the Commonwealth Court or the court of common~~  
6 ~~pleas of the county in which the defendant resides or has a~~  
7 ~~place of business, an action in equity for an injunction to~~  
8 ~~restrain any and all violations of this chapter or the rules~~  
9 ~~promulgated under this chapter or any order issued or agreement~~  
10 ~~entered into under this chapter from which no timely appeal has~~  
11 ~~been taken or which has been sustained on appeal. In a~~  
12 ~~proceeding, the court shall, upon motion of the Commonwealth,~~  
13 ~~issue a preliminary injunction if the court finds that the~~  
14 ~~defendant is engaging in conduct that is unlawful under this~~  
15 ~~chapter or is engaging in conduct which is causing immediate or~~  
16 ~~irreparable harm to the public. The Commonwealth shall not be~~  
17 ~~required to furnish bond or other security in connection with~~  
18 ~~the proceedings. In addition to an injunction, the court in the~~  
19 ~~equity proceedings may levy civil penalties under section 2383~~  
20 ~~(relating to enforcement and penalties).~~

21 ~~§ 10511.~~ § 10508. Commonwealth Specialty Crop Block Grant Fund. <--

22 (a) Establishment.--The Commonwealth Specialty Crop Block  
23 Grant Fund is established as a special nonlapsing fund in the  
24 State Treasury. All money derived from fines and civil  
25 penalties, judgments and interest collected or imposed under  
26 this chapter shall be paid into the fund. All money placed into  
27 the fund and the interest the fund accrues are hereby  
28 appropriated to the department on a continuing basis for any  
29 activities necessary to meet the requirements of this chapter.

30 (b) Supplements to fund.--The Commonwealth Specialty Crop

1 Block Grant Fund may be supplemented by money received from the  
2 following sources:

3 (1) State funds MONEY appropriated to the department. <--

4 (2) Federal funds MONEY appropriated to the department. <--

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

7 § 10512 10509. Applicability. <--

8 This chapter shall apply to the distribution of money of the  
9 Commonwealth Specialty Crop Block Grant Fund allocated ~~or made~~ <--  
10 ~~available to~~ TO OR RECEIVED BY the department beginning with <--  
11 fiscal year 2019-2020 and thereafter. ~~The department shall not~~ <--  
12 ~~be liable for any commitment or for completion of a partially~~  
13 ~~completed or partially funded project which cannot be completed~~  
14 ~~due to the unavailability of Commonwealth funds or future~~  
15 ~~Commonwealth appropriations.~~

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