

No. 1988-148

AN ACT

HB 441

Creating a departmental administrative commission known as the Animal Health and Diagnostic Commission; and establishing a fund.

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

Section 1. Short title.

This act shall be known and may be cited as the Animal Health and Diagnostic Act.

Section 2. Legislative findings and intent.

Veterinary diagnostic support is the linchpin of any network of veterinary epidemic intelligence vital to the maintenance and well-being of a modern animal industry. Many diseases have potentially serious consequences for animal and human health. Much of the research work which is done on animal diseases has a correlating effect on human disease research. The General Assembly has determined there is a need to facilitate an integrated approach to the diagnosis and investigation of disease in farm animals. The avian flu virus brought to the General Assembly's attention that there is not a laboratory in Pennsylvania which can deal with this type of virus, and Pennsylvania poultrymen had to send all samples to Ames, Iowa. The General Assembly also finds that it is important that there be diagnostic capabilities in Pennsylvania since this State is one of the top poultry, dairy and animal-producing states in the country. There is no doubt that the research laboratories at The Pennsylvania State University and the University of Pennsylvania teaching facilities are of utmost importance since they correlate to the medical facilities at both of these universities. To facilitate this program, it is important that each diagnostic laboratory be linked together via the Extension Computer Network to facilitate an integrated approach to the diagnosis and investigation of disease in farm animals. It is also the intent of the General Assembly to provide resources and a cadre of specialists to allow planned interventions in disease outbreaks rather than crisis interventions. A predictable funding basis is the only manner in which to achieve these necessary laboratory research and diagnostic capabilities.

Section 3. Creation of commission; members.

(a) **Creation.**—There is hereby created in the Department of Agriculture a departmental administrative commission which shall be known as the Animal Health and Diagnostic Commission.

(b) **Membership.**—

(1) The commission shall consist of the following 15 members:

- (i) The Secretary of Agriculture of the Commonwealth.
- (ii) The Secretary of Health of the Commonwealth.

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

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

(v) Six active farmers appointed by the Governor with the advice and consent of a majority of the members elected to the Senate. In appointing farmer members, the Governor shall consider nominees suggested by Statewide farm organizations, the poultry industry and equine and livestock breeding organizations.

(2) The Secretary of Agriculture shall serve as the chairman of the commission. At the last regular meeting of the commission in the calendar year, the members of the commission shall elect a vice chairman from among the members of the commission. The member elected vice chairman shall serve in that capacity for the ensuing year.

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

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

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

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

(7) All members shall be employed or engaged in business in this Commonwealth or, if retired, shall be residents of this Commonwealth.

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

Section 4. Establishment of fund.

(a) Fund established.—There is hereby established a fund, which shall be an interest-bearing restricted revenue account, in which shall be deposited such moneys as are appropriated, given, granted or donated to the commission, or to the program provided for in this act, by the Federal Government, the Commonwealth or any other governmental or private agency or person.

(b) Use of fund.—Moneys deposited in the fund and interest earned on moneys deposited in the fund shall be used solely for the purpose of carrying out the provisions of this act.

Section 5. Powers and duties of commission.

The commission shall have the following powers and duties:

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

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

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

(4) To coordinate animal health, animal research and animal diagnostic programs in this Commonwealth, including, but not limited to, those programs conducted at The Pennsylvania State University, the Department of Agriculture and the University of Pennsylvania: Provided, That this coordination shall not affect the Department of Agriculture in discharging its statutory and regulatory authority concerning the prevention, control or eradication of dangerous transmissible diseases of animals or birds.

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

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

(ii) the prioritization of animal health research projects;

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

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

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

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

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

(viii) the determination of the need for capital funding for research facilities and equipment;

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

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

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

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

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

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

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

(7) To make recommendations to the General Assembly and to the Department of Agriculture regarding animal health research, animal disease diagnosis and indemnification for losses caused by animal disease.

Section 6. Assistance by Department of Agriculture.

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

Section 7. Grants.

In exercising its powers and duties under other provisions of this act and in order to improve the diagnostic capabilities of the Commonwealth and reduce the costs associated with animal disease, the commission shall make grants for research, diagnosis, control and prevention of animal disease. The grants shall be made only to those accredited institutions of higher education and those agencies and organizations which are located within this Commonwealth and devoted to animal health. A proposal for a grant shall specify the nature of the research or other work to be carried out and the anticipated benefits to the Commonwealth. Amounts may be granted for the investigation of particular diseases and for personnel, projects and facilities related to animal disease in general. Proposals for grants shall be filed with the commission in such manner as the commission shall by regulation require.

Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 14th day of December, A. D. 1988.

ROBERT P. CASEY