

No. 1998-11

AN ACT

HB 1345

Establishing the Agricultural Law Resource and Reference Center and its board of directors; and providing for their purpose, duties, powers and responsibilities.

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 Agricultural Law Resource and Reference Center Act.

Section 2. Legislative findings.

The General Assembly finds and declares as follows:

(1) The legal issues affecting agriculture today involving topics such as land use conflicts, environmental law, biotechnology, hired labor practices and evolving, more intensive farming practices are becoming increasingly complex. These issues impact not only the production agriculture sector itself but extend and need to be understood by agribusiness, related industries, governmental entities and the public in general.

(2) The legal questions raised by these issues must be addressed in a timely and thoughtful manner by agricultural law experts to provide a foundation for informed decision making, dispute resolution and effective administrative and legislative action.

(3) At present there exists no central and effective system for compiling agricultural law materials, collecting and retaining reference materials on specific issues, accessing background research or, most significantly, disseminating this information to affected parties, including the agricultural industry, attorneys and the public.

(4) The alliance between two premier academic institutions in this Commonwealth, one with a well-established commitment to the discipline of law and the other the State land grant university with a wealth of agricultural knowledge, creates a unique opportunity to access expertise of each as a means of addressing complex legal issues.

Section 3. Intent and authorization.

(a) Intent.—It is the intent of this act that the Department of Agriculture shall establish the Agricultural Law Resource and Reference Center.

(b) Authorization.—The Department of Agriculture is authorized to enter into a contract or other agreement with the Dickinson School of Law and the College of Agricultural Sciences at The Pennsylvania State University to establish and maintain the Agricultural Law Resource and Reference Center.

Section 4. Definitions.

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

“Board.” The Agricultural Law Resource and Reference Center Board of Directors.

“Center.” The Agricultural Law Resource and Reference Center.

Section 5. Purpose of center.

It shall be the purpose of the center to serve as a resource on agricultural law and related issues for farmers and agribusinesses, attorneys, officials at all levels of government, community groups and the public.

Section 6. Duties and responsibilities of center.

(a) Duties and responsibilities.—It shall be the duty and responsibility of the center to:

(1) Provide a central system for collecting and indexing agricultural law materials.

(2) Maintain current bibliographies on specific agricultural law topics.

(3) Disseminate up-to-date information to the public through publications, the Penn State Cooperative Extension, agricultural organizations and other means which the center deems appropriate.

(4) Conduct research and analysis on agricultural law issues, including research funded by or conducted on behalf of independent funding sources.

(5) Respond to legal questions within the areas of the center’s expertise, except that the center shall not provide individual legal services or representation.

(6) Develop and provide, with the approval of the board, other services and programs appropriate to the purpose of the center.

(b) Additional duties and responsibilities.—In addition, the center shall, with the approval of the board, investigate and institute, if determined to be feasible, a program of for-fee services, including, but not limited to, dispute and conflict resolution or mediation services and development of interpretative rulings and opinions on specific legal questions within its area of expertise.

Section 7. Board.

(a) Establishment.—There is hereby established the Agricultural Law Resource and Reference Center Board of Directors.

(b) Members.—The board shall consist of the Secretary of Agriculture who shall serve as the chair, the Dean of the Dickinson School of Law and the Dean of the College of Agricultural Sciences at The Pennsylvania State University who shall serve as the executive committee of the board. The board shall also consist of the chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the Senate or their designees and the chairman and the minority chairman of the Agriculture and Rural Affairs Committee of the House of Representatives or their designees; two members of the Board of Trustees of The Pennsylvania State University who serve by

virtue of election; and the vice president who serves as director for cooperative extension at The Pennsylvania State University. In addition, the board shall include the following members who shall be appointed by the Secretary of Agriculture:

(1) Three representatives of production agriculture, one of whom must be a direct marketer.

(2) One agricultural processor.

(3) One representative of an agribusiness who must have experience with producer contracts.

(4) One attorney with expertise in agricultural law.

(c) Powers and duties:

(1) The board shall have the power and it shall be its duty to govern and direct all operations and activities of the center in order to accomplish the intent and purpose of this act and to perform the duties bestowed upon the center by this act.

(2) The executive committee of the board shall, within one year, recommend to the full board for their approval an executive director for the center whose duty shall be to manage and operate the center in such manner as prescribed by the board and this act.

(3) The board is authorized to solicit and accept on behalf of the center contributions, including money, tangible and intangible property, endowments and other items of value, from governmental entities, businesses, individuals and charitable and academic institutions. The board is further authorized to seek and solicit independent research funding.

(d) Meetings.—The board shall meet at least every four months or more frequently if it deems necessary.

(e) Expenses.—The members of the board shall serve without salary or compensation but shall be entitled to expenses which are reasonable and necessary to the performance of their duties.

Section 8. Reports.

On or before June 30, 1998, and annually thereafter, the center shall present to the Governor and the General Assembly a report of its activities, including a complete fiscal summary, for the preceding year.

Section 9. Funding.

(a) General rule.—For the purpose of implementing the provisions of this act, the Department of Agriculture is authorized to use:

(1) Moneys appropriated to it for agricultural research.

(2) Moneys specifically appropriated by the General Assembly for an Agricultural Law Resource and Reference Center.

(3) Any other moneys, contributions or payments which may be made available to the department by the Federal Government or by any public or private source.

(b) Limitation.—For the fiscal year beginning July 1, 1999, and each year thereafter, appropriations from the Commonwealth for operational costs of the

center shall not exceed the combined value of resources available to the center for such purposes from other sources.

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 29th day of January, A.D. 1998.

THOMAS J. RIDGE