

No. 2019-35

AN ACT

HB 1516

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

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

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

**PART X
EMERGENCIES**

Chapter

111. Agriculture Rapid Response Disaster Readiness Account

**CHAPTER 111
AGRICULTURE RAPID RESPONSE DISASTER READINESS
ACCOUNT**

Sec.

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§ 11101. Declaration of purpose.

The purpose of this chapter is to establish a restricted account within the department to provide emergency money for training, equipment and other resources necessary for rapid responses to transmissible diseases, plant pests, plant diseases, controlled and noxious weeds, foodborne illnesses and natural and other disasters affecting agriculture which pose an immediate danger to public or animal health, food safety or economic well-being in this Commonwealth.

§ 11102. Definitions.

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

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

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

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

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

"Noxious weed." As defined under section 1502.

"Person." An individual, partnership, association, firm, corporation, local agency, agency of the Federal Government or the Commonwealth or other legal entity.

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

"Transmissible disease." As defined under section 2303.

§ 11103. Authority.

(a) Authority and duty.—The department shall have the authority and duty to:

(1) Administer the provisions of this chapter.

(2) Allocate money in accordance with this chapter.

(b) Training programs.—The department may develop training programs and training program requirements and allocate money in a manner consistent with this chapter. Contracts awarded under this subsection shall be subject to 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

§ 11104. Eligible disaster funding.

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

(1) To mitigate, contain, control, eradicate, prevent or limit the spread of any of the following if the secretary determines any of the following poses an immediate danger to public or animal health, food safety or economic well-being in this Commonwealth:

(i) Transmissible disease.

(ii) Hazardous substance contamination.

(iii) Plant pests.

(iv) Invasive species.

(v) Plant diseases.

(vi) Noxious weeds.

(vii) Controlled plants.

(viii) Foodborne illness.

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

(3) To make grants for and acquire data regarding any item under paragraph (1). No more than \$100,000 may be used for this purpose in a year.

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

(5) To provide up to \$250,000 annually to animal response teams recognized and approved by the Pennsylvania Emergency Management

Agency for planning, developing and maintaining animal response and rescue capabilities consistent with standards and guidelines established by the agency in conjunction with the department.

§ 11105. Recordkeeping and audit.

(a) *Eligible person receiving money.—The department shall require a person receiving money under this chapter to keep and provide upon request records as the department believes are necessary to ensure money is spent in accordance with this chapter. The records shall include the name and address of the person, evidence of the eligible disaster for which the money was received and a copy of each invoice and expenditure to account for the expenditure of money received. The department may request production of the documents and may copy and hold the documents as the department deems necessary. The department may enter onto the premises of the person in order to carry out the department's duties under this chapter.*

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

§ 11106. Cooperation.

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

§ 11107. Agriculture Rapid Response Disaster Readiness Account.

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

(b) *Supplements to account.—The account may be supplemented by money received from the following sources:*

- (1) *State money appropriated to the department.*
- (2) *Federal money appropriated to the department.*
- (3) *Money received from other governmental agencies through an interagency agreement or memorandum of understanding.*
- (4) *Gifts and other contributions from public and private sources.*

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

(d) *Deposit and use of money.—An administrative action may not prevent the deposit of money into the account in the fiscal year in which the money is received. The money shall only be used for the purposes*

authorized under this chapter and shall not be transferred or diverted to any other purpose by administrative action, except as specifically provided for in section 11106 (relating to cooperation).

§ 11108. Applicability.

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

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

APPROVED—The 1st day of July, A.D. 2019

TOM WOLF