
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1519 Session of
2019

INTRODUCED BY RABB, CAUSER, PASHINSKI, BERNSTINE, A. DAVIS,
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STRUZZI, WEBSTER, ZIMMERMAN AND IRVIN, MAY 29, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
MAY 29, 2019

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for Commonwealth Specialty Crop Block
3 Grant Program.

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 chapter to read:

8 CHAPTER 105

9 COMMONWEALTH SPECIALTY CROP BLOCK GRANT PROGRAM

10 Sec.

11 10501. Declaration of purpose.

12 10502. Definitions.

13 10503. Authority.

14 10504. Eligible applicants and projects.

15 10505. Allocation of funds.

16 10506. Use of grant funds by approved applicants.

- 1 10507. Entry onto premises.
2 10508. Audit and recordkeeping.
3 10509. Enforcement and penalties.
4 10510. Civil remedy.
5 10511. Commonwealth Specialty Crop Block Grant Fund.
6 10512. Applicability.
7 § 10501. Declaration of purpose.

8 The purpose of this chapter is to enhance, but not replace,
9 the Federal Specialty Crop Block Grant Program by establishing
10 an annual Commonwealth Specialty Crop Block Grant Program for
11 horticultural specialty crops that are not currently eligible
12 for grant payments under the Federal Specialty Crop Block Grant
13 Program administered under the provisions of the Federal
14 Agricultural Improvement Act of 2018 (Public Law 115-334).
15 Assured annual funding will assist the growth, certification of
16 seed and marketing of high priority horticultural specialty
17 crops, as defined by the secretary under this chapter.

18 § 10502. Definitions.

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

22 "Crop." Plants that are cultivated for sale, production,
23 processing or subsistence. The term does not include wild
24 plants.

25 "Eligible specialty crop." A horticultural crop not
26 currently eligible for funding under the Federal Specialty Crop
27 Block Grant Program and any future amendment thereto, or a plant
28 cultivated and utilized for fiber or biofuel purposes, which is
29 not currently eligible for funding under the Federal Specialty
30 Crop Block Grant Program, and designated as a high-priority

1 specialty crop by the secretary.

2 "Federal Specialty Crop Block Grant Program." The Specialty
3 Crops Competitiveness Act of 2004 (Public Law 108-465, 118 Stat.
4 3882).

5 "General evaluation criteria." The evaluation criteria
6 established by the department and utilized for the Federal
7 Specialty Crop Block Grant Program.

8 "Horticulture." The branch of agriculture concerned with
9 growing plants that are used by people for food, medicinal
10 purposes and aesthetic gratification.

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

14 "Rural municipality." A municipality of this Commonwealth
15 with a population density less than the Statewide average
16 population density or a total population less than 2,500, unless
17 more than 50% of the population lives in an urbanized area as
18 defined by the United States Census Bureau.

19 "Specialty crops." The term includes fruits and vegetables,
20 tree nuts, dried fruits and horticulture and nursery crops,
21 including floriculture and crops used for fiber or biofuel
22 purposes.

23 "Urban municipality." A municipality of this Commonwealth
24 not defined as a rural municipality.

25 § 10503. Authority.

26 (a) Duties of department.--The department shall have the
27 following duties:

28 (1) To administer this chapter in a manner consistent
29 with the general evaluation criteria, including the
30 application, evaluation and reporting processes required and

1 employed under the annual Federal Specialty Crop Block Grant
2 Program.

3 (2) To develop all necessary documents and transmit a
4 notice of all parameters of the Commonwealth Specialty Crop
5 Block Grant Program, including eligible specialty crops,
6 evaluation criteria, submittal dates, application and
7 reporting forms and requirements and template grant
8 agreements to the Legislative Reference Bureau for
9 publication in the Pennsylvania Bulletin and on the
10 department's publicly available Internet website.

11 (b) Funds available basis.--The Commonwealth Specialty Crop
12 Block Grant Program shall only be administered in years in which
13 funds are specifically allocated or received and made available
14 to the department under this chapter for that purpose.

15 § 10504. Eligible applicants and projects.

16 The following eligibility criteria shall apply to applicants
17 and grant projects:

18 (1) State and local organizations, producer
19 associations, academia, community-based organizations and
20 other eligible specialty crops stakeholders are eligible to
21 apply.

22 (2) Projects shall enhance the competitiveness of
23 eligible specialty crops and benefit the eligible specialty
24 crop industry as a whole and may include, but are not limited
25 to, projects such as:

26 (i) Increasing child and adult nutrition knowledge
27 and consumption of specialty crops.

28 (ii) Participation of industry representatives at
29 meetings of international standard setting bodies in
30 which the Federal Government participates.

1 (iii) Improving efficiency and reducing costs of
2 distribution systems.

3 (iv) Assisting all entities in the specialty crop
4 distribution chains in developing good agricultural
5 practices, good handling practices, good manufacturing
6 practices and in cost-share arrangements for funding
7 audits of such systems for small farmers, packers and
8 processors.

9 (v) Investing in specialty crop research, including
10 organic research to focus on conservation and
11 environmental outcomes and enhancing food safety.

12 (vi) Developing new and improved seed varieties and
13 specialty crops.

14 (vii) Pest and disease control.

15 (viii) Sustainability.

16 (3) To be considered an eligible specialty crop,
17 eligible plants must be cultivated or managed and used by
18 people for food, medicinal purposes or aesthetic
19 gratification or other parameters established by the
20 secretary. Processed products shall consist of greater than
21 50% of the eligible specialty crop by weight, exclusive of
22 added water.

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

26 (5) Grants may be awarded to eligible applicants and
27 projects for up to two years.

28 § 10505. Allocation of funds.

29 The funds which the department is allocated or receives under
30 section 10511 (relating to Commonwealth Specialty Crop Block

1 Grant Fund) shall be allocated for administration of this
2 chapter in accordance with the following formula:

3 (1) An amount of up to 8% of the funds may be used by
4 the department for administrative costs.

5 (2) An amount equal to 6.2% of the money shall be
6 allocated to eligible applicants and projects located in
7 rural municipalities where at least 20% of the population has
8 been below the Federal poverty line since 1990 based on
9 census data.

10 (3) An amount equal to 3.8% of the money shall be
11 allocated to eligible applicants and projects located in
12 urban municipalities where at least 20% of the population has
13 been below the Federal poverty line since 1990 based on
14 census data.

15 (4) The balance of the money remaining after making
16 allocations under paragraphs (1), (2) and (3) shall be
17 allocated to eligible applicants and projects in a manner
18 which seeks to distribute the money evenly among eligible
19 specialty crops and, where practicable, in a manner that
20 distributes money across this Commonwealth.

21 § 10506. Use of grant funds by approved applicants.

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

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

30 (1) the terms or provisions of this chapter;

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

5 § 10507. Entry onto premises.

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

11 § 10508. Audit and recordkeeping.

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

19 (b) Authority to investigate.--The department may
20 investigate the records of an approved applicant under this
21 chapter. The approved applicant shall provide the applicant's
22 records upon the department's request. The department shall
23 conduct inspections as necessary to assure compliance with this
24 chapter, the program parameters developed under this chapter or
25 a signed grant agreement established under this chapter.

26 § 10509. Enforcement and penalties.

27 (a) Revocation, denial and reimbursement.--For a violation
28 of the terms or provisions of this chapter, the program
29 parameters developed under this chapter or a signed grant
30 agreement established under this chapter, the department may:

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

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

9 (b) Civil penalties.--The following shall apply:

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

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

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

24 (4) In cases of inability to collect the civil penalty
25 or failure of a person to pay all or a portion of the
26 penalty, as the department may determine, the department may
27 refer the matter to the Office of Attorney General, which
28 shall recover such amount by action in the appropriate court.

29 § 10510. Civil remedy.

30 In addition to any other remedies provided for in this

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

18 § 10511. Commonwealth Specialty Crop Block Grant Fund.

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

27 (b) Supplements to fund.--The Commonwealth Specialty Crop
28 Block Grant Fund may be supplemented by money received from the
29 following sources:

30 (1) State funds appropriated to the department.

1 (2) Federal funds appropriated to the department.

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

4 § 10512. Applicability.

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

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