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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1301 Session of  
2021

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INTRODUCED BY BURGOS, FREEMAN, HANBIDGE, PASHINSKI, DELLOSO,  
HILL-EVANS, SCHLOSSBERG, HOWARD, SANCHEZ, HARKINS, HOHENSTEIN  
AND BULLOCK, APRIL 29, 2021

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 29, 2021

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, establishing the Pennsylvania Socially Diverse  
3 Farmers Commission and providing for its powers and duties.

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 11

9 PENNSYLVANIA SOCIALLY DIVERSE FARMERS COMMISSION

10 Sec.

11 1101. Scope of chapter.

12 1102. Definitions.

13 1103. Establishment.

14 1104. Duties.

15 1105. Membership.

16 1106. Meetings.

17 1107. Payments to members.

1 1108. Administrative support.

2 Section 1101. Scope of chapter.

3 This chapter relates to the Socially Diverse Farmers  
4 Commission.

5 Section 1102. Definitions.

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

9 "Commission." The Pennsylvania Socially Diverse Farmers  
10 Commission established in this chapter.

11 "Economic justice area." A census block as reported in the  
12 most-recently completed decennial census published by the United  
13 States Census Bureau where 20% or more of individuals live at or  
14 below the Federal poverty line or 30% percent or more of the  
15 population identifies as a nonwhite minority.

16 "Low-income or moderate-income community." A census block as  
17 reported in the most recently completed decennial census  
18 published by the United States Census Bureau that has a poverty  
19 rate of at least 20% or in which the median family income does  
20 not exceed 80% of the greater of the Statewide or metropolitan  
21 median family income.

22 "Socially disadvantaged farmer." A farmer who belongs to a  
23 group whose members have been subjected to racial, ethnic,  
24 sexual preference or gender prejudice because of their identity  
25 as members of a group, without regard to that member's personal  
26 qualities.

27 "Socially disadvantaged individual." As follows:

28 (1) An individual who has been subjected to racial or  
29 ethnic prejudice or cultural bias within society because of  
30 his or her identity as a member of a group and without regard

1 to his or her individual qualities. The social disadvantage  
2 must stem from circumstances beyond his or her control.

3 (2) Includes, but is not limited to, the following:

4 (i) African Americans.

5 (ii) Native American Indians.

6 (iii) Alaskan Natives.

7 (iv) Latin Americans.

8 (v) Asian Americans.

9 (vi) Pacific Islanders.

10 (vii) LGBTQ community.

11 (viii) Women.

12 (ix) Low-income or moderate-income community or  
13 underserved community.

14 "Underserved community." A census block determined to be an  
15 area with low supermarket access by either the United States  
16 Department of Agriculture as identified in the Food Access  
17 Research Atlas or through a methodology that has been adopted  
18 for use by another governmental or philanthropic healthy food  
19 initiative.

20 Section 1103. Establishment.

21 The Pennsylvania Socially Diverse Farmers Commission is  
22 established.

23 Section 1104. Duties.

24 (a) General rule.--The commission shall review and make  
25 recommendations to promote and implement a diversity, equity and  
26 inclusion plan within the department aimed at improving  
27 opportunities for socially disadvantaged farmers and economic  
28 justice areas by incorporating the goal of eliminating  
29 disparities for socially disadvantaged groups in this  
30 Commonwealth. Reviews and recommendations shall be in the

1 following areas:

2 (1) Education and career opportunities for socially  
3 disadvantaged individuals, farmers and groups.

4 (2) Current issues facing socially disadvantaged  
5 farmers.

6 (3) Grant awards and tax credit processes for socially  
7 disadvantaged farmers.

8 (4) Statutory impacts on socially disadvantaged farmers.

9 (5) Capital access for socially disadvantaged farmers.

10 (6) Land access for socially disadvantaged farmers.

11 (7) Local government impacts on socially disadvantaged  
12 farmers.

13 (8) Diversity and inclusion training on farms, in retail  
14 food establishments and in the agriculture community,  
15 including, but not limited to, county fairs.

16 (9) Policies to improve agricultural education and  
17 career opportunities in economic justice areas.

18 (10) Other areas identified by the commission.

19 (b) Additional powers and duties.--The commission shall have  
20 the following additional powers and duties:

21 (1) Review, make findings and offer recommendations  
22 related to the socially disadvantaged farmers in this  
23 Commonwealth.

24 (2) Consult with and utilize experts to assist the  
25 commission in carrying out the duties under this subsection.

26 (3) Receive input from interested parties.

27 (4) Hold public hearings in different regions of this  
28 Commonwealth. Virtual public hearings may be utilized by the  
29 commission.

30 (5) Review and consider diversity, equity and inclusion

1 policies and factors utilized throughout farming in the  
2 United States.

3 (6) Review the administration and operation of State and  
4 regional programs and services and make recommendations to  
5 implement new policies, statutes and regulations.

6 (7) Recommend proposed legislation and regulatory  
7 changes based on the commission's findings.

8 (8) Issue a report of the commission's findings and  
9 recommendations to the Governor, the Majority Leader and  
10 Minority Leader of the Senate, the Majority Leader and  
11 Minority Leader of the House of Representatives, the  
12 chairperson and minority chairperson of the Agriculture and  
13 Rural Affairs Committee of the Senate and the chairperson and  
14 minority chairperson of the Agriculture and Rural Affairs  
15 Committee of the House of Representatives not later than one  
16 year after the effective date of this section.

17 Section 1105. Membership.

18 (a) Members.--The commission shall consist of the following  
19 members:

20 (1) Three individuals appointed by the Governor.

21 (2) The secretary or a designee.

22 (3) The Secretary of Community and Economic Development  
23 or a designee.

24 (4) The Secretary of Revenue or a designee.

25 (5) The Secretary of Labor and Industry or a designee.

26 (6) The Secretary of Environmental Protection or a  
27 designee.

28 (7) One individual appointed by the President pro  
29 tempore of the Senate.

30 (8) One individual appointed by the Speaker of the House

1 of Representatives.

2 (9) One individual appointed by the Majority Leader of  
3 the Senate.

4 (10) One individual appointed by the Majority Leader of  
5 the House of Representatives.

6 (11) One individual appointed by the Minority Leader of  
7 the Senate.

8 (12) One individual appointed by the Minority Leader of  
9 the House of Representatives.

10 (13) A representative of the Pennsylvania Farm Bureau.

11 (14) A representative of PASA Sustainable Agriculture.

12 (15) A representative of The Pennsylvania State  
13 University with expertise in diversity, equity and inclusion.

14 (16) A representative of Rodale Institute.

15 (17) Three representatives of urban agriculture  
16 organizations, including representation from Philadelphia,  
17 Pittsburgh and one other municipality.

18 (18) A representative of a farm worker advocacy group or  
19 organization.

20 (19) A member of the public representing youth.

21 (20) A representative of MANRRS (Minorities in  
22 Agriculture, Natural Resources, and Related Sciences).

23 (b) Chairperson.--The commission shall appoint a member, who  
24 shall be from a socially disadvantaged group, to serve as  
25 chairperson of the commission.

26 (c) Considerations.--The following shall apply:

27 (1) In making appointments, the Governor, the President  
28 pro tempore of the Senate and the Speaker of the House of  
29 Representatives shall consider and appoint residents who:

30 (i) have a knowledge of problems facing racial and

1 ethnic populations in this Commonwealth;

2 (ii) have experience in advocacy relating to racial  
3 and ethnic farming issues; and

4 (iii) provide leadership in programs or activities  
5 that create and improve opportunities for racial and  
6 ethnic populations.

7 (2) At least half of the appointments shall be from  
8 socially disadvantaged groups as provided in paragraph (1),  
9 with appointees from no less than five different socially  
10 disadvantaged groups. If a commission is appointed which  
11 fails to meet this requirement, the secretary shall replace a  
12 nonsocially disadvantaged appointment with a new appointment  
13 from an unrepresented socially disadvantaged group until the  
14 requirement is fulfilled.

15 Section 1106. Meetings.

16 The commission shall hold its first meeting within 45 days of  
17 the effective date of this section, regardless of whether all  
18 legislative caucuses have appointed members to the commission.  
19 The commission shall hold meetings at the call of the  
20 chairperson on no less than six different dates.

21 Section 1107. Payments to members.

22 Members may not receive compensation for services but shall  
23 be reimbursed for all necessary travel and other reasonable  
24 expenses incurred in connection with the performance of the  
25 members' duties as members of the commission.

26 Section 1108. Administrative support.

27 The department shall provide administrative support, meeting  
28 space and any other assistance required by the commission to  
29 carry out the commission's duties under this chapter. The  
30 department shall provide the commission with data, research and

1 other information upon request by the commission.

2 Section 2. This act shall take effect in 30 days.