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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 767 Session of  
2023

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INTRODUCED BY BURGOS, MADDEN, RABB, HANBIDGE, SANCHEZ, KENYATTA,  
PASHINSKI, HOHENSTEIN, DELLOSO, PARKER, FLEMING AND  
N. NELSON, MARCH 30, 2023

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 30, 2023

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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. Part I of Title 3 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a chapter to read:

8 CHAPTER 13

9 PENNSYLVANIA SOCIALLY DIVERSE FARMERS COMMISSION

10 Sec.

11 1301. Scope of chapter.

12 1302. Definitions.

13 1303. Establishment.

14 1304. Duties.

15 1305. Membership.

16 1306. Meetings.

17 1307. Payments to members.

1 1308. Administrative support.

2 § 1301. Scope of chapter.

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

5 § 1302. 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 section 1303 (relating to  
11 establishment).

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

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

24 "Socially disadvantaged farmer." A farmer who belongs to a  
25 socially disadvantaged group.

26 "Socially disadvantaged group." A group whose members have  
27 been subjected to racial, ethnic, sexual preference or gender  
28 prejudice because of their identity as members of the group and  
29 without regard to their personal qualities.

30 "Socially disadvantaged individual." As follows:

1           (1) An individual who has been subjected to racial or  
2 ethnic prejudice or cultural bias within society because of  
3 the individual's identity as a member of a group and without  
4 regard to the individual's personal qualities.

5           (2) The term includes an individual who is any of the  
6 following:

7                   (i) African American.

8                   (ii) Native American.

9                   (iii) Alaska Native.

10                   (iv) Latin American.

11                   (v) Asian American.

12                   (vi) Pacific Islander.

13                   (vii) A member of the LGBTQ community.

14                   (viii) A woman.

15                   (ix) A member of a low-income or moderate-income  
16 community or underserved community.

17           (3) The social disadvantage under this definition must  
18 stem from circumstances beyond the individual's control.

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

25 § 1303. Establishment.

26           The Pennsylvania Socially Diverse Farmers Commission is  
27 established.

28 § 1304. Duties.

29           (a) Reviews and recommendations.--The commission shall  
30 review and make recommendations to promote and implement a

1 diversity, equity and inclusion plan within the department aimed  
2 at improving opportunities for socially disadvantaged farmers  
3 and economic justice areas by incorporating the goal of  
4 eliminating disparities for socially disadvantaged groups in  
5 this Commonwealth. Reviews and recommendations shall be in the  
6 following areas:

7 (1) Education and career opportunities for socially  
8 disadvantaged individuals, socially disadvantaged farmers and  
9 socially disadvantaged groups.

10 (2) Current issues facing socially disadvantaged  
11 farmers.

12 (3) Grant awards and tax credit processes for socially  
13 disadvantaged farmers.

14 (4) Statutory impacts on socially disadvantaged farmers.

15 (5) Capital access for socially disadvantaged farmers.

16 (6) Land access for socially disadvantaged farmers.

17 (7) Local government impacts on socially disadvantaged  
18 farmers.

19 (8) Diversity and inclusion training on farms, in retail  
20 food establishments and in the agriculture community,  
21 including county fairs.

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

24 (10) Other areas identified by the commission.

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

27 (1) Review, make findings and offer recommendations  
28 related to the socially disadvantaged farmers in this  
29 Commonwealth.

30 (2) Consult with and utilize experts to assist the

1 commission in carrying out the duties under this subsection.

2 (3) Receive input from interested parties.

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

6 (5) Review and consider diversity, equity and inclusion  
7 policies and factors utilized throughout farming in the  
8 United States.

9 (6) Review the administration and operation of State and  
10 regional programs and services and make recommendations to  
11 implement new policies, statutes and regulations.

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

14 (8) Not later than one year after the effective date of  
15 this paragraph, issue a report of the commission's findings  
16 and recommendations to the following:

17 (i) The Governor.

18 (ii) The President pro tempore of the Senate.

19 (iii) The Majority Leader and Minority Leader of the  
20 Senate.

21 (iv) The Speaker of the House of Representatives.

22 (v) The Majority Leader and Minority Leader of the  
23 House of Representatives.

24 (vi) The chairperson and minority chairperson of the  
25 Agriculture and Rural Affairs Committee of the Senate.

26 (vii) The chairperson and minority chairperson of  
27 the Agriculture and Rural Affairs Committee of the House  
28 of Representatives.

29 § 1305. Membership.

30 (a) Members.--The commission shall consist of the following

1 members:

2 (1) Three individuals appointed by the Governor.

3 (2) The secretary or a designee.

4 (3) The Secretary of Community and Economic Development  
5 or a designee.

6 (4) The Secretary of Environmental Protection or a  
7 designee.

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

9 (6) The Secretary of Revenue or a designee.

10 (7) One individual appointed by the President pro  
11 tempore of the Senate.

12 (8) One individual appointed by the Speaker of the House  
13 of Representatives.

14 (9) One individual appointed by the Majority Leader of  
15 the Senate.

16 (10) One individual appointed by the Majority Leader of  
17 the House of Representatives.

18 (11) One individual appointed by the Minority Leader of  
19 the Senate.

20 (12) One individual appointed by the Minority Leader of  
21 the House of Representatives.

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

23 (14) A representative of PASA Sustainable Agriculture.

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

26 (16) A representative of Rodale Institute.

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

30 (18) A representative of a farm worker advocacy group or

1 organization.

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

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

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

8 (c) Considerations.--The following apply:

9 (1) In making appointments, the Governor, the President  
10 pro tempore of the Senate and the Speaker of the House of  
11 Representatives shall consider and appoint residents of this  
12 Commonwealth who:

13 (i) have a knowledge of problems facing racial and  
14 ethnic populations in this Commonwealth;

15 (ii) have experience in advocacy relating to racial  
16 and ethnic farming issues; and

17 (iii) provide leadership in programs or activities  
18 that create and improve opportunities for racial and  
19 ethnic populations.

20 (2) At least half of the appointments shall be from  
21 socially disadvantaged groups as provided in paragraph (1),  
22 with appointees from no fewer than five different socially  
23 disadvantaged groups. If a commission is appointed which  
24 fails to meet this requirement, the secretary shall replace a  
25 nonsocially disadvantaged appointment with a new appointment  
26 from an unrepresented socially disadvantaged group until the  
27 requirement is fulfilled.

28 § 1306. Meetings.

29 The commission shall hold its first meeting within 45 days of  
30 the effective date of this section, regardless of whether all

1 legislative caucuses have appointed members to the commission.  
2 The commission shall hold meetings at the call of the  
3 chairperson on no fewer than six different dates.

4 § 1307. Payments to members.

5 Members of the commission may not receive compensation for  
6 services but shall be reimbursed for all necessary travel and  
7 other reasonable expenses incurred in connection with the  
8 performance of the duties as members of the commission.

9 § 1308. Administrative support.

10 The department shall provide administrative support, meeting  
11 space and any other assistance required by the commission to  
12 carry out the commission's duties under this chapter. The  
13 department shall provide the commission with data, research and  
14 other information upon request by the commission.

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