

AMENDMENTS TO HOUSE BILL NO. 42

Sponsor: REPRESENTATIVE MUSTELLO

Printer's No. 31

1 Amend Bill, page 2, line 2, by striking out the period after
2 "suspension" and inserting
3 ; and, in weighing and testing, further providing for certified
4 testers and for certified weighers and samplers.

5 Amend Bill, page 2, lines 5 through 13, by striking out all
6 of said lines and inserting

7 Section 1. Sections 404.1, 602 and 603 of the act of April
8 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, are
9 amended to read:

10 Section 404.1. Penalties in Lieu of Suspension.--In any case
11 where the board shall suspend a license, the board may accept
12 from the licensee an offer in compromise at the rate of [one
13 hundred fifty dollars (\$150)] one thousand dollars (\$1,000) for
14 each day of suspension as a penalty in lieu of such suspension,
15 and thereupon rescind the suspension.

16 Section 602. Certified Testers.--It shall be unlawful for
17 any milk dealer to buy or receive milk from producers, or to
18 sell or deliver milk to stores or consumers, on the basis of, or
19 with reference to, the amount of butterfat or appropriate milk
20 components contained in such milk, unless the butterfat or
21 component tests thereof is conducted by a tester certified by
22 the board.

23 The certified tester shall keep an accurate record of all
24 tests made, and copies of such record shall be kept for a period
25 of two (2) years by him and by the milk dealer.

26 Any person who, upon the effective date of this act, is the
27 holder of a certificate of proficiency for milk testing issued
28 after examination conducted by the Pennsylvania Department of
29 Agriculture, shall, upon application to the board, on a form
30 prescribed by the board, furnishing information including that
31 pertaining to good character and to the apparatus and methods
32 used in testing, be issued a certificate and be designated
33 therein as a certified tester.

34 Any person who is not the holder of such certificate of
35 proficiency upon the effective date of this act, shall, prior to
36 applying for a tester's certificate, apply to the board for a

1 certificate of proficiency. Such application shall be
2 accompanied by a fee [of five dollars (\$5.00).] established
3 under section 7 of the act of July 1, 1978 (P.L.730, No.132),
4 known as the "Milk Marketing Fee Act." The applicant shall be
5 required to pass an examination in milk testing, reasonably
6 prescribed and conducted by the board, and upon approval of the
7 application shall be issued a certificate of proficiency.
8 Thereupon, and [annually] thereafter without such examination,
9 the person so certified may apply for a tester's certificate as
10 herein prescribed.

11 The application for a tester's certificate, accompanied by a
12 fee [of five dollars (\$5.00),] established under section 7 of
13 the "Milk Marketing Fee Act," shall be filed, upon a form
14 prescribed by the board, before commencing to test milk[, and
15 annually thereafter on or before December first].

16 The tester's certificate issued hereunder shall be for [the
17 term of one calendar year] a term of no more than two (2) years
18 from the date of issuance, and shall be posted and kept in plain
19 view in the plant in which the certified tester is employed.

20 Section 603. Certified Weighers and Samplers.--It shall be
21 unlawful for any milk dealer to buy or receive milk from
22 producers, or to sell or deliver milk to stores or consumers on
23 the basis of, or with reference to, the amount of butterfat or
24 appropriate milk components contained in such milk, unless the
25 samples taken for testing purposes shall be made by a certified
26 tester or certified weigher and sampler, and according to the
27 method prescribed in this act or in regulations established by
28 the board under this act.

29 It shall be unlawful for any person to pick up milk from
30 farms unless the person making the pickup has a valid tester's
31 certificate or weigher's or sampler's certificate issued by the
32 board.

33 Any person who, upon the effective date of this act, is the
34 holder of a certificate of proficiency for milk weighing and
35 sampling issued after examination conducted by the Pennsylvania
36 Department of Agriculture, shall, upon application to the board
37 on a form prescribed by the board furnishing information
38 including that pertaining to good character and to apparatus and
39 methods used in weighing and sampling, be issued a certificate
40 and be designated therein as a certified weigher and sampler.

41 Any person who is not the holder of such certificate of
42 proficiency upon the effective date of this act, shall, prior to
43 applying for a weighing and sampling certificate, apply to the
44 board for a certificate of proficiency. Such application shall
45 be accompanied by a fee [of five dollars (\$5.00).] established
46 under section 8 of the act of July 1, 1978 (P.L.730, No.132),
47 known as the "Milk Marketing Fee Act." The applicant shall be
48 required to pass an examination in weighing and sampling milk,
49 reasonably prescribed and conducted by the board, and upon
50 approval of the application shall be issued a certificate of
51 proficiency. Thereupon, and [annually] thereafter without such

1 examination, the person so certified may apply for a certificate
2 as a certified weigher and sampler. The application for such
3 weighing and sampling certificate, accompanied by a fee [of five
4 dollars (\$5.00),] established under section 8 of the "Milk
5 Marketing Fee Act," shall be filed, upon a form prescribed by
6 the board, before commencing to sample milk[, and annually
7 thereafter on or before December first].

8 The weighing and sampling certificate issued hereunder shall
9 be for [the term of one calendar year] a term of no more than
10 two (2) years from the date of issuance, and shall be posted and
11 kept in plain view in the room in which the certified weigher
12 and sampler is employed.