

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1282 Session of
1977

INTRODUCED BY NOYE, JUNE 7, 1977

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JUNE 7, 1977

AN ACT

1 Amending the act of April 28, 1937 (P.L.417, No.105), entitled,
2 as amended, "An act relating to milk and the products
3 thereof; creating a Milk Marketing Board; establishing its
4 jurisdiction, powers and duties; regulating the production,
5 transportation, manufacturing, processing, storage,
6 distribution, delivery and sale of milk and certain products
7 thereof; providing for the licensing of milk dealers and the
8 payment of fees therefor; requiring milk dealers to file
9 bonds to secure payment for milk to producers and certain
10 milk dealers; authorizing the holding of hearings and the
11 issuance of subpoenas by the board; conferring jurisdiction
12 upon courts to punish contempts and to prohibit violations of
13 this act and of rules, regulations and orders of the board;
14 authorizing the board to adopt rules, regulations and orders,
15 and to enter into interstate and Federal compacts; requiring
16 persons who weigh, measure, sample or test milk to procure
17 permits or certificates, to take examinations, to pay fees
18 therefor, to furnish certain notices, records and statements,
19 and to use certain methods of weighing, measuring, sampling
20 and testing; authorizing the board to examine the business,
21 papers and premises of milk dealers and producers, requiring
22 the keeping of records and the filing of reports by milk
23 dealers, and permitting, with limitations, the use of
24 information obtained thereby; authorizing the board to fix
25 prices for milk and certain milk products subject to the
26 approval of the Governor, and conferring certain powers upon
27 the Governor with respect thereto; providing for appeals to
28 the courts from decisions of the board, and for the burden of
29 proof upon such appeals; prescribing penalties, fines and
30 imprisonment for violations of this act and rules,
31 regulations and orders of the board; defining perjury;
32 defining remedies; repealing legislation supplied and
33 superseded by this act, and saving rights, duties and
34 proceedings thereunder; and making appropriations," changing

1 the amount of the corporate surety, individual surety, or
2 collateral bond filed by a milk dealer or handler.

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

5 Section 1. Section 501, act of April 28, 1937 (P.L.417,
6 No.105), known as the "Milk Marketing Law," amended July 31,
7 1968 (P.L.963, No.294), is amended to read:

8 Section 501. Milk Dealers or Handlers Required to File
9 Bonds.--It shall be unlawful for a milk dealer or handler to
10 purchase, acquire or receive on consignment or otherwise milk
11 from producers unless the milk dealer or handler shall file with
12 the board a corporate surety, individual surety, or collateral
13 bond, supported by United States or Pennsylvania securities,
14 approved by the board. Except as otherwise herein provided, the
15 bond shall be in a sum equal to the total of the value of the
16 highest aggregate amount of milk purchased, acquired or received
17 by the dealer or handler from producers [in any two months]
18 during the preceding calendar year plus ten per centum (10%) of
19 this amount, which value shall be computed according to lawful
20 prices[, and shall not in any event exceed two hundred thousand
21 dollars (\$200,000.00)]. The bond shall be upon a form prescribed
22 by the board, conditioned for the payment by the milk dealer or
23 handler of all amounts due, including amounts due under this act
24 and the orders of the board, for milk purchased or otherwise
25 acquired from producers by the milk dealer or handler during the
26 license year, upon such terms and conditions as the board may
27 prescribe.

28 In the case of a milk dealer or handler who pays producers in
29 full each week for milk purchased, acquired or received by him
30 from such producers, the bond shall be in a sum equal to the

1 value of the highest aggregate amount of milk purchased,
2 acquired or received by the dealer or handler from producers in
3 any one month during the preceding calendar year, which value
4 shall be computed according to lawful prices, and shall not in
5 any event exceed one hundred thousand dollars (\$100,000.00).

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