

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2115

Session of  
1978

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INTRODUCED BY MESSRS. YAHNER, MORRIS, WENGER, ZELLER, CASSIDY,  
KLINGAMAN, STUBAN, WILT AND DeVERTER, MARCH 13, 1978

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 12, 1978

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## AN ACT

1 Establishing fees for certain licenses, certificates and  
2 activities relating to milk marketing and making certain  
3 repeals.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the "Milk  
8 Marketing Fee Act."

9 Section 2. Definitions and construction.

10 The words and phrases used in this act shall have the  
11 meanings ascribed to them in the act of April 28, 1937 (P.L.417,  
12 No.105), known as the "Milk Marketing Law," unless the context  
13 clearly indicates to the contrary.

14 Section 3. Milk dealer license fees generally.

15 (a) The Milk Marketing Board shall charge and collect  
16 license fees from milk dealers on a yearly basis, as follows:

17 (1) Fixed fee per milk dealer, a license fee of \$50.

18 (2) Addition to fixed fee, for milk on which board fixes

1 prices under the provisions of the "Milk Marketing Law,"  
2 received, produced or brought within the Commonwealth during  
3 the calendar year preceding the period for which the license  
4 is issued, a license fee of one hundred seventy-five ten-  
5 thousandths of a ~~cent~~ DOLLAR (.0175) per hundredweight. <—

6 (3) Addition to fixed fee, for all other milk on which  
7 price is not fixed under, received, produced or brought  
8 within the Commonwealth during the calendar year preceding  
9 the period for which the license is issued, a license fee of  
10 fifteen ten-thousandths of a ~~cent~~ DOLLAR (.0015) per <—  
11 hundredweight. The provisions of this subsection do not apply  
12 to subdealers, subhandlers or stores.

13 (b) The board shall charge and collect license fees from  
14 subdealers on an annual basis of \$35 for each route owned or  
15 operated at the commencement of the license period.

16 (c) Except as otherwise expressly provided by law, the  
17 license fee fixed by this section shall be paid before any  
18 license, or any renewal thereof, is issued. Where a license is  
19 applied for by a milk dealer, and the board declines to grant a  
20 license to the applicant, the license fee shall be charged and  
21 retained by the board only pro rata for so much of the license  
22 year as expired prior to the issuance of the order refusing the  
23 license.

24 (d) The board by regulation may establish a payment schedule  
25 for licensees on a quarterly, semiannual or other basis.

#### 26 Section 4. License fees for certain milk dealers.

27 (a) Milk dealers who are not engaged in the milk business at  
28 the commencement of the license period shall pay a proportionate  
29 amount of the specific annual fee as follows:

30 (1) For a license issued on or after October 1, but

1 prior to January 1, \$37.50.

2 (2) For a license issued on or after January 1, but  
3 prior to April 1 of the succeeding year, \$25.

4 (3) For a license issued on or after April 1, but prior  
5 to July 1, \$12.50.

6 (b) (1) Milk dealers not engaged in the milk business for  
7 the complete preceding calendar year shall submit with their  
8 application a license fee as provided by this section and, in  
9 addition thereto, at such time or times as the board may fix,  
10 shall pay on a monthly basis an additional license fee of one  
11 hundred seventy-five ten-thousandths of a ~~cent~~ DOLLAR (.0175) <—  
12 per hundredweight on all milk the prices of which the board  
13 fixes under the provisions of the "Milk Marketing Law," and a  
14 license fee of fifteen ten-thousandths of a ~~cent~~ DOLLAR <—  
15 (.0015) per hundredweight on all other milk on which the  
16 price is not fixed by the board, received, produced or  
17 brought within the Commonwealth by the dealer during the  
18 preceding month.

19 (2) The payments required in paragraph (1) shall  
20 continue until the dealer has been engaged in the milk  
21 business for a full year at which time the board shall  
22 establish payment of a license fee based on the provisions of  
23 section 3.

24 (3) The provisions of this subsection do not apply to  
25 subdealers, subhandlers or stores.

26 Section 5. Computation of license fees.

27 Milk sold and distributed outside of this Commonwealth in any  
28 state which charges milk dealers or handlers a license fee may  
29 be deducted in the determination of the amount of the license  
30 fee required by this act, on the condition, that such quantity

1 of milk is actually computed in determining the amount of such  
2 license fee in such other state. In computing the license fee to  
3 be charged by the board, the fluid milk equivalent of milk other  
4 than fluid milk, shall be ascertained and fixed in such manner  
5 as the board shall prescribe, except in the case of farm-  
6 separated sour cream used exclusively in making butter to be  
7 marketed or ultimately sold as such, in which case the total  
8 quantity of such milk shall be computed according to pounds of  
9 butterfat of sour cream rather than the fluid milk equivalent  
10 thereof. Nothing herein is to be construed as requiring, in the  
11 computation of the license fee, the inclusion of milk which is  
12 received by the applicant milk dealer or handler from another  
13 milk dealer or handler, subject to license hereunder, which milk  
14 has been included in the computation of such other dealer's fee;  
15 or milk which is produced by the applicant dealer or handler and  
16 not sold by him to stores or consumers. Applicant milk dealers  
17 or handlers, other than subdealers or subhandlers, receiving  
18 their entire supply from milk dealers or handlers who have paid  
19 a license fee thereon to this board, shall pay the license fee  
20 of \$50.

21 Section 6. Milk Haulers License.

22 The annual fee for a Milk Haulers License shall be \$25.

23 Section 7. Weighing or Measuring Permit.

24 The annual fee for a Weighing or Measuring Permit shall be  
25 \$10 for each location.

26 Section 8. Certified Tester's Certificate of Proficiency.

27 The annual fee for a Certified Tester's Certificate of  
28 Proficiency shall be \$10.

29 Section 9. Weighing and Sampling Certificate of Proficiency.

30 The annual fee for a Weighing and Sampling Certificate of

1 Proficiency shall be \$10.

2 Section 10. Repeals.

3 (a) Sections 408, 409, 410 and the second paragraph of  
4 section 550 of the act of April 28, 1937 (P.L.417, No.105),  
5 known as the "Milk Marketing Law," are repealed absolutely.

6 (b) Sections 601, 602 and 603 of the "Milk Marketing Law,"  
7 are repealed to the extent such sections set fees for licenses,  
8 certificates or activities for which new fees have been  
9 prescribed in this act.

10 (c) All other acts or parts of acts are repealed to the  
11 extent of their inconsistency with this act.

12 Section 11. Effective date.

13 This act shall take effect immediately and shall be  
14 retroactive to January 1, 1978.