
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2115

Session of
1978

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

SENATE KURY, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AS AMENDED, MAY 23, 1978

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.

1 (2) Addition to fixed fee, for milk on which board fixes
2 prices under the provisions of the "Milk Marketing Law,"
3 received, produced or brought within the Commonwealth during
4 the calendar year preceding the period for which the license
5 is issued, a license fee of one hundred seventy-five ten-
6 thousandths of a dollar (.0175) per hundredweight.

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

14 (b) The board shall charge and collect license fees from
15 subdealers on an annual basis of ~~\$35~~ \$37.50 for each route owned <—
16 or operated at the commencement of the license period.

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

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

27 Section 4. License fees for certain milk dealers.

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

1 (1) For a license issued on or after October 1, but
2 prior to January 1, \$37.50.

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

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

7 (b) (1) Milk dealers not engaged in the milk business for
8 the complete preceding calendar year shall submit with their
9 application a license fee as provided by this section and, in
10 addition thereto, at such time or times as the board may fix,
11 shall pay on a monthly basis an additional license fee of one
12 hundred seventy-five ten-thousandths of a dollar (.0175) per
13 hundredweight on all milk the prices of which the board fixes
14 under the provisions of the "Milk Marketing Law," and a
15 license fee of fifteen ten-thousandths of a dollar (.0015)
16 per hundredweight on all other milk on which the price is not
17 fixed by the board, received, produced or brought within the
18 Commonwealth by the dealer during the 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~~ \$30. <—

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 SECTION 7. FEES FOR MILK TESTER'S CERTIFICATES. <—

28 The ~~annual~~ fee for a ~~Certified Tester's Certificate of~~ <—
29 ~~Proficiency~~ CERTIFICATE OF PROFICIENCY IN MILK TESTING shall be <—
30 ~~\$10~~ \$25. THE FEE FOR AN ANNUAL MILK TESTER'S CERTIFICATE SHALL <—

1 BE \$20.

2 ~~Section 9. Weighing and Sampling Certificate of Proficiency.~~ <—

3 SECTION 8. FEES PAID BY MILK WEIGHERS AND SAMPLERS. <—

4 The ~~annual~~ fee for a ~~Weighing and Sampling Certificate of~~ <—
5 ~~Proficiency~~ CERTIFICATE OF PROFICIENCY IN MILK WEIGHING AND <—
6 SAMPLING shall be ~~\$10~~ \$15. THE FEE FOR AN ANNUAL MILK WEIGHING <—
7 AND SAMPLING CERTIFICATE SHALL BE \$15.

8 SECTION 9. TRANSFER FEE.

9 THE FEE FOR TRANSFER OF A LICENSE ISSUED UNDER THE ACT OF
10 APRIL 28, 1937 (P.L.417, NO.105), KNOWN AS THE "MILK MARKETING
11 LAW," SHALL BE \$10.

12 SECTION 10. MISCELLANEOUS FEES.

13 THE MILK MARKETING BOARD SHALL CHARGE AND COLLECT FEES FOR
14 PROVIDING COPIES OF OR FOR CERTIFICATION OF PAPERS, TESTIMONY
15 AND RECORDS. THE FEES SHALL BE COLLECTED FROM THE PERSONS
16 REQUESTING THE DOCUMENTS OR CERTIFICATION AND SHALL BE IN SUCH
17 AMOUNT AS TO FULLY OFFSET THE COSTS INCURRED BY THE BOARD IN
18 PROVIDING THE DOCUMENTS OR CERTIFICATION.

19 Section ~~10~~ 11. Repeals. <—

20 (a) Sections 408, 409 AND 410, ~~and~~ the second paragraph of <—
21 section 550 AND SECTIONS 601 AND 1105 of the act of April 28, <—
22 1937 (P.L.417, No.105), known as the "Milk Marketing Law," are
23 repealed absolutely.

24 (b) Sections ~~601~~, 407, 602 and 603 of the "Milk Marketing <—
25 Law," are repealed to the extent such sections set fees for
26 licenses, certificates or activities for which new fees have
27 been prescribed in this act.

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

30 Section ~~11~~ 12. Effective date. <—

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