

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1265 Session of 2015

INTRODUCED BY LAWRENCE, CUTLER, BARRAR, COHEN, COX, DIAMOND,
DRISCOLL, DUSH, FEE, HICKERNELL, LEWIS, LONGIETTI, MILLARD,
PICKETT, STAATS, THOMAS, YOUNGBLOOD, BENNINGHOFF, GILLEN,
EVERETT, JOZWIAK, CALTAGIRONE AND MAHER, JUNE 1, 2015

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, IN SENATE, AS
AMENDED, OCTOBER 19, 2016

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,

1 regulations and orders of the board; defining perjury;
2 defining remedies; repealing legislation supplied and
3 superseded by this act, and saving rights, duties and
4 proceedings thereunder; and making appropriations," in- <--
5 ~~preliminary provisions, further providing for definitions;~~
6 ~~and,~~ in milk pricing, further providing for terms and method
7 of payment.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 ~~Section 1. Section 103 of the act of April 28, 1937- <--~~
11 ~~(P.L.417, No.105), known as the Milk Marketing Law, is amended-~~
12 ~~by adding definitions to read:~~

13 ~~Section 103. Definitions; Construction. The following terms-~~
14 ~~shall be construed in this act to have the following meanings,-~~
15 ~~except in those instances where the context clearly indicates-~~
16 ~~otherwise:~~

17 * * *

18 ~~"Dairy farmer" means an individual or an entity that owns or~~
19 ~~controls dairy cows and that is actively and directly involved~~
20 ~~in milking some or all of those cows for the production of raw~~
21 ~~milk in this Commonwealth.~~

22 * * *

23 ~~"State mandated premium" shall mean any specific component of~~
24 ~~the minimum wholesale or retail price established by the board~~
25 ~~and collected with the intention of being paid to each producer~~
26 ~~for any class of milk as determined by the board.~~

27 * * *

28 ~~Section 2. Section 806 of the act, amended July 31, 1968-~~
29 ~~(P.L.963, No.294), is amended to read:~~

30 SECTION 1. SECTION 806 OF THE ACT OF APRIL 28, 1937 <--
31 (P.L.417, NO.105), KNOWN AS THE MILK MARKETING LAW, AMENDED JULY
32 31, 1968 (P.L.963, NO.294), IS AMENDED TO READ:

33 Section 806. Terms and Method of Payment.--(a) The board

1 may likewise fix, by official order, the terms upon which milk
2 dealers shall pay producers and others for milk, may prescribe
3 the method of computing payment therefor, and may prescribe a
4 form of written statement to be sent to producers with each
5 payment.

6 (b) Notwithstanding subsection (a), milk dealers and <--
7 cooperatives making payments to producers shall provide to each
8 dairy farmer, with each payment for milk, a written statement of
9 the specific dollar amount of State mandated premium included in
10 the payment for milk. The stated amount of the State mandated
11 premium shall be separate and distinct from, and may not be
12 substituted for nor commingled with, any stated dollar amount
13 paid as a bonus, premium, consideration or any other component
14 of the total price received for milk. THE BOARD MAY DEVELOP A <--
15 MECHANISM TO DETERMINE THE AMOUNT OF OVER-ORDER PREMIUM PAID TO
16 COOPERATIVES AND TO DETERMINE THE AMOUNT OF OVER-ORDER PREMIUM
17 PAID BY EACH COOPERATIVE TO ITS PRODUCERS IN THIS COMMONWEALTH.
18 (C) THE BOARD MAY PERIODICALLY PUBLISH, IN AGGREGATE, THE
19 AMOUNT OF OVER-ORDER PREMIUM PAID TO COOPERATIVES AND THE
20 AMOUNT, FOR THE SAME PERIOD, OF OVER-ORDER PREMIUM PAID TO
21 PRODUCERS IN THIS COMMONWEALTH.

22 Section 3 2. This act shall take effect in 60 days. <--