

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1687 Session of
1985

INTRODUCED BY BROUJOS, COLE, COY, BORTNER, McHALE, BATTISTO,
LLOYD AND A. C. FOSTER, JR., SEPTEMBER 30, 1985

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
SEPTEMBER 30, 1985

AN ACT

1 Amending the act of September 20, 1961 (P.L.1541, No.657),
2 entitled, as reenacted and amended, "An act providing for the
3 issuing, administration, enforcement and termination of
4 marketing programs on agricultural commodities; imposing
5 powers and duties on the Secretary of Agriculture; providing
6 for the creation and operation of advisory boards;
7 prescribing the content of programs; and providing for the
8 imposition and collection of fees," further providing for
9 advisory boards; and providing for the creation and operation
10 of boards of directors.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 4 of the act of September 20, 1961
14 (P.L.1541, No. 657), known as the Pennsylvania Agricultural
15 Commodities Marketing Act of 1968, reenacted and amended July
16 16, 1968 (P.L.359, No.179) and amended August 31, 1971 (P.L.425,
17 No.102), is amended to read:

18 Section 4. [Advisory Board] Board of Directors.--(a) Any
19 marketing program, issued pursuant to this act, shall provide
20 for the establishment of [an advisory board] a board of
21 directors to advise and assist the secretary in the

1 administration of the marketing programs. The members of the
2 board shall be appointed by the secretary from nominations
3 submitted by producers of such agricultural commodities as the
4 order will affect, and shall hold office until the expiration of
5 the term established in the program, or until such appointment
6 or term is terminated by majority action of the board. The
7 number of members of any such board and their term of office
8 shall be set forth in the marketing program, and shall be of
9 such number as is necessary to properly administer such program,
10 but shall be a minimum of five.

11 (b) No member of any such board of directors shall receive a
12 salary, but each shall be entitled to his actual expenses
13 incurred while engaged in performing his duties herein
14 authorized. Any marketing program established under the act may
15 authorize a per diem payment not to exceed twenty dollars (\$20)
16 per day, and expenses for each day in which a board member or
17 subcommittee member is performing a duty necessary to the
18 function of the board. The secretary may authorize [such] a
19 board to employ necessary personnel, fix their compensation and
20 terms of employment, and to incur such expenses to be paid by
21 the secretary from moneys collected, as provided in this act, as
22 the secretary may deem necessary and proper, to enable such
23 board to perform its duties as are authorized herein. The
24 authorization and employment of personnel pursuant to this
25 subsection shall not be subject to the provisions of section 214
26 of the act of April 9, 1929 (P.L.177, No.175), known as "The
27 Administrative Code of 1929".

28 (b.1) The duties of any such board shall be administrative
29 only and may include the following:

30 (1) [Subject to the approval of the secretary, to] To

1 administer such marketing program.

2 (2) To recommend to the secretary administrative rules and
3 regulations relating to the marketing program.

4 (3) To receive and report to the secretary complaints or
5 violations of the marketing program.

6 (4) To recommend to the secretary amendments to the
7 marketing program.

8 (5) To assist the secretary in assessment of members of the
9 industry in the collection of funds to cover expenses incurred
10 in administration of the agricultural commodity marketing
11 program.

12 (6) To assist the secretary in collection of such necessary
13 information and data as the secretary may deem necessary to the
14 proper administration of this act.

15 (7) To receive, account for and disburse all moneys
16 contributed to the marketing program by participants.

17 (8) To prepare a budget for the administration, operating
18 costs and expenses of the marketing program.

19 (9) To contract in all matters pertaining to the
20 administration of the marketing program, subject to contract
21 procedures provided by law.

22 (10) To hold meetings upon the request of any member, with
23 the approval of one-third of the members of the board, or upon
24 the call of the chairman.

25 (11) To elect or appoint its officers which shall consist of
26 a chairman, vice chairman, secretary and treasurer so long as
27 the chairman and vice chairman are members of the board.

28 (c) Upon approval of the secretary, the board may establish
29 committees or subcommittees to carry out assigned duties and
30 functions, and designate the persons who need not be members of

1 the board to serve upon such committees.

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