

2011D04801CMM

No. _____

AN ACT

LEGISLATIVE REFERENCE BUREAU

Amending the act of April 28, 1937 (P.L.417, No.105), known as the Milk Marketing Law, renaming the administration agency; further providing for definitions, for appointment and terms of members and quorum and for the Bureau of Consumer Affairs; providing for milk distributors; further providing for records, for reports, for requisites of orders fixing price of milk and for prices to producers; providing for title to milk; further providing for price increases, for expenses and for payment; establishing the Producer Settlement Fund; and repealing provisions relating to the Joint Study Committee.

INTRODUCED _____, 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on

Date _____ 20 _____

Reported _____ 20 _____

As Committed-Amended

Recommendation

By Hon. _____

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

1 proceedings thereunder; and making appropriations," renaming
2 the administration agency; further providing for definitions,
3 for appointment and terms of members and quorum and for the
4 Bureau of Consumer Affairs; providing for milk distributors;
5 further providing for records, for reports, for requisites of
6 orders fixing price of milk and for prices to producers;
7 providing for title to milk; further providing for price
8 increases, for expenses and for payment; establishing the
9 Producer Settlement Fund; and repealing provisions relating
10 to the Joint Study Committee.

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

13 Section 1. The title of the act of April 28, 1937 (P.L.417,
14 No.105), known as the Milk Marketing Law, amended July 31, 1968,
15 P.L.963, No.294), is amended to read:

16 AN ACT

17 Relating to milk and the products thereof; creating a Milk
18 [Marketing] Board; establishing its jurisdiction, powers and
19 duties; regulating the production, transportation,
20 manufacturing, processing, storage, distribution, delivery
21 and sale of milk and certain products thereof; providing for
22 the licensing of milk dealers and the payment of fees
23 therefor; requiring milk dealers to file bonds to secure
24 payment for milk to producers and certain milk dealers;
25 authorizing the holding of hearings and the issuance of
26 subpoenas by the board; conferring jurisdiction upon courts
27 to punish contempts and to prohibit violations of this act
28 and of rules, regulations and orders of the board;
29 authorizing the board to adopt rules, regulations and orders,
30 and to enter into interstate and Federal compacts; requiring
31 persons who weigh, measure, sample or test milk to procure
32 permits or certificates, to take examinations, to pay fees
33 therefor, to furnish certain notices, records and statements,
34 and to use certain methods of weighing, measuring, sampling
35 and testing; authorizing the board to examine the business,

1 papers and premises of milk dealers and producers, requiring
2 the keeping of records and the filing of reports by milk
3 dealers, and permitting, with limitations, the use of
4 information obtained thereby; authorizing the board to fix
5 prices for milk and certain milk products subject to the
6 approval of the Governor, and conferring certain powers upon
7 the Governor with respect thereto; providing for appeals to
8 the courts from decisions of the board, and for the burden of
9 proof upon such appeals; prescribing penalties, fines and
10 imprisonment for violations of this act and rules,
11 regulations and orders of the board; defining perjury;
12 defining remedies; repealing legislation supplied and
13 superseded by this act, and saving rights, duties and
14 proceedings thereunder; and making appropriations.

15 Section 2. The definitions of "board," "milk components" and
16 "store" in section 103 of the act, amended December 21, 1984
17 (P.L.1278, No.243), are amended and the section is amended by
18 adding definitions to read:

19 Section 103. Definitions; Construction.--The following terms
20 shall be construed in this act to have the following meanings,
21 except in those instances where the context clearly indicates
22 otherwise:

23 * * *

24 "Board" means the State agency created by this act, to be
25 known as the "Milk [Marketing] Board."

26 * * *

27 "Distributor" means a milk distributor.

28 * * *

29 "Milk components" means the components of milk, including
30 butterfat and any other components, for which the prices of

1 handlers, producers or both are established by marketing
2 agreements or orders issued under the Agricultural Marketing
3 Agreement Act of 1937 (7 U.S.C. 601, et seq.) and which the Milk
4 [Marketing] Board determines by regulation are applicable to the
5 marketing areas established under this act.

6 * * *

7 "Milk distributor" means a person that purchases or receives
8 for resale milk from sources outside this Commonwealth and
9 handles the milk within this Commonwealth for further sale in
10 the same containers as those in which it was purchased.

11 * * *

12 "Qualified producer" means any of the following:

13 (1) A producer in this Commonwealth whose milk is purchased
14 or processed as fluid or manufactured products.

15 (2) An out-of-State producer whose milk is:

16 (i) delivered to a plant in this Commonwealth to be
17 processed as a Class I product; or

18 (ii) sold at wholesale or retail in a transaction which is
19 subject to minimum pricing under this act.

20 The term does not include a producer selling milk that is exempt
21 under section 402 or a cooperative.

22 "Store" includes a grocery store, hotel, restaurant, soda
23 fountain, dairy products store, vending machine or any similar
24 mercantile establishment which sells [or distributes] milk.

25 * * *

26 Section 3. Sections 201 and 204 of the act, amended December
27 21, 1984 (P.L.1278, No.243), are amended to read:

28 Section 201. Appointment and Terms of Members; Quorum.--

29 There is hereby created an independent administrative board to
30 be known as the Milk [Marketing] Board. The board shall consist

1 of [~~three~~] five members nominated and appointed by the Governor,
2 by and with the advice and consent of [~~two-thirds~~] a majority of
3 all the members of the Senate, for terms of [~~six (6)~~] four (4)
4 years each and for not more than two terms[, and until their
5 successors shall have been appointed and qualified; except that
6 the terms of the members first taking office shall expire May
7 first, one thousand nine hundred thirty-nine, May first, one
8 thousand nine hundred forty-one, and May first, one thousand
9 nine hundred forty-three, respectively, as designated by the
10 Governor at the time of appointment and until their successors
11 shall have been appointed and qualified]. Of the members
12 appointed [after the effective date of this amending act], [~~one~~]
13 three shall be appointed to represent consumer interests and
14 [shall have the responsibility under the direction of the board
15 for directing the executive secretary to coordinate and
16 supervise the Bureau of Consumer Affairs.] must be from
17 different geographic regions of this Commonwealth. The consumer
18 members must have no affiliation with the dairy industry at any
19 level. Two members must be active or retired dairy farmers and
20 must be from different geographic regions of this Commonwealth.
21 The board member whose term ends in 2011 shall be replaced by a
22 consumer member. The board members serving as of July 1, 2011,
23 whose terms end in 2013 and 2015 shall be replaced by dairy
24 farmer members. One consumer member's term shall run until May
25 1, 2012; and the term of the other consumer member shall run
26 until May 1, 2014.

27 The Governor shall designate one of the dairy farmer members
28 of the board as chairman. The chairman shall, when present,
29 preside at all meetings and price hearings, and in his absence a
30 member designated by the chairman shall preside. When presiding

1 at a price hearing, the chairman or acting chairman shall have
2 the status of agency head for the purpose of conducting the
3 hearing.

4 [Two] Three members of the board shall constitute a quorum,
5 and any action or order of the board shall require the approval
6 of at least [two] three members.

7 The board shall consult with the Dean of the College of
8 Agricultural Sciences at The Pennsylvania State University at
9 all hearings and shall consider the recommendations made, which
10 shall be part of the public record. The Attorney General shall
11 serve as an advisor to the board.

12 The Governor may remove any board member for inefficiency,
13 neglect of duty, loss of qualification as provided in section
14 202 or misconduct in office: Provided, That he is given a copy
15 of the charges against him and an opportunity to be publicly
16 heard in person or by counsel in his own defense upon not less
17 than ten days' notice, and that the Governor file with the
18 Department of State a complete statement of all charges made
19 against such board member, together with a complete record of
20 the proceedings and his findings thereon.

21 [Section 204. Bureau of Consumer Affairs.--There shall be
22 established under the direction of the board a Bureau of
23 Consumer Affairs which shall be supervised by the secretary
24 under the direction of the consumer member by and with the
25 consent of a majority of the board. The purpose of this bureau
26 shall be to consult with representatives of consumer groups, to
27 disseminate information relative to activities of the board, to
28 act as a liaison to other Federal, State and local agencies
29 involved in the dairy industry and in milk marketing, to supply
30 pertinent data to news media and other interested parties and to

1 make any recommendations found necessary as a result of such
2 consultations with consumer groups and other bureau activities
3 as directed by the secretary, consumer member and board.

4 The office and personnel of the bureau shall be located in a
5 place designated by a majority of the members of the board.]

6 Section 4. The act is amended by adding an article to read:

7 ARTICLE IV-A

8 MILK DISTRIBUTORS

9 Section 401-A. Milk distributors required to be licensed.

10 (a) Requirement.--A person may not operate as a milk
11 distributor in this Commonwealth unless the person holds a milk
12 distributor's license issued by the board.

13 (b) Original.--A license application must be completed and
14 filed by the milk distributor:

15 (1) within 30 days after the effective date of this
16 section; or

17 (2) prior to his engaging in business.

18 (c) Renewal.--A license must be renewed annually before July
19 1. The renewal application must be filed by June 15.

20 (d) Form.--The board shall prescribe forms for applications
21 under subsections (b) and (c).

22 Section 402-A. Refusal, suspension or revocation of license.

23 (a) Scope.--This section applies if the board makes a
24 determination, after a hearing as set forth in section 405, that
25 an applicant or a licensee has not complied with this act or a
26 regulation and order under this act.

27 (b) Authority.--If subsection (a) applies, the board may:

28 (1) Decline to grant a license to an applicant.

29 (2) Decline to renew a license of a licensee.

30 (3) Suspend or revoke a license.

1 Section 5. Section 701 of the act, amended December 21, 1984
2 (P.L.1278, No.243), is amended to read:

3 Section 701. Records.--Milk dealers and distributors subject
4 to license by the board shall keep within the Commonwealth the
5 following records:

6 (1) A record of the quantity of all milk received or
7 produced, detailed as to location and as to names and addresses
8 of producers or milk dealers or distributors from whom received,
9 with butterfat or appropriate milk component tests, weights;
10 prices paid, and deductions or charges made.

11 (2) A record of the quantity of all milk sold, detailed as
12 to grade, use, location, market outlet, and size and type of
13 container, with prices and amounts received therefor, and the
14 butterfat or appropriate milk component tests thereof.

15 (3) A record of the quantities of all milk transported,
16 shipped, or hauled, including the distances and the amounts paid
17 for the movement of such milk, in all cases where the dealer
18 pays on his own account or on the account of producers for the
19 movement thereof.

20 (4) A record of the quantity of each milk product
21 manufactured, the quantity of milk used in the manufacture of
22 each product, and the quantity and value of milk products sold.

23 (4.1) The price or cost of containers used, by size and
24 type.

25 (5) A record of wastage or loss of milk or butterfat.

26 (6) A record of the spread or handling expense and profit or
27 loss, represented by the difference between the price paid and
28 the price received for all milk and milk products.

29 (7) A record of all other transactions affecting the assets,
30 liabilities, or net worth of the dealer or distributor.

1 (8) Such other records and information as the board may deem
2 necessary for the proper enforcement of this act.

3 The records herein required shall be kept in the possession
4 of the milk dealer for a period not less than two years, unless
5 the board otherwise provides.

6 Section 6. Section 702 of the act, amended July 31, 1968
7 (P.L.963, No.294), is amended to read:

8 Section 702. Reports.--Each milk dealer and distributor
9 shall, from time to time, as required by rule, regulation or
10 order of the board, make and file a verified report, on forms
11 prescribed by the board, of all matters on account of which a
12 record is required to be kept, together with such other
13 information or facts as may be pertinent and material within the
14 scope of the purposes and intent of this act. Such report shall
15 cover a period specified in the order, and shall be filed within
16 a time fixed by the board.

17 Section 7. Sections 801 and 803 of the act, amended December
18 21, 1984 (P.L.1278, No.243), are amended to read:

19 Section 801. Requisites of Orders Fixing Price of Milk.--The
20 board shall ascertain, after a hearing in which all interested
21 persons shall be given reasonable opportunity to be heard, the
22 logical and reasonable milk marketing areas within the
23 Commonwealth, shall describe the territorial extent thereof,
24 shall designate such areas by name or number, and shall
25 ascertain and maintain such prices paid to producers, to dealers
26 and to stores for milk in the respective milk marketing areas as
27 will be most beneficial to the public interest, best protect the
28 milk industry of the Commonwealth and insure a sufficient
29 quantity of pure and wholesome milk to inhabitants of the
30 Commonwealth, having special regard to the health and welfare of

1 children residing therein.

2 The board shall base all prices upon all conditions affecting
3 the milk industry in each milk marketing area, in one or more
4 milk marketing areas or in this Commonwealth as a whole, as it
5 deems appropriate, including the amount necessary to yield a
6 reasonable return to the producer, which return shall [not be
7 less than the cost of production and a reasonable profit to the
8 producer] be determined on the basis of the cost of feed for
9 dairy cattle plus a margin as determined by the board, which
10 shall not be less than eight dollars per hundredweight over the
11 cost of feed, of the quantity of milk necessary to supply the
12 consumer demand for fluid milk plus a reasonable reserve supply
13 as determined by the board, and a reasonable return on aggregate
14 milk sales by milk dealers or handlers and stores selling milk.
15 A reasonable return shall mean not less than a two and one-half
16 percent (2 1/2%) nor more than a three and one-half percent (3
17 1/2%) rate of return based on net sales of price-controlled
18 products determined in accordance with generally accepted
19 accounting principles. However, where the board determines that
20 the market for Pennsylvania produced milk is threatened it may
21 establish [producer] prices to producers, dealers or handlers
22 and stores selling milk designed to market the milk. Such
23 prices, if less than the reasonable return guaranteed under this
24 section, shall be established so as to affect equitably
25 producers, dealers or handlers and stores selling milk. In
26 ascertaining such returns, the board shall utilize available
27 information concerning producers' [cost of production] income
28 -over-feed ratio and a cross-section representative of
29 producers, dealers and stores in the area and shall consider
30 unit costs of various types of products and of various sizes of

1 containers.

2 The board shall file at its office, with each order issued, a
3 general statement in writing of the findings of fact in support
4 of, and the reasons for such order.

5 The board may, upon its own motion or upon application in
6 writing, from time to time, alter, revise or amend an official
7 order defining milk marketing areas or fixing prices to be
8 charged or paid for milk. Before making, revising or amending
9 any order defining milk marketing areas or fixing prices to be
10 charged or paid for milk, the board shall hold a hearing, after
11 giving reasonable opportunity to be heard to interested persons,
12 of whom the board has notice, and, in the case of any order
13 affecting the public, after giving reasonable notice thereof to
14 the public in such newspaper or newspapers as, in the judgment
15 of the board, shall afford sufficient notice and publicity:
16 Provided, however, That after such hearing, there shall be a
17 further hearing or conference before the board on any proposed
18 order, and notice of such further hearing or conference shall be
19 given to the parties represented and heard at the previous
20 hearing. Upon application in writing from a person aggrieved by
21 an order of the board hereunder, filed within fifteen (15) days
22 after the issuance of the order complained of, or upon its own
23 motion, the board may, within twenty (20) days after the
24 effective date of such order, issue an order revising or
25 amending such order without a further hearing, if such revision
26 or amendment is based on the record of the hearing held prior to
27 the issuance of such order.

28 "Interested persons," as used in this section, means all
29 persons who may be affected by an order of the board fixing
30 prices, and who have signified to the board in writing their

1 desire to be notified of such hearings concerning a particular
2 milk market area or areas within the Commonwealth. "Reasonable
3 opportunity to be heard" may be afforded by written notice
4 addressed to the last known address of an interested party by
5 mail, postage prepaid, by deposit in a United States post office
6 or any receptacle thereof. Nothing contained in this section
7 shall be construed to limit or modify the provisions of section
8 three hundred eight of this act relating to the posting and
9 publicizing of orders of the board, including orders made under
10 this article and the force and effect thereof.

11 At any hearing provided for herein the testimony of an expert
12 statistician present at the hearing and any printed,
13 typewritten, duplicated, mimeographed or other written treatise,
14 report or statistical data by an expert not present as a
15 witness, if and to the extent it is endorsed as reliable to an
16 expert witness present at the hearing, shall be competent
17 evidence on any subject material to fixing any price under this
18 article. However, the testimony, treatise, report or data must
19 result from a study of facts and conditions in the milk
20 marketing area which is the subject of the hearing.

21 All provisions of all price-fixing orders of the board shall
22 be presumed to be valid, and the burden of proving any
23 invalidity of any provisions thereof shall be upon the person
24 asserting the same. Any determination by the board, or a court
25 to which an appeal has been taken, that the wholesale or retail
26 prices provided are invalid shall not prevent the enforcement of
27 prices to producers, but any determination that prices to
28 producers are unreasonable shall require the redetermination by
29 the board of wholesale and retail prices as well as prices to
30 producers.

1 Whenever an order of the board fixing prices is remitted to
2 the board with directions to reform the findings or order in
3 accordance with the opinion of the court, and no further appeal
4 is taken by the board, the board shall make such reformation
5 within thirty days from the entry of the order of the court
6 remitting the price-fixing order to the board.

7 Section 803. Prices to Producers.--(a) The board shall fix,
8 by official order, the minimum prices or a formula for the
9 setting of minimum prices to be paid by milk dealers or handlers
10 to producers for milk or milk components sold or delivered or
11 made available on consignment or otherwise by producers to
12 dealers or handlers: Provided, however, That the fixing of
13 prices to be paid by milk dealers or handlers to producers for
14 milk or milk components to be used solely in manufacturing shall
15 be discretionary with the board.

16 (b) The price for Class I milk in a milk marketing area in
17 this Commonwealth shall reflect the highest Federal location
18 differential for a county in the area where a Class I plant is
19 located. Producers shall be paid on a sales point pricing basis.
20 For Class I milk, the price shall be the higher of the board-
21 mandated price or the Federal price.

22 (c) A producer premium established by the board in excess of
23 the prices established under subsection (b) shall be paid by
24 milk dealers or handlers or milk distributors into the Producer
25 Settlement Fund.

26 (d) Prices to producers fixed by the board under this
27 section in excess of the Federal order price shall be paid by
28 milk dealers or handlers or milk distributors into the Producer
29 Settlement Fund.

30 Section 8. The act is amended by adding a section to read:

1 Section 803.1. Title to Milk.--(a) The scope of this
2 section is as follows:

3 (1) This section shall apply only to the administration of
4 this act.

5 (2) This section shall not supersede an order of a Federal
6 administrative agency or of the board which requires the cost of
7 shipment of milk to be free on board the place of destination
8 and is not intended to mandate changes in existing customs and
9 practices with respect to allocation of the costs and risks of
10 delivering milk from the farm to plant of first receipt.

11 (b) Notwithstanding 13 Pa.C.S. § 2401(2)(ii) (relating to
12 passing of title; reservation for security; limited application
13 of section), title to milk shall be transferred from the
14 producer to the milk dealer at the point of shipment of the
15 milk.

16 Section 9. Section 805 of the act, amended July 31, 1968
17 (P.L.963, No.294), is amended to read:

18 Section 805. Price Increases.--It is hereby declared to be
19 the legislative intent that the benefits of any increase of
20 prices received by milk dealers, by virtue of the minimum price
21 provisions of this article, shall be given to producers[, except
22 in any case where the board deems a deviation from this policy
23 necessary in order lawfully to maintain proper milk markets and
24 outlets for producers and consumers]. The board shall, whenever
25 it deems such action necessary, issue orders, rules or
26 regulations to effectuate this intent.

27 Section 10. Sections 1102 and 1104 of the act, amended
28 December 20, 1991 (P.L.404, No.48), are amended to read:

29 Section 1102. Expenses.--(a) As much of the money in the
30 Milk Marketing Fund as may be necessary shall be annually

1 appropriated to the [Milk Marketing Board] board to be used to
2 pay its expenses, including the following:

3 (1) Salaries of the board and of its employes.

4 (2) Rental and other expenses for offices, rooms, garage
5 space and other accommodations outside of the Capitol Buildings,
6 either in or outside of the capital city, occupied by the board.

7 (3) Premiums for workmen's compensation insurance covering
8 the officers and employes of the board.

9 (4) Premiums for surety bonds for such officers or employes
10 of the board as may be required by law to furnish such bonds.

11 (5) Purchase and operating costs of motor vehicles required
12 by the board for full-time use, including premiums for liability
13 insurance covering such motor vehicles and the members of the
14 board and employes operating them; also the amount payable to
15 the Department of General Services for the use of automobiles
16 supplied by it for temporary use by the board.

17 (6) Furniture, stationery, materials, supplies and all other
18 overhead expenses of the board.

19 (7) All other expenses of every kind and description
20 necessary for the performance by the board of its work.

21 (b) All such purchases and leases shall be made, and all
22 such contracts of insurance and surety bonds shall be placed,
23 through the Department of General Services as agent.

24 (c) Before November 1 of each year, the [Milk Marketing
25 Board] board shall estimate its total expenses for the fiscal
26 year beginning July 1 of the following year. This estimate shall
27 be submitted to the Governor in accordance with section 610 of
28 the act of April 9, 1929 (P.L.177, No.175), known as "The
29 Administrative Code of 1929." At the same time the board submits
30 its estimate to the Governor, the board shall also submit that

1 estimate to the General Assembly through the President pro
2 tempore of the Senate and the Speaker of the House of
3 Representatives. The board, or its designated representatives,
4 shall be afforded an opportunity to appear before the Governor
5 regarding its estimate.

6 Section 1104. Payment.--[Moneys] Money in the Milk Marketing
7 Fund appropriated to the [Milk Marketing Board] board shall be
8 paid out upon warrant of the State Treasurer drawn after
9 requisition by the secretary of the [Milk Marketing Board]
10 board.

11 Section 11. The act is amended by adding a section to read:

12 Section 1104.1. Producer Settlement Fund.--The Producer
13 Settlement Fund is established in the State Treasury as a
14 restricted account. The fund shall consist of money deposited
15 under section 803(d) as prescribed by the board. All money in
16 the fund and the interest accruing thereon are hereby
17 appropriated to the Milk Board on a continuing basis to carry
18 out the provisions of this section. The board may use up to the
19 lesser of two percent (2%) or two hundred thousand dollars
20 (\$200,000) of the fund for administration. Money in the fund
21 shall be distributed at least quarterly by the board on a pro
22 rata basis to qualified producers based on the volume of milk
23 produced and shipped by each qualified producer.

24 Section 12. Section 1204 of the act, added December 21, 1984
25 (P.L.1278, No.243), is repealed:

26 [Section 1204. Joint Study Committee.--There is hereby
27 created a Joint Study Committee which shall study the
28 implementation and effect of resale pricing under this act. The
29 committee shall be in existence until its report hereunder is
30 delivered to the General Assembly not later than December 31,

1 1985. The committee shall consist of the following members:

2 (1) Four producers, one each appointed by the majority
3 leader and minority leader of each house.

4 (2) Four consumers, one each appointed by the majority and
5 minority leaders of each house.

6 (3) Four dealers, one each appointed by the majority and
7 minority leaders of each house.

8 (4) The chairman and the minority chairman of the
9 Agriculture and Rural Affairs Committees of each house, or their
10 designee.

11 (5) One at-large member appointed by the Secretary of
12 Agriculture.

13 At the first meeting of the committee which will be called by
14 the chairman of the Senate Agriculture and Rural Affairs
15 Committee, the committee shall elect a chairman who, with the
16 concurrence of a majority of the members of the committee, shall
17 determine a schedule of meetings for the conduct of committee
18 business. The chairman thus elected, or another member of the
19 committee as appointed by the chairman, shall preside at all
20 meetings of the committee.

21 There is also hereby created an advisory committee to provide
22 assistance and support for the Joint Study Committee and which
23 shall consist of:

24 (1) The chairman of the Pennsylvania Milk Marketing Board
25 and his staff.

26 (2) The Dean of the Pennsylvania State University College of
27 Agriculture and his staff.

28 (3) The Dean of the Wharton School of Business
29 Administration of the University of Pennsylvania and his staff.

30 The purpose of the committee shall be to study and report

1 upon the implementation and effect of the resale milk pricing
2 provisions of this act. The committee shall submit its final
3 report to the Agriculture and Rural Affairs Committee of each
4 house not later than December 1, 1985.]

5 Section 13. The amendment of section 201 of the act shall
6 apply to individuals serving on the Milk Marketing Board on the
7 effective date of this section as follows:

8 (1) The individual shall serve to the end of the current
9 term.

10 (2) At the completion of the current term, the
11 individual is eligible for reappointment under section 201 of
12 the act.

13 (3) Eligibility for appointment is not affected by:

14 (i) service prior to the effective date of this
15 section; or

16 (ii) service under paragraph (1).

17 Section 14. This act shall take effect in 60 days.