

this act, any member of the commission, or any employe designated for the purpose, shall have access to, and may enter and inspect, at all reasonable hours, all places and equipment where milk or any product thereof is being produced, stored, bottled, processed, manufactured, sold, weighed, tested, consigned or otherwise handled. Any member of the commission or any designated employe thereof also shall have power, at all reasonable hours, to inspect, photograph, photostat, mark or stamp for identification, audit and copy all books, papers, records or documents in any place within the Commonwealth, for the purpose of ascertaining facts to enable the commission to administer this act. The information obtained regarding any person by any such inspection, auditing or copying, or by reports or statements required or authorized by this act, shall be for the confidential use of the commission and the various administrative departments, boards and commissions of the State government, and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court; and any member or employe of the commission, or other person, disclosing such information, except as herein required, shall be subject to the penalties herein provided for a violation of this act. Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data.

However, any evidence, statements or other testimony offered by parties, other than commission employes or agents, during official hearings before the commission shall be subject to full examination and cross-examination. Consumers attending official hearings may submit questions to the chairman who shall request an answer from the commission if the questions are relevant to the official hearing.

APPROVED—The 15th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 424

AN ACT

HB 2020

Amending the act of April 28, 1937 (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products

thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders, of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, re-inquiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," further regulating the fixing of prices by the commission.

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

Section 1. Section 801, act of April 28, 1937 (P. L. 417), known as the "Milk Control Law," amended June 4, 1943 (P. L. 879), is amended to read:

Section 801. Requisites of Orders Fixing Price of Milk.—The commission shall ascertain, after a hearing in which all interested persons shall be given reasonable opportunity to be heard, the logical and reasonable milk marketing areas within the Commonwealth, shall describe the territorial extent thereof, shall designate such areas by name or number, and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest, best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth, having special regard to the health and welfare of children residing therein.

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area, including the amount necessary to yield a reasonable return to the producer, which return shall not be less than the cost of production and a reasonable profit to the producer, of the quantity of milk necessary to supply the consumer demand for fluid milk plus a reasonable reserve supply as determined by the commission, and a reasonable return to the milk dealer or handler. However, where the commission determines that the market for Pennsylvania produced milk is threatened it may establish producer prices designed to market the milk. In ascertaining such returns, the commis-

sion shall utilize a cross-section representative of the average or normally efficient producers and dealers or handlers in the area.

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

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

“Interested persons,” as used in this section, means all persons who may be affected by an order of the commission fixing prices, and who have signified to the commission in writing their desire to be notified of such hearings concerning a particular milk ¹market area or areas within the Commonwealth. “Reasonable opportunity to be heard” may be afforded by written notice addressed to the last known address of an interested party by mail, postage prepaid, by deposit in a United States post office or any receptacle thereof. Nothing contained in this section shall be construed to limit or modify the provisions of section three hundred eight of this act relating to the posting and publicizing of orders of the commission, including orders made under this article and the force and effect thereof.

At any hearing provided for herein the testimony of an expert statistician present at the hearing and any printed, typewritten, dupli-

¹ “marketing” in original.

cated, mimeographed or other written treatise, report or statistical data by an expert not present as a witness, if and to the extent it is endorsed as reliable to an expert witness present at the hearing, shall be competent evidence on any subject material to fixing any price under this article.

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

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

APPROVED—The 15th day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 425

AN ACT

HB 2021

Amending the act of April 28, 1937 (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and