

No. 1992-3

AN ACT

HB 401

Amending the act of September 20, 1961 (P.L.1541, No.657), entitled, as reenacted and amended, "An act providing for the issuing, administration, enforcement and termination of marketing programs on agricultural commodities; imposing powers and duties on the Secretary of Agriculture; providing for the creation and operation of advisory boards; prescribing the content of programs; and providing for the imposition and collection of fees," further providing for the vote on the review of the marketing program and for the collection of producer charges by sales agents.

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

Section 1. Section 4(a) of the act of September 20, 1961 (P.L.1541, No.657), known as the Pennsylvania Agricultural Commodities Marketing Act of 1968, reenacted and amended July 16, 1968 (P.L.359, No.179) and amended May 6, 1987 (P.L.1, No.1), is amended to read:

Section 4. Commodity Marketing Board.—(a) *(1)* Every marketing program, issued pursuant to this act, shall provide for the establishment of a commodity marketing board, which shall have primary decisionmaking authority relative to marketing contracts and other projects in furtherance of such program. The number, representation, qualifications and terms of board members and the schedule of regular board meetings and procedure for calling special board meetings shall be established in the issued marketing program. No marketing program shall be issued to establish a commodity board of less than five members, one of whom shall be the secretary, or his designee. The other board members shall be appointed by the secretary from among the agricultural producers whose commodities shall be subject to the marketing program. In making these appointments, the secretary shall consider nominations submitted by the producers. No decision by the board shall be effective unless, pursuant to regular or special meetings, a majority of board members were present and a majority of those present voted in support of the decision. All decisions rendered by the board shall be recorded in written minutes of the meeting, and the recorded minutes shall be made available to the secretary and to the producers whose commodities are subject to the marketing program.

(2) If the secretary requires sales agents to collect producer charges under section 10(b), an additional member shall be appointed to the board by the secretary. This member shall represent these sales agents who are subject to the marketing program collection agreement. In making the appointment, the secretary shall consider nominations by the sales agents.

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Section 2. Section 8(a) of the act, amended August 31, 1971 (P.L.425, No.102), is amended to read:

Section 8. Marketing Program Review; Amendments.—(a) Every five years the Secretary of Agriculture shall call a referendum of affected producers within each agricultural commodity group for which a marketing program exists to determine whether or not **[two-thirds] a majority** of those voting still desire a marketing program.

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Section 3. Section 10(b) of the act, amended May 6, 1987 (P.L.1, No.1), is amended to read:

Section 10. Collection of Fees.—* * *

(b) For the convenience of making collections of any producers charges established pursuant to this section, the secretary **[may collect such charge from the sales agent of the producer]** *shall have the authority and may, by regulation, upon the request of a commodity marketing board, require sales agents to collect producer charges upon the sale of the agricultural commodity.*

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Section 4. This act shall take effect in 60 days.

APPROVED—The 5th day of March, A. D. 1992.

ROBERT P. CASEY