

No. 1984-130

## AN ACT

SB 1414

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," providing for the establishment, without referendum, of a dairy products promotion program funded by voluntary contributions.

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

Section 1. Section 6 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 August 31, 1971 (P.L.425, No.102), is amended to read:

Section 6. Effecting Marketing Programs.—(a) No marketing program, or amendment thereto, shall become effective unless and until the secretary determines by a referendum whether or not the affected producers assent to the proposed action.

(b) The secretary shall conduct the referendum among the affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting a majority by number and a majority by volume assent to the proposed program.

(c) In determining whether a marketing program or amendment thereto have been approved by producers, the secretary shall consider the vote of a cooperative association as the votes of such members, providing the cooperative has first notified its members, in writing, at least thirty days in advance, of its intention to cast a representative vote. Such notice shall inform the producer of his right to cast his vote individually and shall include thereon the following wording in bold face type: **WARNING - IF YOU DO NOT EXERCISE YOUR RIGHT TO VOTE YOUR COOPERATIVE HAS THE RIGHT TO VOTE FOR YOU.** Each producer shall receive a ballot from the secretary. The ballot shall contain the following wording in bold face type: **WARNING - IF YOU DO NOT EXERCISE YOUR RIGHT TO VOTE YOUR COOPERATIVE HAS THE RIGHT TO VOTE FOR YOU.** If the producer votes individually, his vote shall be deducted from his cooperative representative vote.

(d) Any referendum required under this act shall be conducted in accordance with reasonable rules and regulations to be established and promulgated by the secretary.

*(e) The secretary may establish without a referendum a Pennsylvania Dairy Products Promotion Program provided that the program is financed*

*by voluntary contributions credited against assessments payable to the National Dairy Promotion and Research Board pursuant to the Dairy and Tobacco Adjustment Act of 1983 (Public Law 98-180, 97 Stat. 1128). Any such program shall terminate, unless continued by referendum as provided in this section, not later than six months following the disapproval of the Federal Dairy Promotion Program by a majority of producers voting in a nationwide referendum. The establishment, termination, amendment and management of the Pennsylvania Dairy Products Promotion Program shall, except as provided in this subsection, be conducted pursuant to the provisions of this act.*

Section 2. This act shall take effect immediately.

APPROVED—The 6th day of July, A. D. 1984.

DICK THORNBURGH