

No. 42

AN ACT

Creating a commission to arrange plans for the celebration of the Seventy-fifth Anniversary of the Battle of Gettysburg, and making an appropriation.

Section 1. Be it enacted, &c., That the Governor is hereby authorized to appoint nine citizens, who shall constitute a commission to be known as the Seventy-fifth Anniversary of the Battle of Gettysburg Commission, whose duty it shall be to consider and arrange plans for a proper and fitting recognition and observance at Gettysburg, during the year one thousand nine hundred and thirty-eight, of the Seventy-fifth Anniversary of the Battle of Gettysburg. Said commission shall have authority to invite the cooperation of the Congress of the United States, and the legislatures of other states and commonwealths. The members of the commission shall serve without compensation except their actual and necessary expenses. The commission shall make a report of its actions with recommendations to the next regular session of the General Assembly.

Section 2. The sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby specifically appropriated to pay the expenses of the commission and the members thereof in carrying into effect the provisions of this act. Payment from said appropriation shall be made on requisition of the chairman of the commission in the manner provided by law.

APPROVED—The 30th day of April, A. D. 1935.

GEORGE H. EARLE

No. 43

AN ACT

To re-enact and amend the title and the act, approved the second day of January, one thousand nine hundred thirty-four (one thousand nine hundred thirty-three—one thousand nine hundred thirty-four—Pamphlet Laws, one hundred seventy-four), entitled “An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction

upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," by extending the provisions of the act for a further period of time; prohibiting the sale of milk in certain cases; enlarging and modifying the definition of milk to include ice cream mix, powdered whole milk, and powdered skimmed milk; changing, adding to, and increasing license fees, and further prescribing the method of computing such fees; requiring all licensees to file bonds or collateral without any exceptions; providing for a supersedeas in certain cases of appeal; conferring certain powers upon the Governor; conferring upon the board certain additional powers over cooperative agricultural associations or corporations, also over milk prices; and authority to establish marketing area enforcement committees; providing new, and changing existing notices and penalties; and making an appropriation.

Section 1. Be it enacted, &c., That the title and all the sections of the act, approved the second day of January, one thousand nine hundred thirty-four (one thousand nine hundred thirty-three—one thousand nine hundred thirty-four—Pamphlet Laws, one hundred seventy-four), entitled "An act relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation," are hereby reenacted and amended as follows:

Title of act of
January 2, 1934
(1933-1934, P. L.
174), and the act
itself amended
and re-enacted.

AN ACT

Relating to milk and the products thereof; declaring an emergency with respect to their production and marketing; creating a Milk Control Board; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacture, processing, storage, distribution, delivery, and sale of milk and the products thereof; *authorizing the board, with the approval of the Governor, to fix prices to be paid or charged for milk and the products thereof*; providing for the licensing of milk dealers and the payment of fees therefor; requiring licensees to furnish bonds for the protection of producers; authorizing the examination of the business, papers, and affairs of, and requiring the filing of reports by, licensees, other milk dealers and producers, and permitting with limitations the dissemination of information obtained therefrom; authorizing the issuance of subpoenas by

the board or its agents, and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board; providing for appeals to the courts from decisions of the Milk Control Board; imposing penalties; and making an appropriation.

Preamble.

Whereas, Unhealthful, unfair, unjust, destructive, demoralizing and uneconomic trade practices have been and are now carried on in the production, sale, and distribution of milk and milk products in this Commonwealth, whereby the dairy industry in the Commonwealth and the constant supply of pure milk to inhabitants of the Commonwealth are imperiled; and

Whereas, Such conditions constitute a menace to the health, welfare and reasonable comfort of the inhabitants of the Commonwealth; and

Whereas, It is necessary to protect the well-being of the inhabitants of this Commonwealth, to promote the public welfare and to preserve the strength and vigor of the race by declaring that the production, transportation, manufacture, processing, storage, distribution, and sale of milk in the Commonwealth of Pennsylvania is a business affecting the public health and affected with a public interest; and

Whereas, The production and distribution of milk is a paramount industry upon which the prosperity of the Commonwealth in large measure depends; and

Whereas, The present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of milk and other commodities, which disparity has largely destroyed the purchasing power of milk producers for industrial products, has broken down the orderly production and marketing of milk, and has seriously impaired the agricultural assets supporting the credit structure of the Commonwealth and its local governmental subdivisions; and

Whereas, The danger to the public health and welfare is immediate and impending, the necessity urgent and such as will not admit of delay *or relaxation* in public supervision and control in accord with proper standards of production, sanitation and marketing, the foregoing statements of fact, policy and application of this act are hereby declared to be matters of legislative determination.

Milk Control
Board Law.

Section 1. Be it enacted, &c., That in the exercise of the police power of the Commonwealth and to protect the public health and public welfare, it is hereby declared that the production, transportation, manufacture, processing, storage, distribution, and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest, and it is hereby declared to be the legislative intent that this act shall be an emergency measure enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for

the protection of the health, welfare and comfort of the inhabitants thereof.

Section 2. Short Title.—This act shall be known, and may be cited, as the “Milk Control Board Law.”

Section 3. Definitions.—A. The following terms shall be construed in this act to have the following meanings, except in those instances where the context clearly indicates otherwise:

“Board” means the temporary State agency created by this act, to be known as the “Milk Control Board.”

“Consumer” means any person, other than a milk dealer, who purchases milk for fluid consumption.

“Licensee” means a licensed milk dealer.

“Market” includes any city, borough, incorporated town, or township in the Commonwealth, or any two or more such cities, boroughs, incorporated towns or townships, or any portions thereof, designated by the board as a natural marketing area.

“Milk” includes fluid milk and cream, fresh, sour or storage, skimmed milk, buttermilk, *ice cream mix*, and condensed or concentrated whole or skimmed milk, except when contained in hermetically sealed cans or containers, which do not contain more than eight and one-quarter ($8\frac{1}{4}$) pounds, or more than one hundred and thirty-two (132) fluid ounces.

“Milk Dealer” means any person, including any store, as hereinafter defined, who purchases or handles milk within the Commonwealth for sale, shipment, storage, processing or manufacture within or without the Commonwealth. A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer. A cooperative agricultural association or corporation of producers of milk, organized under the laws of this Commonwealth or of any other state, and engaged in making collective sales of milk for producers under contract with it, shall not be deemed a milk dealer, but shall be deemed a producer; provided, however, that if such association or corporation distributes milk within this Commonwealth to stores, as defined in this act, or to consumers, as defined in this act, it shall be deemed to be a milk dealer as to that part of its business, and shall be governed by the provisions of this act applicable thereto; and further provided, that such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells, *markets, or bargains to sell* milk, within this Commonwealth, to milk dealers other than stores.

“Person” includes an individual, corporation, association, partnership, limited partnership, or other unincorporated enterprise owned by two or more individuals.

“Producer” means a person producing milk within the Commonwealth of Pennsylvania.

“Store” includes a grocery store, hotel, restaurant, soda fountain, dairy products store, or any similar mercantile establishment which sells milk.

B. Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent.

C. Section headings shall not be construed to affect in any manner the scope or meaning of any section of this act.

D. The singular shall be construed to include the plural. The masculine shall be construed to include the feminine and the neuter, and conversely, the neuter shall be construed to include the masculine and the feminine.

Section 4. Creation of Milk Control Board; Membership; Applicability of Administrative Code.—A. There is hereby created an independent administrative board to be known as the Milk Control Board. The board shall consist of three members, who shall be nominated and, by and with the consent of the Senate, appointed by the Governor. Each member shall receive a salary at the rate of six thousand dollars (\$6,000) per annum.

B. Each member of the board at the time of his appointment and qualification shall be a citizen of the United States, and a resident of the Commonwealth of Pennsylvania, and shall have been a qualified elector in the Commonwealth for a period of one year next preceding his appointment.

No member of the board, during his period of service as such, shall hold any other office under the laws of this Commonwealth or of the United States.

The Governor shall designate one of the members of the board as chairman. The chairman shall, when present, preside at all [meeting] *meetings*, and in his absence a member designated by the chairman shall preside.

Two members of the board shall constitute a quorum, and any action or order of the board shall require the approval of at least two members.

C. The board may appoint a secretary to hold office at its pleasure. The secretary, if appointed, shall have such powers and shall perform such duties, not contrary to law, as the board shall prescribe, and shall receive such compensation as the board, with the approval of the Governor, shall determine. The secretary shall have power and authority to designate, from time to time, one of the clerks appointed by the board to perform the duties of the secretary during his absence, and the clerk so appointed shall exercise, for the time so designated, the powers of the secretary of the board.

D. Except as otherwise specifically provided in this act, the board and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred and twenty-nine, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), its amendments

and supplements, which apply generally to independent administrative boards or commissions.

Section 5. General Powers of Board.—A. The board is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed, and it is hereby vested with power—

(1) To supervise and regulate the entire milk industry of this Commonwealth, including the production, transportation, *disposal*, manufacture, processing, storage, distribution, delivery and sale of milk and milk products in this Commonwealth; provided, however, that nothing contained in this act shall be construed to alter, amend or repeal The Public Service Company Law, or any of the laws of this Commonwealth relating to the public health or to the prevention of fraud or deception.

(2) To investigate, as the emergency permits, and regulate, as the emergency requires, all matters pertaining to *the entire milk industry of this Commonwealth, including* the production, manufacture, processing, storage, transportation, disposal, distribution, and sale of milk and milk products in this Commonwealth, including the establishment of reasonable trade practices; [and] systems of production control; *and marketing area enforcement committees* in connection therewith.

B. The operation and effect of any provision of this act conferring a general power upon the board shall not be impaired or qualified by the granting to the board by this act of a specific power or powers.

C. The board, either itself, or through its duly authorized agent, may hold such hearings, either at the Capitol or elsewhere, as it deems necessary to carry out the provisions of this act.

Section 6. Power of Board to Subpœna; Penalty.—A. In order to enable the board to carry out the provisions of this act, it shall have the power to issue subpoenas requiring the attendance of, or the production of pertinent books and papers by, milk dealers or their employes, producers or their employes, persons having business dealings with milk dealers or producers, or other persons whom the board believes to have information of importance to it in carrying out the purposes and intent of this act. The board may likewise issue commissions, letters rogatory, or other appropriate processes outside the Commonwealth.

The board shall likewise have the power to question such witnesses under oath or affirmation, and to examine such books and papers.

The board may delegate to any member thereof, or any employe designated by it, the powers granted to it under this section.

B. Any witness who refuses to obey a subpoena issued hereunder, or to be sworn or affirmed, or to testify, or who

is guilty of any contempt after summons to appear, may be punished as for contempt of court. For this purpose an application may be made by the board to the court of common pleas within the territorial jurisdiction of which the offense was committed, for which purpose such court is hereby given jurisdiction.

C. Each witness required to attend before the board or any member thereof, under the provisions of this section, shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County.

Section 7. Rules, Regulations and Orders.—A. [The] *Subject to the approval of the Governor, where such approval is hereinafter expressly required, the board may adopt and enforce all rules, regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law. Every general rule, regulation or order of the board shall be posted for public inspection in the main office of the board at least [three] six days before it shall become effective, and, at least four days before it shall become effective, shall be mailed to all licensees affected thereby, and shall be given such further publicity, by advertisement in a newspaper or otherwise, as the board shall deem advisable. An order applying only to a particular person or persons named therein shall be served on the person or persons affected.*

B. An order, herein required to be served, shall be (1) served in the manner now or hereafter established by law for the service of writs of summons, except that such service need not be made by the sheriff, or (2) mailed, charges prepaid, (a) in the case of an individual, to his last known residence or place of business, (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth, to its principal office, and (c) in the case of a corporation formed under the laws of some other state, to the office of its duly authorized agent in Pennsylvania, or, if there be no duly authorized agent in Pennsylvania, to its home office in the state of incorporation or in any other state.

C. The posting in the main office of the board of any rule, regulation or order not herein required to be served, *the mailing thereof as above provided*, and the giving of such further publicity thereto, if any, as the board deems advisable, or the proper service of one required to be served, shall constitute due and sufficient notice to all persons affected by such rule or order. A rule of the board, when duly posted and [filed] *served* as provided in this section, shall have the force and effect of law. The board shall, upon request, mail to any person any general rule or regulation of the board. [It may charge a reasonable fee for such service.]

Section 8. Entry and Inspection.—Pursuant to carrying out the purposes of this act, any member of the board, or any employe designated for the purpose, shall have

access to and may enter, at all reasonable hours, all places where milk or any product thereof is being produced, stored, bottled, processed, manufactured, sold, or otherwise handled. Any member of the board, or any designated employe thereof, also shall have power, at all reasonable hours, to inspect all books, papers, records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the board to administer this act. The information obtained by any such inspection or by reports required by this act shall be for the confidential use of the board and the various departments 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. The board, however, may use such information, together with other similar information, for compilation and publication of statistics of the industry in this Commonwealth.

Section 9. Violations; Remedies.—A. Except as otherwise specially provided in this act, any person violating any provision of this act, or any rule, regulation or order of the board lawfully made, shall *for the first or second offense, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and for a third or subsequent offense shall be guilty of a misdemeanor, and shall, upon conviction thereof, be [subject to] sentenced to pay a fine [not exceeding one hundred dollars,] of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or to undergo imprisonment not exceeding one year, or both in the discretion of the court.* For each day during which any such violation shall continue, such person shall be deemed to have committed an additional violation.

B. The board or any person, marketing committee, or association composed of persons affected by its orders, rules, or regulations, may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act, or to enforce compliance with any rule, regulation or order of the board made pursuant to the provisions of this act, or to obtain a judicial interpretation of any of the foregoing, and, in addition to any other remedy, may apply to the court of common pleas of Dauphin County for relief by injunction, [if necessary to protect the public interest] without being compelled to allege or prove that an adequate remedy at law does not exist.

Section 10. Licenses to Milk Dealers; Applications; Grant, Suspension and Revocation.—A. Except as herein otherwise specifically provided, a milk dealer, as defined in this act, shall not buy milk from producers or others within this Commonwealth for storage, manufacture, processing, distribution, or sale within or without

this Commonwealth, or sell or distribute milk within this Commonwealth, unless such dealer be duly licensed as herein provided; and it shall be unlawful for a milk dealer to buy milk from, or sell milk to, a milk dealer who is not either licensed or exempted as herein provided, or, in any way, to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act.

B. The board may, by official order, exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding [three] *one thousand five hundred* pounds in any month, and milk dealers selling milk in any quantity only in markets of a population of one thousand, or less, for local consumption. The board may, by official order, exempt stores, or any class thereof, from the license requirements provided by this act, *and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer.* However, milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers.

C. An application for a license to operate as a milk dealer shall be made [within thirty days after this act takes effect, and] annually [thereafter] on or before April fifteenth, by mail or otherwise, to the board, upon blanks prepared under authority of the board, and shall be accompanied by the fee required by this act. The license year shall commence May first and shall end April thirtieth following. The applicant shall state the following:

- (1) The nature of the business to be conducted.
- (2) The full name of the person applying for the license. If the applicant be a co-partnership or association, the full name of each member shall be stated. If the applicant be a corporation, the names and addresses of all officers and directors shall be stated.
- (3) The city, borough, incorporated town or township, and the street number, if any, at which the business is to be conducted.
- (4) The financial condition of the applicant, including a comprehensive financial statement of his affairs.
- (5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk, that he has complied with all rules, regulations and orders of the board filed or served as required in this act, and such other facts with respect to the license as may be required by the board pursuant to this act.

D. The board shall grant a license to an applicant complying with the provisions of this act and of [any] *the* rules and regulations issued by the board pursuant there-

to. The board may decline to grant a license to an applicant, or may suspend, revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer, when satisfied that he has—

(1) Rejected, without reasonable cause, any milk purchased from a producer, or has rejected, without either reasonable cause or reasonable advance notice, milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated: Provided, however, That in the absence of an express or implied fixing of a longer period in the contract, "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks.

(2) Without reasonable cause, failed to account and make payment for any milk purchased from a producer.

(3) Committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act. It is hereby declared that such demoralization is injurious to the public health, public welfare, and to trade and commerce, and that evidence of a course of conduct on the part of the milk dealer tending to such demoralization shall be construed to be prima facie evidence of a violation of this act.

(4) Made a general assignment for the benefit of creditors, or has been adjudged a bankrupt, or there has been entered against him a judgment upon which an execution has been returned wholly or partly unsatisfied.

(5) Been a party to a combination to fix prices contrary to law. A cooperative agricultural association organized under the laws of this Commonwealth, or a similar association or corporation organized under the laws of this or any other state, and engaged in making collective sales or marketing for its members or shareholders of dairy products produced by its members or shareholders, shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly; nor shall the contracts, agreements, arrangements or combinations heretofore or hereafter made by such association or corporation, or the members, officers or directors thereof, in making such collective sales and marketing, and prescribing the terms and conditions thereof, be deemed or construed to be conspiracies or to be injurious to public welfare, trade or commerce.

(6) Continued in a course of dealing of such nature as to satisfy the board of an intent of the milk dealer to deceive or defraud producers or consumers.

(7) Failed either to keep records or to furnish the statements or information required by the board.

(8) Made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular.

(9) Where the milk dealer is a partnership or corporation and any individual holding any position, owning any substantial interest therein, or having any power of control therein, has previously been responsible, in whole or in part, for any act on account of which a license may be denied, suspended or revoked pursuant to the provisions of this act.

(10) Where the milk dealer has violated any of the provisions of this act, or any of the rules, regulations or orders of the board.

E. The board may hold informal hearings on five days' actual notice; provided, however, that before refusing to grant or to reissue, or before suspending or revoking, or before refusing to transfer, a license, the board shall afford the applicant or the licensee, respectively, an opportunity to be heard. It shall give to such applicant or licensee, by registered mail, sent to his last known address, at least five days' actual notice of such hearing, together with a statement in writing of the matters complained of. After such hearing the board shall file at its office a copy of its order, and a statement in writing of the findings of fact in support of, and the reasons for said order.

F. Licenses issued under this act may not be assigned. Licenses may, however, be transferred from one person to another, provided that the prior written approval of the board to such transfer is obtained; but in the case of a receiver or an executor or administrator who succeeds to the business of a licensee, he may continue the business for a period of two weeks, if otherwise authorized by law, without securing the prior approval of the board. Any change in the membership of a partnership or limited partnership, either by the withdrawal or the addition of a partner, shall be construed to require a transfer of the license.

Applications for such transfers shall be filed with the board at least one week before the transfer is to be made, or, in the case of a receiver or an executor or administrator, within two weeks after he takes possession of the business of the licensee. Whenever any license is transferred, no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year, except the transfer fee of one dollar.

Section 11. License Fees.—A. The board shall charge and collect license fees from milk dealers on a yearly basis, as follows:

Where a milk dealer received, during any of the twelve calendar months immediately preceding the period for

which the license is issued, a daily average total quantity of milk—

(1) not exceeding twenty pounds, a license fee of one dollar;

(2) exceeding twenty pounds, but not exceeding one hundred pounds, a license fee of three dollars;

(3) exceeding one hundred pounds, but not exceeding [one thousand] *five hundred* pounds a license fee of ten dollars;

(4) exceeding [one thousand] *five hundred* pounds, but not exceeding [two thousand five hundred] *one thousand* pounds, a license fee of [seventeen dollars and fifty cents] *fifteen dollars*;

(5) exceeding [two thousand five hundred] *one thousand* pounds, but not exceeding [four] *two thousand* pounds, a license fee of [twenty-five] *thirty* dollars;

(6) exceeding [four] *two thousand* pounds, but not exceeding [ten] *three thousand* pounds, a license fee of [fifty] *forty* dollars;

(7) exceeding [ten] *three thousand* pounds, but not exceeding [twenty] *four thousand* pounds, a license fee of [seventy-five] *fifty* dollars;

(8) exceeding [twenty] *four thousand* pounds, but not exceeding [sixty] *five thousand* pounds, a license fee of [one hundred fifty] *sixty* dollars;

(9) exceeding [sixty] *five thousand* pounds, but not exceeding [one hundred thousand] *seven thousand five hundred* pounds, a license fee of [two hundred] *seventy-five* dollars;

(10) exceeding [one hundred thousand] *seven thousand five hundred* pounds, but not exceeding [two hundred fifty] *ten thousand* pounds, a license fee of [three hundred fifty] *one hundred* dollars;

(11) exceeding [two hundred fifty] *ten thousand* pounds, but not exceeding [five hundred] *fifteen thousand* pounds, a license fee of [five hundred] *one hundred fifty* dollars;

(12) exceeding [five hundred] *fifteen thousand* pounds, but not exceeding [seven hundred fifty] *twenty-five thousand* pounds, a license fee of [one thousand] *two hundred* dollars;

(13) Exceeding [seven hundred fifty] *twenty-five thousand* pounds, but not exceeding [one million] *fifty thousand* pounds, a license fee of [one thousand seven hundred fifty] *three hundred* dollars;

(14) exceeding [one million] *fifty thousand* pounds, but not exceeding *one hundred thousand pounds*, a license fee of [two thousand] *five hundred* dollars;

(15) exceeding *one hundred thousand pounds*, but not exceeding *two hundred fifty thousand pounds*, a license fee of *one thousand dollars*;

(16) exceeding *two hundred fifty thousand pounds*,

but not exceeding five hundred thousand pounds, a license fee of one thousand five hundred dollars;

(17) exceeding five hundred thousand pounds, but not exceeding seven hundred fifty thousand pounds, a license fee of two thousand five hundred dollars;

(18) exceeding seven hundred fifty thousand pounds, but not exceeding one million pounds, a license fee of three thousand five hundred dollars;

(19) exceeding one million pounds, a license fee of five thousand dollars.

B. Except as otherwise expressly provided by this act, the license fees fixed by this section shall be paid before any license, or any renewal thereof, is issued.

C. The fee for a license issued on or after—

(1) August first, but prior to November first, shall be three-fourths of the annual fee;

(2) November first, but prior to February first of the succeeding year, shall be one-half of the annual fee;

(3) February first, but prior to May first, shall be one-fourth of the annual fee.

D. Milk dealers who have not engaged in the milk business during the prior year shall pay the minimum license fee of one dollar, and in addition thereto, at such time or times as the board may fix, but not more than four months after the granting of the license, shall pay an additional sum based upon the daily average total quantity of milk received by such dealer during any of such months.

E. Milk sold and distributed outside of this Commonwealth in any state which charges a license fee of milk dealers shall not be included in the determination of the amount of the license fee, provided that such milk is actually computed in determining the amount of such license fee in such other state. [Likewise, milk utilized for or sold in the form of manufactured products shall not be included in the determination of the amount of the license fee, but] *In computing the license fee to be charged by the board, the fluid milk equivalent of cream, and of condensed or concentrated milk, or buttermilk, ice cream mix, powdered whole milk, skimmed milk, or powdered skimmed milk, sold within this Commonwealth, or in any state in which it is not actually computed in the determination of the license fee of a milk dealer, shall be [included] ascertained and fixed in such manner as the board shall prescribe.* [in computing the license fee to be charged by the board, unless, in the case of condensed or concentrated whole or skimmed milk, it is sold in hermetically sealed cans.]

F. The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law.

Section 12. Licensee's Bonds or Securities.—[Exemptions] A. Except as otherwise specifically provid-

ed in this act, a license shall not be issued to a milk dealer purchasing milk from producers within this Commonwealth unless the milk dealer shall execute and file with the application a *personal* bond approved by the board. Such bond shall be upon a form prescribed by the board, shall be in a sum to be fixed by the board, but not exceeding [by more than twenty-five per centum] the value of the maximum amount of milk purchased from producers in any one month during the preceding year, [and, in any event, not exceeding one hundred thousand dollars, shall be executed by a surety company authorized to do business in this Commonwealth] and shall be conditioned [for the faithful compliance by the licensee with the provisions of this act and] for the prompt payment *by the licensee* of all amounts due to producers, *under this act and the orders of the board*, for milk sold by them to such licensee subsequent to the posting of such bond, *upon such terms and conditions as the board may prescribe*.

[B. In lieu of the bond required of a milk dealer by this section, the board may accept a collateral bond of the milk dealer, secured by an actual deposit with the board, or with a bank, bank and trust company, or national bank within the Commonwealth, of money to the full amount of the bond, or by securities to such amount, consisting of interest-bearing obligations of the United States Government, of this Commonwealth, or of any political subdivision of this Commonwealth, or by any other security or securities approved by the board. Such collateral bond shall be conditioned upon the same terms and in the same manner as is provided by this section in the case of a bond given by a surety company, and the security or securities deposited therewith shall constitute a trust fund for producers from whom the licensee purchases milk.]

[C. The board may likewise grant to any milk dealer the authority to substitute for any bond or any collateral another bond or other collateral, provided that such other bond or collateral meets all the requirements of this act.]

[D] B. A licensee, shall from time to time, when required by the board, make and file with the board a verified statement of his disbursements, or of any other facts in connection with his business, during a period to be prescribed by the board, which statement shall contain the names of the producers from whom milk was purchased, the amount due to producers, and any other relevant facts required by the board. If it shall appear from such statement or from facts otherwise ascertained by the board that the [security] *personal bond* afforded to producers selling milk to such licensee [by the surety bond or by the collateral bond] does not adequately protect such producers, *or if such licensee so elects*, the board may require such licensee to give [an additional]

a surety or collateral bond in a sum to be determined by the board, [or additional security for the collateral bond] but not exceeding by more than twenty-five per centum the value of the maximum amount of milk purchased from producers in any one month during the preceding year, and, in any event, not exceeding one hundred thousand dollars.

Likewise, the board may grant a reduction *or prescribe an increase* of [the surety bond or the collateral] *any* bond, if it shall appear that owing to a decrease *or increase* in the business of the licensee, or to other causes, a bond in a lesser *or greater* amount will protect producers selling milk to such licensee.

[E] *C.* All surety bonds and all collateral bonds, together with any moneys, security or securities given as collateral therefor, received by the board from milk dealers, pursuant to the provisions of this section, shall be transmitted by the board to the State Treasurer for safe-keeping, subject to withdrawal in whole or in part at any time by the board.

[F] *D.* The licensee shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any securities deposited by such licensee with the board and by it transmitted to the State Treasury for safe-keeping in accordance with the provisions of this act.

Provided, however, That such licensee shall not be entitled to such interest or dividends if there is on file with the board a valid unpaid claim of a producer against such licensee, based on milk sold by such producer to such licensee.

[G] *E.* The board may, by reasonable rule or regulation, provide the procedure for the payment, out of the bonds or security or securities required by this section, of the valid claims of producers based on sales by them of milk to the licensee who has posted the bonds or security or securities, *after the amount of such claims shall have been determined by the board by formal order, after hearing, with due notice to all those liable on the bond.*

Provided, however, That if the bond or security or securities which have been posted by a milk dealer shall be insufficient to pay in full the just claims of producers who have sold milk to such licensee, the moneys available shall be divided pro rata among them.

The board shall have the power in its discretion, to sue on the bond on behalf of producers.

[H] *F.* A cooperative agricultural association or corporation organized under the laws of this Commonwealth, or a similar association organized under the laws of this or any other state, shall be deemed a producer within the provisions of this section and shall be entitled to its benefits. Such an association or corporation, if

operated for the benefit of producers under contract with it and not conducted for profit, shall not be required to file a bond under the provisions of this section.

[I. If satisfied from an investigation of the financial condition of any applicant for a license under this act that such milk dealer is solvent and possessed of sufficient assets reasonably to assure payment to producers from whom he purchases milk, the board may, by official order, exempt such applicant from posting the surety bond, or bond secured by collateral, required by this section. In such case, the applicant shall post with the board his personal bond, in such form, to such amount, not greater than the maximum fixed by this section for surety bonds, and upon such conditions as shall be prescribed by the board.

The board may, at any time it deems such action advisable, rescind any order exempting a milk dealer from posting a surety bond, or a bond secured by collateral, and may require him to post such bond or bond and collateral.]

[J. If any milk dealer is financially unable to post such surety bond, or bond secured by collateral, as may be required by the board pursuant to the provisions of this act, he may file with the board, under oath or affirmation, upon a form to be prescribed by the board, an application for exemption from posting such surety bond, or bond secured by collateral, on the ground of his financial inability to do so. Attached to such application shall be the signed statement of the producers from whom the dealer purchases his milk, or of any cooperative agricultural association or similar association or corporation representing such producers, to the effect that such producers, or such association or corporation on their behalf, consents to the exemption of such milk dealer from posting such surety bond, or bond secured by collateral. Such consent may be upon such special terms of payment and such other conditions as shall be agreed upon between such producers, or such cooperative agricultural association or similar association or corporation on their behalf, and the milk dealer and approved by the board.

The board may, by official order, exempt from posting a surety bond, or a bond secured by collateral, any dealer who has complied with the provisions of this subsection.

The board may, at any time it deems such action advisable, rescind any order exempting a milk dealer from posting a surety bond, or a bond secured by collateral, and may require him to post such bond or bond and collateral.]

Section 13. Classification of Licenses.—The board may classify licenses, and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipi-

pality only, or in a particular market or markets in the Commonwealth only, but no milk dealer shall, if he be granted a license under this act at all, be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon the effective date of this act.

Section 14. Licenses; Appeals from Board Decisions.—A. Any person aggrieved by an order of the board fixing the price at, or the terms upon, which milk may be bought or sold, or by any other general rule, regulation or order of the board, may file an appeal therefrom in the *court of common pleas of Dauphin County* [Superior Court within twenty days after the issuance of such order fixing the price of milk or such other general rule, regulation or order] but such appeal shall not be permitted to act as a supersedeas, *except on special order of the court.*

B. Any person aggrieved by an order of the board in which the board refuses to issue, reissue or transfer, or revokes or suspends, a license to operate as a milk dealer, or by any other order of the board applying only to a particular person or persons named therein and not otherwise specifically provided for in this section, may, within twenty days after the issuance of such order, file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business, or, in the case of a nonresident who has no place of business within the Commonwealth, in the court of common pleas of Dauphin County. *No appeal, filed under this subsection, shall be permitted to act as a supersedeas, unless a bond shall be filed, in such sum and with such sureties as shall be determined by the court, conditioned for the payment of costs and such sum as may be fixed by the court.*

C. The appeal provided by this section from action of the board, both in the cases of appeals to the Superior Court of Pennsylvania and appeals to the various courts of common pleas, shall be by petition against the board, officially as defendant, alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Such petition shall specify the petitioner's objections to the action and decision of the board, and no objection not so specified shall be considered by the court. Upon service of a summons upon the board, returnable within ten days from its date, the board shall, on or before the return day, file an answer, which shall deny or admit the allegations of fact in the petition, and which shall allege, by way of defense the grounds for its decision. It shall also, on or before the return day of such summons, certify to the court the record of the proceedings to which the petition refers. Such record shall include the testimony taken therein, the findings of fact [if any,] of the board based upon such testimony, a

copy of all orders made by the board in the proceedings, and a copy of the action or decision of the board which the petition calls upon the court to reverse.

D. Upon the filing of the board's answer, the case shall be at issue without further pleadings, and, upon application of either party, the case shall be advanced and heard without further delay. Mere technical irregularities in the procedure of the board shall not be the basis of the decision of the court. The case shall be heard [upon the record certified to the court by the board. Additional testimony shall not be taken before the court, but the court may, in proper cases, remit the record to the board for the taking of further testimony] *de novo by the court or by a master, appointed by the court for that purpose. All or any part of the record, filed with the court by the board, may be admitted in evidence upon agreement of the parties or by order of the court.*

The court shall [upon the record transmitted to it by the board] determine whether or not the order appealed from is reasonable and in conformity with law. If it shall determine that the order is unreasonable or illegal, it shall remit the case to the board with directions to reform the findings or order, or revoke the order, in accordance with the court's opinion. The court shall have full power to assess the costs upon either party or to divide them between the parties.

E. From a decision of a court of common pleas [on the validity of an order of the board in which the board refused to issue, reissue or transfer, or revoked or suspended, a license] an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law. [In all other cases in which this section authorizes an appeal to a court of common pleas from an order of the board, the decision of the court of common pleas shall be final, and there shall be no appeal therefrom.]

Section 15. Records.—The board may require licensees to keep the following records:

(1) A record of all milk received, detailed as to location and as to names and addresses of producers or milk dealers from whom received, with butterfat test, prices paid, and deductions or charges made.

(2) A record of all milk sold, classified as to grade, location, and market outlet, and size and style of container, with prices and amounts received therefor.

(3) A record of quantities and prices of milk sold.

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

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

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

(7) A record of all other transactions affecting the assets, liabilities, or net worth of the licensee.

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

Section 16. Reports.—A. Each licensee shall from time to time, as required by rule or order of the board, make and file a verified report, on forms prescribed by the board, of all matters on account of which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act. Such report shall cover a period of time specified in the order.

[B. The board may, at any time that it deems such action to the best interests of the dairy industry, require similar reports from milk dealers whom it has, pursuant to the provisions of this act, exempted from the requirement of procuring a license.]

Section 17. Payment of Fees into State Treasury; "Milk Control Fund"; Appropriation; Expenses of Board.—A. All moneys collected or received by the board, arising from license fees, penalties, or any other source, shall be paid by the board into the State Treasury through the Department of Revenue, and shall, by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund."

B. As much of the [moneys] *money, from time to time*, in the "Milk Control Fund" as may be necessary is hereby specifically appropriated to the [board] *Milk Control Board* to be used to pay its expenses, including the following:

(1) Salaries of the board, of its employes, and of any deputy attorney general, special deputy attorney general, assistant deputy attorney general, or other counsel as may be assigned by the Department of Justice to the board for the handling of any legal work pertaining to its business.

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

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

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

(5) Purchase and operating costs of motor vehicles required by the board for full-time use, including premiums for liability insurance covering such motor ve-

hicles and the members of the board and employes operating them, also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the board.

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

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

All such purchases and leases shall be made, and all such contracts of insurance and surety bonds shall be placed, through the Department of Property and Supplies as agent.

C. As much of the money, from time to time, in the Milk Control Fund, as may be necessary, is hereby appropriated to the Board of Finance and Revenue, for the payment of approved claims, for refund made to the Board of Finance and Revenue, for moneys heretofore or hereafter paid into the Milk Control Fund, to which the Commonwealth is not rightfully entitled.

[B] *D. Estimates of the amounts to be expended under this act by the [board] Milk Control Board, either itself, or through the Department of Property and Supplies as purchasing agent, or by the Board of Finance and Revenue in the payment of claims for refund, shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments, boards, and commissions, and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the [board] Milk Control Board, or by the Department of Property and Supplies as its agent, or by the Board of Finance and Revenue, in excess of the estimates approved by the Governor. Subject to this provision, the Auditor General shall, from time to time, draw warrants upon the State Treasury for the amounts specified in such requisitions, not exceeding, however, the amount in the Milk Control Fund at the time of the making of any such requisition.*

Section 18. Order Fixing Price of Milk; Penalties for Violation.—A. The board shall ascertain, [by such examination or investigation as the emergency may warrant what prices for milk in the several localities and markets of the Commonwealth, and under varying conditions] *after a hearing in which all interested parties shall be given full opportunity to be heard, what are the logical and reasonable milk marketing areas within the State, shall describe their territorial extent, and designate the areas by number, and shall ascertain and maintain such prices for milk in the respective milk marketing areas of the Commonwealth, as will be most beneficial to the public interest and will best protect the milk industry in the Commonwealth and insure a sufficient*

quantity of pure and wholesome milk to adults and minors in the Commonwealth, having special regard to the health and welfare of children residing therein. The board shall [take into consideration] *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 and to the milk dealer.

B. [The] *Subject to the approval of the Governor*, the board, after making such examination or investigation, shall fix, by official order, the minimum wholesale and retail prices, and may fix, by official order, the maximum wholesale and retail prices, to be charged for milk sold within *any milk marketing area* of the Commonwealth, wheresoever produced, including the following classes:

- (1) By milk dealers to other milk dealers.
- (2) By milk dealers to consumers.
- (3) By milk dealers to stores, either for consumption on the premises or resale to consumers.
- (4) By stores to consumers, except for consumption on the premises where sold.

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

When, pursuant to statute, regulations adopted thereunder, or ordinance, various grades of milk are specified, the board shall fix the minimum price, and may fix the maximum price, applicable to each in each of the classes. Orders fixing minimum and maximum prices may vary in different markets, and shall designate the markets to which applicable. Such orders may likewise classify milk dealers in any manner which the board deems advisable, and may vary according to the classes to which they are applicable.

Provided, however, That this section shall not be construed to empower the board to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer.

C. It is hereby declared to be the legislative intent that the public emergency requires that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this section shall be given to producers, except in any case where the board, *with the approval of the Governor*, deems a deviation from this policy necessary in order to maintain proper milk markets and outlets for producers. The board shall, whenever it deems such action necessary to accomplish this purpose, issue, *with the approval of the Governor*, orders, rules or regulations to effectuate this intent.

D. The board, after making the examination or investigation provided by this section, shall, *with the approval of the Governor*, fix, by official order, the minimum prices

to be paid by milk dealers to producers and others for milk: Provided, however, That the fixing of prices to be paid [by milk dealers] to producers for milk to be used solely in manufacturing shall be discretionary with the board. The order of the board with respect to the minimum prices to be paid to the producers and others shall apply to the [locality or zone] *milk marketing area* in which the milk is produced and to the [market or markets] *milk marketing area* in which the milk so produced is sold, and may vary in different [localities or markets] *areas* according to varying uses and different conditions. Each such order may classify such milk by forms, classes, grades or uses, as the board may deem advisable, and may specify the minimum prices therefor.

The board may likewise fix, by official order, the terms upon which milk dealers shall pay producers and others for milk.

E. After the board, *with the approval of the Governor*, shall have fixed prices to be charged or paid for milk, whether by class, grade or use, it shall be unlawful for a milk dealer *or producer* to sell or buy, or offer to sell or buy, milk at any price less or more than such price or prices as shall be applicable to the particular transaction. [and no] *No* method or device shall be lawful whereby milk is bought or sold, or offered to be bought or sold, at a price less or more than such price or prices as shall be applicable to the particular transaction, whether by any discount, or rebate, or free service, or advertising allowance, or a combined price for such milk together with another commodity or commodities, or service or services, which is less or more than the aggregate of the prices for the milk and the price or prices for such other commodity or commodities, or service or services, when sold or offered for sale separately or otherwise.

It shall be unlawful for any milk dealer to sell any milk for which he has paid, or agreed to pay, in the Commonwealth of Pennsylvania, a price lower than that fixed by the board for milk of that class or grade, taking into consideration a proper allowance for the cost of the transportation of such milk.

F. [The] *Subject to the approval of the Governor*, the board may, upon its own motion or upon application, from time to time, alter, revise or amend an official order at any time made with respect to the prices to be charged or paid for milk. After making such investigation and before making, revising or amending any order fixing the price to be charged or paid for milk, the board shall hold a hearing thereon after giving reasonable notice thereof to interested parties, of whom the board has notice, and to the public in such newspaper or newspapers as, in the judgment of the board, shall afford sufficient notice and publicity.

G. It is hereby declared to be the legislative intent that the instant, whenever that may be, that the handling within the Commonwealth by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers, the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred by this act on the board shall attach; but this shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans or in tanks to be used solely for manufacturing purposes by the original consignee thereof. [After any such milk so produced shall have come to rest within the Commonwealth, it shall be unlawful, except in any cases in which the board shall otherwise determine, for any milk dealer to sell such milk within the Commonwealth if he has paid to the producer thereof outside the Commonwealth a price lower than that which he would have been required to pay for milk produced within the Commonwealth, purchased for similar purposes and under similar conditions, less a proper allowance for the transportation thereof.]

H. It is also declared to be the legislative intent that the producers of milk in this Commonwealth who sell their milk to milk dealers for shipment into and sale in another state, where prices to producers are regulated by a state board or other authority with powers substantially similar to the Milk Control Board established by this act, shall receive the same price that producers in such other state receive for milk purchased for similar purposes and under similar conditions, less a proper allowance for the transportation thereof. It shall be unlawful for any milk dealer, except in any cases in which the board shall otherwise determine, to pay to a producer within this Commonwealth, for milk to be sold in such other state, a price lower than that fixed by the state board or other authority in such other state for sale of milk in such other state for similar purposes and under similar conditions, minus a proper allowance for the transportation of the milk to the market in such other state.

Section 19. Legislative Intent.—It is hereby declared to be the legislative intent that no provision of this act shall prevent, and no provision contained herein shall be deemed or construed to prevent, any cooperative agricultural association or corporation organized under the laws of this Commonwealth, or a similar association or corporation organized under the laws of this or any other state, and engaged in making collective sales or marketing of milk for the producers thereof, from blending the net proceeds of its sales in all its markets or of its sales within any particular market in various classes and whether in fluid form or as manufactured

products, both within and without the Commonwealth, and paying its producers such blended price, with such deductions and differentials as may be authorized under contract between such association or corporation and its producers, or from making collective sales of the milk of its members and other producers represented by it at a blended price based upon sales thereof in the various classes, and whether in fluid form or as manufactured products, both within and without the Commonwealth, and which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation. Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis. Also no provision of this act shall be deemed or construed to affect the contracts of such cooperative agricultural association or corporation with its producers, nor to affect or abridge the rights and powers of such an association or any of its operations: *Provided, however, That the powers of subpoena, entry, and inspection, vested in the board under this act, shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation, at reasonable intervals, for the purpose of administering this act.* This section shall not, however, be construed to exempt such association or corporation from the jurisdiction of the board over the prices at which it may sell milk to milk dealers, stores, or consumers.

Section 20. Interstate and Federal Compacts.—The board is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states, to conduct joint investigations, hold joint hearings and issue joint or [current] *concurrent* orders, and to enter into a compact or compacts for such uniform milk control, subject to such Federal approval as may be authorized or required by law.

Section 21. Dissemination of Information; Conferences.—Licensees under this act and associations or corporations thereof, and producers of milk, and cooperative agricultural associations or corporations engaged in collectively processing, preparing for market, handling or marketing milk, may acquire, exchange, interpret and disseminate past, present and future market, statistical, economic and similar information by direct exchange between such persons or such associations or corporations, or by and through a common agent created or selected by them. Any such producers and associations or corporations may confer and discuss the cost of production, of marketing, market conditions and prices for sale of milk.

Section 22. Constitutional Construction.—It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

Section 23. Saving Clause.—No provision of this act shall apply, or be construed to apply, to foreign or interstate commerce, except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto.

Section 24. Duration of Board.—The board shall continue with all its powers, and shall be subject to all the duties and responsibilities prescribed by this act, until the thirtieth day of April, one thousand nine hundred [thirty-five] *thirty-seven*, at which time it shall be deemed abolished, and the powers, duties and jurisdiction conferred or imposed upon the board by this act shall terminate. All books, papers, records and documents in its possession upon that date shall remain in the possession of the Department of Agriculture.

Section 25. Appropriation.—In addition to any other appropriation made by this act, the sum of one hundred thousand dollars (\$100,000.00), or as much thereof as may be necessary, is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act *until the thirty-first day of May, one thousand nine hundred thirty-five*.

In addition to any other appropriation made by this act, the sum of two hundred twenty-five thousand dollars (\$225,000), or as much thereof as may be necessary, is hereby specifically appropriated out of the General Fund to the Milk Control Board for its use in administering the provisions of this act during the period beginning with the first day of June, one thousand nine hundred thirty-five and ending on the thirtieth day of April, one thousand nine hundred thirty-seven.

On the thirtieth day of April, one thousand nine hundred [thirty-five] *thirty-seven*, all unencumbered and unexpended moneys remaining in the Milk Control Fund shall be paid into the General Fund. For such purpose, such moneys are hereby appropriated.

Section 26. This act shall take effect immediately upon its approval by the Governor, and shall continue in effect until the thirtieth day of April, one thousand nine hundred [thirty-five] *thirty-seven*.

Section 2. This act shall become effective immediately upon its final enactment.

When
effective.

APPROVED—The 30th day of April, A. D. 1935.

GEORGE H. EARLE