
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1055 Session of
2022

INTRODUCED BY ARGALL, LAUGHLIN AND MENSCH, FEBRUARY 14, 2022

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, FEBRUARY 14, 2022

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in agricultural commodities marketing, further
3 providing for definitions and for commodity marketing board;
4 and making a related repeal.

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

7 Section 1. The definition of "commodity marketing board" or
8 "board" in section 4502 of Title 3 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 4502. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Commodity marketing board" or "board." The persons who are
16 appointed [by the Secretary of Agriculture] as provided in this
17 chapter from among producers whose commodities are subject to an
18 issued marketing program.

19 * * *

1 Section 2. Section 4504(a) of Title 3 is amended and the
2 section is amended by adding a subsection to read:

3 § 4504. Commodity marketing board.

4 (a) Establishment of commodity marketing board.--

5 (1) Each marketing program issued pursuant to this
6 chapter shall provide for the establishment of a commodity
7 marketing board, which shall have primary decision-making
8 authority relative to marketing contracts and other projects
9 in furtherance of the program. [The]

10 (1.1) Subject to the provisions of subsection (f), the
11 number, representation, qualifications and terms of board
12 members and the schedule of regular board meetings and
13 procedure for calling special board meetings shall be
14 established in the issued marketing program. No marketing
15 program shall be issued to establish a commodity board of
16 less than five members, one of whom shall be the secretary or
17 the secretary's designee. The other board members shall be
18 appointed, except for the Pennsylvania Wine Marketing and
19 Research Program Board under subsection (f), by the secretary
20 from among the agricultural producers whose commodities shall
21 be subject to the marketing program. In making these
22 appointments, the secretary shall consider nominations
23 submitted by the producers.

24 (1.2) No decision by the board shall be effective
25 unless, pursuant to regular or special meetings, a majority
26 of board members were present and a majority of those present
27 voted in support of the decision. All decisions rendered by
28 the board shall be recorded in written minutes of the
29 meeting, and the recorded minutes shall be made available to
30 the secretary and to the producers whose commodities are

1 subject to the marketing program.

2 (2) If the secretary requires sales agents to collect
3 producer charges under section 4510(b) (relating to
4 collection of fees), an additional member shall be appointed
5 to the board by the secretary[.], except for the Pennsylvania
6 Wine Marketing and Research Program Board under subsection
7 (f). This member shall represent these sales agents who are
8 subject to the marketing program collection agreement. In
9 making the appointment, the secretary shall consider
10 nominations by the sales agents.

11 * * *

12 (f) Pennsylvania Wine Marketing and Research Program
13 Board.--

14 (1) Any marketing program issued under this chapter
15 specifically for viticultural products shall provide for the
16 establishment of a board, to be known as the Pennsylvania
17 Wine Marketing and Research Program Board, of the following
18 members:

19 (i) The secretary or his designee.

20 (ii) One individual appointed by the President pro
21 tempore of the Senate.

22 (iii) One individual appointed by the Minority
23 Leader of the Senate.

24 (iv) One individual appointed by the Speaker of the
25 House of Representatives.

26 (v) One individual appointed by the Minority Leader
27 of the House of Representatives.

28 (vi) Four individuals appointed by the chairman of
29 the Pennsylvania Liquor Control Board.

30 (2) Except as provided under this subsection, the

1 members shall serve on the same terms and conditions as
2 members appointed by the secretary and must:

3 (i) Be residents of this Commonwealth.

4 (ii) Have substantial experience or expertise in the
5 Pennsylvania wine industry.

6 (iii) Serve at the pleasure of the appointing
7 authority.

8 (3) In addition to the powers and duties contained in
9 paragraph (4) and subsection (c), the Pennsylvania Wine
10 Marketing and Research Program Board shall have the power to:

11 (i) Elect or appoint from the membership of the
12 board a chairman, vice chairman, secretary and treasurer.

13 (ii) Meet as often as necessary but at least
14 annually and hold special meetings at the request of the
15 chairman or upon request of one-third of the members of
16 the board.

17 (iii) Adopt guidelines establishing the procedure by
18 which an entity may submit an application for grant
19 funding under this subsection to the Pennsylvania Wine
20 Marketing and Research Program Board.

21 (4) The Pennsylvania Wine Marketing and Research Program
22 Board has the following duties as to awarding grants:

23 (i) Make recommendations to the Pennsylvania Liquor
24 Control Board to award grants to entities for the purpose
25 of increasing the production of Pennsylvania-made wines
26 and enhancing the Pennsylvania wine industry through
27 promotion, marketing and research-based programs and
28 projects.

29 (ii) Allocate grants through a competitive grant
30 review process established by the Pennsylvania Wine

1 Marketing and Research Program Board. The application for
2 a grant shall include:

3 (A) the purpose for which the grant shall be
4 utilized;

5 (B) information indicating need for the grant;

6 (C) an estimated budget;

7 (D) methods for measuring outcomes; and

8 (E) any other criteria as the board may require.

9 (iii) Require grant recipients to provide the
10 Pennsylvania Wine Marketing and Research Program Board
11 with full and complete access to all records relating to
12 the performance of the grant and to submit at the time
13 and in the form as may be prescribed truthful and
14 accurate information that the Pennsylvania Wine Marketing
15 and Research Program Board may require.

16 (iv) Conduct a thorough annual evaluation of each
17 program for which a grant under this subsection is made.
18 The Pennsylvania Wine Marketing and Research Program
19 Board shall seek repayment of funds if the Pennsylvania
20 Wine Marketing and Research Program Board determines that
21 funds are not utilized for the original stated purpose.

22 (v) Submit an annual report to the General Assembly
23 detailing all actions of the Pennsylvania Wine Marketing
24 and Research Program Board and grants awarded under this
25 subsection.

26 Section 3. A member of the Pennsylvania Wine Marketing and
27 Research Program Board who both serves on the board as of the
28 effective date of this section and was appointed by the
29 Secretary of Agriculture to the board prior to the effective
30 date of this section may continue to serve on the board until

1 the member's appointment expires.

2 Section 4. Repeals are as follows:

3 (1) The General Assembly finds that the repeal under
4 paragraph (2) is necessary to effectuate this act.

5 (2) Section 488.1 of the act of April 12, 1951 (P.L.90,
6 No.21), known as the Liquor Code, is repealed.

7 Section 5. This act shall take effect in 60 days.