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By: **Delegates Stull, Bartlett, Bohanan, Cane, G. Clagett, V. Clagett, Elliott, Glassman, Hogan, Jennings, Kelly, Kohl, Krebs, Kullen, McComas, McKee, Myers, Nathan-Pulliam, Rudolph, Shank, Shewell, Sossi, Stocksdale, Weldon, and Wood**

Introduced and read first time: February 24, 2006

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - State Dairy Industry Oversight**  
 3 **and Advisory Council**

4 FOR the purpose of establishing the State Dairy Industry Oversight and Advisory  
 5 Council in the Department of Health and Mental Hygiene; providing for the  
 6 purpose of the Advisory Council; providing for the composition of the Advisory  
 7 Council; requiring the Advisory Council to choose a Chair from among its  
 8 members; providing for a quorum of the Advisory Council; requiring the  
 9 Advisory Council to meet a certain number of times each year; prohibiting  
 10 members of the Advisory Council from receiving compensation but entitling  
 11 members to reimbursement for certain expenses under certain regulations;  
 12 requiring the Department of Health and Mental Hygiene and the Department of  
 13 Agriculture to jointly provide staffing and support to the Advisory Council;  
 14 authorizing the Advisory Council to establish certain committees and  
 15 subcommittees and to include certain persons on certain committees or  
 16 subcommittees; providing that the Advisory Council may consult certain  
 17 experts; providing for the duties of the Advisory Council; requiring certain  
 18 agencies, departments, or units of the State to provide certain access to certain  
 19 information requested by the Advisory Council; requiring the Advisory Council  
 20 to submit a certain report that includes certain information to the Governor, the  
 21 Department of Health and Mental Hygiene and the Department of Agriculture,  
 22 and the General Assembly on or before a certain date each year; specifying the  
 23 terms of the initial members of the Advisory Council; and generally relating to  
 24 the State Dairy Industry Oversight and Advisory Council.

25 BY adding to

26 Article - Health - General

27 Section 21-439 through 21-447, inclusive, to be under the new part "Part V.

28 State Dairy Industry Oversight and Advisory Council"

29 Annotated Code of Maryland

30 (2005 Replacement Volume and 2005 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health - General**

4 21-437. RESERVED.

5 21-438. RESERVED.

6 PART V. STATE DAIRY INDUSTRY OVERSIGHT AND ADVISORY COUNCIL.

7 21-439.

8 IN THIS PART, "ADVISORY COUNCIL" MEANS THE STATE DAIRY INDUSTRY  
9 OVERSIGHT AND ADVISORY COUNCIL.

10 21-440.

11 (A) THERE IS A STATE DAIRY INDUSTRY OVERSIGHT AND ADVISORY COUNCIL.

12 (B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO PROMOTE THE STATE  
13 DAIRY INDUSTRY.

14 21-441.

15 (A) (1) THE ADVISORY COUNCIL CONSISTS OF 13 VOTING MEMBERS AND 6  
16 NONVOTING MEMBERS.

17 (2) THE FOLLOWING 13 VOTING MEMBERS SHALL BE APPOINTED BY THE  
18 GOVERNOR:

19 (I) ONE REPRESENTATIVE OF THE MARYLAND FARM BUREAU;

20 (II) ONE REPRESENTATIVE OF THE MARYLAND DAIRY INDUSTRY  
21 ASSOCIATION;

22 (III) ONE MILK PRODUCER WHO IS NOT AFFILIATED WITH AN  
23 AGRICULTURAL GROUP OR ASSOCIATION;

24 (IV) ONE MILK HAULER;

25 (V) ONE REPRESENTATIVE OF A COMMERCIAL LABORATORY THAT  
26 TESTS MILK SAMPLES OR SPECIMENS;

27 (VI) THREE MILK PROCESSORS;

28 (VII) THREE REPRESENTATIVES OF MILK MARKETING  
29 COOPERATIVES; AND

30 (VIII) TWO CONSUMER MEMBERS WHO ARE UNAFFILIATED WITH  
31 AND DO NOT HAVE A FINANCIAL INTEREST IN THE DAIRY INDUSTRY.

1 (3) THE FOLLOWING SIX NONVOTING MEMBERS SHALL INCLUDE:

2 (I) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT  
3 OF THE SENATE;

4 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY  
5 THE SPEAKER OF THE HOUSE;

6 (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF  
7 AGRICULTURE, APPOINTED BY THE SECRETARY OF AGRICULTURE;

8 (IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND  
9 MENTAL HYGIENE, APPOINTED BY THE SECRETARY OF HEALTH AND MENTAL  
10 HYGIENE;

11 (V) ONE LOCAL HEALTH OFFICER WHO IS A MEMBER OF THE  
12 MARYLAND ASSOCIATION OF COUNTY HEALTH OFFICERS, APPOINTED BY THE  
13 SECRETARY OF HEALTH AND MENTAL HYGIENE; AND

14 (VI) ONE REPRESENTATIVE OF THE MARYLAND COOPERATIVE  
15 EXTENSION, APPOINTED BY THE DEAN OF THE COLLEGE OF AGRICULTURE AND  
16 NATURAL RESOURCES.

17 (B) (1) THE TERM OF A VOTING MEMBER IS 3 YEARS.

18 (2) THE TERMS OF THE VOTING MEMBERS ARE STAGGERED AS  
19 REQUIRED BY THE TERMS PROVIDED FOR VOTING MEMBERS OF THE ADVISORY  
20 COUNCIL ON OCTOBER 1, 2006.

21 (3) AT THE END OF A TERM, A VOTING MEMBER CONTINUES TO SERVE  
22 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

23 (4) A MEMBER APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY  
24 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
25 QUALIFIES.

26 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL  
27 TERMS.

28 21-442.

29 FROM AMONG ITS MEMBERS, THE ADVISORY COUNCIL SHALL ELECT A CHAIR  
30 EVERY 2 YEARS.

31 21-443.

32 (A) A MAJORITY OF THE VOTING MEMBERS OF THE ADVISORY COUNCIL IS A  
33 QUORUM TO DO BUSINESS.

34 (B) THE ADVISORY COUNCIL SHALL MEET AT LEAST FOUR TIMES EACH YEAR,  
35 AT THE TIMES AND PLACES THAT IT DETERMINES.

1 (C) A MEMBER OF THE ADVISORY COUNCIL:

2 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY  
3 COUNCIL; BUT

4 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
5 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6 (D) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE  
7 DEPARTMENT OF AGRICULTURE SHALL JOINTLY PROVIDE TO THE ADVISORY  
8 COUNCIL THE STAFF AND TECHNOLOGICAL ASSISTANCE NECESSARY TO CARRY OUT  
9 THE PROVISIONS OF THIS PART.

10 21-444.

11 (A) (1) THE ADVISORY COUNCIL MAY ESTABLISH COMMITTEES AND  
12 SUBCOMMITTEES.

13 (2) THE ADVISORY COUNCIL MAY INCLUDE INDIVIDUALS AND  
14 REPRESENTATIVES OF INTERESTED PUBLIC AND PRIVATE ORGANIZATIONS ON  
15 COMMITTEES AND SUBCOMMITTEES.

16 (B) THE ADVISORY COUNCIL MAY CONSULT WITH EXPERTS AS NEEDED TO  
17 CARRY OUT THE PROVISIONS OF THIS PART.

18 21-445.

19 THE ADVISORY COUNCIL SHALL:

20 (1) INVESTIGATE WAYS TO IMPROVE THE ECONOMIC VIABILITY OF THE  
21 DAIRY INDUSTRY IN THE STATE, AND SPECIFICALLY INVESTIGATE PRACTICES OF  
22 SELLING BELOW COST IN MARYLAND BY OUT-OF-STATE MILK PROCESSORS  
23 PROTECTED BY PRICE CONTROLS IN THEIR STATE;

24 (2) DEVELOP STRATEGIES FOR SUSTAINING THE STATE DAIRY  
25 INDUSTRY;

26 (3) EVALUATE AND REVIEW THE REGULATORY STRUCTURE OF THE  
27 DAIRY INDUSTRY;

28 (4) REVIEW AND COMMENT ON FEDERAL AND STATE REGULATORY  
29 CHANGES IMPACTING THE DAIRY INDUSTRY;

30 (5) IDENTIFY AND COMMENT ON QUALITY ASSURANCE CONTROLS IN  
31 THE DAIRY INDUSTRY;

32 (6) IDENTIFY BARRIERS AND OTHER ISSUES IMPACTING THE DAIRY  
33 INDUSTRY;

34 (7) IDENTIFY TECHNOLOGICAL CHANGES AFFECTING THE DAIRY  
35 INDUSTRY;

1 (8) ENCOURAGE AND FACILITATE COLLABORATION AMONG THE STATE  
2 AGENCIES RESPONSIBLE FOR REGULATING THE DAIRY INDUSTRY; AND

3 (9) IDENTIFY AND ADDRESS ANY OTHER ISSUES THE ADVISORY  
4 COUNCIL DETERMINES ARE APPROPRIATE.

5 21-446.

6 EACH UNIT OF THE STATE SHALL PROVIDE TIMELY ACCESS TO ANY  
7 INFORMATION REQUESTED BY THE ADVISORY COUNCIL TO FULFILL THE DUTIES OF  
8 THE ADVISORY COUNCIL UNDER THIS PART.

9 21-447.

10 ON OR BEFORE JANUARY 1 OF EACH YEAR, THE ADVISORY COUNCIL SHALL  
11 SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, THE DEPARTMENT OF  
12 AGRICULTURE, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND, IN  
13 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL  
14 ASSEMBLY THAT INCLUDES:

15 (1) A SUMMARY OF THE ACTIONS OF THE ADVISORY COUNCIL OVER THE  
16 PAST YEAR; AND

17 (2) A DESCRIPTION OF THE FINDINGS AND RECOMMENDATIONS OF THE  
18 ADVISORY COUNCIL WITH AN EMPHASIS ON THE ITEMS SET FORTH IN § 21-445 OF  
19 THIS PART.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
21 members of the State Dairy Industry Oversight and Advisory Council shall expire as  
22 follows:

23 (1) three members in 2008;

24 (2) five members in 2009; and

25 (3) five members in 2010.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2006.