

PROPOSED RULEMAKING

MILK MARKETING BOARD

[7 PA. CODE CH. 151]

Notice of Hearing, All Milk Marketing Areas; Proposed Amendment

Notice is hereby given under section 14 of the Milk Producers' Security Act (31 P. S. § 626.14), that the Milk Marketing Board (Board) will hold a public hearing for all milk marketing areas on August 3, 1999, at 9 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony concerning a proposed amendment to 7 Pa. Code § 151.9. That section reads as follows:

§ 151.9. Number of days for bond in lieu of payment to Security Fund.

For the purpose of section 9(d) of the Milk Producers' and Cooperative Security Funds Act (31 P. S. § 625.9(d)) (Repealed), the highest aggregate amount owed for milk by a dealer or handler to producers means the highest amount owed for milk in any 1 month during the preceding licensing year plus the amount owed for milk in the next succeeding month divided by the number of days in those 2 months and multiplied by 40.

The Board is considering an amendment in substantially the following form:

§ 151.9. Calculation of bonding obligation.

(a) Under sections 7(c) and 8 of the Milk Producers' Security Act (act) (31 P. S. §§ 626.7(c) and 626.8), the bond a milk dealer must file before the beginning of each license year is based on "the highest aggregate amount owed by the dealer to producers for a 40-day period during the preceding 12 months." The Board will ascertain the highest aggregate amount owed for the applicable period by:

(1) Reviewing the amount owed by the milk dealer to all its producers for each month in the preceding calendar year.

(2) Identifying the 2 consecutive months in which the sum of the amounts owed was the highest.

(3) Dividing the sum of the amounts owed from paragraph (2) by the total number of days in the 2 consecutive months.

(4) Multiplying the quotient from paragraph (3) by 40.

(b) As used in sections 7(c) and 8 of the act and in subsection (a), "amount owed" has the following meanings:

(1) For a purchase subject to minimum pricing fixed by the Board, "amount owed" means the amount the milk dealer was required to pay the producer under the applicable Board order, even though the actual amount paid exceeded the Board-established minimum price.

(2) For a purchase not subject to minimum pricing fixed by the Board, "amount owed" means the actual amount the milk dealer paid the producer.

Persons who wish to be heard concerning the proposed amendment, including members of the Board's staff, should notify the Board in writing by 4 p.m. on July 22, 1999. The Board's mailing address is Milk Marketing Board, 2301 North Cameron Street, Room 110, Harrisburg, PA 17110.

If you require this information in an alternate format, please call (717) 787-4194 or (800) 654-5984 (PA Relay Service for TDD Users).

LYNDA J. BOWMAN,
Secretary

[Pa.B. Doc. No. 99-1012. Filed for public inspection June 25, 1999, 9:00 a.m.]