

Regulatory Analysis Form

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2006-05-19

REVIEW COMMISSION

(1) Agency

Pennsylvania Milk Marketing Board

(2) I.D. Number (Governor's Office Use)

47-10

IRRC Number: **2281**

(3) Short Title

Milk Marketing Fees

(4) PA Code Cite

7 Pa. Code Chapter 150

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Lynda J. Bowman, Executive Secretary**
787-4194

Secondary Contact: **John H. Howard, Staff Attorney**
787-4194

(6) Type of Rulemaking (check one)

- ☐ Proposed Rulemaking
☒ Final Order Adopting Regulation
☐ Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- ☒ No
☐ Yes: By the Attorney General
☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulation increases license and certification fees, including an increase in hundredweight of milk fees, to reflect the administrative costs incurred in issuing these licenses and certifications. This regulation also achieves greater clarity and consistency within the existing regulation. The regulation meets the Milk Marketing Board's budget requirements since, based on current fees, the Board anticipates a deficit in the Milk Marketing Fund by fiscal year 2006-2007 and, therefore, these increases are necessary to avoid this deficit in the Milk Marketing Fund.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

31 P.S. § 700k-3 mandates that the Milk Marketing Board shall charge and collect license fees. 31 P.S. § 700k-3(c) allows the Milk Marketing Board to increase fees by regulation from time to time.

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

Under current funding, the Milk Marketing Board projects a steadily declining balance in the Milk Marketing Fund with an anticipated deficit occurring in fiscal year 2006-2007. The Milk Marketing Fund consists primarily of money collected from license and certification fees, including hundredweight of milk fees. The Milk Marketing Board relies solely on the Milk Marketing Fund for running the agency. No revenues from the General Fund are received by the Board. It is a compelling public interest that the Milk Marketing Board remains viable and fulfills its legislative purpose – to regulate and control the milk industry in Pennsylvania.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The Milk Marketing Board is mandated to regulate and control the milk industry in Pennsylvania for the protection of the public health and welfare and for the prevention of fraud 31 P.S. § 700j-101. The Milk Marketing Board is funded solely by the Milk Marketing Fund and receives no money from the General Fund. The Milk Marketing Board would have no revenues to operate if a deficit occurred within the Milk Marketing Fund.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Pennsylvania Milk Marketing Board was created to benefit the entire milk industry – the dairy farmers, the milk dealers, the retailers, and the Pennsylvania consumers. The biggest benefit for this regulation is to keep the Milk Marketing Board a viable operating agency. Particular benefits are as follows. The 9,900+ Pennsylvania dairy farmers will benefit from this regulation in that the Milk Marketing Board ensures that Pennsylvania dairy farmers are correctly and timely paid by the milk dealers. Pennsylvania milk consumers are assured of a constant sufficient quantity of pure and wholesome milk. Milk dealers and retailers are assured of a reasonable rate of return (2.5% - 3.5%) based on net sales of Board price-controlled products. Without the funds to operate the Milk Marketing Board, these benefits would disappear.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Milk subdealers and milk weigher/samplers will be adversely affected by the regulation in that the license and certification fees, including hundredweight of milk fees, required to be paid by them will be increased. Currently there are 144 milk subdealers licensed by the Milk Marketing Board. There are 2,027 milk weigher/samplers certified by the Milk Marketing Board. While the fees required to be paid by milk dealers will also be increased, there will be no net adverse effect on milk dealers because these increased costs will be recovered during annual cost replacement hearings.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The following groups are licensed or certified by the Pennsylvania Milk Marketing Board and will be required to comply with the proposed regulation to increase license and certification fees.

190 Milk Dealers

144 Milk Subdealers

2,027 Milk Weigher/Samplers

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Meetings with representatives of the Pennsylvania Association of Milk Dealers were held to make them aware of the declining balance of the Milk Marketing Fund. It was understood that the license and certification fees, including the hundredweight of milk fees, had to be increased to operate the Milk Marketing Board.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The estimate of the costs to the regulated community (milk dealers, milk subdealers, and milk weigher/samplers) representing the increase from the current license and certification fees, including the hundredweight of milk fees, compared to the proposed fees are as follows:

FISCAL YR.	CURRENT LICENSE REVENUE	PROPOSED LICENSE REVENUE
2004-2005	\$2,164,000	\$2,465,000
2005-2006	\$2,164,000	\$2,465,000
2006-2007	\$2,164,000	\$2,465,000
2007-2008	\$2,164,000	\$2,465,000

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

There will be no additional costs and/or savings to local governments associated with compliance, including legal, accounting, or consulting procedures, with this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

There will be no additional costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. The Milk Marketing Board currently issues licenses and certifications to all applicants and, therefore, there will be no additional administrative costs associated with the implementation of this regulation.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	\$ 0	\$0	\$0	\$0	\$0	\$0
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Savings	\$0	\$0	\$0	\$0	\$0	\$0
COSTS:						
Regulated Community	\$0	\$0	\$301,000	\$301,000	\$301,000	\$301,000
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs	\$0	\$0	\$301,000	\$301,000	\$301,000	\$301,000
REVENUE LOSSES:						
Regulated Community	\$0	\$0	\$23,095	\$23,095	\$23,095	\$23,095
Local Government	\$0	\$0	\$0	\$0	\$0	\$0
State Government	\$0	\$0	\$0	\$0	\$0	\$0
Total Revenue Losses	\$0	\$0	\$23,095	\$23,095	\$23,095	\$23,095

(20a) Explain how the cost estimates listed above were derived.

The cost estimates were derived by comparing the current license and certification fees to those increases provided for in the proposed regulation to arrive at costs for the regulated community. These fee increases are scheduled to go into effect during fiscal year 2004-2005.

No revenue losses are reflected for milk dealers because their costs are recovered during annual cost replacement hearings. Based on 144 milk subdealers, a revenue loss of \$6,480 was determined based on the increased license fee of \$45 for the entire license year. The certification fee for milk weigher/samplers will be increased by \$10 and the annual renewal fee will be increased by \$5. The revenue loss of \$16, 615 for milk weigher/samplers reflects the increase in annual renewal fees since many milk weigher/samplers are currently certified. The revenue loss for milk weigher/samplers also takes into account the fact that new milk weigher/samplers are certified during the certification year.

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Costs to issue licenses and certifications	\$30,000	\$30,000	\$30,000	\$30,000

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The benefit of the regulation clearly outweighs the adverse effects and costs in that, without the promulgation of the regulation, the Milk Marketing Board would be unable to operate because the Milk Marketing Fund would have a deficit balance. No general fund monies are used to support the operation of the agency.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

There are no nonregulatory alternatives to increase license and certification fees. The Milk Marketing Fee Act specifically states that the "board may, in its discretion, increase any such fee by regulation from time to time." 31 P.S. § 700k-3(c).

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

There were no alternative regulatory schemes considered.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The Board is unaware of license and certification fees, if any, that other states have instituted. This regulation will not put Pennsylvania at a competitive disadvantage in that the applicants must be licensed or certified to operate in Pennsylvania.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This regulation will affect existing regulations promulgated as a result of the Milk Marketing Fee Act in that there will be an increase in license and certification fees currently contained in the existing regulations.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

This regulation change will change the record keeping in that license, certification, and hundredweight of milk fees will reflect the increases. The regulation will not, however, create additional record keeping or additional paperwork requirements for either applicants or Board staff.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions have been made or required to be developed to meet particular needs of affected groups.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

January 1, 2004.

(31) Provide the schedule for continual review of the regulation.

This regulation will be reviewed on an annual basis to determine that the license and certification fees provide adequate revenue in the Milk Marketing Fund.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

LEGISLATIVE REFERENCE BUREAU

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#2281

Copy below is hereby approved as to form and
legality. Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and correct copy of
a document issued, prescribed or promulgated by:

Milk Marketing Board

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 47-10

DATE OF ADOPTION May 5, 2003

BY

Lynnda J. Berman

TITLE Secretary

EXECUTIVE OFFICER CHAIRMAN OR SECRETARY

Copy below is hereby approved as to form and
legality. Executive or Independent Agencies

BY

5/5/2003

DATE OF APPROVAL

~~Deputy General Counsel~~
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

☐ Check if applicable. No Attorney General
Approval or objection within 30 days after
submission.

PENNSYLVANIA MILK MARKETING BOARD

(7 Pa. Code Chapter 150) Milk Marketing Fees

The Pennsylvania Milk Marketing Board (Board) amends Chapter 150 (relating to milk marketing fees) to read as set forth in Annex A, under authority of section 3 of the Milk Marketing Fee Act (31 P.S. § 700k-3).

Notice of proposed rulemaking was published at 32 Pa. B. 3953 (August 10, 2002) with an invitation to submit written comments within 30 days. During the public comment period, the Board received comments from the Pennsylvania Association of Milk Dealers (PAMD) and from a milk hauler. The Senate Committee on Agriculture and Rural Affairs and the House Agriculture and Rural Affairs Committee offered no comments, suggestions, or objections to the amendment. The Independent Regulatory Review Commission (IRRC) did offer comments, which are discussed fully below.

In final-form rulemaking, the Board considered the comments and suggestions of PAMD, the milk hauler and IRRC. In addition, the Board considered this rulemaking and its purpose under the directives of Executive Order 1996-1, Regulatory Review and Promulgation.

Purpose

The principal purpose of the final-form rulemaking is to adjust fees as necessary to reflect the administrative costs of issuing licenses, and to meet the Board's budget requirements. Article XI of the Milk Marketing Law, 31 P.S. §§ 700j-1101 - 700j - 1104, provides that all money collected by the Board from license fees and other sources shall be placed in a separate fund known as the Milk Marketing Fund, which is annually appropriated to the Board to pay its expenses. The Board is therefore self-supporting, receiving no revenues from the General Fund. Its chief source of revenue is license and certification fees. Monetary penalties paid by licensees in settlement of prosecution actions and miscellaneous income such as interest provide minor supplemental income. Of these sources, only license and certification fees are capable of meaningful adjustment to offset projected shortfalls. Under current funding, the Board projects steadily declining balances in the Milk Marketing Fund. The Commonwealth Budget Office is requiring the Board to increase fees at this time to cover projected deficits in the coming years.

A secondary purpose of the final-form rulemaking is to achieve greater clarity and consistency in the regulations.

Comments

Both PAMD and IRRC objected to the size of the fee increases, and the hundredweight fees in particular. IRRC also questioned the need for the fee increase for the 2003-2004 fiscal year, when a deficit was not projected until the 2005-2006 fiscal year. PAMD suggested that the increase should be phased in over time, and IRRC recommended that the hundredweight fee

increase be reduced by at least one-half of the proposed increase.

The timing of the fee increase was solely to satisfy the Commonwealth Budget Office, which is requiring the Board to cure projected deficits in the Milk Marketing Fund in the "out" years. The size of the proposed increase was simply the result of the Board following its historical practices. Traditionally, fee increases have been sufficient to sustain the Board for ten years or more. The last previous fee increase was effective for the 1992-1993 license year, 11 years ago. The proposed increase was projected to sustain the Board through the license year 2013-2014.

However, in response to the comments from PAMD and IRRC, the Board has decided to reduce the hundredweight fee increase by one-half of what was originally proposed, and to delay the increases for one year. The final-form rulemaking sets the hundredweight fee for milk for which the Board sets wholesale or retail prices at \$.045, and for milk for which the board does not set these prices at \$.0057. The hundredweight fee increases will take effect commencing with the 2004-2005 license year (July 1, 2004 - June 30, 2005); the increase in certification fees for milk weighers and samplers will take effect commencing with the 2004 certification year (January 1, 2004 - December 31, 2004). These fees are projected to sustain the Board through the 2008-2009 license year.

IRRC suggested that the final-form regulations should designate the name or number of the form required by each provision, where the forms can be obtained, and whether the forms are available from the Board's website. This suggestion has been implemented in the final-form rulemaking.

IRRC also suggested that the word "substantially" be removed from subsection (b) of section 150.13. This change has been made in the final-form rulemaking.

The only other comment received was from a milk hauler who suggested that the milk hauler license and the weigher/sampler certificate be renewed every two years rather than the current one year period. The annual renewal of the milk hauler license and the weigher/sampler certificate is a requirement of the Milk Marketing Law (31 P.S. §§ 700j-101 et seq.) and cannot be changed by rulemaking. A letter to this effect was sent to the milk hauler who submitted this comment.

Additional Changes in the Final-Form Rulemaking from the Proposed Regulations

Some additional changes have been made to the final-form rulemaking from the proposed regulations. These changes were made to improve consistency within and between sections, to clarify an ambiguity regarding the payment of monthly hundredweight fees by new applicants for milk dealer's licenses, and to correct typographical errors which were found in the proposed regulations.

Since the term "fixed fee" is the term now being used throughout this Chapter to describe the annual fee that all applicants must pay upon application or renewal, that term has been used

to replace “annual fee” or “annual license renewal fee” in the text whenever these fees are referred to, and wherever necessary to distinguish between the fixed fee and other types of fees. This applies to sections 150.11, 150.12, 150.13, 150.21, 150.22, 150.23, 150.51, 150.52, and 150.53. Similarly, the term “hundredweight fee” has been added to the text of section 150.13, and “quart-equivalent fee” has been added to the text of sections 150.22 and 150.23 to distinguish between these fees and the fixed fee.

In the proposed regulation, it was not clear that a new applicant for a milk dealer’s license was subject to the monthly payment of the hundredweight fee. This was the result of the addition of new subsection (b) to section 150.11, which establishes a lower fee for an applicant for annual *renewal* of a milk dealer’s license. Section 150.12(b), which imposes the monthly hundredweight fee payments on dealers who were not licensed for the entire preceding calendar year, was amended in the proposed regulation by the addition of the clause “In addition to the annual license *renewal* fee imposed under § 150.11(b), . . .” Taken together, the additions to these two sections would imply that the monthly hundredweight fee was applicable only to *applicants for annual renewal* under section 150.11(b), but not to *new* applicants under section 150.11(a). Adding further confusion, the language added to section 150.13(c), regarding time for payment of fees, provided that “[a]n applicant for renewal of a milk dealer’s license *subject to the requirements of § 150.12(b)* . . .” would be required to pay the monthly hundredweight fee. As stated previously, the implication is that only applicants for renewal are subject to the requirements of § 150.12(b).

To clarify this issue, the final-form rulemaking amends the first sentence of section 150.12(b) to read “In addition to the fixed fee imposed under § 150.11, a milk dealer that was not licensed for the entire calendar year preceding license application or renewal shall pay a monthly hundredweight fee as set forth in paragraphs (1) and (2).” Additionally, subsection (a) of section 150.13 was amended to state that “A new applicant for a milk dealer’s license shall pay the fixed fee imposed under § 150.11(a) . . . and shall submit the monthly hundredweight fee imposed under § 150.12(b) . . .” Finally, section 150.13 was amended by the removal of the phrase “subject to the requirements of § 150.12(b)” from subsection (c), accompanied by the addition of language to subsections (b) and (c) that will still differentiate between applicants who were licensed for the entire preceding calendar year (who must pay the annual hundredweight fee at time of application) and those who were not licensed for the entire preceding calendar (who must pay the monthly hundredweight fee each month).

The final-form rulemaking makes minor changes to section 150.12 to correct typographical errors which appeared in the proposed regulations. In the existing regulations, paragraphs (1) and (2) of subsection (a), and paragraphs (1) and (2) of subsection (b) all refer to “. . . milk . . . received, *produced* or brought into this Commonwealth . . .” The word “produced” was inadvertently left out of the text of the proposed regulations. This error has been corrected in the final-form rulemaking by reinstating the word “produced” as it appears in the existing regulations. Also, paragraphs (1) and (2) of subsection (b) of the proposed regulations both contained the phrase “for which the license is issued.” This phrase does not appear in these paragraphs in the existing regulations and was not intended to be included in the proposed regulations. Since it was mistakenly included in the proposed regulations, the final-form rulemaking has simply omitted this phrase, rather than showing it as a strikethrough.

Paperwork Estimates

There will be no additional paperwork requirements for milk dealers, subdealers, milk haulers, milk testers, or milk weighers and samplers.

Effective date

The amendments will become effective thirty (30) days after final-form publication in the *Pennsylvania Bulletin*.

Sunset date

There is no sunset date.

Regulatory review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking published at 32 Pa. B. 3953 (August 10, 2002) to IRRC and to the Senate Committee on Agriculture and Rural Affairs and the House Agriculture and Rural Affairs Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC and the Committees with copies of comments received by the Board relating to the proposed regulation and the Board's response to those comments. In addition to submitting the final form regulation, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request. This material is also available on the Board's website at <http://www.mmb.state.pa.us>.

In preparing this final form regulation, the Board has considered the comments received from all commentators.

Contact Person

The official responsible for information on these final form regulations is Lynda J. Bowman, Executive Secretary, Pennsylvania Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4194.

Findings

The Board finds that:

- (1) Public notice of the intention to adopt the final-form rulemaking was given under sections 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The final-form rulemaking is necessary and appropriate for the administration of the act.

Order

The Board, acting under authorizing statute, orders that:

- (a) The regulations of the Board, 7 Pa. Code Chapter 150 are amended to read as set forth in Annex A.
- (b) The Board will submit this order and Annex A to the Office of Attorney General for review and approval as to legality and form as required by law.
- (c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) The order shall take effect thirty (30) days after final-form publication in the *Pennsylvania Bulletin*.

Beverly R. Minor,
Chairperson

Annex A
TITLE 7. AGRICULTURE
PART VI. MILK MARKETING BOARD
CHAPTER 150. MILK MARKETING BOARD FEES
GENERAL PROVISIONS

§ 150.1. Definitions.

When used in this chapter, [The words,] terms [and phrases] defined in section 103 of the act (31 P.S. § 700j-103) [are incorporated by reference] have the meanings given to them in that section, unless the context clearly indicates otherwise.

§ 150.2. License year; certification year.

(a) The license year for milk dealers, subdealers, and milk haulers is the period beginning on July 1 of a given year and ending on June 30 of the succeeding year.

(b) The certification year for milk testers and milk weighers and samplers is a calendar year.

LICENSE FEES OF MILK DEALERS

§ 150.11. [Annual] F[f]ixed fees.

(a) [A milk dealer shall pay to the Board an annual fixed fee of \$50.]

[(b) A milk dealer who is not engaged in the milk business on July 1] A new applicant for a milk dealer's license shall pay a FIXED fee of \$100 for a license issued on or after July 1 but before October 1 of the same year or a proportionate fixed annual fee as follows:

(1) \$75 [F]for a license issued on or after October 1[,] but [prior to] before January 1 of the succeeding year[, the fee is \$37.50].

(2) \$50 [F]for a license issued on or after January 1[,] but [prior to] before April 1 of the same [succeeding] year[, the fee is \$25].

(3) \$25 [F]for a license issued on or after April 1[,] but [prior to] before July 1 of the same year[, the fee is \$12.50].

(b) An applicant for annual renewal of a milk dealer's license shall pay a FIXED fee of \$50.

§ 150.12. [Additional annual] Hundredweight fees.

(a) In addition to the ~~annual~~ [fixed] FIXED ~~license renewal~~ fee imposed under § 150.11~~(b)~~ (relating to [annual] fixed fees), a milk dealer that was licensed for the entire calendar year preceding license renewal shall pay [to the Board a] an annual hundredweight fee [equal to the sum of] as set forth in paragraphs (1) and (2).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is [\$.035] ~~\$.055~~ \$.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is [\$.005] ~~\$.0064~~ \$.0057 per hundredweight.

(b) In addition to the ~~annual license renewal~~ FIXED fee imposed under § 150.11~~(b)~~, [A] a milk dealer [who] that [did not hold a milk dealer's license] was not licensed for the [complete] entire [preceding] calendar year preceding license APPLICATION OR renewal shall pay [on a monthly basis, in addition to the fee imposed under § 150.11,] a monthly hundredweight fee [equal to the sum of:] as set forth in paragraphs (1) and (2). Monthly payments shall continue until the milk dealer has been licensed for an entire calendar year and for each month thereafter until the next license year begins. Annual payments shall then commence pursuant to subsection (a).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is [\$.035] ~~\$.055~~ \$.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is [\$.005] ~~\$.0064~~ \$.0057 per hundredweight.

(c) [The payments required under subsection (b) shall continue until the milk dealer has been engaged in the milk business for a full year, at which time the Board will establish a license fee based upon this section, § 150.11 and § 150.13 (relating to time for payment of fees).] In computing hundredweight fees under subsections (a) and (b), the Board will ascertain and fix the fluid milk equivalent of milk other than fluid milk by dividing the pounds of butterfat in cream by 3.5 and the pounds of nonfat solids in condensed and concentrated milk by 8.8. For farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such, the Board will compute the total quantity of milk based on pounds of butterfat or sour cream rather than on the fluid milk equivalent.

(d) Milk purchased by a milk dealer located in or outside this Commonwealth from an out-of-state producer, which milk was diverted to an out-of-state milk dealer, is not subject to a hundredweight fee. As used in this subsection, "diverted" means that the purchasing milk dealer took possession of producer milk at the farm, from which location it was delivered to another milk dealer without entering the purchasing milk dealer's plant.

§ 150.13. Time for payment of fees.

(a) A[n] new applicant [seeking] for a milk dealer's license shall pay the FIXED fee imposed under § 150.11(a) (relating to [annual] fixed fees) [at the time] when the applicant submits the MILK DEALER/SUBDEALER license application (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE) ~~form provided~~ [is filed with] by the Board, AND SHALL SUBMIT THE MONTHLY HUNDREDWEIGHT FEE IMPOSED UNDER § 150.12(b) (RELATING TO HUNDREDWEIGHT FEES) WITH THE MONTHLY REPORT MILK DEALERS MUST FILE UNDER § 147.10 (RELATING TO MONTHLY REPORTS).

(b) An applicant [seeking] for renewal of a milk dealer's license THAT WAS LICENSED FOR THE ENTIRE CALENDAR YEAR PRECEDING LICENSE RENEWAL shall pay the FIXED fees imposed under §§ 150.11(b) (RELATING TO FIXED FEES) and THE ANNUAL HUNDREDWEIGHT FEE IMPOSED UNDER § [§] 150.12(a) (relating to [additional annual] hundredweight fees) [at the time] when the applicant submits the MILK DEALER/SUBDEALER license renewal application (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE) ~~form provided~~ [is filed with] by the Board. Fees exceeding \$2,000 may be paid in four substantially equal installments, the first to be submitted with the MILK DEALER/SUBDEALER license renewal application form and the remaining three to be received in the Board office on or before September 15, December 15, and March 15, respectively, or the next business day if the 15th falls on a day when Commonwealth offices are closed.

(c) [Notwithstanding the provisions of subsection (b), an applicant seeking renewal of a dealer's license may pay the fee imposed under §§ 150.11 and 150.12 in four equal payments if the total fee imposed exceeds \$2,000. The first payment shall be submitted at the time the renewal application is filed with the Board. The remaining three payments must be received by the Board on or before September 15, December 15 and March 15 respectively. A milk dealer who elects to pay the license fee in installments shall be deemed to be unlicensed if an installment is not received by the Board within the time specified.] An applicant for renewal of a milk dealer's license ~~subject to the requirements of § 150.12(b)~~ THAT WAS NOT LICENSED FOR THE ENTIRE CALENDAR YEAR PRECEDING LICENSE RENEWAL shall pay the FIXED fee imposed under § 150.11(b) (RELATING TO FIXED FEES) when the applicant submits the MILK DEALER/SUBDEALER license renewal application, ~~form provided by the Board~~ and shall submit the monthly hundredweight fee IMPOSED

UNDER § 150.12(b) (RELATING TO HUNDREDWEIGHT FEES) with the MONTHLY report milk dealers must file under § 147.10 (relating to monthly reports.)

LICENSE FEES OF [MILK] SUBDEALERS

§ 150.21. Fixed fees.

[A milk subdealer shall, as a condition of being issued a subdealer's license, or having a subdealer's license renewed, pay to the Board a fee of \$5.] (a) A new applicant for a subdealer's license shall pay a FIXED fee of \$50 for a license issued on or after July 1 but before October 1 of the same year or a proportionate FIXED fee as follows.

(1) \$37.50 for a license issued on or after October 1 but before January 1 of the succeeding year.

(2) \$25 for a license issued on or after January 1 but before April 1 of the same year.

(3) \$12.50 for a license issued on or after April 1 but before July 1 of the same year.

(b) An applicant for annual renewal of a subdealer's license shall pay a FIXED fee of \$25.

§ 150.22. [Per hundredweight] Quart-equivalent fee.

(a) In addition to the [fixed] FIXED ~~annual license renewal~~ fee imposed under [in] § 150.21(b) (relating to fixed fees), AN APPLICANT FOR ANNUAL RENEWAL OF a subdealer'S LICENSE shall pay[, on] an annual [basis, a] QUART-EQUIVALENT fee calculated by dividing the total quarts of milk purchased during the previous calendar year by the number of months in which the subdealer engaged in business [on milk on which the Board sets prices as set forth in § 150.12(a) (relating to additional annual fees)]. The Board will assess the [additional] fee [shall be assessed] in accordance with the following schedule:

[Per License]
Avg[e]. Qts. Purchased [P]per Month

[Per License]
Annual Fee

(b) [In calculating the fees in this section] As used in subsection (a), [the term] “quarts” means the total volume of milk for which the Board sets a wholesale price [purchased] expressed in quart equivalents.

§ 150.23. Time for payment of fees.

[The fees in §§ 150.21 and 150.22 (relating to fixed fee; and per hundredweight fee) shall be paid to the Board at the same time the subdealer submits an application for a license, on or before June 15th of each year.]

(a) A new applicant for a subdealer’s license shall pay the FIXED fee imposed under § 150.21(a) (relating to fixed fees) when the applicant submits the MILK DEALER/SUBDEALER license application form provided by the Board.

(b) An applicant for renewal of a subdealer’s license shall pay the FIXED fees imposed under §§ 150.21(b) and THE QUART-EQUIVALENT FEE IMPOSED UNDER § 150.22 (relating to quart-equivalent fee) when the applicant submits the MILK DEALER/SUBDEALER license renewal application form provided by the Board.

[COMPUTATION OF LICENSE FEES]

§ 150.41. [Out-of-State sales.

(a) Milk sold or distributed outside of this Commonwealth in a state which charges milk dealers or handlers a license fee may be deducted in the determination of the amount of the license fee required by this chapter, on the condition, that the quantity of milk is actually computed in determining the license fee in the other state.

(b) In computing the license fee to be charged by the Board, the fluid milk equivalent of milk other than fluid milk, shall be ascertained and fixed in a manner the Board prescribes. In the case of farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such, the total quantity of the milk shall be computed according to pounds of butterfat or sour cream rather than the fluid milk equivalent thereof.

(c) Nothing in this section requires, in the computation of the license fee, the inclusion of milk which is received by the applicant milk dealer or handler from another milk dealer or handler, subject to license under this chapter, which milk has been included in the computation of the other dealer’s fee or milk which is produced by the applicant dealer or handler and not sold by him to stores or consumers.] [Reserved].

§ 150.42. [Exemptions.

In the computation of a license fee, the fee will not include an amount of nonprice controlled products sold from one licensed dealer to another licensed dealer or subdealer on which the fees in §§ 150.11 - 150.13 and 150.21 - 150.23 (relating to license fees of milk dealers; and license fees of milk subdealers) have been paid by the selling dealer.] [Reserved].

LICENSE FEES OF MILK HAULERS

§ 150.51. Fixed fees.

[A milk hauler shall, as a condition of being issued a milk hauler's license, or having a milk hauler's license renewed,] A new applicant for a milk hauler's license and an applicant for annual renewal of a milk hauler's license shall pay [to the Board] a FIXED fee of \$30.

§ 150.52. [Per] H[h]undredweight fee.

In addition to the [fixed] FIXED ~~annual license~~ fee imposed under [in] § 150.51 (relating to fixed fees), a [licensed] milk hauler shall pay [the sum of \$.0025 per hundredweight on milk hauled, during the licensing year July 1, 1989 to June 30, 1990, and \$.005 per hundredweight on milk hauled during licensing year July 1, 1990 to June 30, 1991 and each licensing year thereafter] a fee of \$.005 per hundredweight for milk hauled during the license year. The[se] fee[s] shall [be computed as follows] apply to:

(1) [Milk picked up at a producer's farm located outside of this Commonwealth and delivered to a dealer or handler located within this Commonwealth.] Milk picked up at a producer's farm located in this Commonwealth and delivered to a milk dealer located in this Commonwealth.

(2) [Milk picked up at a producer's farm located within this Commonwealth and delivered to a dealer or handler located within or outside this Commonwealth.] Milk picked up at a producer's farm located outside this Commonwealth and delivered to a milk dealer located in this Commonwealth.

(3) Milk picked up at a producer's farm located in this Commonwealth and delivered to a milk dealer located outside this Commonwealth.

§ 150.53. Time for and manner of payment of fees.

(a) [The fee set forth in § 150.51 (relating to fixed fee) shall be paid to the Board at the same time the milk hauler submits his application for a license, on or before June 15th of each year.] A new applicant for a milk hauler's license and an applicant for renewal of a milk hauler's license shall pay the FIXED fee imposed under § 150.51

(relating to fixed fees) when the applicant files the LICENSE application, FORM PMMB-77B OR FORM PMMB-77 (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE) form provided by the Board.

(b) Payment of the [per] hundredweight fee shall be remitted by a licensed milk hauler in full to be received in the office of the Board by the 30th day of the month immediately succeeding the month in which the milk was hauled or the nearest business day thereafter (March 1 for January reports). The payment shall accompany the Milk Hauler's Monthly Report, Form PMMB-79 (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE), which is also due on that date.

[LICENSE] CERTIFICATION FEES OF MILK TESTERS

§ 150.61. Examination [F]fee [for certificate of proficiency in milk testing].

[(a) A person desiring to take the examination prescribed by the Board to obtain a certificate of proficiency in milk testing shall pay to the Board a fee of \$25. This fee shall be paid at the same time the examination is taken.] The fee to take the Board-approved examination for a certificate of proficiency in milk testing is \$25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees set out in § 150.62 (relating to fixed fees for new and renewed certificates).

[(b) This fee is not refundable and is not applied toward the payment of the annual milk tester's license fee.]

§ 150.62. [Annual] Fixed fees for [milk testers] new and renewed certificates.

[(a) A licensed milk tester shall, as a condition of being issued a milk tester's license, or having a milk tester's license renewed, pay to the Board a fee of \$20.] A new applicant for a milk tester's certificate and an applicant for renewal of a milk tester's certificate shall pay a fee of \$20, which shall accompany the MILK TESTER CERTIFICATE application (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE) form provided by the Board.

[(b) This fee shall be paid to the Board at the same time the milk tester submits his application for a license, on or before December 1st of each year.]

[LICENSE] CERTIFICATION FEES OF MILK WEIGHERS AND SAMPLERS

§ 150.71. Examination [F]fee [for certificate of proficiency in milk weighing and sampling].

[(a) A person desiring to take the examination prescribed by the Board to obtain a certificate of proficiency in milk weighing and sampling shall pay to the Board a fee of \$15. The fee shall be paid at the same time the examination is taken.] The fee to take the Board-approved examination for a certificate of proficiency in milk weighing and sampling is \$25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees set out in § 150.72 (relating to fixed fees for new and renewed certificates).

[(b) This fee is not refundable and is not applied toward the payment of the annual milk weigher and sampler's license fee.]

§ 150.72. [Annual] Fixed fees for [milk weighers and samplers] new and renewed certificates.

[(a) A licensed weigher and sampler shall, as a condition of being issued a weigher and sampler license, or having a weigher and sampler's license renewed, pay to the Board a fee of \$15.] A new applicant for a milk weigher and sampler's certificate and an applicant for renewal of a milk weigher and sampler's certificate shall pay a fee of \$20, which shall accompany the MILK WEIGHER/SAMPLER CERTIFICATE application (AVAILABLE FROM THE BOARD OFFICE OR WEBSITE) ~~form~~ provided by the Board.

[(b) The fee shall be paid to the Board at the same time the weigher and sampler submits his application for a license, on or before December 1st of each year.]

OTHER FEES

§ 150.81. Transfer fee[s].

The fee [for the] to transfer [of] a license under § 407 of the Act (31 P.S. §700i-407) [from one licensed milk dealer to another licensed milk dealer] is \$50.

§ 150.82. [Miscellaneous f]Fees for copying and certifying Board documents.

[The Board shall charge and collect f]Fees for providing copies of, or for certification of, Board documents [papers, testimony and records. The fee shall be

collected from the persons requesting the documents or certification and shall] will be in an amount that will fully offset the costs incurred by the Board in providing the documents or certification.

Annex A
TITLE 7. AGRICULTURE
PART VI. MILK MARKETING BOARD
CHAPTER 150. MILK MARKETING BOARD FEES
GENERAL PROVISIONS

§ 150.1. Definitions.

When used in this chapter, terms defined in section 103 of the act (31 P.S. § 700j-103) have the meanings given to them in that section, unless the context clearly indicates otherwise.

§ 150.2. License year; certification year.

(a) The license year for milk dealers, subdealers, and milk haulers is the period beginning on July 1 of a given year and ending on June 30 of the succeeding year.

(b) The certification year for milk testers and milk weighers and samplers is a calendar year.

LICENSE FEES OF MILK DEALERS

§ 150.11. Fixed fees.

(a) A new applicant for a milk dealer's license shall pay a fixed fee of \$100 for a license issued on or after July 1 but before October 1 of the same year or a proportionate fixed fee as follows:

(1) \$75 for a license issued on or after October 1 but before January 1 of the succeeding year.

(2) \$50 for a license issued on or after January 1 but before April 1 of the same year.

(3) \$25 for a license issued on or after April 1 but before July 1 of the same year.

(b) An applicant for annual renewal of a milk dealer's license shall pay a fixed fee of \$50.

§ 150.12. Hundredweight fees.

(a) In addition to the fixed fee imposed under § 150.11 (relating to fixed fees), a milk dealer that was licensed for the entire calendar year preceding license renewal shall pay an annual hundredweight fee as set forth in paragraphs (1) and (2).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is \$.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the calendar year preceding the period for which the license is issued, the fee is \$.0057 per hundredweight.

(b) In addition to the fixed fee imposed under § 150.11, a milk dealer that was not licensed for the entire calendar year preceding license application or renewal shall pay a monthly hundredweight fee as set forth in paragraphs (1) and (2). Monthly payments shall continue until the milk dealer has been licensed for an entire calendar year and for each month thereafter until the next license year begins. Annual payments shall then commence pursuant to subsection (a).

(1) For milk for which the Board has fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is \$.045 per hundredweight.

(2) For milk for which the Board has not fixed a minimum wholesale or retail price, received, produced or brought into this Commonwealth during the preceding month, the fee is \$.0057 per hundredweight.

(c) In computing hundredweight fees under subsections (a) and (b), the Board will ascertain and fix the fluid milk equivalent of milk other than fluid milk by dividing the pounds of butterfat in cream by 3.5 and the pounds of nonfat solids in condensed and concentrated milk by 8.8. For farm-separated sour cream used exclusively in making butter to be marketed or ultimately sold as such, the Board will compute the total quantity of milk based on pounds of butterfat or sour cream rather than on the fluid milk equivalent.

(d) Milk purchased by a milk dealer located in or outside this Commonwealth from an out-of-state producer, which milk was diverted to an out-of-state milk dealer, is not subject to a hundredweight fee. As used in this subsection, "diverted" means that the purchasing milk dealer took possession of producer milk at the farm, from which location it was delivered to another milk dealer without entering the purchasing milk dealer's plant.

§ 150.13. Time for payment of fees.

(a) A new applicant for a milk dealer's license shall pay the fixed fee imposed under § 150.11 (relating to fixed fees) when the applicant submits the Milk Dealer/Subdealer License Application (available from the Board office or website), and shall submit the monthly hundredweight fee imposed under § 150.12(b) (relating to hundredweight fees) with the monthly report milk dealers must file under § 147.10 (relating to monthly reports).

(b) An applicant for renewal of a milk dealer's license that was licensed for the entire calendar year preceding license renewal shall pay the fixed fee imposed under § 150.11 (relating to fixed fees) and the annual hundredweight fee imposed under § 150.12(a) (relating to hundredweight fees) when the applicant submits the Milk Dealer/Subdealer License Renewal Application (available from the Board office or website). Fees exceeding \$2,000 may be paid in four equal installments, the first to be submitted with the Milk Dealer/Subdealer license renewal application and the remaining three to be received in the Board office on or before September 15, December 15, and March 15, respectively, or the next business day if the 15th falls on a day when Commonwealth offices are closed.

(c) An applicant for renewal of a milk dealer's license that was not licensed for the entire calendar year preceding license renewal shall pay the fixed fee imposed under § 150.11(b) (relating to fixed fees) when the applicant submits the Milk Dealer/Subdealer License Renewal Application, and shall submit the monthly hundredweight fee imposed under § 150.12(b) (relating to hundredweight fees) with the monthly report milk dealers must file under § 147.10 (relating to monthly reports.)

LICENSE FEES OF SUBDEALERS

§ 150.21. Fixed fees.

(a) A new applicant for a subdealer's license shall pay a fixed fee of \$50 for a license issued on or after July 1 but before October 1 of the same year or a proportionate fixed fee as follows.

(1) \$37.50 for a license issued on or after October 1 but before January 1 of the succeeding year.

(2) \$25 for a license issued on or after January 1 but before April 1 of the same year.

(3) \$12.50 for a license issued on or after April 1 but before July 1 of the same year.

(b) An applicant for annual renewal of a subdealer's license shall pay a fixed fee of \$25.

§ 150.22. Quart-equivalent fee.

(a) In addition to the fixed fee imposed under § 150.21(b) (relating to fixed fees), an applicant for annual renewal of a subdealer's license shall pay an annual quart-equivalent fee calculated by dividing the total quarts of milk purchased during the previous calendar year by the number of months in which the subdealer engaged in business. The Board will assess the fee in accordance with the following schedule:

Avg. Qts. Purchased per Month

Annual Fee

(b) As used in subsection (a), "quarts" means the total volume of milk for which the Board sets a wholesale price expressed in quart equivalents.

§ 150.23. Time for payment of fees.

(a) A new applicant for a subdealer's license shall pay the fixed fee imposed under § 150.21(a) (relating to fixed fees) when the applicant submits the Milk Dealer/Subdealer License Application.

(b) An applicant for renewal of a subdealer's license shall pay the fixed fee imposed under § 150.21(b) and the quart-equivalent fee imposed under § 150.22 (relating to quart-equivalent fee) when the applicant submits the Milk Dealer/Subdealer License Renewal Application.

§ 150.41. [Reserved].

§ 150.42. [Reserved].

LICENSE FEES OF MILK HAULERS

§ 150.51. Fixed fees.

A new applicant for a milk hauler's license and an applicant for annual renewal of a milk hauler's license shall pay a fixed fee of \$30.

§ 150.52. Hundredweight fee.

In addition to the fixed fee imposed under § 150.51 (relating to fixed fees), a milk hauler shall pay a fee of \$.005 per hundredweight for milk hauled during the license year. The fee shall apply to:

- (1) Milk picked up at a producer's farm located in this Commonwealth and delivered to a milk dealer located in this Commonwealth.
- (2) Milk picked up at a producer's farm located outside this Commonwealth and delivered to a milk dealer located in this Commonwealth.
- (3) Milk picked up at a producer's farm located in this Commonwealth and delivered to a milk dealer located outside this Commonwealth.

§ 150.53. Time for and manner of payment of fees.

(a) A new applicant for a milk hauler's license and an applicant for renewal of a milk hauler's license shall pay the fixed fee imposed under § 150.51 (relating to fixed fees) when the applicant files the license application, Form PMMB-77B OR Form PMMB-77 (available from the Board office or website).

(b) Payment of the hundredweight fee shall be remitted by a licensed milk hauler in full to be received in the office of the Board by the 30th day of the month immediately succeeding the month in which the milk was hauled or the nearest business day thereafter (March 1 for January reports). The payment shall accompany the Milk Hauler's Monthly Report, Form PMMB-79 (available from the Board office or website), which is also due on that date.

CERTIFICATION FEES OF MILK TESTERS

§ 150.61. Examination fee.

The fee to take the Board-approved examination for a certificate of proficiency in milk testing is \$25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees set out in § 150.62 (relating to fixed fees for new and renewed certificates).

§ 150.62. Fixed fees for new and renewed certificates.

A new applicant for a milk tester's certificate and an applicant for renewal of a milk tester's certificate shall pay a fee of \$20, which shall accompany the Milk Tester Certificate Application (available from the Board office or website).

CERTIFICATION FEES OF MILK WEIGHERS AND SAMPLERS

§ 150.71. Examination fee.

The fee to take the Board-approved examination for a certificate of proficiency in milk weighing and sampling is \$25, payable when the examination is taken. The examination fee is not refundable and may not be applied toward payment of the fixed fees set out in § 150.72 (relating to fixed fees for new and renewed certificates).

§ 150.72. Fixed fees for new and renewed certificates.

A new applicant for a milk weigher and sampler's certificate and an applicant for renewal of a milk weigher and sampler's certificate shall pay a fee of \$20, which shall accompany the Milk Weigher/Sampler Certificate Application (available from the Board office or website).

OTHER FEES

§ 150.81. Transfer fee.

The fee to transfer a license under § 407 of the Act (31 P.S. §700j-407) is \$50.

§ 150.82. Fees for copying and certifying Board documents.

Fees for providing copies of, or for certification of, Board documents will be in an amount that will fully offset the costs incurred by the Board in providing the documents or certification.



**COMMONWEALTH OF PENNSYLVANIA
MILK MARKETING BOARD**

SECRETARY

May 5, 2003

2301 NORTH CAMERON STREET
HARRISBURG, PENNSYLVANIA 17110
A.C. 717-787-4786

John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17101

Re: Regulation #47-10
Milk Marketing Board
Milk Marketing Fees

Dear Chairman McGinley:

The Pennsylvania Milk Marketing Board is withdrawing the Milk Marketing Fees Regulation as submitted in Final Form on April 8, 2003. We are withdrawing the regulation because we discovered an inadvertent omission, which needed to be corrected.

Enclosed for submission is a Final Form Annex A, Preamble, and Regulatory Analysis Form, with the changes incorporated.

Thank you for your attention to this matter.

Very truly yours,

Lynda J. Bowman
Secretary

Enclosure

cc: Honorable Arthur D. Hershey., Majority Chairman, House Agriculture and Rural Affairs Committee
Honorable Peter J. Daley, II, Democratic Chairman, House Agriculture and Rural Affairs Committee
Honorable Michael Waugh, Chairman, Senate Agriculture and Rural Affairs Committee
Honorable Michael A. O'Pake, Minority Chairman, Senate Agriculture and Rural Affairs Committee

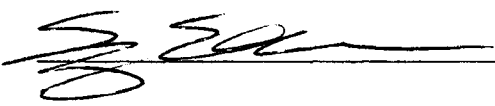
TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I. D. NUMBER: 47-10
SUBJECT: 7 Pa. Code Chapter 150 – Milk Marketing Board Fees
AGENCY: Milk Marketing Board

TYPE OF REGULATION

____ Proposed Regulation
____ Final Regulation with Notice of Proposed Rulemaking Omitted
XX Final Regulation
____ 120-day Emergency Certification of the Attorney General
____ 120-day Emergency Certification of the Governor

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
<u>5/5/03</u>		<u>HOUSE COMMITTEE</u> Agriculture & Rural Affairs
<u>5-5-03</u>	<u>Cecilia Boyer</u>	<u>SENATE COMMITTEE</u> Agriculture & Rural Affairs
<u>5-05-03</u>	<u>Ilena Paga</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
____	____	ATTORNEY GENERAL
____	____	LEGISLATIVE REFERENCE BUREAU