

HOUSE No. 240

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the milk producer's security fund reimbursement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>2/2/2011</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/19/2011</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/1/2011</i>

HOUSE No. 240

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 240) of Anne M. Gobi, Peter V. Kocot and William "Smitty" Pignatelli relative to the milk producers security fund reimbursement. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4188 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the milk producer's security fund reimbursement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13B of chapter 128 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting before the word "the", in line 1, the following
3 word:- (a).

4 SECTION 2. Said section 13B of said chapter 128, as so appearing, is hereby amended
5 by striking out the second paragraph and inserting in place thereof the following 2 paragraphs:-

6 (b) The commissioner may suspend collection of payments made pursuant to the previous
7 paragraph from time to time as he determines to be in the best interests of the producers affected
8 by this section and section 13A; provided, however, that the balance of the fund shall not be less
9 than \$1,000,000; and provided further, that the commissioner shall consider the quantity of milk
10 covered by the fund and the current price levels for milk when making his determination. The

11 commissioner shall provide 30 days' written notice of any suspension or reinstatement of
12 payments into the fund to the house and senate committees on ways and means and to all dealers
13 and producers affected.

14 (c) Notwithstanding the provisions of section 13A to the contrary, a milk producer who
15 pays into the fund pursuant to subsection (a) may, after application approved by the
16 commissioner, be reimbursed up to an amount equal to the monies paid by the applicant into the
17 fund minus any funds previously distributed to said applicant plus a pro rata share of the interest
18 earned by the fund. The commissioner shall establish criteria for the approval of such
19 applications that shall include, but shall not be limited to, whether the milk producer continues to
20 produce milk, whether the milk producer has joined a cooperative association and other criteria
21 the commissioner may deem relevant. The commissioner shall not authorize a reimbursement if
22 payment thereof would result in the balance of the fund falling below \$1,000,000. Upon
23 approval of said application, the commissioner shall certify the amounts determined to be due
24 thereon, and transmit the same for payment to the state treasurer under section 48 of chapter 10.

25 SECTION 3. The commissioner of the department of agricultural resources shall
26 establish guidelines for the implementation of sections 13A and 13B of chapter 128 of the
27 General Laws.