

**CHAPTER 7 - MILK COMMISSION**

**SECTION .0100 - GENERAL PROVISIONS**

<b>04 NCAC 07 .0101</b>	<b>PURPOSE</b>
<b>04 NCAC 07 .0102</b>	<b>NAME AND ADDRESS</b>
<b>04 NCAC 07 .0103</b>	<b>COMMISSION STAFF</b>
<b>04 NCAC 07 .0104</b>	<b>CORRESPONDENCE AND COMMUNICATION</b>
<b>04 NCAC 07 .0105</b>	<b>COPIES OF MILK COMMISSION LAW AND RULES</b>

*History Note:* Authority G.S. 106-266.6 et seq.; 106-266.7(c); 106-266.7(k); 106-266.8(7); 150B-11; 150B-62; Preamble to S.L. 1953, Ch. 1338; Preamble to S.L. 1971, Ch. 779; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 1984; Repealed Eff. May 1, 1991.

**SECTION .0200 - ORGANIZATIONAL RULES**

<b>04 NCAC 07 .0201</b>	<b>CHAIRMAN AND VICE CHAIRMAN</b>
<b>04 NCAC 07 .0202</b>	<b>PARLIAMENTARY RULES</b>
<b>04 NCAC 07 .0203</b>	<b>SPECIAL PARLIAMENTARY RULE</b>
<b>04 NCAC 07 .0204</b>	<b>PROCESS AGENT</b>
<b>04 NCAC 07 .0205</b>	<b>SUBPOENAS: OATHS: COMPLAINTS: AFFIDAVITS</b>
<b>04 NCAC 07 .0206</b>	<b>MEETING SCHEDULE</b>

*History Note:* Authority G.S. 1A-1, Rule 4J(4); 106-266.7(b); 106-266.7(j); 106-266.8(5),(6),(7); 150B-27; 150B-33; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Repealed Eff. May 1, 1991.

**SECTION .0300 - PETITIONS: HEARINGS: TEMPORARY RULES: DECLARATORY RULINGS: CONTESTED CASES**

<b>04 NCAC 07 .0301</b>	<b>PETITIONS</b>
<b>04 NCAC 07 .0302</b>	<b>RULE-MAKING HEARINGS</b>
<b>04 NCAC 07 .0303</b>	<b>TEMPORARY RULES</b>
<b>04 NCAC 07 .0304</b>	<b>DECLARATORY RULINGS</b>
<b>04 NCAC 07 .0305</b>	<b>CONTESTED CASES</b>

*History Note:* Authority G.S. 106-266.8(7); 150B-11; 150B-12(c); 150B-16; 150B-13; 150B-17; 150B-23; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 1988; December 1, 1984; Repealed Eff. May 1, 1991.

**SECTION .0400 - PERSONNEL POLICY**

<b>04 NCAC 07 .0401</b>	<b>EMPLOYMENT POLICY</b>
<b>04 NCAC 07 .0402</b>	<b>GRIEVANCE PROCEDURE</b>

*History Note:* Authority G.S. 106-266.8(7); Eff. February 1, 1976; Readopted Eff. September 29, 1977;

*Repealed Eff. July 1, 1988.*

## **SECTION .0500 - MARKETING REGULATIONS**

<b>04 NCAC 07 .0501</b>	<b>DEFINITIONS</b>
<b>04 NCAC 07 .0502</b>	<b>MARKET AREAS</b>
<b>04 NCAC 07 .0503</b>	<b>DISTRIBUTOR LICENSES</b>

*History Note:* Filed as a Temporary Amendment Eff. November 3, 1989 for a period of 180 days to expire on May 2, 1990;  
Filed as a Temporary Amendment Eff. September 20, 1982 for a period of 120 days to expire on January 18, 1983;  
Filed as an Emergency Amendment Eff. June 14, 1976 for a period of 90 days to expire on September 11, 1976;  
Statutory Authority G.S. 106-266.6; 106-266.8(3),(7),(11),(13); 106-266.9; 106-266.10;  
Eff. February 1, 1976;  
Emergency Amendment Made Permanent Eff. September 11, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. August 1, 1989; July 1, 1988; January 18, 1983; February 1, 1979;  
ARRC Objection Lodged December 21, 1989;  
ARRC Objection Removed January 18, 1990;  
Amended Eff. April 1, 1990;  
Repealed Eff. May 1, 1991.

### **04 NCAC 07 .0504 CLASSIFICATION OF MILK**

*History Note:* Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on February 28, 1991;  
Filed as a Temporary Amendment [(a)(4)] Eff. September 20, 1982, for a period of 120 days to expire on January 18, 1983;  
Filed as an Emergency Amendment [(a)(1) and (c)] Eff. June 14, 1976, for a period of 90 days to expire on September 11, 1976;  
Statutory Authority G.S. 106-266.8(3),(7),(10);  
Eff. February 1, 1976;  
Emergency Amendment [(a)(1) and (c)] made permanent Eff. September 11, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. November 1, 1989; August 1, 1989; September 1, 1988; January 18, 1983;  
Repealed Eff. February 28, 1991.

### **04 NCAC 07 .0505 RULES OF CLASSIFICATION**

*History Note:* Filed as a Temporary Amendment [(e)(2)] Eff. September 20, 1982, for a period of 120 days to expire on January 18, 1983;  
Filed as an Emergency Amendment [(e)] Eff. October 20, 1980 for a period of 120 days to expire on February 16, 1981;  
Filed as an Emergency Amendment [(d)(2)] Eff. January 31, 1978 for a period of 120 days to expire on May 31, 1978;  
Statutory Authority G.S. 106-266.8(3),(7),(10);  
Eff. February 1, 1976;  
Amended Eff. May 18, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. December 1, 1977; November 1, 1977;  
Emergency Amendment [(d)(2)] made permanent Eff. May 25, 1978;  
Emergency Amendment [(e)] Expired February 16, 1981;  
Amended Eff. August 1, 1983; January 18, 1983; May 1, 1982; February 16, 1981;

*Repealed Eff. August 1, 1989.*

**04 NCAC 07 .0506            DETERMINATION OF EQUALIZATION PAYMENTS**

*History Note:    Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on February 28, 1991;  
Statutory Authority G.S. 106-266.8(3),(7);  
Eff. August 1, 1989;  
Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0507            MINIMUM CLASS PRICES AND BUTTERFAT DIFFERENTIALS**

*History Note:    Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on February 28, 1991;  
Filed as a Temporary Amendment [(a) and (b) (5)] Eff. August 4, 1986, for a period of 120 days to expire on December 2, 1986;  
Filed as a Temporary Amendment [(a), (d) and (i)] Eff. May 3, 1986, for a period of 120 days to expire on August 31, 1986;  
Filed as a Temporary Amendment [(a), (d) and (i)] Eff. January 3, 1986, for a period of 120 days to expire on May 3, 1986;  
Filed as a Temporary Amendment [(a)] Eff. September 23, 1985, for a period of 120 days to expire on January 21, 1986;  
Filed as a Temporary Amendment [(a), (b)(1)(B), (b)(2)(B)(ii)(III) and (c)] Eff. September 13, 1985 for a period of 120 days to expire on January 11, 1986;  
Filed as a Temporary Amendment [(a)] Eff. August 26, 1985, for a period of 120 days to expire on December 24, 1985;  
Filed as a Temporary Amendment [(a)] Eff. December 1, 1984, for a period of 120 days to expire on March 30, 1985;  
Filed as a Temporary Amendment [(a)] Eff. February 13, 1984, for a period of 120 days to expire on June 12, 1984;  
Filed as a Temporary Amendment [(a) and (b)(1)] Eff. October 1, 1983, for a period of 120 days to expire on January 29, 1984;  
Filed as a Temporary Amendment [(a)] Eff. May 12, 1983, for a period of 120 days to expire on September 9, 1983;  
Filed as a Temporary Amendment [(a)] Eff. May 1, 1983, for a period of 120 days to expire on August 29, 1983;  
Filed as a Temporary Amendment [(a)] Eff. April 1, 1983, for a period of 120 days to expire on July 29, 1983;  
Filed as a Temporary Amendment [(a)] Eff. February 28, 1983, for a period of 120 days to expire on June 28, 1983;  
Filed as a Temporary Amendment [(d)(3)(B)(iii)] Eff. May 26, 1982, for a period of 36 days to expire on July 1, 1982;  
Filed as an Emergency Amendment [(a)] Eff. March 18, 1981, for a period of 120 days to expire on July 16, 1981;  
Filed as an Emergency Amendment [(a)] Eff. April 20, 1978, for a period of 120 days to expire on August 17, 1978;  
Filed as an Emergency Amendment [(a) and (b)(1)] Eff. April 12, 1978, for a period of 120 days to expire on August 10, 1978;  
Filed as an Emergency Amendment [(c)] Eff. June 14, 1976, for a period of 90 days to expire on September 11, 1976;  
Statutory Authority G.S. 106-266.8(7),(10);  
Eff. February 1, 1976;  
Amended Eff. June 1, 1976; May 1, 1976;  
Emergency Amendment [(c)] made permanent Eff. September 11, 1976;  
Amended Eff. June 1, 1977; December 1, 1976;*

*Readopted Eff. September 29, 1977;*  
*Amended Eff. July 10, 1978; June 1, 1978; December 1, 1977; November 1, 1977;*  
*Emergency Amendment [(a)], Eff. April 20, 1978, and Emergency Amendment [(b)(1)],*  
*Eff. April 12, 1978, made permanent Eff. August 2, 1978;*  
*Amended Eff. June 1, 1981; June 1, 1980; December 1, 1979; August 1, 1979;*  
*Emergency Amendment [(a)] made permanent with change Eff. July 1, 1981;*  
*Amended Eff. March 1, 1990; August 1, 1989; July 19, 1988; December 1, 1986;*  
*Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0508      PLANT SHRINKAGE**  
**04 NCAC 07 .0509      PRODUCER SETTLEMENT FUND**

*History Note:      Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on*  
*February 28, 1991;*  
*Statutory Authority G.S. 106-266.8(3),(7);*  
*Eff. August 1, 1989;*  
*Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0510      HANDLER AND PRODUCER PAYROLL REPORTS**

*History Note:      Filed as a Temporary Amendment Eff. September 1, 1990 for a period of 180 days to expire*  
*on February 28, 1991;*  
*Statutory Authority G.S. 106-266.8(3),(5),(7),(12),(14);*  
*Eff. August 1, 1989;*  
*Amended Eff. February 28, 1991;*  
*Repealed Eff. May 1, 1991.*

**04 NCAC 07 .0511      UNIFORM CLASS I AND CLASS II PRICES, POOL OBLIGATION, BLEND PRICE**  
**04 NCAC 07 .0512      COMPUTATION OF SETTLEMENT FUND AMOUNTS**

*History Note:      Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on*  
*February 28, 1991;*  
*Statutory Authority G.S. 106-266.8(3),(7),(10);*  
*Eff. August 1, 1989;*  
*Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0513      METHOD OF SETTLEMENT**

*History Note:      Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on*  
*February 28, 1991;*  
*Filed as a Temporary Amendment [(f)] Eff. June 1, 1983 for a period of 120 days to expire*  
*on September 29, 1983;*  
*Filed as a Temporary Amendment [(f)] Eff. May 12, 1983 for a period of 120 days to expire*  
*on September 9, 1983;*  
*Statutory Authority G.S. 106-266.8(3),(7),(10); 106-266.12;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 29, 1977;*  
*Amended Eff. August 1, 1989; September 1, 1983; March 1, 1983;*  
*Recodified from .0508 Eff. August 1, 1989;*  
*Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0514      COMPUTATION OF MILK IN EACH CLASS**

*History Note:      Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on*  
*February 28, 1991;*

*Statutory Authority G.S. 106-266.8(3),(7),(10);  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. August 1, 1989; December 1, 1977;  
Recodified from .0506 Eff. August 1, 1989;  
Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0515 FINANCIAL RESPONSIBILITY FOR MILK RECEIVED BY BULK TANKER**

*History Note: Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on February 28, 1991;  
Statutory Authority G.S. 106-266.8(3),(7);  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from .0509 Eff. August 1, 1989;  
Amended Eff. August 1, 1989;  
Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0516 USE AND ESTABLISHMENT OF CLASS I BASES**

*History Note: Filed as a Temporary Repeal Eff. September 1, 1990 for a period of 180 days to expire on February 28, 1991;  
Filed as a Temporary Amendment [(a)(3), (b), (c), (f)(8)] for a period of 52 days to expire on March 1, 1982;  
Filed as an Emergency Amendment [(e)(8)] Eff. April 12, 1978 for a period of 120 days to expire on August 10, 1978;  
Filed as an Emergency Amendment [(b) and (e)(4)] Eff. June 8, 1976 for a period of 120 days to expire on October 6, 1976;  
Statutory Authority G.S. 106-266.8(3),(7);  
Eff. February 1, 1976;  
Emergency Amendment [(b) and (e)(4)] made permanent Eff. October 6, 1976;  
Readopted Eff. September 29, 1977;  
Emergency Amendment [(e)(8)] made permanent Eff. August 2, 1978;  
Amended Eff. August 1, 1989; August 1, 1983; March 1, 1982;  
Recodified from .0510 Eff. August 1, 1989;  
Repealed Eff. February 28, 1991.*

**04 NCAC 07 .0517 PLANT RECORDS AND INSPECTION OF RECORDS**

*History Note: Authority G.S. 106-266.8(5),(7),(12),(14);  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Recodified from .0511 Eff. August 1, 1989;  
Amended Eff. August 1, 1989;  
Repealed Eff. May 1, 1991.*

**04 NCAC 07 .0518 ASSESSMENT**

*History Note: : Authority G.S. 106-266.8(7); 106-266.11; 106-266.12;  
Eff. February 1, 1976;  
Readopted Eff. September 29, 1977;  
Amended Eff. July 1, 1983;  
Recodified from .0512 Eff. August 1, 1989;  
Repealed Eff. May 1, 1991.*

**04 NCAC 07 .0519            EXEMPTION**

*History Note:*     : Authority G.S. 106-266.6(4); 106-266.8(7);  
                          Eff. February 1, 1976;  
                          Readopted Eff. September 29, 1977;  
                          Recodified from .0513 Eff. August 1, 1989;  
                          Repealed Eff. May 1, 1991.

**04 NCAC 07 .0520            UNIFORM PROCEDURE FOR DETERMINING COST**

*History Note:*     Authority G.S. 106-266.8(7),(10)(d),(14); 106-266.19;  
                          Eff. April 1, 1982;  
                          Recodified from .0514 Eff. August 1, 1989;  
                          Repealed Eff. May 1, 1991.