

9105

2009-2010 Regular Sessions

I N A S S E M B L Y

August 17, 2009

Introduced by M. of A. SCOZZAFAVA, CROUCH -- read once and referred to the Committee on Agriculture

AN ACT to amend the New York state urban development corporation act and the agriculture and markets law, in relation to establishing the dairy assistance program; making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 16-h of section 1 of chapter 174 of the laws of  
2 1968, constituting the New York state urban development corporation act,  
3 is amended by adding a new subdivision 3-a to read as follows:

4 3-A. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, FUNDS  
5 OF THIS PROGRAM, WITHIN AVAILABLE APPROPRIATIONS TOTALING UP TO THIRTY  
6 MILLION DOLLARS, SHALL BE AVAILABLE FOR THE DAIRY ASSISTANCE PROGRAM  
7 PURSUANT TO ARTICLE 21-D OF THE AGRICULTURE AND MARKETS LAW.

8 S 2. The agriculture and markets law is amended by adding a new arti-  
9 cle 21-D to read as follows:

10 ARTICLE 21-D

11 DAIRY ASSISTANCE PROGRAM

12 SECTION 258-OO. LEGISLATIVE INTENT.

13 258-PP. DAIRY ASSISTANCE PROGRAM.

14 S 258-OO. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS THAT THIS  
15 STATE'S DAIRY FARMERS CONTINUE TO LABOR UNDER A COMBINATION OF EXTREMELY  
16 LOW MILK PRICES WELL BELOW THOSE OF TWENTY-FIVE YEARS AGO, ALONG WITH  
17 VERY HIGH FUEL, FEED, ENERGY, FERTILIZER AND OTHER OPERATING COSTS.  
18 THESE CONDITIONS HAVE RESULTED IN UNPRECEDENTED LOSSES FOR DAIRY FARMS.  
19 THE PRICE OF MILK CONTINUES TO BE WELL BELOW THE COST OF PRODUCTION.  
20 MANY OF THE VENDORS AND SERVICE INDUSTRIES SERVING DAIRY FARMERS HAVE  
21 HAD TO PROVIDE AN INCREASING AMOUNT OF CREDIT TO SUCH FARMERS. THIS  
22 ARTICLE IS ENACTED TO ASSIST THE DAIRY FARMERS OF THIS STATE AND THEIR  
23 INDUSTRY IN A TIME OF GREAT NEED AND TO PREVENT FURTHER LOSS IN THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD14573-01-9

1 DAIRY INDUSTRY AND ITS INFRASTRUCTURE WHICH ARE CRITICAL TO THE STATE'S  
2 AGRICULTURAL ECONOMY.

3 S 258-PP. DAIRY ASSISTANCE PROGRAM. 1. A DAIRY ASSISTANCE PROGRAM IS  
4 HEREBY ESTABLISHED WITHIN THE DEPARTMENT FOR THE PURPOSES OF PROVIDING  
5 PAYMENT TO PRODUCERS FOR MILK PRODUCED DURING THE TWO THOUSAND NINE--TWO  
6 THOUSAND TEN CALENDAR YEARS. THE DAIRY ASSISTANCE PROGRAM SHALL PAY  
7 ELIGIBLE PRODUCERS THE DIFFERENCE BETWEEN TARGET PRICES TO BE ESTAB-  
8 LISHED BY THE COMMISSIONER AND THE COMBINED ANNOUNCED NORTHEAST FEDERAL  
9 ORDER STATISTICAL UNIFORM PRICE PLUS THE AMOUNT OF THE MILK INCOME LOSS  
10 CONTRACT X PAYMENT RATE ON A PER-HUNDREDWEIGHT BASIS. FURTHER, OTHER  
11 FACTORS MAY BE USED BY THE COMMISSIONER IN DETERMINING PAYMENT TO  
12 PRODUCERS FOR MILK. DAIRY PRODUCERS SHALL RECEIVE PAYMENT FROM THE NEW  
13 YORK STATE URBAN DEVELOPMENT CORPORATION, AFTER CONSULTATION WITH THE  
14 COMMISSIONER, IN THE FORM OF A SEPARATE CHECK BASED ON POUNDS OF MILK  
15 PRODUCED DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN CALENDAR YEARS.  
16 SUCH PAYMENT SHALL BE MADE NO LATER THAN THIRTY DAYS FOLLOWING THE  
17 EFFECTIVE DATE OF THIS ARTICLE.

18 2. THE COMMISSIONER SHALL REQUEST THE UNITED STATES DEPARTMENT OF  
19 AGRICULTURE'S FARM SERVICE AGENCY TO PROVIDE PRODUCTION DATA FOR PRODUC-  
20 ERS AND ASSIST THE DEPARTMENT IN ADMINISTERING THE PROGRAM. PRODUCTION  
21 DATA SHALL ONLY BE OBTAINED FROM PRODUCERS IN THIS MANNER PROVIDED SUCH  
22 PRODUCER SUBMIT A FORM, PRESCRIBED BY THE COMMISSIONER, AUTHORIZING THE  
23 RELEASE OF SUCH DATA. PRODUCERS WHO DO NOT PARTICIPATE IN THE MILK  
24 INCOME LOSS CONTRACT X PROGRAM SHALL SUBMIT TO THE DEPARTMENT ALTERNA-  
25 TIVE MEANS OF VERIFYING PRODUCTION DATA AS PRESCRIBED BY THE COMMISSION-  
26 ER, INCLUDING BUT NOT LIMITED TO MILK MARKETING PAYMENT STUBS, BULK TANK  
27 RECORDS, MILK HANDLER RECORDS AND DAILY MILK MARKETING RECORDS.

28 3. THE FOLLOWING SHALL NOT BE CONSIDERED COMMERCIALY MARKETED MILK  
29 AND SHALL BE INELIGIBLE FOR THE DAIRY ASSISTANCE PROGRAM:

30 (A) DUMPED MILK THAT CAUSES BULK LOAD CONTAMINATION FOR WHICH A  
31 PRODUCER RECEIVES AN INSURANCE INDEMNITY; AND

32 (B) MILK DUMPED ON THE FARM BY ORDER OF ANY STATE OFFICER OR EMPLOYEE.

33 4. ALL PRODUCERS SHALL BE REIMBURSED FOR UP TO FOUR MILLION EIGHT  
34 HUNDRED THOUSAND POUNDS OF MILK PRODUCED DURING THE TWO THOUSAND  
35 NINE--TWO THOUSAND TEN CALENDAR YEARS UNTIL SUCH TIME AS THIRTY MILLION  
36 DOLLARS IN STATE FUNDING IS EXPENDED PURSUANT TO SECTION SIXTEEN-H OF  
37 THE NEW YORK STATE URBAN DEVELOPMENT CORPORATION ACT. THE COMMISSIONER  
38 IS HEREBY AUTHORIZED TO PROMULGATE ANY ADDITIONAL RULES AND REGULATIONS  
39 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

40 S 3. The sum of thirty million dollars (\$ 30,000,000), or so much  
41 thereof as may be necessary, is hereby appropriated to the department of  
42 agriculture and markets out of any moneys in the state treasury in the  
43 general fund to the credit of the state purposes account, not otherwise  
44 appropriated, and made immediately available, for the purpose of carry-  
45 ing out the provisions of this act. Such moneys shall be payable on the  
46 audit and warrant of the comptroller on vouchers certified or approved  
47 by the commissioner of agriculture and markets based on competitive  
48 grant process established by the department of agriculture and markets  
49 in the manner prescribed by law.

50 S 4. This act shall take effect immediately and shall expire and be  
51 deemed repealed December 31, 2010.