S T A T E O F N E W Y O R K

2796

2009-2010 Regular Sessions

I N S E N A T E

March 3, 2009

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to certain claims against the agricultural producers security fund

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

Section 1. Paragraph (b) of subdivision 1 of section 250-b of the agriculture and markets law, as amended by chapter 344 of the laws of 2002, is amended to read as follows:

(b) If the commissioner has reason to believe that a licensed dealer has defaulted in making payments for farm products to producers, the commissioner shall give notice to producers to file verified claims within thirty days of such notice. The commissioner shall examine the claims so filed, determine the amount due upon such claims, and certify the amounts due each claimant. No claims against the security or the agricultural producers security fund shall be allowed for sales of farm products: (i) to any unlicensed person EXCEPT CLAIMS AGAINST THE FUND FOR SALES OF FARM PRODUCTS AFTER SEPTEMBER FIRST, TWO THOUSAND TWO AND PRIOR TO MARCH THIRTY-FIRST, TWO THOUSAND THREE TO A DEALER WHO WAS REASONABLY BELIEVED TO BE LICENSED BY THE PRODUCER FOR THE LICENSE YEAR BEGINNING JULY FIRST, TWO THOUSAND TWO AND ENDING JUNE THIRTIETH, TWO THOUSAND THREE, BUT WAS NOT LICENSED PURSUANT TO THIS ARTICLE AND PURCHASED FARM PRODUCTS FROM THE PRODUCER SUBMITTING THE CLAIM; (ii) that occurred more than one hundred twenty days after the earliest transaction between the producer and the dealer that remains unpaid as of the date the claim is filed, whether or not that earliest unpaid transaction is included in the claim; or (iii) where a claim is submitted more than three hundred sixty-five days after sale and delivery, but in no event beyond the expiration of the thirty day period provided in the notice published by the commissioner pursuant to this section. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH, ANY CLAIMS ELIGIBLE FOR

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

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PAYMENT PURSUANT TO THE EXCEPTION CONTAINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND NOT PREVIOUSLY FILED WITH THE DEPARTMENT MAY BE SUBMITTED WITHIN A THIRTY DAY PERIOD PUBLISHED BY THE COMMISSIONER FOR THE FILING OF SUCH CLAIMS.

S 2. This act shall take effect immediately.