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

3442

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the agriculture and markets law, in relation to transportation surcharges

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

Section 1. The agriculture and markets law is amended by adding a new section 257-b to read as follows:

S 257-B. TRANSPORTATION SURCHARGES. 1. A DAIRY TRANSPORTER SHALL NOT REQUIRE AN INDIVIDUAL FARMER, FARMING COOPERATIVE OR A FARMING ASSOCIATION TO PAY A DAIRY HAULING SURCHARGE; UNLESS SUCH SURCHARGE IS APPROVED BY THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE TRANSPORTATION SURCHARGES WHICH THE COMMISSIONER DEEMS JUSTIFIED SURCHARGES.

2. FOR THE PURPOSES OF THIS SECTION, A JUSTIFIED SURCHARGE SHALL BE DEFINED AS A CHARGE DIRECTLY CORRELATED TO THE ACTUAL COSTS OF TRANSPORTATION DUE TO THE DRASTIC INCREASE IN THE COST OF FUEL AND ANY UNANTICIPATED COST THAT AFFECTS THE ENTIRE DAIRY INDUSTRY.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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