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

7265

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. MAGEE, CASTRO, COOK, DelMONTE, FIELDS, GUNTHER, JAFFEE, LUPARDO, REILLY -- Multi-Sponsored by -- M. of A. EDDINGTON, GABRYSZAK, McENENY, ROSENTHAL, TITONE -- (at request of the Department of Agriculture and Markets) -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to notice of stated grape prices

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

Section 1. Section 250-f of the agriculture and markets law, as amended by chapter 490 of the laws of 2005, is amended to read as follows:

S 250-f. Stated grape price. Notwithstanding any provision of subdivision one of section two hundred fifty-e of this article, except with respect to such cooperative member patrons, it shall be unlawful for any processor doing business in New York to purchase or receive or attempt to purchase or receive grapes grown in New York state unless the processor sets forth and makes available to any selling or delivering party, not later than August fifteenth in the year in which the grapes are to be delivered, the sum total in dollars and cents of all amounts paid or to be paid per unit; provided, however, that a processor and a producer may negotiate without restriction a price for up to five tons of grapes per variety, not to exceed a maximum of twenty tons of grapes total, other than the price originally set forth pursuant to this section provided that any such negotiated prices shall be set forth in writing by the processor no later than the date of delivery of said grapes. Where a selling or delivering party has a contract for delivery of such grapes to a processor, the processor shall, not later than August fifteenth in the year in which such grapes are to be delivered, mail to the delivering or selling party written notice of the stated grape price and of the opportunity to refuse to so deliver with respect thereto.

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

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SUCH NOTICE MAY ALSO BE PROVIDED BY FACSIMILE, OR OTHER ELECTRONIC MEANS TO SELLING OR DELIVERING PARTIES WHO HAVE THE ABILITY TO ACCEPT NOTICE IN THAT MANNER AND HAVE AGREED TO ACCEPT SERVICE BY SUCH MEANS. The processor shall also provide to the commissioner by mail, facsimile, or OTHER electronic means, no later than August fifteenth of each year in which such grapes are to be delivered, a written statement of the stated grape price to be paid for such grapes.

S 2. This act shall take effect immediately.