

9218

2009-2010 Regular Sessions

I N A S S E M B L Y

October 28, 2009

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

AN ACT to amend the agriculture and markets law, in relation to elimi-
nating hauling costs for milk producers and in relation to ownership
of milk

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 257-b to read as follows:
3 S 257-B. HAULING COSTS. 1. FOR THE PURPOSE OF THIS SECTION "HAULING
4 COSTS" SHALL BE DEFINED AS ANY TRANSPORTATION-RELATED COST INCURRED
5 AFTER A MILK PRODUCER'S RAW MILK LEAVES THE FARM OPERATION, INCLUDING
6 BUT NOT LIMITED TO HAULING FEES, STOP FEES AND FUEL SURCHARGES.
7 2. IT SHALL BE UNLAWFUL TO CHARGE A MILK PRODUCER ANY HAULING COSTS
8 INCURRED IN THE PROCESS OF PICKING UP MILK FROM THE MILK PRODUCER AND
9 DELIVERING IT TO A MILK PLANT, RECEIVING STATION OR TRANSFER STATION.
10 THE COMMISSIONER SHALL ADOPT RULES IMPLEMENTING THE CESSATION OF HAULING
11 CHARGES TO THE MILK PRODUCER CONSISTENT WITH THIS SECTION.
12 S 2. Section 257-a of the agriculture and markets law is amended by
13 adding a new subdivision 5 to read as follows:
14 5. OWNERSHIP OF MILK SHALL PASS FROM THE MILK PRODUCER TO THE MILK
15 PLANT WHEN THE MILK IS PLACED IN THE VEHICLE USED TO TRANSFER IT FROM
16 THE MILK PRODUCER'S FACILITY TO THE MILK PLANT.
17 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
18 sion, section or part of this act shall be adjudged by any court of
19 competent jurisdiction to be invalid, such judgment shall not affect,
20 impair, or invalidate the remainder thereof, but shall be confined in
21 its operation to the clause, sentence, paragraph, subdivision, section
22 or part thereof directly involved in the controversy in which such judg-
23 ment shall have been rendered.

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

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1 S 4. This act shall take effect upon the enactment into law by both
2 the states of New Hampshire and Vermont of legislation having an identi-
3 cal effect with this act, but if the states of New Hampshire and Vermont
4 shall have already enacted such legislation, this act shall take effect
5 immediately; provided further, that if either the state of New Hampshire
6 or the state of Vermont shall repeal or otherwise cause such legislation
7 to become null and void, then the provisions of this act shall likewise
8 be deemed repealed; and provided further, that the commissioner of agri-
9 culture and markets shall notify the legislative bill drafting commis-
10 sion upon the occurrence of the enactment and/or repeal of the legis-
11 lation in the states of New Hampshire and Vermont provided for in this
12 act in order that the commission may maintain an accurate and timely
13 effective data base of the official text of the laws of the state of New
14 York in furtherance of effectuating the provisions of section 44 of the
15 legislative law and section 70-b of the public officers law.