

6158

2009-2010 Regular Sessions

I N S E N A T E

September 8, 2009

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

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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. This act shall take effect immediately, provided however that
18 section one of this act shall take effect upon the enactment into law by
19 the states of New Hampshire and Vermont of legislation having an identi-
20 cal effect with this act, but if the states of New Hampshire and Vermont
21 shall have already enacted such legislation, this act shall take effect
22 immediately; and provided, further, that the states of New Hampshire and
23 Vermont shall notify the legislative bill drafting commission upon the
24 occurrence of the enactment of the legislation provided for in section

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

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1 one of this act in order that the commission may maintain an accurate
2 and timely effective data base of the official text of the laws of the
3 state of New York in furtherance of effectuating the provisions of
4 section 44 of the legislative law and section 70-b of the public offi-
5 cers law.