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

5410

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GIPSON -- 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, the state finance law, and the economic development law, in relation to procurement of locally grown farm and food products and codifying the New York state council on food policy

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

Section 1. Short title. This act shall be known and may be cited as the "local food, farms, and jobs act".

S 2. Section 16 of the agriculture and markets law is amended by adding a new subdivision 6-a to read as follows:

6-A. ESTABLISH A NEW YORK STATE COUNCIL ON FOOD POLICY. THE PURPOSE OF THE COUNCIL SHALL BE TO FACILITATE THE GROWTH OF A NEW YORK-BASED LOCAL FARM AND FOOD PRODUCT ECONOMY THAT REVITALIZES RURAL AND URBAN COMMUNITIES, PROMOTES HEALTHY EATING WITH ACCESS TO FRESH FOODS, CREATES JOBS, ENSURES A READILY AVAILABLE SUPPLY OF SAFE FOOD IN AN EMERGENCY EVENT, AND SUPPORTS ECONOMIC GROWTH THROUGH MAKING LOCAL FARM OR FOOD PRODUCTS AVAILABLE TO ALL NEW YORK CITIZENS.

(A) THE RESPONSIBILITIES OF THE COUNCIL SHALL INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING:

(I) TO DEVELOP AND RECOMMEND A FOOD POLICY FOR THE STATE WHICH RECOGNIZES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ENSURE THE AVAILABILITY OF AN ADEQUATE SUPPLY OF AFFORDABLE, FRESH AND NUTRITIOUS FOOD TO ITS RESIDENTS;

(II) TO DEVELOP AND RECOMMEND STATE POLICIES TO EXPAND AGRICULTURAL PRODUCTION, INCLUDING LOCALLY-GROWN AND ORGANICALLY-GROWN FOOD;

(III) TO DEVELOP AND RECOMMEND A STRATEGIC PLAN FOR IMPLEMENTATION OF THE STATE FOOD POLICY, INCLUDING BENCHMARKS AND CRITERIA FOR MEASURING PROGRESS IN ACHIEVING STATE FOOD POLICY OBJECTIVES;

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

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(IV) TO OFFER COMMENTS ON STATE REGULATIONS, LEGISLATION AND BUDGET PROPOSALS IN THE AREA OF FOOD POLICY, TO ENSURE A COORDINATED AND COMPREHENSIVE INTER-AGENCY APPROACH TO FOOD POLICY ISSUES;

(V) TO ASSIST STATE AGENCIES, STATE-OWNED FACILITIES, AND OTHER ENTITIES WITH THE PURCHASE OF LOCAL FARM OR FOOD PRODUCTS AND WITH TRACKING AND REPORTING OF SUCH PURCHASES IN ORDER TO MEET THE GOALS ESTABLISHED IN THIS SECTION;

(VI) TO ASSIST LOCAL FARM AND FOOD ENTREPRENEURS TO IDENTIFY AND SECURE NECESSARY RESOURCES AND EQUIPMENT TO BEGIN, MAINTAIN, AND EXPAND PROJECTS AND NETWORKS NECESSARY FOR THE DEVELOPMENT OF LOCAL FARM OR FOOD PRODUCTS; PROVIDED, HOWEVER, THAT THE COUNCIL WILL FACILITATE PROGRAM START-UPS AND THEN RELINQUISH RIGHTS, BENEFITS, AND CONTROL WITHIN A REASONABLY SHORT DURATION OF TIME;

(VII) TO FACILITATE THE BUILDING OF INFRASTRUCTURE, INCLUDING AGGREGATION, PROCESSING, STORAGE, PACKAGING, AND DISTRIBUTION FACILITIES NECESSARY TO MOVE LOCAL FARM OR FOOD PRODUCTS TO LOCAL AND OTHER MARKETS;

(VIII) TO SUPPORT AND EXPAND PROGRAMS THAT RECRUIT, TRAIN, AND PROVIDE TECHNICAL ASSISTANCE TO NEW YORK FARMERS AND RESIDENTS IN ORDER TO ENCOURAGE THE PRODUCTION OF LOCAL FARM OR FOOD PRODUCTS;

(IX) TO COORDINATE INTERAGENCY POLICIES, INITIATIVES, AND PROCEDURES PROMOTING LOCAL FARM AND FOOD PRODUCTS IN NEW YORK COMMUNITIES, BY WORKING WITH AND INVOLVING STATE, FEDERAL, AND LOCAL AGENCIES, AS WELL AS COMMUNITY BASED ORGANIZATIONS, EDUCATIONAL INSTITUTIONS, AND TRADE ORGANIZATIONS IN EXECUTING THE PURPOSES OF THIS SECTION;

(X) TO FACILITATE THE ELIMINATION OF LEGAL BARRIERS HINDERING THE DEVELOPMENT OF A LOCAL FARM AND FOOD ECONOMY BY WORKING WITH FEDERAL, STATE, AND LOCAL PUBLIC HEALTH AGENCIES, OTHER AGENCIES AND APPLICABLE ENTITIES, AND THE NEW YORK ATTORNEY GENERAL TO CREATE CONSISTENT AND COMPATIBLE REGULATIONS FOR THE PRODUCTION, STORAGE, DISTRIBUTION, AND MARKETING OF LOCAL FARM OR FOOD PRODUCTS;

(XI) TO FACILITATE THE USE OF PUBLIC LANDS FOR GROWING LOCAL FARM OR FOOD PRODUCTS BY WORKING WITH GOVERNMENTAL ENTITIES AT THE LOCAL, STATE, AND FEDERAL LEVELS;

(XII) TO SET ANNUAL GOALS FOR ALL PURCHASES OF LOCAL FARM OR FOOD PRODUCTS BY NEW YORK RESIDENTS AND TO MONITOR THE DEVELOPMENT AND EXPANSION OF A LOCAL FARM AND FOOD ECONOMY THROUGH DATA COLLECTION, TRACKING, MEASUREMENT, ANALYSIS, AND REPORTING ON PROGRESS MADE IN AN ANNUAL REPORT TO THE LEGISLATURE; AND

(XIII) TO INITIATE AND FACILITATE PUBLIC AWARENESS CAMPAIGNS ABOUT THE ECONOMIC BENEFITS OF A LOCAL FARM AND FOOD ECONOMY.

(B) THE COUNCIL SHALL CONSIST OF THIRTY-FIVE MEMBERS AS FOLLOWS: THE COMMISSIONER OF AGRICULTURE AND MARKETS, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF EDUCATION, THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE DIRECTOR OF THE OFFICE FOR THE AGING AND THE DIRECTOR OF THE OFFICE OF RURAL AFFAIRS; FOUR MEMBERS WITH EXPERIENCE AND EXPERTISE RELATED TO AGRICULTURE, NUTRITION OR FOOD POLICY APPOINTED ON THE RECOMMENDATION OF THE LEGISLATIVE LEADERS, ONE EACH BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY; THE DEAN OF THE NEW YORK STATE COLLEGE OF AGRICULTURE AND LIFE SCIENCES; ONE MEMBER REPRESENTING FARM ORGANIZATIONS; ONE MEMBER REPRESENTING SCHOOL FOOD ADMINISTRATORS; ONE MEMBER REPRESENTING CONSUMERS; TWO MEMBERS REPRESENTING AN ORGANIZATION THAT PROVIDES FOOD ASSISTANCE; ONE MEMBER REPRES-

ENTING ANTI-HUNGER ADVOCATES; ONE MEMBER WHO IS A NUTRITIONIST; TWO MEMBERS REPRESENTING THE FOOD INDUSTRY, WHO ARE PRODUCERS, DISTRIBUTORS, PROCESSORS OR RETAILERS IN THE STATE OF NEW YORK, AT LEAST ONE OF WHOM PRODUCES ORGANIC FOOD; FOUR LOCAL FARM OR FOOD PRODUCT FARMERS REPRESENTING DIFFERENT AGRIBUSINESS SECTORS, INCLUDING, BUT NOT LIMITED TO, THE DAIRY, MEAT, VEGETABLE, AND GRAIN SECTORS; TWO REPRESENTATIVES OF NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS THAT SPECIALIZE IN SUPPORTING AND EXPANDING LOCAL FARM OR FOOD PRODUCT NETWORKS; ONE CERTIFIER OF SPECIALTY LOCAL FARM OR FOOD PRODUCTS, SUCH AS AN ORGANIC, NATURALLY GROWN, BIODYNAMIC, HALAL, OR KOSHER CERTIFIER; ONE REPRESENTATIVE FROM A PHILANTHROPIC ORGANIZATION SUPPORTING THE DEVELOPMENT OF LOCAL FARM OR FOOD PRODUCTS; TWO MUNICIPAL REPRESENTATIVES FROM DIFFERENT COMMUNITIES IN THE STATE ACTIVELY ENGAGED IN THE DEVELOPMENT OF LOCAL FARM OR FOOD PRODUCTS; TWO REPRESENTATIVES FROM COMMUNITY-BASED ORGANIZATIONS FOCUSING ON ACCESS TO LOCAL FARM OR FOOD PRODUCTS, INCLUDING AT LEAST THREE MINORITY MEMBERS; AND ONE CHEF SPECIALIZING IN THE PREPARATION OF LOCALLY GROWN FOODS.

(C) THE TWENTY-SEVEN NON-STATE GOVERNMENTAL BOARD MEMBERS SHALL BE APPOINTED BY THE GOVERNOR TO THREE-YEAR STAGGERED TERMS AS DETERMINED BY THE GOVERNOR. SUCH PERSONS MAY BE NOMINATED BY ORGANIZATIONS REPRESENTING THE SECTORS OUTLINED IN PARAGRAPH (B) OF THIS SUBDIVISION. VACANCIES SHALL BE FILLED BY THE GOVERNOR.

(D) THE COUNCIL MAY APPLY FOR AND ESTABLISH A NOT-FOR-PROFIT CORPORATION.

(E) THE BOARD OF DIRECTORS SHALL ELECT ITS PRESIDING OFFICERS FROM AMONG ITS MEMBERS AND MAY ELECT OR APPOINT AN EXECUTIVE COMMITTEE, OTHER COMMITTEES, AND SUBCOMMITTEES TO CONDUCT THE BUSINESS OF THE ORGANIZATION.

(F) THE COUNCIL MAY SOLICIT GRANTS, LOANS, AND CONTRIBUTIONS FROM PUBLIC OR PRIVATE SOURCES AND MAY ENTER INTO ANY CONTRACTS, GRANTS, LOANS, OR AGREEMENTS WITH RESPECT TO THE USE OF SUCH FUNDS TO EXECUTE THE PURPOSES OF THIS SUBDIVISION.

(G) THE COUNCIL SHALL ISSUE A WRITTEN REPORT ON THE FIRST DAY OF DECEMBER EACH YEAR ON: (I) THE ACTIVITIES OF THE COUNCIL DURING THE PRECEDING YEAR; (II) RECOMMENDED FOOD POLICIES FOR THE STATE; (III) RECOMMENDED CHANGES TO THE STRATEGIC PLAN; (IV) AN ACCOUNT OF THE PROGRESS MADE IN ACHIEVING THE GOALS OF THE COUNCIL; AND (V) ACTIONS WHICH ARE NECESSARY TO IMPLEMENT THE RECOMMENDATIONS OF THE COUNCIL AND EFFECTUATE ITS PURPOSES.

(H) SUBJECT TO THE AVAILABILITY OF PUBLIC OR PRIVATE FUNDS, THE BOARD OF DIRECTORS MAY EMPLOY AN EXECUTIVE DIRECTOR, TREASURER, OTHER STAFF, OR INDEPENDENT CONTRACTORS NECESSARY TO EXECUTE THE PURPOSES OF THIS SUBDIVISION, AND IT MAY FIX THE COMPENSATION, BENEFITS, TERMS, AND CONDITIONS OF THOSE PERSONS' EMPLOYMENT.

(I) THE STATE GOVERNMENTAL AGENCIES REPRESENTED ON THE BOARD OF DIRECTORS MAY RE-DIRECT EXISTING STAFF, AS APPROPRIATIONS PERMIT; ASSIST IN EXECUTING THE PURPOSES OF THIS SUBDIVISION; AND PROVIDE OFFICE SPACE, MEETING SPACE, AND OTHER RESEARCH AND COMMUNICATION SERVICES AS APPROPRIATE.

(J) NO MEMBER OF THE COUNCIL SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY VIRTUE OF HIS OR HER APPOINTMENT HEREUNDER. MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR FUNCTIONS HEREUNDER. ALL MEMBERS OF THE COUNCIL SHALL

SERVE AT THE PLEASURE OF THE GOVERNOR AND VACANCIES SHALL BE FILLED IN THE SAME MANNER AS ORIGINAL APPOINTMENTS.

S 3. The state finance law is amended by adding a new section 163-c to read as follows:

S 163-C. PROCUREMENT GOALS FOR LOCAL FARM OR FOOD PRODUCTS. 1. FOR THE PURPOSES OF THIS SECTION, "LOCAL FARM OR FOOD PRODUCTS" ARE PRODUCTS GROWN, PROCESSED, PACKAGED, AND DISTRIBUTED BY NEW YORK CITIZENS OR BUSINESSES LOCATED WHOLLY WITHIN THE BORDERS OF NEW YORK STATE.

2. (A) IN ORDER TO CREATE, STRENGTHEN, AND EXPAND LOCAL FARM AND FOOD ECONOMIES THROUGHOUT NEW YORK, IT SHALL BE THE GOAL OF THIS STATE THAT:

(I) TWENTY PERCENT OF ALL FOOD AND FOOD PRODUCTS PURCHASED BY STATE AGENCIES AND STATE-OWNED FACILITIES, INCLUDING, WITHOUT LIMITATION, FACILITIES FOR PERSONS WITH MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, CORRECTIONAL FACILITIES, AND PUBLIC UNIVERSITIES, SHALL, BY TWO THOUSAND FIFTEEN, BE LOCAL FARM OR FOOD PRODUCTS; AND

(II) FIFTY PERCENT OF ALL FOOD AND FOOD PRODUCTS PURCHASED BY STATE AGENCIES AND STATE-OWNED FACILITIES, INCLUDING, WITHOUT LIMITATION, FACILITIES FOR PERSONS WITH MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES, CORRECTIONAL FACILITIES, AND PUBLIC UNIVERSITIES, SHALL, BY TWO THOUSAND TWENTY, BE LOCAL FARM OR FOOD PRODUCTS.

(B) THE NEW YORK STATE COUNCIL ON FOOD POLICY SHALL SUPPORT AND ENCOURAGE THAT TWENTY-FIVE PERCENT OF FOOD AND FOOD PRODUCTS PURCHASED BY ENTITIES FUNDED IN PART OR IN WHOLE BY STATE FUNDS, WHICH SPEND MORE THAN TWENTY-FIVE THOUSAND DOLLARS PER YEAR ON FOOD OR FOOD PRODUCTS FOR ITS STUDENTS, RESIDENTS, OR CLIENTS, INCLUDING, WITHOUT LIMITATION, PUBLIC SCHOOLS, CHILD CARE FACILITIES, AFTER-SCHOOL PROGRAMS, AND HOSPITALS, SHALL, BY TWO THOUSAND FIFTEEN, BE LOCAL FARM OR FOOD PRODUCTS. THE GOAL SHALL INCREASE TO FORTY PERCENT BY TWO THOUSAND TWENTY.

(C) TO MEET THE GOALS SET FORTH IN THIS SECTION, WHEN A STATE CONTRACT FOR PURCHASE OF FOOD OR FOOD PRODUCTS IS TO BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER, AN OTHERWISE QUALIFIED BIDDER WHO WILL FULFILL THE CONTRACT THROUGH THE USE OF LOCAL FARM OR FOOD PRODUCTS MAY BE GIVEN PREFERENCE OVER OTHER BIDDERS, PROVIDED THAT THE COST INCLUDED IN THE BID OF LOCAL FARM OR FOOD PRODUCTS IS NOT MORE THAN TEN PERCENT GREATER THAN THE COST INCLUDED IN A BID THAT IS NOT FOR LOCAL FARM OR FOOD PRODUCTS.

(D) ALL STATE AGENCIES AND STATE-OWNED FACILITIES THAT PURCHASE FOOD AND FOOD PRODUCTS SHALL, WITH THE ASSISTANCE OF THE NEW YORK STATE COUNCIL ON FOOD POLICY, DEVELOP A SYSTEM FOR (I) IDENTIFYING THE PERCENTAGE OF LOCAL FARM OR FOOD PRODUCTS PURCHASED FOR FISCAL YEAR TWO THOUSAND FOURTEEN AS THE BASELINE; AND (II) TRACKING AND REPORTING LOCAL FARM OR FOOD PRODUCTS PURCHASES ON AN ANNUAL BASIS.

S 4. Section 16 of the agriculture and markets law is amended by adding a new subdivision 47 to read as follows:

47. ESTABLISH, AND MAKE AVAILABLE ON ITS WEBSITE, A GEO-CODED ELECTRONIC DATABASE TO FACILITATE THE PURCHASE OF FRESH PRODUCE AND FOOD PRODUCTS BY SCHOOLS. THE DATABASE SHALL BE DEVELOPED JOINTLY WITH THE NEW YORK STATE COUNCIL ON FOOD POLICY AND, AT A MINIMUM, CONTAIN THE INFORMATION NECESSARY FOR (A) SCHOOLS TO IDENTIFY AND CONTACT AGRICULTURAL PRODUCERS THAT ARE INTERESTED IN SUPPLYING SCHOOLS IN THE STATE WITH FRESH PRODUCE AND FOOD PRODUCTS AND (B) AGRICULTURAL PRODUCERS OF FRESH PRODUCE AND FOOD PRODUCTS TO IDENTIFY SCHOOLS IN THE STATE THAT ARE INTERESTED IN PURCHASING THOSE PRODUCTS.

S 5. Subdivisions 8 and 9 of section 180-a of the economic development law, as added by chapter 550 of the laws of 1999, are amended to read as follows:

8. geographically balanced public input and advice from individuals and agencies directly involved with the production, processing, manufacturing and storage of agricultural products; and such other individuals and agencies as may be engaged in state and local activities in support of economic development in the agriculture resource industry; [and]

9. THE ESTABLISHMENT AND PURPOSES OF THE NEW YORK STATE COUNCIL ON FOOD POLICY ESTABLISHED PURSUANT TO SUBDIVISION SIX-A OF SECTION SIXTEEN OF THE AGRICULTURE AND MARKETS LAW; AND

10. all things necessary or convenient to carry out the functions, powers and duties expressly set forth in this article.

S 6. This act shall take effect immediately.