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I N A S S E M B L Y

May 4, 2016

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the purchase of farm products by municipalities

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

1 Section 1. Section 103 of the general municipal law is amended by
2 adding a new subdivision 9-a to read as follows:
3 9-A. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION TO THE
4 CONTRARY, A COUNTY MAY SEPARATELY PURCHASE EGGS, LIVESTOCK, FISH, DAIRY
5 PRODUCTS, JUICE, GRAINS, AND SPECIES OF FRESH FRUIT AND VEGETABLES
6 DIRECTLY FROM NEW YORK STATE PRODUCERS OR GROWERS, OR ASSOCIATIONS OF
7 PRODUCERS AND GROWERS, PROVIDED THAT:
8 (A) SUCH ASSOCIATION OF PRODUCERS OR GROWERS IS COMPRISED OF TEN OR
9 FEWER OWNERS OF FARMS WHO ALSO OPERATE SUCH FARMS AND WHO HAVE COMBINED
10 TO FILL THE ORDER OF A COUNTY AS HEREIN AUTHORIZED, PROVIDED HOWEVER,
11 THAT A COUNTY MAY APPLY TO THE COMMISSIONER OF THE OFFICE OF GENERAL
12 SERVICES FOR PERMISSION TO PURCHASE FROM AN ASSOCIATION OF MORE THAN TEN
13 OWNERS OF SUCH FARMS WHEN NO OTHER PRODUCERS OR GROWERS HAVE OFFERED TO
14 SELL TO SUCH COUNTY;
15 (B) THE AMOUNT THAT MAY BE EXPENDED BY A COUNTY IN ANY FISCAL YEAR FOR
16 SUCH PURCHASES SHALL NOT EXCEED THE GREATER OF:
17 (I) THE EXPENDITURE THRESHOLD PROVIDED IN SUBDIVISION ONE OF THIS
18 SECTION; OR
19 (II) TWENTY CENTS MULTIPLIED BY THE TOTAL POPULATION OF SUCH COUNTY;
20 (C) ALL SUCH PURCHASES SHALL BE ADMINISTERED PURSUANT TO REGULATIONS
21 PROMULGATED BY THE COMMISSIONER OF THE OFFICE OF GENERAL SERVICES AND
22 DEVELOPED IN CONSULTATION WITH THE COMMISSIONER OF THE DEPARTMENT OF
23 AGRICULTURE AND MARKETS. SUCH REGULATIONS SHALL ENSURE THAT THE PRICES
24 PAID BY A COUNTY FOR ANY ITEMS SO PURCHASED DO NOT EXCEED THE PRICES OF
25 COMPARABLE LOCAL FARM PRODUCTS THAT ARE AVAILABLE TO THE POLITICAL
26 SUBDIVISION OR DISTRICT THEREIN THROUGH THEIR USUAL PURCHASES OF SUCH
27 ITEMS; INCLUDE PROVISIONS FOR SITUATIONS WHEN MORE THAN ONE PRODUCER OR
28 GROWER SEEKS TO SELL THE SAME PRODUCT TO A COUNTY TO ENSURE THAT ALL

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

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1 SUCH PRODUCERS OR GROWERS HAVE AN EQUITABLE OPPORTUNITY TO DO SO IN A
2 MANNER SIMILAR TO THE USUAL PURCHASING PRACTICES OF SUCH COUNTY; INCLUDE
3 GUIDELINES FOR THE APPROVAL OF PURCHASES OF ITEMS FROM ASSOCIATIONS OF
4 MORE THAN TEN GROWERS OR PRODUCERS; AND, TO THE MAXIMUM EXTENT PRACTICA-
5 BLE, MINIMIZE ADDITIONAL PAPERWORK, RECORDKEEPING AND OTHER SIMILAR
6 REQUIREMENTS ON BOTH GROWERS AND PRODUCERS AND COUNTIES.

7 S 2. This act shall take effect immediately.