

7090--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 23, 2015

Introduced by M. of A. THIELE, SKARTADOS -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

- 1 Section 1. Short title. This act shall be known and may be cited as  
2 the "local food, farms, and jobs act".  
3 S 2. Section 16 of the agriculture and markets law is amended by  
4 adding a new subdivision 6-a to read as follows:  
5 6-A. ESTABLISH A NEW YORK STATE COUNCIL ON FOOD POLICY. THE PURPOSE  
6 OF THE COUNCIL SHALL BE TO FACILITATE THE GROWTH OF A NEW YORK-BASED  
7 LOCAL FARM AND FOOD PRODUCT ECONOMY THAT REVITALIZES RURAL AND URBAN  
8 COMMUNITIES, PROMOTES HEALTHY EATING WITH ACCESS TO FRESH FOODS, CREATES  
9 JOBS, ENSURES A READILY AVAILABLE SUPPLY OF SAFE FOOD IN AN EMERGENCY  
10 EVENT, AND SUPPORTS ECONOMIC GROWTH THROUGH MAKING LOCAL FARM OR FOOD  
11 PRODUCTS AVAILABLE TO ALL NEW YORK CITIZENS.  
12 (A) THE RESPONSIBILITIES OF THE COUNCIL SHALL INCLUDE, BUT ARE NOT  
13 LIMITED TO, THE FOLLOWING:  
14 (I) TO DEVELOP AND RECOMMEND A FOOD POLICY FOR THE STATE WHICH RECOG-  
15 NIZES THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ENSURE THE AVAIL-  
16 ABILITY OF AN ADEQUATE SUPPLY OF AFFORDABLE, FRESH AND NUTRITIOUS FOOD  
17 TO ITS RESIDENTS;  
18 (II) TO DEVELOP AND RECOMMEND STATE POLICIES TO EXPAND AGRICULTURAL  
19 PRODUCTION, INCLUDING LOCALLY-GROWN AND ORGANICALLY-GROWN FOOD;

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

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

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

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

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

17 (VII) TO FACILITATE THE BUILDING OF INFRASTRUCTURE, INCLUDING AGGRE-  
18 GATION, PROCESSING, STORAGE, PACKAGING, AND DISTRIBUTION FACILITIES  
19 NECESSARY TO MOVE LOCAL FARM OR FOOD PRODUCTS TO LOCAL AND OTHER  
20 MARKETS;

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

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

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

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

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

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

45 (B) THE COUNCIL SHALL CONSIST OF THIRTY-FIVE MEMBERS AS FOLLOWS: THE  
46 COMMISSIONER, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF THE OFFICE  
47 OF TEMPORARY AND DISABILITY ASSISTANCE, THE COMMISSIONER OF THE OFFICE  
48 OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF EDUCATION, THE  
49 COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THE DIRECTOR OF  
50 THE OFFICE FOR THE AGING AND THE DIRECTOR OF THE OFFICE OF RURAL  
51 AFFAIRS; FOUR MEMBERS WITH EXPERIENCE AND EXPERTISE RELATED TO AGRICUL-  
52 TURE, NUTRITION OR FOOD POLICY APPOINTED ON THE RECOMMENDATION OF THE  
53 LEGISLATIVE LEADERS, ONE EACH BY THE TEMPORARY PRESIDENT OF THE SENATE,  
54 THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND THE  
55 MINORITY LEADER OF THE ASSEMBLY; THE DEAN OF THE NEW YORK STATE COLLEGE  
56 OF AGRICULTURE AND LIFE SCIENCES; ONE MEMBER REPRESENTING FARM ORGANIZA-

1 TIONS; ONE MEMBER REPRESENTING SCHOOL FOOD ADMINISTRATORS; ONE MEMBER  
2 REPRESENTING CONSUMERS; TWO MEMBERS REPRESENTING AN ORGANIZATION THAT  
3 PROVIDES FOOD ASSISTANCE; ONE MEMBER REPRESENTING ANTI-HUNGER ADVOCATES;  
4 ONE MEMBER WHO IS A NUTRITIONIST; TWO MEMBERS REPRESENTING THE FOOD  
5 INDUSTRY, WHO ARE PRODUCERS, DISTRIBUTORS, PROCESSORS OR RETAILERS IN  
6 THE STATE OF NEW YORK, AT LEAST ONE OF WHOM PRODUCES ORGANIC FOOD; FOUR  
7 LOCAL FARM OR FOOD PRODUCT FARMERS REPRESENTING DIFFERENT AGRIBUSINESS  
8 SECTORS, INCLUDING, BUT NOT LIMITED TO, THE DAIRY, MEAT, VEGETABLE, AND  
9 GRAIN SECTORS; TWO REPRESENTATIVES OF NOT-FOR-PROFIT EDUCATIONAL ORGAN-  
10 IZATIONS THAT SPECIALIZE IN SUPPORTING AND EXPANDING LOCAL FARM OR FOOD  
11 PRODUCT NETWORKS; ONE CERTIFIER OF SPECIALTY LOCAL FARM OR FOOD  
12 PRODUCTS, SUCH AS AN ORGANIC, NATURALLY GROWN, BIODYNAMIC, HALAL, OR  
13 KOSHER CERTIFIER; ONE REPRESENTATIVE FROM A PHILANTHROPIC ORGANIZATION  
14 SUPPORTING THE DEVELOPMENT OF LOCAL FARM OR FOOD PRODUCTS; TWO MUNICIPAL  
15 REPRESENTATIVES FROM DIFFERENT COMMUNITIES IN THE STATE ACTIVELY ENGAGED  
16 IN THE DEVELOPMENT OF LOCAL FARM OR FOOD PRODUCTS; TWO REPRESENTATIVES  
17 FROM COMMUNITY-BASED ORGANIZATIONS FOCUSING ON ACCESS TO LOCAL FARM OR  
18 FOOD PRODUCTS, INCLUDING AT LEAST THREE MINORITY MEMBERS; AND ONE CHEF  
19 SPECIALIZING IN THE PREPARATION OF LOCALLY GROWN FOODS.

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

25 (D) THE COUNCIL MAY APPLY FOR AND ESTABLISH A NOT-FOR-PROFIT CORPO-  
26 RATION.

27 (E) THE BOARD OF DIRECTORS SHALL ELECT ITS PRESIDING OFFICERS FROM  
28 AMONG ITS MEMBERS AND MAY ELECT OR APPOINT AN EXECUTIVE COMMITTEE, OTHER  
29 COMMITTEES, AND SUBCOMMITTEES TO CONDUCT THE BUSINESS OF THE ORGANIZA-  
30 TION.

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

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

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

47 (I) THE STATE GOVERNMENTAL AGENCIES REPRESENTED ON THE BOARD OF DIREC-  
48 TORS MAY RE-DIRECT EXISTING STAFF, AS APPROPRIATIONS PERMIT; ASSIST IN  
49 EXECUTING THE PURPOSES OF THIS SUBDIVISION; AND PROVIDE OFFICE SPACE,  
50 MEETING SPACE, AND OTHER RESEARCH AND COMMUNICATION SERVICES AS APPRO-  
51 PRIATE.

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

1 ANCE OF THEIR FUNCTIONS HEREUNDER. ALL MEMBERS OF THE COUNCIL SHALL  
2 SERVE AT THE PLEASURE OF THE GOVERNOR AND VACANCIES SHALL BE FILLED IN  
3 THE SAME MANNER AS ORIGINAL APPOINTMENTS.

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

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

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

12 (I) TWENTY PERCENT OF ALL FOOD AND FOOD PRODUCTS PURCHASED BY STATE  
13 AGENCIES AND STATE-OWNED FACILITIES, INCLUDING, WITHOUT LIMITATION,  
14 FACILITIES FOR PERSONS WITH MENTAL HEALTH AND DEVELOPMENTAL DISABILI-  
15 TIES, CORRECTIONAL FACILITIES, AND PUBLIC UNIVERSITIES, SHALL, BY TWO  
16 THOUSAND SIXTEEN, BE LOCAL FARM OR FOOD PRODUCTS; AND

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

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

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

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

44 S 4. Section 16 of the agriculture and markets law is amended by  
45 adding a new subdivision 49 to read as follows:

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

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

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

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

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

14 S 6. This act shall take effect immediately.