

# STATE OF NEW YORK

7011

2017-2018 Regular Sessions

## IN ASSEMBLY

March 29, 2017

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

AN ACT to amend the general municipal law to facilitate school districts in purchasing local agricultural products

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (b) and (c) of subdivision 9 of section 103 of  
2 the general municipal law, as amended by chapter 269 of the laws of  
3 2004, are amended to read as follows:

4 (b) [~~the amount that may be expended by a school district in any~~  
5 ~~fiscal year for such purchases shall not exceed an amount equal to twenty~~  
6 ~~cents multiplied by the total number of days in the school year~~  
7 ~~multiplied by the total enrollment of such school district,~~

8 ~~(e)]~~ all such purchases shall be administered pursuant to regulations  
9 promulgated by the commissioner of education. Such regulations shall: be  
10 developed in consultation with the commissioner of agriculture and  
11 markets to accommodate and promote the provisions of the farm-to-school  
12 program established pursuant to subdivision five-b of the section  
13 sixteen of the agriculture and markets law and subdivision thirty-one of  
14 section three hundred five of the education law as added by chapter two  
15 of the laws of two thousand ~~two~~ one; ensure that the prices paid by a  
16 district for any items so purchased do not exceed the prices of comparable  
17 local farm products that are available to districts through their  
18 usual purchases of such items; ensure that all producers and growers who  
19 desire to sell to school districts can readily access information in  
20 accordance with the farm-to-school law; include provisions for situations  
21 when more than one producer or grower seeks to sell the same  
22 product to a district to ensure that all such producers or growers have  
23 an equitable opportunity to do so in a manner similar to the usual  
24 purchasing practices of such districts; develop guidelines for approval  
25 of purchases of items from associations of more than ten growers and

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

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1 producers; and, to the maximum extent practicable, minimize additional  
2 paperwork, recordkeeping and other similar requirements on both growers  
3 and producers and school districts.

4 § 2. Section 103 of the general municipal law is amended by adding a  
5 new subdivision 17 to read as follows:

6 17. (a) When a board of education, on behalf of a school or school  
7 district, advertises an offer for bids, it may include in its specifica-  
8 tions language favoring local or regional procurement where proximity to  
9 the offeror is reasonably related to the performance of the services or  
10 the provision of the goods, including the type or quality of goods,  
11 being sought.

12 (b) Upon a determination by the board of education advertising such a  
13 bid that the goods or services included in such an offer are not avail-  
14 able locally or regionally, any language specifying proximity to the  
15 offeror shall be waived until the next contract for such goods or  
16 services is let out for bid.

17 (c) In the event that a board of education receives no acceptable bids  
18 it may waive the language specifying proximity to the offeror and shall  
19 award a contract in accordance with other applicable statutes.

20 § 3. This act shall take effect on the ninetieth day after it shall  
21 have become a law; provided however, that effective immediately the  
22 addition, amendment, and/or repeal of any rule or regulation necessary  
23 for the implementation of this act on its effective date is authorized  
24 and directed to be made by the commissioner of the department of agri-  
25 culture and markets in consultation with the commissioner of the depart-  
26 ment of education on or before such effective date.