

# STATE OF NEW YORK

7011--A

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 -- reference changed to the Committee on Education -- recommitted to the Committee on Education 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 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:

Section 1. Paragraphs (b), (b-1) and (c) of subdivision 9 of section 103 of the general municipal law, paragraphs (b) and (c) as amended and paragraph (b-1) as added by chapter 90 of the laws of 2017, are amended to read as follows:

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

~~(b-1) the amount that may be expended by a board of cooperative educational services in any fiscal year for such purchases shall not exceed an amount equal to twenty cents multiplied by the total number of days in the school year multiplied by the number of students receiving services by such board of cooperative educational services at facilities operated by a board of cooperative educational services,~~

(e) all such purchases shall be administered pursuant to regulations promulgated by the commissioner of education. Such regulations shall: be developed in consultation with the commissioner of agriculture and markets to accommodate and promote the provisions of the farm-to-school program established pursuant to subdivision five-b of section sixteen of the agriculture and markets law and subdivision thirty-one of section three hundred five of the education law as added by chapter two of the laws of two thousand ~~[two]~~ one; ensure that the prices paid by a

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

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1 district or board of cooperative educational services for any items so  
2 purchased do not exceed the prices of comparable local farm products  
3 that are available to districts through their usual purchases of such  
4 items; ensure that all producers and growers who desire to sell to  
5 school districts or boards of cooperative educational services can read-  
6 ily access information in accordance with the farm-to-school law;  
7 include provisions for situations when more than one producer or grower  
8 seeks to sell the same product to a district or board of cooperative  
9 educational services to ensure that all such producers or growers have  
10 an equitable opportunity to do so in a manner similar to the usual  
11 purchasing practices of such districts or boards of cooperative educa-  
12 tional services; develop guidelines for approval of purchases of items  
13 from associations of more than ten growers and producers; and, to the  
14 maximum extent practicable, minimize additional paperwork, recordkeeping  
15 and other similar requirements on both growers and producers and school  
16 districts.

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

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

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

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

33 § 3. This act shall take effect on the ninetieth day after it shall  
34 have become a law; provided however, that effective immediately the  
35 addition, amendment, and/or repeal of any rule or regulation necessary  
36 for the implementation of this act on its effective date are authorized  
37 and directed to be made by the commissioner of the department of agri-  
38 culture and markets in consultation with the commissioner of the depart-  
39 ment of education on or before such effective date.