

STATE OF NEW YORK

5251

2017-2018 Regular Sessions

IN SENATE

March 17, 2017

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to purchasing on the behalf of a school district or a board of cooperative educational services

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

1 Section 1. Subdivision 9 of section 103 of the general municipal law,
2 as amended by chapter 269 of the laws of 2004, paragraph (a) as amended
3 by chapter 62 of the laws of 2016, is amended to read as follows:

4 9. Notwithstanding the foregoing provisions of this section to the
5 contrary, a board of education may, on behalf of its school district, or
6 a board of cooperative educational services, separately purchase eggs,
7 livestock, fish, dairy products (excluding milk), juice, grains, and
8 species of fresh fruit and vegetables directly from New York State
9 producers or growers, or associations of producers and growers, provided
10 that:

11 (a) (i) such association of producers or growers is comprised of ten
12 or fewer owners of farms who also operate such farms and who have
13 combined to fill the order of a school district or board of cooperative
14 educational services as herein authorized, provided however, that a
15 school district or board of cooperative educational services may apply
16 to the commissioner of education for permission to purchase from an
17 association of more than ten owners of such farms when no other produc-
18 ers or growers have offered to sell to such school; or

19 (ii) such association of producers or growers is comprised of owners
20 of farms who also operate such farms and have combined to fill the order
21 of a school district or board of cooperative educational services, and
22 where such order is for twenty-five thousand dollars or less as herein
23 authorized, provided however, that a school district or board of educa-
24 tional services may apply to the commissioner of education for permis-

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

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1 sion to purchase orders of more than twenty-five thousand dollars from
2 an association of owners of such farms when no other producers or grow-
3 ers have offered to sell to such school;

4 (b) the amount that may be expended by a school district or board of
5 cooperative educational services in any fiscal year for such purchases
6 shall not exceed an amount equal to twenty cents multiplied by the total
7 number of days in the school year multiplied by the total enrollment of
8 such school district or board of cooperative educational services;

9 (c) all such purchases shall be administered pursuant to regulations
10 promulgated by the commissioner of education. Such regulations shall: be
11 developed in consultation with the commissioner of agriculture and
12 markets to accommodate and promote the provisions of the farm-to-school
13 program established pursuant to subdivision five-b of ~~the~~ section
14 sixteen of the agriculture and markets law and subdivision thirty-one of
15 section three hundred five of the education law as added by chapter two
16 of the laws of two thousand two; ensure that the prices paid by a
17 district or board of cooperative educational services for any items so
18 purchased do not exceed the prices of comparable local farm products
19 that are available to districts through their usual purchases of such
20 items; ensure that all producers and growers who desire to sell to
21 school districts or boards of cooperative educational services can read-
22 ily access information in accordance with the farm-to-school law;
23 include provisions for situations when more than one producer or grower
24 seeks to sell the same product to a district or board of cooperative
25 educational services to ensure that all such producers or growers have
26 an equitable opportunity to do so in a manner similar to the usual
27 purchasing practices of such districts or boards of cooperative educa-
28 tional services; develop guidelines for approval of purchases of items
29 from associations of more than ten growers and producers; and, to the
30 maximum extent practicable, minimize additional paperwork, recordkeeping
31 and other similar requirements on both growers and producers and school
32 districts.

33 § 2. Section 103 of the general municipal law is amended by adding a
34 new subdivision 9-a to read as follows:

35 9-a. Notwithstanding any provision of this section to the contrary, a
36 county may separately purchase eggs, livestock, fish, dairy products,
37 juice, grains, and species of fresh fruit and vegetables directly from
38 New York state producers or growers, or associations of producers and
39 growers, provided that:

40 (a) such association of producers or growers is comprised of ten or
41 fewer owners of farms who also operate such farms and who have combined
42 to fill the order of a county as herein authorized, provided however,
43 that a county may apply to the commissioner of the office of general
44 services for permission to purchase from an association of more than ten
45 owners of such farms when no other producers or growers have offered to
46 sell to such county;

47 (b) the amount that may be expended by a county in any fiscal year for
48 such purchases shall not exceed the greater of:

49 (i) the expenditure threshold provided in subdivision one of this
50 section; or

51 (ii) twenty cents multiplied by the total population of such county;

52 (c) all such purchases shall be administered pursuant to regulations
53 promulgated by the commissioner of the office of general services and
54 developed in consultation with the commissioner of agriculture and
55 markets. Such regulations shall ensure that the prices paid by a county
56 for any items so purchased do not exceed the prices of comparable local

farm products that are available to the political subdivision or district therein through their usual purchases of such items; include provisions for situations when more than one producer or grower seeks to sell the same product to a county to ensure that all such producers or growers have an equitable opportunity to do so in a manner similar to the usual purchasing practices of such county; include guidelines for the approval of purchases of items from associations of more than ten growers or producers; and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and counties.

§ 3. This act shall take effect immediately.