

STATE OF NEW YORK

6910--B

2017-2018 Regular Sessions

IN ASSEMBLY

March 24, 2017

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 and subparagraph (ii) of paragraph (a)
4 as amended by section 39 of part YYY of chapter 59 of the laws of 2017,
5 is amended to read as follows:

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

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

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

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ers or growers have offered to sell to such school or board of cooperative educational services; or

(ii) such association of producers or growers is comprised of owners of farms who also operate such farms and have combined to fill the order of a school district or board of cooperative educational services, and where such order is for fifty thousand dollars or less as herein authorized, provided however, that a school district or board of cooperative educational services may apply to the commissioner of education for permission to purchase orders of more than fifty thousand dollars from an association of owners of such farms when no other producers or growers have offered to sell to such school;

(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;

(c) 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 ~~the~~ 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; ensure that the prices paid by a district or board of cooperative educational services for any items so purchased do not exceed the prices of comparable local farm products that are available to districts through their usual purchases of such items; ensure that all producers and growers who desire to sell to school districts or boards of cooperative educational services can readily access information in accordance with the farm-to-school law; include provisions for situations when more than one producer or grower seeks to sell the same product to a district or board of cooperative educational services 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 districts or boards of cooperative educational services; develop guidelines for approval of purchases of items from associations of more than ten growers and producers; and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and school districts.

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

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

(a) such association of producers or growers is comprised of ten or fewer owners of farms who also operate such farms and who have combined to fill the order of a county as herein authorized, provided however, that a county may apply to the commissioner of the office of general

1 services for permission to purchase from an association of more than ten
2 owners of such farms when no other producers or growers have offered to
3 sell to such county;

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

6 (i) the expenditure threshold provided in subdivision one of this
7 section; or

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

9 (c) all such purchases shall be administered pursuant to regulations
10 promulgated by the commissioner of the office of general services and
11 developed in consultation with the commissioner of agriculture and
12 markets. Such regulations shall ensure that the prices paid by a county
13 for any items so purchased do not exceed the prices of comparable local
14 farm products that are available to the political subdivision or
15 district therein through their usual purchases of such items; include
16 provisions for situations when more than one producer or grower seeks to
17 sell the same product to a county to ensure that all such producers or
18 growers have an equitable opportunity to do so in a manner similar to
19 the usual purchasing practices of such county; include guidelines for
20 the approval of purchases of items from associations of more than ten
21 growers or producers; and, to the maximum extent practicable, minimize
22 additional paperwork, recordkeeping and other similar requirements on
23 both growers and producers and counties.

24 § 3. This act shall take effect immediately.