

# STATE OF NEW YORK

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5251--B

Cal. No. 794

2017-2018 Regular Sessions

## IN SENATE

March 17, 2017

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Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 association of more than ten owners of such farms when no other produc-  
2 ers or growers have offered to sell to such school or board of cooper-  
3 ative educational services; or

4 (ii) such association of producers or growers is comprised of owners  
5 of farms who also operate such farms and have combined to fill the order  
6 of a school district or board of cooperative educational services, and  
7 where such order is for fifty thousand dollars or less as herein author-  
8 ized, provided however, that a school district or board of cooperative  
9 educational services may apply to the commissioner of education for  
10 permission to purchase orders of more than fifty thousand dollars from  
11 an association of owners of such farms when no other producers or grow-  
12 ers have offered to sell to such school;

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

17 (b-1) the amount that may be expended by a board of cooperative educa-  
18 tional services in any fiscal year for such purchases shall not exceed  
19 an amount equal to twenty cents multiplied by the total number of days  
20 in the school year multiplied by the number of students receiving  
21 services by such board of cooperative educational services at facilities  
22 operated by a board of cooperative educational services;

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

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

49 9-a. Notwithstanding any provision of this section to the contrary, a  
50 county may separately purchase eggs, livestock, fish, dairy products,  
51 juice, grains, and species of fresh fruit and vegetables directly from  
52 New York state producers or growers, or associations of producers and  
53 growers, provided that:

54 (a) such association of producers or growers is comprised of ten or  
55 fewer owners of farms who also operate such farms and who have combined  
56 to fill the order of a county as herein authorized, provided however,

1 that a county may apply to the commissioner of the office of general  
2 services for permission to purchase from an association of more than ten  
3 owners of such farms when no other producers or growers have offered to  
4 sell to such county;

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

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

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

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

25 § 3. This act shall take effect immediately.