

# STATE OF NEW YORK

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549--A

Cal. No. 455

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. SANDERS, BAILEY, HINCHEY, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the agriculture and markets law, the state finance law, and the economic development law, in relation to procurement of locally grown farm and food products and codifying the New York state council on food policy

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "local food, farms, and jobs act".

3 § 2. Section 16 of the agriculture and markets law is amended by  
4 adding a new subdivision 6-a to read as follows:

5 6-a. Establish a New York state council on food policy. The purpose  
6 of the council shall be to facilitate the growth of a New York-based  
7 local farm and food product economy that revitalizes rural and urban  
8 communities, promotes healthy eating with access to fresh foods, creates  
9 jobs, ensures a readily available supply of safe food in an emergency  
10 event, and supports economic growth through making local farm or food  
11 products available to all New York citizens.

12 (a) The responsibilities of the council shall include, but are not  
13 limited to, the following:

14 (i) to develop and recommend a food policy for the state which recog-  
15 nizes that it is in the best interests of the state to ensure the avail-  
16 ability of an adequate supply of affordable, fresh and nutritious food  
17 to its residents;

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

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1 (ii) to develop and recommend state policies to expand agricultural  
2 production, including locally-grown and organically-grown food;

3 (iii) to develop and recommend a strategic plan for implementation of  
4 the state food policy, including benchmarks and criteria for measuring  
5 progress in achieving state food policy objectives;

6 (iv) to offer comments on state regulations, legislation and budget  
7 proposals in the area of food policy, to ensure a coordinated and  
8 comprehensive inter-agency approach to food policy issues;

9 (v) to assist state agencies, state-owned facilities, and other enti-  
10 ties with the purchase of local farm or food products and with tracking  
11 and reporting of such purchases in order to meet the goals established  
12 in this section;

13 (vi) to assist local farm and food entrepreneurs to identify and  
14 secure necessary resources and equipment to begin, maintain, and expand  
15 projects and networks necessary for the development of local farm or  
16 food products; provided, however, that the council will facilitate  
17 program start-ups and then relinquish rights, benefits, and control  
18 within a reasonably short duration of time;

19 (vii) to facilitate the building of infrastructure, including aggre-  
20 gation, processing, storage, packaging, and distribution facilities  
21 necessary to move local farm or food products to local and other  
22 markets;

23 (viii) to support and expand programs that recruit, train, and provide  
24 technical assistance to New York farmers and residents in order to  
25 encourage the production of local farm or food products;

26 (ix) to coordinate interagency policies, initiatives, and procedures  
27 promoting local farm and food products in New York communities, by work-  
28 ing with and involving state, federal, and local agencies, as well as  
29 community based organizations, educational institutions, and trade  
30 organizations in executing the purposes of this section;

31 (x) to facilitate the elimination of legal barriers hindering the  
32 development of a local farm and food economy by working with federal,  
33 state, and local public health agencies, other agencies and applicable  
34 entities, and the New York attorney general to create consistent and  
35 compatible regulations for the production, storage, distribution, and  
36 marketing of local farm or food products;

37 (xi) to facilitate the use of public lands for growing local farm or  
38 food products by working with governmental entities at the local, state,  
39 and federal levels;

40 (xii) to set annual goals for all purchases of local farm or food  
41 products by New York residents and to monitor the development and expan-  
42 sion of a local farm and food economy through data collection, tracking,  
43 measurement, analysis, and reporting on progress made in an annual  
44 report to the legislature; and

45 (xiii) to initiate and facilitate public awareness campaigns about the  
46 economic benefits of a local farm and food economy.

47 (b) (i) The council shall consist of thirteen voting members as  
48 follows: six members with experience and expertise related to agricul-  
49 ture, nutrition or food policy appointed on the recommendation of the  
50 legislative leaders, two each by the temporary president of the senate  
51 and the speaker of the assembly, and one each by the minority leader of  
52 the senate, and the minority leader of the assembly; the dean of the New  
53 York state college of agriculture and life sciences; and six members  
54 shall be appointed by the governor.

55 (ii) The council shall consult on a regular basis with an advisory  
56 board consisting of: the commissioner, the commissioner of health, the

1 commissioner of the office of temporary and disability assistance, the  
2 commissioner of the office of children and family services, the commis-  
3 sioner of education, the director of the office for the aging and eight  
4 members appointed by the governor.

5 (c) (i) The six council members selected by the legislative leaders  
6 shall be appointed to three-year staggered terms as determined by the  
7 legislature. Such persons may be nominated by organizations representing  
8 the sectors outlined in paragraph (b) of this subdivision. Vacancies  
9 shall be filled by the legislative leaders.

10 (ii) The six council members selected by the governor and the dean of  
11 the New York state college of agriculture and life sciences shall be  
12 appointed to three-year staggered terms as determined by the governor.

13 (iii) The members of the advisory board shall be appointed to three-  
14 year staggered terms as determined by the governor. Such persons shall  
15 be nominated by organizations representing the sectors outlined in para-  
16 graph (b) of this subdivision. Vacancies shall be filled by the gover-  
17 nor.

18 (d) The council may apply for and establish a not-for-profit corpo-  
19 ration.

20 (e) The board of directors shall elect its presiding officers from  
21 among its members and may elect or appoint an executive committee, other  
22 committees, and subcommittees to conduct the business of the organiza-  
23 tion.

24 (f) The council may solicit grants, loans, and contributions from  
25 public or private sources and may enter into any contracts, grants,  
26 loans, or agreements with respect to the use of such funds to execute  
27 the purposes of this subdivision.

28 (g) The council shall issue a written report on the first day of  
29 December each year on: (i) the activities of the council during the  
30 preceding year; (ii) recommended food policies for the state; (iii)  
31 recommended changes to the strategic plan; (iv) an account of the  
32 progress made in achieving the goals of the council; and (v) actions  
33 which are necessary to implement the recommendations of the council and  
34 effectuate its purposes.

35 (h) Subject to the availability of public or private funds, the board  
36 of directors may employ an executive director, treasurer, other staff,  
37 or independent contractors necessary to execute the purposes of this  
38 subdivision, and it may fix the compensation, benefits, terms, and  
39 conditions of those persons' employment.

40 (i) The state governmental agencies represented on the board of direc-  
41 tors may re-direct existing staff, as appropriations permit; assist in  
42 executing the purposes of this subdivision; and provide office space,  
43 meeting space, and other research and communication services as appro-  
44 priate.

45 (j) No member of the council shall be disqualified from holding any  
46 public office or employment, nor shall he or she forfeit any such office  
47 or employment by virtue of his or her appointment hereunder. Members of  
48 the council shall receive no compensation for their services but shall  
49 be allowed their actual and necessary expenses incurred in the perform-  
50 ance of their functions hereunder. All members of the council shall  
51 serve at the pleasure of the governor and vacancies shall be filled in  
52 the same manner as original appointments.

53 § 3. The state finance law is amended by adding a new section 163-c to  
54 read as follows:

55 § 163-c. Procurement goals for local farm or food products. 1. For  
56 the purposes of this section, "local farm or food products" are products

1 grown, processed, packaged, and distributed by New York citizens or  
2 businesses located wholly within the borders of New York state.

3 2. (a) In order to create, strengthen, and expand local farm and food  
4 economies throughout New York, it shall be the goal of this state that:

5 (i) twenty percent of all food and food products purchased by state  
6 agencies and state-owned facilities, including, without limitation,  
7 facilities for persons with mental health and developmental disabili-  
8 ties, correctional facilities, and public universities, shall, by two  
9 thousand twenty-two, be local farm or food products; and

10 (ii) fifty percent of all food and food products purchased by state  
11 agencies and state-owned facilities, including, without limitation,  
12 facilities for persons with mental health and developmental disabili-  
13 ties, correctional facilities, and public universities, shall, by two  
14 thousand twenty-six, be local farm or food products.

15 (b) The New York state council on food policy shall support and  
16 encourage that twenty-five percent of food and food products purchased  
17 by entities funded in part or in whole by state funds, which spend more  
18 than twenty-five thousand dollars per year on food or food products for  
19 its students, residents, or clients, including, without limitation,  
20 public schools, child care facilities, after-school programs, and hospi-  
21 tals, shall, by two thousand twenty-three, be local farm or food  
22 products. The goal shall increase to forty percent by two thousand twen-  
23 ty-eight.

24 (c) To meet the goals set forth in this section, when a state contract  
25 for purchase of food or food products is to be awarded to the lowest  
26 responsible bidder, an otherwise qualified bidder who will fulfill the  
27 contract through the use of local farm or food products may be given  
28 preference over other bidders, provided that the cost included in the  
29 bid of local farm or food products is not more than ten percent greater  
30 than the cost included in a bid that is not for local farm or food  
31 products.

32 (d) All state agencies and state-owned facilities that purchase food  
33 and food products shall, with the assistance of the New York state coun-  
34 cil on food policy, develop a system for (i) identifying the percentage  
35 of local farm or food products purchased for fiscal year two thousand  
36 twenty-two as the baseline; and (ii) tracking and reporting local farm  
37 or food products purchases on an annual basis.

38 § 4. Section 16 of the agriculture and markets law is amended by  
39 adding a new subdivision 52 to read as follows:

40 52. Establish, and make available on its website, a geo-coded elec-  
41 tronic database to facilitate the purchase of fresh produce and food  
42 products by schools. The database shall be developed jointly with the  
43 New York state council on food policy and, at a minimum, contain the  
44 information necessary for (a) schools to identify and contact agricul-  
45 tural producers that are interested in supplying schools in the state  
46 with fresh produce and food products and (b) agricultural producers of  
47 fresh produce and food products to identify schools in the state that  
48 are interested in purchasing those products.

49 § 5. Subdivisions 8 and 9 of section 180-a of the economic development  
50 law, as added by chapter 550 of the laws of 1999, are amended to read as  
51 follows:

52 8. geographically balanced public input and advice from individuals  
53 and agencies directly involved with the production, processing, manufac-  
54 turing and storage of agricultural products; and such other individuals  
55 and agencies as may be engaged in state and local activities in support  
56 of economic development in the agriculture resource industry; [and]

- 1     9. the establishment and purposes of the New York state council on  
2 food policy established pursuant to subdivision six-a of section sixteen  
3 of the agriculture and markets law; and  
4     10. all things necessary or convenient to carry out the functions,  
5 powers and duties expressly set forth in this article.  
6     § 6. This act shall take effect immediately.