

# STATE OF NEW YORK

3974

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

Introduced by Sens. KENNEDY, HELMING, MAY, RITCHIE -- 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 facilitating school districts in purchasing local agricultural products

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

1 Section 1. Paragraphs (b), (b-1) and (c) of subdivision 9 of section  
2 103 of the general municipal law, paragraphs (b) and (c) as amended and  
3 paragraph (b-1) as added by chapter 90 of the laws of 2017, are amended  
4 to read as follows:

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

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

15 (e)] all such purchases shall be administered pursuant to regulations  
16 promulgated by the commissioner of education. Such regulations shall: be  
17 developed in consultation with the commissioner of agriculture and  
18 markets to accommodate and promote the provisions of the farm-to-school  
19 program established pursuant to subdivision five-b of section sixteen of  
20 the agriculture and markets law and subdivision thirty-one of section  
21 three hundred five of the education law as added by chapter two of the  
22 laws of two thousand [~~two~~] one; ensure that the prices paid by a  
23 district or board of cooperative educational services for any items so  
24 purchased do not exceed the prices of comparable local farm products

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

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1 that are available to districts through their usual purchases of such  
2 items; ensure that all producers and growers who desire to sell to  
3 school districts or boards of cooperative educational services can read-  
4 ily access information in accordance with the farm-to-school law;  
5 include provisions for situations when more than one producer or grower  
6 seeks to sell the same product to a district or board of cooperative  
7 educational services to ensure that all such producers or growers have  
8 an equitable opportunity to do so in a manner similar to the usual  
9 purchasing practices of such districts or boards of cooperative educa-  
10 tional services; develop guidelines for approval of purchases of items  
11 from associations of more than ten growers and producers; and, to the  
12 maximum extent practicable, minimize additional paperwork, recordkeeping  
13 and other similar requirements on both growers and producers and school  
14 districts.

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

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

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

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

31 § 3. This act shall take effect on the ninetieth day after it shall  
32 have become a law. Effective immediately the addition, amendment,  
33 and/or repeal of any rule or regulation necessary for the implementation  
34 of this act on its effective date are authorized to be made by the  
35 commissioner of the department of agriculture and markets in consulta-  
36 tion with the commissioner of the department of education on or before  
37 such effective date.