STATE OF NEW YORK

2959

2023-2024 Regular Sessions

IN ASSEMBLY

February 1, 2023

Introduced by M. of A. WOERNER, OTIS -- read once and referred to the Committee on Education

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:

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

(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 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~~] **one**; 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

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

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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 17 to read as follows:

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

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

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

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