

SENATE . . . . . No. 128

By Mr. Reilly, a petition (accompanied by bill, Senate, No. 128) of Martin T. Reilly for legislation to promote the purchase of products of Massachusetts farms and to reveal compliance with the small business purchasing act of nineteen hundred and seventy-six with respect to state food purchasing. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-three.

AN ACT TO PROMOTE THE PURCHASE OF PRODUCTS OF MASSACHUSETTS FARMS AND TO REVEAL COMPLIANCE WITH THE SMALL BUSINESS PURCHASING ACT OF 1976 WITH RESPECT TO STATE FOOD PURCHASING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 2 of Chapter 434 of the Acts of 1976 is  
2 hereby amended by inserting after paragraph 6 the follow-  
3 ing: —

4 7. In-state producer means any resident farmer, coopera-  
5 tive or association of farmers who comply with standards and  
6 procedures established by the commissioners of the Depart-  
7 ment of Food and Agriculture.

8 8. State purchaser means any person who purchases food-  
9 stuffs for any state agency or institution or university or vo-  
10 cational technical institution.

1 SECTION 2. Notwithstanding the provisions of sections  
2 twenty-two to twenty-three inclusive of Chapter seven of the  
3 General Laws, section twenty-nine A of Chapter twenty-nine  
4 of the General Laws, or any other law or regulation concern-  
5 ing the authority and the procedure for purchasing by the  
6 Commonwealth, Section 3 of Chapter 434 of the Acts of 1976  
7 is hereby amended by inserting the following new sections  
8 after the word individuals in the last paragraph: —

9 *Section 3A.* In order to enhance the overall economy of the  
10 Commonwealth and to encourage greater food production with-

11 in the state, state purchasers shall purchase foodstuffs from  
 12 in-state producers at prices at or in excess of the lowest sub-  
 13 mitted other bid according to the following schedule: —

14		<i>Percent in excess of</i>
15	<i>Calendar Year</i>	<i>lowest other bid</i>
16	1983	not to exceed 5%
17	1984	not to exceed 5%
18	1985	not to exceed 3%

19 Notwithstanding any other provision of law, and assuming  
 20 reasonable similarity in quality, quantity, and availability  
 21 with other foodstuffs.

22 State purchasers shall specify "local produce preferred" on  
 23 all bids, send the Department of Food and Agriculture notices  
 24 of bids, and record a statement of foodstuffs purchased each  
 25 month from the in-state producers, including the names of the  
 26 state purchasers and the governmental organization making  
 27 the purchase, the name of the in-state producer and the quan-  
 28 tity purchased.

29 The Commissioner of the Department of Food and Agricul-  
 30 ture and the Commissioner of the Department of Environ-  
 31 mental Management shall adopt rules and regulations neces-  
 32 sary for the purpose of this act.

1 SECTION 3. The Purchasing Agent's Division of Adminis-  
 2 tration and Finance shall work with the Department of Food  
 3 and Agriculture in revising purchasing systems in order to  
 4 overcome certain marketing constraints faced by in-state  
 5 growers who would like to sell to state institutions. Such  
 6 measures to be considered are: Full season bids for certain  
 7 items or small groups of items, weekly bids for short-season  
 8 crops, grouping of orders for several institutions, shortened  
 9 payment periods, computerized information systems, and "fall  
 10 back" alternatives for the purchaser to seek a different source  
 11 of supply in the event of sudden crop failure or miscalcula-  
 12 tions by the in-state producer that has won the bid.

1 SECTION 4. This act shall cease to be operative on January  
 2 1, 1987.