



State of Wisconsin
2009 - 2010 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 542**

March 22, 2010 – Offered by Senator WIRCH.

1 **AN ACT** *to amend* 16.75 (1) (a) 1. and 93.45; and *to create* 16.75 (3p) and 93.49
2 of the statutes; **relating to:** encouraging the purchase of food produced in this
3 state and creating goals and a preference in state procurement for food
4 produced in this state.

Analysis by the Legislative Reference Bureau

Current law generally authorizes state agencies to contract for services under certain circumstances. With some exceptions, orders or contracts must be awarded to the lowest responsible bidder from any area. This bill requires state entities, if their expenditures on food are greater than \$25,000 per fiscal year, to attempt to ensure that, before 2020, of the total amount expended for food per fiscal year, at least 10 percent is spent on food products that are grown, processed, packaged, and distributed in this state and to ensure that, beginning in 2020, of the total amount expended for food per fiscal year, at least 20 percent is spent on food products that are grown, processed, packaged, and distributed in this state. This bill modifies the lowest responsible bidder requirement by allowing state entities to identify a geographic preference area that would help them achieve these goals and to award the bid to the lowest responsible bidder submitting a bid from that area.

This bill requires the council created by the Department of Agriculture, Trade and Consumer Protection for the current Buy Local, Buy Wisconsin Program to

undertake various activities designed to increase the in-state purchase of food products that are grown, processed, packaged, and distributed in this state. These activities include encouraging entities that receive funding from this state and that spend more than \$25,000 per year on food for their students, residents, or clients to spend at least 10 percent of their food budgets on food grown, processed, packaged, and distributed in this state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.75 (1) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 136,
2 is amended to read:

3 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
4 materials, supplies, equipment, and contractual services to be provided to any
5 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3p),
6 (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754,
7 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
8 responsible bidder, taking into consideration life cycle cost estimates under sub.
9 (1m), when appropriate, the location of the agency, the quantities of the articles to
10 be supplied, their conformity with the specifications, and the purposes for which they
11 are required and the date of delivery.

12 **SECTION 2.** 16.75 (3p) of the statutes is created to read:

13 16.75 (3p) (a) In this subsection:

14 1. “Local food products” has the meaning given in s. 93.49 (1) (b).

15 2. “Purchasing agent” means the department, any designated purchasing
16 agent under s. 16.71, or any agency making purchases under s. 16.74.

17 (b) If a purchasing agent spends more than \$25,000 on food under this
18 subchapter per fiscal year, the purchasing agent shall attempt to ensure that, before

1 2020, at least 10 percent of the total amount expended for food products under this
2 subchapter per fiscal year is expended on local food products.

3 (c) If a purchasing agent spends more than \$25,000 on food under this
4 subchapter per fiscal year, the purchasing agent shall ensure that, beginning in
5 2020, at least 20 percent of the total amount expended for food products under this
6 subchapter per fiscal year is expended on local food products.

7 (d) A purchasing agent that is subject to par. (b) or (c) may determine a
8 geographic preference area that would aid the achievement of the goal under par. (b)
9 or of the requirement under par. (c) and that, if bids were solicited only in the
10 geographic preference area, would not unnecessarily limit the open and competitive
11 bidding process. The purchasing agent may award the order or contract to the lowest
12 responsible bidder submitting a bid from the geographic preference area.

13 **SECTION 3.** 93.45 of the statutes is amended to read:

14 **93.45 Buy local, buy Wisconsin.** The department shall conduct a program
15 to increase awareness and consumption of locally produced foods and related
16 products and to increase the production and improve the distribution of foods and
17 related products for local consumption. In the program, the department shall
18 emphasize the development of regional food and cultural tourism trails and the
19 development of regional food systems through activities such as creating or
20 expanding facilities for the processing and distribution of food for local consumption;
21 creating or supporting networks of producers; and strengthening connections
22 between producers, retailers, institutions, and consumers and nearby producers.
23 The department shall appoint a council under s. 15.04 (1) (c) to advise the
24 department on the administration of this section and s. 93.48.

25 **SECTION 4.** 93.49 of the statutes is created to read:

1 **93.49 Local food, farms, and jobs council. (1)** In this section:

2 (a) “Council” means the council appointed under s. 93.45.

3 (b) “Local food products” means food products that are grown in this state,
4 produced from animals kept in this state, or primarily derived from food products
5 that are grown in this state or produced from animals kept in this state.

6 **(2)** The council shall do all of the following:

7 (a) Encourage entities that receive funding from this state and that spend more
8 than \$25,000 per year on food for their students, residents, or clients, including
9 school districts, child care providers, and hospitals, to make expenditures for local
10 food products that equal at least 10 percent of their total expenditures for food
11 products by 2020.

12 (b) Provide information to entities that receive funding from this state to assist
13 the entities to meet the goals under par. (a) and to track and report purchases of local
14 food products.

15 (br) Provide information to state agencies to assist the state agencies to meet
16 the goal under 16.75 (3p) (b) and to comply with the requirement under s. 16.75 (3p)
17 (c) and to track and report purchases of local food products.

18 (c) Assist farmers and others in this state to identify and secure financing and
19 equipment to begin, maintain, and expand projects to process, package, and
20 distribute local food products.

21 (d) Facilitate the building of aggregation, processing, storage, packaging, and
22 distribution facilities needed to bring local food products to local and other markets.

23 (e) Support and encourage the expansion of programs that recruit, train, and
24 provide technical assistance to farmers and others in this state to increase the
25 availability of local food products.

1 (f) Work with federal, state, and local agencies, educational institutions, trade
2 organizations, and community-based organizations to coordinate policies,
3 initiatives, and procedures that promote the production and consumption of local
4 food products.

5 (g) Work with federal, state, and local agencies, including public health
6 agencies, and the attorney general to seek the elimination or modification of rules
7 and regulations that hinder the production, storage, distribution, and marketing of
8 local food products.

9 (h) Encourage federal, state, and local entities to allow the use of public lands
10 for growing food crops for processing, packaging, and distribution in this state.

11 (j) Initiate and facilitate public awareness activities concerning the economic
12 benefits of the production and consumption of local food products.

13 **SECTION 5. Initial applicability.**

14 (1) The treatment of section 16.75 (3p) (d) of the statutes first applies to bids
15 solicited on the effective date of this subsection.

16 (END)