

1 **AN ACT** *to amend* 16.75 (1) (a) 1. and 93.45; and *to create* 16.75 (3p) and 93.485 of
2 the statutes; **relating to:** encouraging the purchase of food produced in this state and
3 creating goals and a preference in state procurement for food produced in this state.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Strategic Job Creation.

4 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:

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

NOTE: This SECTION adds the provision in SECTION 2, relating to a preference in state procurement for local food products, to the list of exceptions to the statutory requirement that the department of administration award all contracts to the lowest responsible bidder.

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

14 16.75 (3p) (a) In this subsection:

15 1. "Local food products" has the meaning given in s. 93.485 (1) (b).

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

3 (b) If a purchasing agent spends more than \$25,000 on food under this subchapter per
4 fiscal year, the purchasing agent shall attempt to ensure that, before 2020, at least 10 percent
5 of the total amount expended for food products under this subchapter per fiscal year is
6 expended on local food products.

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

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

NOTE: This SECTION defines “local food products” and “purchasing agent” and requires that a purchasing agent spending in excess of \$25,000 per fiscal year on food must comply with this bill draft. Compliance requires that the agent “shall attempt to ensure” that no less than 10 percent of the total amount expended on food products prior to 2020 be spent on local food products. From 2020 on, the agent “shall ensure” that at least 20 percent of the total amount expended on food products is spent on local food products.

The purchasing agent is further authorized to determine a geographic preference area for this program and to award the order or contract to the lowest responsible bidder from that geographic preference area.

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

1 **93.45 Buy local, buy Wisconsin.** The department shall conduct a program to increase
2 awareness and consumption of locally produced foods and related products and to increase
3 the production and improve the distribution of foods and related products for local
4 consumption. In the program, the department shall emphasize the development of regional
5 food and cultural tourism trails and the development of regional food systems through
6 activities such as creating or expanding facilities for the processing and distribution of food
7 for local consumption; creating or supporting networks of producers; and strengthening
8 connections between producers, retailers, institutions, and consumers and nearby producers.
9 The department shall appoint a council under s. 15.04 (1) (c) to advise the department on the
10 administration of this section and ss. 93.48 and 93.485.

NOTE: This SECTION requires that the department of agriculture, trade,
and consumer protection (DATCP) appoint a council to advise DATCP
on the administration of the program created in SECTION 4 and the
programs in ss. 93.45 and 93.48, stats.

11 **SECTION 4.** 93.485 of the statutes is created to read:

12 **93.485 Local food, farms, and jobs. (1)** In this section:

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

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

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

18 (a) Encourage entities that receive funding from this state and that spend more than
19 \$25,000 per year on food for their students, residents, or clients, including school districts,
20 child care providers, and hospitals, to make expenditures for local food products that equal
21 at least 10 percent of their total expenditures for food products by 2020.

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

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

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

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

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

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

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

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

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

NOTE: This SECTION sets forth the requirements for the Buy Local, Buy Wisconsin Council. These requirements include encouraging entities to purchase 10 percent of their food from local sources leading up to 2020, providing information to entities and state agencies to assist them in meeting the goals and requirements outlined in this bill draft, assisting farmers and others in this state with local food product projects, and working with the various levels of government to address rules and regulations that hinder the production, storage, distribution, and marketing of local food products.

SECTION 5. Initial applicability.

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

(END)