



## 2009 SENATE BILL 542

February 17, 2010 - Introduced by Senators WIRCH, LASSA, SCHULTZ and TAYLOR, cosponsored by Representatives GARTHWAITE, DANOU, BERCEAU, BLACK, CLARK, HILGENBERG, JORGENSEN, MASON, MOLEPSKE JR., STEINBRINK, TURNER, VRUWINK, YOUNG and POPE-ROBERTS. Referred to Committee on Agriculture and Higher Education.

1     **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 15.137 (4), 16.75 (3p) and 93.49  
2           of the statutes; **relating to:** encouraging the purchase of food produced in this  
3           state, creating goals and a preference in state procurement for food produced  
4           in this state, and creating a council.

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### *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. 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. To accomplish these goals, this bill creates an exception to the lowest responsible bidder requirement by allowing state entities to accept a bid or proposal from a vendor selling local food products that is no more than 10 percent higher than the apparent low bid or most advantageous proposal.

This bill also creates a Local Food, Farms, and Jobs Council in the Department of Agriculture, Trade and Consumer Protection. It requires the council 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

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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.

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

1           **SECTION 1.** 15.137 (4) of the statutes is created to read:

2           15.137 (4) LOCAL FOOD, FARMS, AND JOBS COUNCIL. There is created in the  
3 department of agriculture, trade and consumer protection a local food, farms, and  
4 jobs council consisting of the following members:

5           (a) A representative of the department of agriculture, trade and consumer  
6 protection appointed by the secretary of agriculture, trade and consumer protection.

7           (b) A representative of the department of commerce, appointed by the secretary  
8 of commerce.

9           (c) A representative of the department of health services, appointed by the  
10 secretary of health services.

11           (d) A representative of the department of children and family services,  
12 appointed by the secretary of children and family services.

13           (e) A representative of the division of emergency management in the  
14 department of military affairs, appointed by the administrator of the division of  
15 emergency management.

16           (f) An agricultural specialist from the University of Wisconsin–Extension,  
17 appointed by the chancellor of the University of Wisconsin–Extension.

18           (g) The following members nominated by the governor and with the advice and  
19 consent of the senate appointed for 3–year terms:

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- 1           1. One dairy producer.
- 2           2. One meat producer.
- 3           3. One vegetable producer.
- 4           4. One grain producer.
- 5           5. Four producers of specialty food crops or animals, such as fruit, herbs, and
- 6 fish, each producing a different specialty food crop or animal.
- 7           6. Two processors of local food products.
- 8           7. Two distributors of local food products.
- 9           8. One retailer of local food products.
- 10          9. One representative of consumers of local food products.
- 11          10. One chef specializing in the preparation of local food products.
- 12          11. Two representatives of municipalities actively involved in the promotion of
- 13 local food products.
- 14          12. Two representatives of farm organizations.
- 15          13. One representative of an entity that certifies foods as meeting standards
- 16 such as organic, biodynamic, kosher, or halal.
- 17          14. Three representatives of nonprofit educational organizations that support
- 18 the production, processing, distribution, and consumption of local food products.
- 19          15. Four representatives of community-based organizations that promote
- 20 access to local food products.
- 21          16. One representative of a philanthropic organization supporting the
- 22 production, processing, distribution, and consumption of local food products.

23           **SECTION 2.** 16.75 (1) (a) 1. of the statutes is amended to read:

- 24           16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
- 25 materials, supplies, equipment, and contractual services to be provided to any

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

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

9 16.75 (3p) (a) In this subsection:

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

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

13 (b) If a purchasing agent spends more than \$25,000 on food under this  
14 subchapter per fiscal year, the purchasing agent shall attempt to ensure that, before  
15 2020, at least 10 percent of the total amount expended for food products under this  
16 subchapter per fiscal year is expended on local food products.

17 (c) If a purchasing agent spends more than \$25,000 on food under this  
18 subchapter per fiscal year, the purchasing agent shall ensure that, beginning in  
19 2020, at least 20 percent of the total amount expended for food products under this  
20 subchapter per fiscal year is expended on local food products.

21 (d) A purchasing agent that is subject to the requirement under par. (b) or (c)  
22 may purchase local food products from any entity submitting a qualified responsible  
23 competitive bid that is no more than 10 percent higher than the apparent low bid or  
24 competitive proposal that is no more than 10 percent higher than the most  
25 advantageous offer.

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

2           **93.49 Local food, farms, and jobs council. (1)** In this section:

3           (a) “Council” means the local food, farms, and jobs council.

4           (b) “Local food products” means food products that are grown, processed,  
5 packaged, and distributed 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) Assist entities that receive funding from this state to meet the goals under  
13 par. (a) and to track and report purchases of local food products.

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

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

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

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

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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 (i) Set annual goals for the purchase of local food products by residents of this  
12 state and evaluate progress toward meeting the goals.

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

**SECTION 5. Nonstatutory provisions.**

15  
16 (1) INITIAL TERMS OF MEMBERS OF COUNCIL. Notwithstanding the length of terms  
17 specified under section 15.137 (4) (g) of the statutes, as created by this act, the  
18 governor shall appoint initial members of the local food, farms, and jobs council as  
19 follows:

20 (a) The members appointed under section 15.137 (4) (g) 1., 4., 8., and 16. and  
21 one of the members appointed under section 15.137 (4) (g) 5., 6., 11., 12., 14., and 15.  
22 for terms ending on July 1, 2012.

23 (b) The members appointed under section 15.137 (4) (g) 2., 9., and 13., one of  
24 the members appointed under section 15.137 (4) (g) 7., 11., 14. and 15., and 2 of the  
25 members appointed under section 15.137 (4) (g) 5. for terms ending on July 1, 2013.

