



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4726/1
EVM&MPG:amn

2023 SENATE BILL 681

November 15, 2023 - Introduced by Senators JACQUE and TOMCZYK, cosponsored by Representatives ARMSTRONG, BODDEN, BEHNKE, BRANDTJEN, DITTRICH and O'CONNOR. Referred to Committee on Transportation and Local Government.

1 **AN ACT** *to renumber* 66.0901 (6m); and *to create* 20.935 and 66.0901 (6m) (ag)
2 of the statutes; **relating to:** public contracts with persons engaged in certain
3 boycotts.

Analysis by the Legislative Reference Bureau

Under this bill, no state agency or local unit of government may enter into a public contract with any person unless the contract contains a written verification from the person that the person does not boycott others on the basis of participation in covered activities or on the basis of others' relationships with persons participating in covered activities and that the person will not, during the term of the contract, boycott others on the basis of participation in covered activities or on the basis of others' relationships with persons participating in covered activities. Under the bill, "covered activities" are 1) production agriculture and 2) the exploration, production, use, transport, sale, or manufacture of fossil fuel-based energy. The prohibition does not apply to public contracts with those that employ fewer than 10 full-time employees or with nonprofit entities, to public contracts with an estimated cost of less than \$100,000, to public contracts for which compliance cannot be obtained under commercially reasonable terms, or to the State of Wisconsin Investment Board.

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

SENATE BILL 681**SECTION 1**

1 **SECTION 1.** 20.935 of the statutes is created to read:

2 **20.935 Prohibited considerations in contracting. (1)** In this section:

3 (a) “Boycott” means, without an ordinary business purpose, taking any action
4 that is intended to penalize, inflict economic harm on, or limit commercial relations
5 with another person.

6 (b) “Covered activities” means any of the following:

7 1. Production agriculture.

8 2. The exploration, production, use, transport, sale, or manufacture of fossil
9 fuel-based energy.

10 **(2)** No state agency may enter into a public contract with any person unless the
11 contract contains a written verification from the person that the person does not
12 boycott others on the basis of others’ participation in covered activities or on the basis
13 of others’ relationships with persons participating in covered activities and that the
14 person will not, during the term of the contract, boycott others on the basis of others’
15 participation in covered activities or on the basis of others’ relationships with
16 persons participating in covered activities.

17 **(3)** Subsection (2) does not apply to any of the following:

18 (a) A public contract with a person that employs fewer than 10 full-time
19 employees or with a nonprofit entity.

20 (b) A public contract with an estimated cost of less than \$100,000.

21 (c) A public contract for goods or services that the state agency determines
22 cannot be obtained in compliance with sub. (2) on commercially reasonable terms.
23 A state agency that enters into a public contract under this paragraph shall
24 document its determination and the reasons supporting its determination in writing.

SENATE BILL 681

1 (d) The state of Wisconsin investment board or any assets under its
2 management.

3 **SECTION 2.** 66.0901 (6m) of the statutes is renumbered 66.0901 (6m) (am).

4 **SECTION 3.** 66.0901 (6m) (ag) of the statutes is created to read:

5 66.0901 (**6m**) (ag) 1. In this paragraph:

6 a. “Boycott” means, without an ordinary business purpose, taking any action
7 that is intended to penalize, inflict economic harm on, or limit commercial relations
8 with another person.

9 b. “Covered activities” means production agriculture or the exploration,
10 production, use, transport, sale, or manufacture of fossil fuel–based energy.

11 2. A municipality may not enter into a public contract with any person unless
12 the contract contains a written verification from the person that the person does not
13 boycott others on the basis of others’ participation in covered activities or on the basis
14 of others’ relationships with persons participating in covered activities and that the
15 person will not, during the term of the contract, boycott others on the basis of others’
16 participation in covered activities or on the basis of others’ relationships with
17 persons participating in covered activities.

18 3. Subdivision 2. does not apply to any of the following:

19 a. A public contract with a person that employs fewer than 10 full-time
20 employees or with a nonprofit entity.

21 b. A public contract with an estimated cost of less than \$100,000.

22 c. A public contract for goods or services that the municipality determines
23 cannot be obtained in compliance with subd. 2. on commercially reasonable terms.

24 A municipality that enters into a public contract under this subd. 3. c. shall document
25 its determination and the reasons supporting its determination in writing.

