



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3634/1
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2015 SENATE BILL 373

November 12, 2015 - Introduced by Senators LASEE and LEMAHIEU, cosponsored by Representatives KITCHENS, TITTL, A. OTT, KLEEFISCH, KRUG, TAUCHEN and WEATHERSTON. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT** *to renumber* 16.855 (1r); *to amend* 66.0901 (1m) (a) (intro.) and 66.0901
2 (1m) (b); and *to create* 16.855 (1r) (a), 16.855 (1r) (c) and 66.0901 (10) of the
3 statutes; **relating to:** preferences in state and local construction project
4 contracts.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Administration and local units of government to give preference, over a bidder from a neighboring state that requires a certain percentage of a contractor's employees on a state project be residents of that state, to a person that can ensure that the percentage of employees the person will employ who are Wisconsin residents is at least that percentage required by the neighboring state to be that state's residents.

For further information see the ***state and local*** 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:

5 **SECTION 1.** 16.855 (1r) of the statutes is renumbered 16.855 (1r) (b).

6 **SECTION 2.** 16.855 (1r) (a) of the statutes is created to read:

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1 16.855 (1r) (a) In this subsection:

2 1. "Neighboring state" means Illinois, Indiana, Iowa, Minnesota, or Michigan.

3 2. "Wisconsin resident" means any person who has resided in Wisconsin for at
4 least 30 consecutive days immediately prior to bidding and intends to remain in
5 Wisconsin.

6 **SECTION 3.** 16.855 (1r) (c) of the statutes is created to read:

7 16.855 (1r) (c) The department shall maintain a list of neighboring states that
8 require contractors to ensure that a certain percentage of employees the contractor
9 employs on the project the contract covers are residents of that state. If a bidder is
10 a resident of a state on that list and submits a bid during a period when the
11 neighboring state is enforcing the requirement, the department shall, when
12 awarding the contract, give a preference over that bidder to a person that can ensure
13 that the percentage of employees the person will employ on the project covered by the
14 contract that are Wisconsin residents is at least the percentage of resident employees
15 required by the other state.

16 **SECTION 4.** 66.0901 (1m) (a) (intro.) of the statutes is amended to read:

17 66.0901 (1m) (a) (intro.) Except when necessary to secure federal aid and
18 except as provided in sub. (10), whenever a political subdivision lets a public contract
19 by bidding, the political subdivision shall comply with all of the following:

20 **SECTION 5.** 66.0901 (1m) (b) of the statutes is amended to read:

21 66.0901 (1m) (b) Except when necessary to secure federal aid and except as
22 provided in sub. (10), a political subdivision may not use a bidding method that gives
23 preference based on the geographic location of the bidder or that uses criteria other
24 than the lowest responsible bidder in awarding a contract.

25 **SECTION 6.** 66.0901 (10) of the statutes is created to read:

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1 66.0901 (10) CONTRACTING PREFERENCE. (a) In this subsection, “Wisconsin
2 resident” means any person who has resided in Wisconsin for at least 30 consecutive
3 days immediately prior to bidding and intends to remain in Wisconsin.

4 (b) If a bidder is a resident of a state on the list maintained by the department
5 of administration under s. 16.855 (1r) (c) and submits a bid during a period when the
6 other state is enforcing that state’s employee residence requirements, a municipality
7 shall, when awarding the contract, give a preference over that bidder to a person that
8 can ensure that the percentage of employees the person will employ on the project
9 covered by the contract that are Wisconsin residents is at least the percentage of
10 resident employees required by the other state.

11 **SECTION 7. Initial applicability.**

12 (1) This act first applies to awards made on the effective date of this subsection.

13 (END)