



State of Wisconsin
2023 - 2024 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 723

February 20, 2024 - Offered by Representative MCGUIRE.

1 **AN ACT** *to renumber and amend* 16.754 (2); *to amend* 16.754 (3) (intro.) and
2 (a) and 66.0901 (1m) (b); and *to create* 16.754 (2) (b) and 66.0901 (10) of the
3 statutes; **relating to:** preference in state and local government contracts and
4 procurement for materials manufactured in the United States.

Analysis by the Legislative Reference Bureau

Current law generally authorizes the Department of Administration to purchase, or delegate the authority to purchase, all necessary materials and contractual services for all state agencies. With some exceptions, orders or contracts must be awarded to the lowest bidder. One such exception requires the purchasing agent, if all other factors are substantially equal, to purchase materials that are mined, produced, manufactured, fabricated, or assembled to the greatest extent in the United States.

Under this bill, with limited exceptions, the state must purchase materials that are manufactured in the United States to the greatest extent, regardless of whether all other factors are substantially equal. The bill also requires, with limited exceptions, that a state contract for a public works or public improvement project contain a provision requiring the contractor to use materials that are manufactured in the United States.

Generally, under current law, if a city, village, town, county, school district, sewer district, technical college district, or other local unit of government wishes to

let a public contract involving the construction or repair of any public work or building, or the furnishing of supplies or materials, there are a number of bidding requirements that apply. Under the bill, these public contracts must also contain a provision that the contractor will use materials that are manufactured in the United States in the performance of the contract.

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

1 **SECTION 1.** 16.754 (2) of the statutes is renumbered 16.754 (2) (a) and amended
2 to read:

3 16.754 (2) (a) Notwithstanding s. 16.75 (1) (a) 2., (2), (2m), and (6), when all
4 other factors are substantially equal making purchases, the state shall purchase
5 materials which that are manufactured in the United States to the greatest extent
6 in the United States, unless prohibited by federal law or a treaty or other
7 international agreement.

8 **SECTION 2.** 16.754 (2) (b) of the statutes is created to read:

9 16.754 (2) (b) Each contract entered into by the state for the construction,
10 repair, or modification of a public works or public improvement project shall contain
11 a provision requiring the contractor to use materials that are manufactured in the
12 United States in the performance of the contract, unless prohibited by federal law
13 or a treaty or other international agreement.

14 **SECTION 3.** 16.754 (3) (intro.) and (a) of the statutes are amended to read:

15 16.754 (3) EXEMPTIONS. (intro.) Subsection (2) (a) does not apply if the
16 materials are purchased for the purpose of commercial resale or for the purpose of
17 use in the production of goods for commercial sale. Subsection (2) (a) does not apply
18 to the purchase of stationery and printing materials. ~~Subsection (2) does not apply~~
19 ~~if the department determines, under s. 16.75 (1) (a) 2., that the foreign nation or~~

1 ~~subdivision thereof in which the vendor is domiciled does not give preference to~~
2 ~~vendors domiciled in that nation or subdivision in making governmental purchases.~~

3 Subsection (2) (a) does not apply if the department or other person having
4 contracting authority in respect to the purchase determines that any of the following:

5 (a) The materials are not manufactured in the United States in sufficient or
6 reasonably available quantities; ~~or,~~

7 **SECTION 4.** 66.0901 (1m) (b) of the statutes is amended to read:

8 66.0901 **(1m)** (b) Except when necessary to secure federal aid and except as
9 provided in sub. (10), a political subdivision may not use a bidding method that gives
10 preference based on the geographic location of the bidder or that uses criteria other
11 than the lowest responsible bidder in awarding a contract.

12 **SECTION 5.** 66.0901 (10) of the statutes is created to read:

13 66.0901 **(10)** MATERIALS MANUFACTURED IN THE UNITED STATES. Each public
14 contract entered into by a municipality shall contain a provision that the contractor
15 will use materials that are manufactured in the United States, as defined in s. 16.754
16 (1) (b), in the performance of the contract, unless prohibited by federal law or a treaty
17 or other international agreement.

18 (END)