



2007 ASSEMBLY BILL 931

March 11, 2008 – Introduced by Representatives SMITH, SINICKI, GRONEMUS, ALBERS, RICHARDS, BERCEAU, NELSON and SEIDEL, cosponsored by Senator PLALE. Referred to Committee on State Affairs.

1 **AN ACT to amend** 16.75 (1) (a) 1.; and **to create** 16.7541 of the statutes; **relating**
2 **to:** purchases of cheese products used in the University of Wisconsin System.

Analysis by the Legislative Reference Bureau

Current law generally authorizes the Department of Administration (DOA) 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 exception requires DOA to give a preference to Wisconsin producers, distributors, suppliers, and retailers over any out-of-state vendor that is domiciled in a jurisdiction that grants a preference to vendors domiciled in that jurisdiction. This bill modifies that exception and prohibits DOA or any agency with purchasing authority from purchasing for use in the University of Wisconsin System any cheese or prepared food product containing cheese unless the cheese is manufactured or processed by a dairy plant located in this state.

For further information see the *state* 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:

3 **SECTION 1.** 16.75 (1) (a) 1. of the statutes, as affected by 2007 Wisconsin Act 20,
4 is amended to read:

ASSEMBLY BILL 931**SECTION 1**

1 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
2 materials, supplies, equipment, and contractual services to be provided to any
3 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
4 (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.7541, 16.964
5 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
6 responsible bidder, taking into consideration life cycle cost estimates under sub.
7 (1m), when appropriate, the location of the agency, the quantities of the articles to
8 be supplied, their conformity with the specifications, and the purposes for which they
9 are required and the date of delivery.

10 **SECTION 2.** 16.7541 of the statutes is created to read:

11 **16.7541 Preference for Wisconsin cheese. (1)** In this section, “dairy plant”
12 has the meaning given in s. 97.20 (1) (a).

13 **(2)** Notwithstanding s. 16.75 (1) (a) 2., the department and any other
14 designated purchasing agent under s. 16.71 (1) may purchase cheese or any prepared
15 food product containing cheese for use in the University of Wisconsin System only
16 if the cheese is manufactured or processed by a dairy plant located in this state.

17 **SECTION 3. Nonstatutory provisions.**

18 (1) If a contract is in effect on the effective date of this subsection that is
19 inconsistent with section 16.7541 of the statutes, as created by this act, but is not
20 inconsistent with any applicable law in effect immediately before the effective date
21 of this subsection, then, notwithstanding section 16.7541 of the statutes, as created
22 by this act, the parties to the contract may perform their obligations, and exercise
23 their rights, under the contract until the contract expires or is extended, modified,
24 or renewed, whichever occurs first.

25 **SECTION 4. Effective date.**

