

**ASSEMBLY AMENDMENT 27,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 100**

June 21, 2005 – Offered by Representative POCAN.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 25, line 7: delete “delivery.” and substitute “delivery; but preference
3 shall always be given to materials, supplies, equipment, and contractual services of
4 Wisconsin producers, distributors, suppliers, and retailers.”.

5 **2.** Page 25, line 7: after that line insert:

6 “**SECTION 81s.** 16.75 (1) (a) 2. of the statutes is repealed.

7 **SECTION 81w.** 16.754 (2) of the statutes is amended to read:

8 16.754 (2) PURCHASE PREFERENCE. Notwithstanding s. 16.75 (1) ~~(a) 2.,~~ (2), (2m)
9 and (6), when all other factors are substantially equal the state shall purchase
10 materials which are manufactured to the greatest extent in the United States.

11 **SECTION 81x.** 16.754 (3) (intro.) of the statutes is amended to read:

1 16.754 (3) EXEMPTIONS. (intro.) Subsection (2) does not apply if the materials
2 are purchased for the purpose of commercial resale or for the purpose of use in the
3 production of goods for commercial sale. Subsection (2) does not apply to the
4 purchase of stationery and printing materials. ~~Subsection (2) does not apply if the~~
5 ~~department determines, under s. 16.75 (1) (a) 2., that the foreign nation or~~
6 ~~subdivision thereof in which the vendor is domiciled does not give preference to~~
7 ~~vendors domiciled in that nation or subdivision in making governmental purchases.~~
8 Subsection (2) does not apply if the department or other person having contracting
9 authority in respect to the purchase determines that:”.

10 **3.** Page 27, line 13: after that line insert:

11 “**SECTION 85i.** 16.855 (1) of the statutes is amended to read:

12 16.855 (1) The department shall let by contract to the lowest qualified
13 responsible bidder all construction work when the estimated construction cost of the
14 project exceeds \$30,000, except for construction work authorized under s. 16.858 and
15 except as provided in sub. (10m) or s. 13.48 (19). ~~If a bidder is not a Wisconsin firm~~
16 ~~and the department determines that the state, foreign nation or subdivision thereof~~
17 ~~in which the bidder is domiciled grants a preference to bidders domiciled in that~~
18 ~~state, nation or subdivision in making governmental purchases, the department~~
19 ~~shall give a preference over that bidder to Wisconsin firms, if any, when awarding the~~
20 ~~contract, in the absence of compelling reasons to the contrary. The department may~~
21 ~~enter into agreements with states, foreign nations and subdivisions thereof for the~~
22 ~~purpose of implementing this subsection. In the absence of compelling reasons to the~~
23 ~~contrary, preference shall be given to Wisconsin-based firms.”.~~

24 **4.** Page 1028, line 22: after that line insert:

1 “(1q) STATE PROCUREMENT PREFERENCE. The treatment of sections 16.75 (1) (a)
2 1. (with respect to preference for Wisconsin firms) and 2., 16.754 (2) and (3) (intro.),
3 and 16.855 (1) of the statutes first applies with respect to contracts and orders
4 entered into on the effective date of this subsection.”.

5

(END)