AN ACT to repeal 16.75 (1) (a) 2.; to renumber 16.754 (1) (a); to renumber and amend 16.754 (2); to amend 16.72 (2) (c), 16.754 (title), 16.754 (2) (title) and 16.754 (3) (intro.); and to create 16.754 (1) (am), 16.754 (2) (a) and 66.0145 of the statutes; relating to: requiring local and state government to purchase a certain percentage of products and services from businesses located in this state.

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 deletes that exception and, instead, requires DOA and any agency making purchases to attempt to ensure that at least 2 percent of the total amount expended for such procurement in each fiscal year is from Wisconsin-based businesses; however, in any fiscal year, the percentage of the total amount expended from Wisconsin-based businesses may not be lower than it was in the previous fiscal year.

This bill also requires that at least 2 percent of the aggregate value of the annual purchases of products and services by a local governmental unit (which
includes cities, villages, towns, counties, and special purpose districts, which include schools and technical college districts) must be from Wisconsin–based businesses; however, in any year, the percentage of the aggregate value of purchases of products and services from Wisconsin–based businesses may not be lower than it was in the previous year.

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:

SECTION 1. 16.72 (2) (c) of the statutes is amended to read:

16.72 (2) (c) To the extent possible, the department shall write specifications so as to permit the purchase of materials manufactured in the United States, as defined in s. 16.754 (1) (b), or the purchase of local products or services, as defined in s. 16.754 (1) (am).

SECTION 2. 16.75 (1) (a) 2. of the statutes is repealed.

SECTION 3. 16.754 (title) of the statutes is amended to read:

16.754 (title) Preference for local products and services and American–made materials.

SECTION 4. 16.754 (1) (a) of the statutes is renumbered 16.754 (1) (ar).

SECTION 5. 16.754 (1) (am) of the statutes is created to read:

16.754 (1) (am) “Local product or service” has the meaning given in s. 66.0145 (1) (b).

SECTION 6. 16.754 (2) (title) of the statutes is amended to read:

16.754 (2) (title) Purchase preference preferences.

SECTION 7. 16.754 (2) of the statutes is renumbered 16.754 (2) (b) and amended to read:
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16.754 (2) (b) Notwithstanding s. 16.75 (1) (a) 2., (2), (2m) and (6), when all
other factors are substantially equal the state shall purchase materials which are
manufactured to the greatest extent in the United States.

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

16.754 (2) (a) The department, any other designated purchasing agent under
s. 16.71 (1), and any agency making purchases under s. 16.74 shall attempt to ensure
that at least 2 percent of the total amount expended under this subchapter in each
fiscal year is for local products or services except the percentage of the total amount
expended in any fiscal year for local products or services may not be lower than the
percentage of the total amount expended in the previous fiscal year for local products
or services.

SECTION 9. 16.754 (3) (intro.) of the statutes is amended to read:

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

SECTION 10. 66.0145 of the statutes is created to read:

66.0145 Purchases of Wisconsin goods and services. (1) DEFINITIONS. In
this section:

(a) “Local governmental unit” has the meaning given in s. 66.0135 (1) (c).
(b) “Local product or service” means a product or service that is purchased from a person whose principal place of business is located in this state.

(2) Purchasing Requirements. Annually, at least 2 percent of the aggregate value of purchases of products and services by a local governmental unit shall be local products or services except the percentage of the aggregate value of purchases of products and services in any year that are local products and services may not be lower than the aggregate value in the previous year.

SECTION 11. Initial applicability.

(1) This act first applies to purchases made in the fiscal year that begins in the year after this subsection takes effect.