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.

AN ACT to amend 16.75 (1) (a) 1.; and to create 16.7541 of the statutes; relating 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:

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

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

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

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

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


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

SECTION 4. Effective date.
(1) This act takes effect on the first day of the 4th month beginning after publication.