

2009 DRAFTING REQUEST

Bill

Received: **01/06/2009**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Michael Sheridan (608) 266-7503**

By/Representing: **Lisa**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters: **mshovers**

Subject: **State Govt - procurement
Local Gov't - munis generally
Local Gov't - counties**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sheridan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State and local procurement percentages required to be from Wisconsin

Instructions:

See attached--2007 AB-829

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 01/06/2009	bkraft 01/06/2009		_____			S&L
/1			mduchek 01/06/2009	_____	sbasford 01/06/2009	cduerst 01/12/2009	S&L
/2	mshovers 01/14/2009 chanaman	bkraft 01/14/2009 bkraft	phenry 01/14/2009	_____	sbasford 01/14/2009	sbasford 01/14/2009	S&L

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	01/14/2009	01/14/2009		_____			
/3			mduchek 01/14/2009	_____	cduerst 01/14/2009	cduerst 01/14/2009	

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<END>

01-16-2009
("/3")

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in Sheridan's
office

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12 MES 1/14/09
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12 bjk 1/14

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/?	chanaman	BJK 1/6	M 1/6				

FE Sent For:

<END>

-1336/h
Lebjk

TODAY per request

2007 ASSEMBLY BILL 829

February 21, 2008 - Introduced by Representatives MOLEPSKE, SHERIDAN, BERCEAU and A. WILLIAMS, cosponsored by Senator PLALE. Referred to Committee on Urban and Local Affairs.

SA ✓
X-144 ✓

PWF

legislat

1 AN ACT *to repeal* 16.75 (1) (a) 2.; *to renumber* 16.754 (1) (a); *to renumber and*
 2 *amend* 16.754 (2); *to amend* 16.72 (2) (c), 16.754 (title), 16.754 (2) (title) and
 3 16.754 (3) (intro.); and *to create* 16.754 (1) (am), 16.754 (2) (a) and 66.0145 of
 4 the statutes; **relating to:** requiring local and state government to purchase a
 5 certain percentage of products and services from businesses located in this
 6 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

ASSEMBLY BILL 829

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:

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

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

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

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

8 **16.754 (title) Preference for local products and services and**
9 **American-made materials.**

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

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

12 16.754 (1) (am) “Local product or service” has the meaning given in s. 66.0145
13 (1) (b).

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

15 16.754 (2) (title) PURCHASE PREFERENCE PREFERENCES.

X
16 **SECTION 7.** 16.754 (2) of the statutes is renumbered 16.754 (2) (b) and amended
17 to read:

ASSEMBLY BILL 829

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

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

5 16.754 (2) (a) The department, any other designated purchasing agent under
6 s. 16.71 (1), and any agency making purchases under s. 16.74 shall attempt to ensure
7 that at least 2 percent of the total amount expended under this subchapter in each
8 fiscal year is for local products or services except the percentage of the total amount
9 expended in any fiscal year for local products or services may not be lower than the
10 percentage of the total amount expended in the previous fiscal year for local products
11 or services.

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

13 16.754 (3) EXEMPTIONS. (intro.) Subsection (2) (b) does not apply if the
14 materials are purchased for the purpose of commercial resale or for the purpose of
15 use in the production of goods for commercial sale. Subsection (2) (b) does not apply
16 to the purchase of stationery and printing materials. Subsection (2) (b) does not
17 apply if the department determines, ~~under s. 16.75 (1) (a) 2.,~~ that the foreign nation
18 or subdivision thereof in which the vendor is domiciled does not give preference to
19 vendors domiciled in that nation or subdivision in making governmental purchases.
20 Subsection (2) (b) does not apply if the department or other person having
21 contracting authority in respect to the purchase determines that:

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

23 **66.0145 Purchases of Wisconsin goods and services. (1) DEFINITIONS.** In
24 this section:

25 (a) "Local governmental unit" has the meaning given in s. 66.0135 (1) (c).

ASSEMBLY BILL 829**SECTION 10**

1 (b) "Local product or service" means a product or service that is purchased from
2 a person whose principal place of business is located in this state.

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

8 **SECTION 11. Initial applicability.**

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

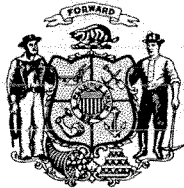
11

(END)

Parisi, Lori

From: Lundquist, Lisa
Sent: Monday, January 12, 2009 12:40 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1336/1 Topic: State and local procurement percentages required to be from Wisconsin

Please Jacket LRB 09-1336/1 for the ASSEMBLY.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1336/1

MES&CMH:bjk:md

stay

RMR

2009 BILL

SA ✓

Wanted
1:30 P.M.

negot

and setting a goal for local government

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

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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~~ sets a goal that at least 2 percent of the aggregate value of the annual purchases of products and services by a local governmental unit (which

BILL

includes cities, villages, towns, counties, and special purpose districts, which include schools and technical college districts) ~~must be~~ ^{is} from Wisconsin-based businesses ^{care} ~~however~~, in any year, the percentage of the aggregate value of purchases of products and services from Wisconsin-based businesses ~~may~~ ^{will} not be lower than it was in the previous year. ^{A further goal is that}

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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1 16.754 (2) (b) Notwithstanding s. 16.75 (1) ~~(a) 2,~~ (2), (2m) and (6), when all
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3 manufactured to the greatest extent in the United States.

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

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19 vendors domiciled in that nation or subdivision in making governmental purchases.
20 Subsection (2) (b) does not apply if the department or other person having
21 contracting authority in respect to the purchase determines that:

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

23 **66.0145 Purchases of Wisconsin goods and services. (1) DEFINITIONS.** In
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25 (a) "Local governmental unit" has the meaning given in s. 66.0135 (1) (c).

BILL

SECTION 10

1 (b) "Local product or service" means a product or service that is purchased from
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3 (2) PURCHASING ~~REQUIREMENTS~~ ^{GOALS CS} Annually, at least 2 percent of the aggregate
4 value of purchases of products and services by a local governmental unit shall be local
5 products or services ~~except~~ ^{that} the percentage of the aggregate value of purchases of
6 products and services in any year that are local products and services ~~may~~ ^{will} not be
7 lower than the aggregate value in the previous year. ^{unit that}

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8
9 (1) This act first applies to purchases made in the fiscal year that begins in the
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11 (END)

unit that



2009 BILL

SAV

repeal

state procurement of products and services from businesses located in this state and

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

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5 in s. 16.754 (1) (am).

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8 **16.754** (title) **Preference for local products and services and**
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10 **SECTION 4.** 16.754 (1) (a) of the statutes is renumbered 16.754 (1) (ar).

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7 that at least 2 percent of the total amount expended under this subchapter in each
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19 vendors domiciled in that nation or subdivision in making governmental purchases.
20 Subsection (2) (b) does not apply if the department or other person having
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23 **66.0145 Purchases of Wisconsin goods and services. (1) DEFINITIONS.** In
24 this section:

25 (a) "Local governmental unit" has the meaning given in s. 66.0135 (1) (c).

BILL**SECTION 10**

1 (b) "Local product or service" means a product or service that is purchased from
2 a person whose principal place of business is located in this state.

3 (2) PURCHASING GOALS. It shall be a goal of a local governmental unit that,
4 annually, at least 2 percent of the aggregate value of purchases of products and
5 services by that local governmental unit shall be local products or services, and it
6 shall be a further goal of the local governmental unit that the percentage of the
7 aggregate value of purchases of products and services in any year that are local
8 products and services will not be lower than the aggregate value in the previous year.

9 **SECTION 11. Initial applicability.**

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

12 (END)