



2009 ASSEMBLY BILL 816

March 9, 2010 – Introduced by Representatives RICHARDS, TURNER, A. WILLIAMS, PASCH, BERCEAU and SINICKI, cosponsored by Senator TAYLOR. Referred to Committee on Financial Institutions.

1 **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 16.75 (10r) of the statutes;
2 **relating to:** state contracts with financial institutions with foreclosures in the
3 state.

Analysis by the Legislative Reference Bureau

Under current law, with numerous exceptions, if a state agency contracts for services, the services must be obtained from the lowest responsible bidder or the person submitting the most advantageous competitive sealed proposal. This bill creates an exception by prohibiting an agency that is contracting for services from contracting with a financial institution unless the financial institution certifies that it does not own 100 or more residential properties in this state from foreclosure actions on residential mortgages.

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:

4 **SECTION 1.** 16.75 (1) (a) 1. of the statutes is amended to read:
5 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
6 materials, supplies, equipment, and contractual services to be provided to any

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

8 **SECTION 2.** 16.75 (10r) of the statutes is created to read:

9 16.75 **(10r)** The department, any other delegated purchasing agent under s.
10 16.71, any agency making purchases under s. 16.74, and any authority may not enter
11 into any contract with a financial institution, as defined in s. 214.01 (1) (jn), unless
12 the financial institution can certify that it does not own 100 or more properties in this
13 state resulting from foreclosures of residential mortgage loans, as defined under s.
14 224.71 (14). For purposes of this subsection, a financial institution acting as a
15 trustee with respect to the property is considered to own the property.

16 **SECTION 3. Initial applicability.**

17 (1) The treatment of section 16.75 (10r) of the statutes first applies to contracts
18 entered into on the effective date of this subsection.

19 (END)