

ASSEMBLY BILL 2 (LRB -1064)

An Act to amend 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and to create 16.705 (1r) of the statutes; relating to: state procurement of contractual services. (FE)

2009

- 01-16. A. Introduced by Representatives **Pocan, Zigmunt, Barca, Benedict, Berceau, Bernard Schaber, Black, Clark, Danou, Fields, Grigsby, Hraychuck, Hubler, Jorgensen, Krusick, Mason, Molepske Jr., Nelson, Parisi, Pasch, Pope-Roberts, Radcliffe, Richards, Roys, Seidel, Sheridan, Shilling, Sinicki, Smith, Van Akkeren, A. Williams and Young**; cosponsored by Senators **Wirch, Coggs, Hansen, Lassa, Lehman, Miller, Robson and Sullivan.**
- 01-16. A. Read first time and referred to committee on Jobs, the Economy and Small Business ..... 22
- 01-21. A. Senator Taylor added as a cosponsor ..... 2
- 01-21. A. Fiscal estimate received.
- 01-21. A. Public hearing held.
- 01-21. A. Executive action taken.
- 01-23. A. Report passage recommended by committee on Jobs, the Economy and Small Business, Ayes 9, Noes 2 ..... 30
- 01-23. A. Referred to committee on Rules ..... 30
- 01-23. A. Placed on calendar 1-27-2009 by committee on Rules.
- 01-27. A. Read a second time ..... 37
- 01-27. A. Assembly amendment 1 offered by Representatives Zipperer and Ballweg (**LRB a0014**) ..... 37
- 01-27. A. Refused to adopt Assembly amendment 1, Ayes 47, Noes 52 ..... 37
- 01-27. A. Assembly amendment 2 offered by Representatives Zipperer, Strachota and Krusick (**LRB a0015**) ..... 37
- 01-27. A. Assembly amendment 2 laid on table, Ayes 50, Noes 49 ..... 37
- 01-27. A. Assembly amendment 3 offered by Representatives Petersen and Zipperer (**LRB a0018**) ..... 38
- 01-27. A. Assembly amendment 3 laid on table, Ayes 52, Noes 47 ..... 38
- 01-27. A. Ordered to a third reading ..... 38
- 01-27. A. Rules suspended ..... 38
- 01-27. A. Read a third time and **passed**, Ayes 69, Noes 30 ..... 38
- 01-27. A. Ordered immediately messaged ..... 38
- 01-27. S. Received from Assembly ..... 34
- 01-28. S. Read first time and referred to committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection ..... 36
- 04-01. S. Public hearing held.
- 04-23. S. Executive action taken.
- 04-23. S. Report introduction of Senate Amendment 1 recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 5, Noes 0 (**LRB a0227**) ..... 135
- 04-23. S. Report concurrence recommended by committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection, Ayes 3, Noes 2 ..... 135
- 04-23. S. Available for scheduling.

2010

- 01-19. S. Placed on calendar 1-21-2010 by committee on Senate Organization ..... 491
- 01-21. S. Read a second time.
- 01-21. S. Ordered to a third reading.
- 01-21. S. Rules suspended.
- 01-21. S. Read a third time and **concurred in.**
- 01-21. S. Ordered immediately messaged.
- 01-21. A. Received from Senate concurred in ..... 588

MB

**2009**  
**ENROLLED BILL**

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**ADOPTED DOCUMENTS:**

Orig     Engr         SubAmdt     

09 1064/3

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel

1-21-10  
Date

J. R. Mill  
Enrolling Drafter



## 2009 ASSEMBLY BILL 2

January 16, 2009 - Introduced by Representatives POCAN, ZIGMUNT, BARCA, BENEDICT, BERCEAU, BERNARD SCHABER, BLACK, CLARK, DANOU, FIELDS, GRIGSBY, HRAYCHUCK, HUBLER, JORGENSEN, KRUSICK, MASON, MOLEPSKE, NELSON, PARISI, PASCH, POPE-ROBERTS, RADCLIFFE, RICHARDS, ROYS, SEIDEL, SHERIDAN, SHILLING, SINICKI, SMITH, VAN AKKEREN, A. WILLIAMS and YOUNG, cosponsored by Senators WIRCH, COGGS, HANSEN, LASSA, LEHMAN, MILLER, ROBSON and SULLIVAN. Referred to Committee on Jobs, the Economy and Small Business.

1     **AN ACT to amend** 16.75 (1) (a) 1. and 16.75 (6) (bm) and (e); and **to create** 16.705  
2           (1r) of the statutes; **relating to:** state procurement of contractual services.

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### *Analysis by the Legislative Reference Bureau*

Currently, state executive branch agencies may contract for services that can be performed more economically or efficiently by contract than by state employees. With numerous exceptions, any services must be obtained from the lowest responsible bidder or the person submitting the most advantageous competitive sealed proposal. Services may be obtained from domestic or foreign sources.

With certain exceptions, this bill requires all contractual services purchased by state executive branch agencies to be performed within the United States. This requirement does not apply if the contractual services cannot be obtained within the United States or are paid for with federal moneys or if the contractual services are purchased by the University of Wisconsin System from gifts, grants, or endowment trust fund income.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 16.705 (1r) of the statutes is created to read:

**ASSEMBLY BILL 2****SECTION 1**

1           16.705 (1r) Notwithstanding s. 16.75 (2m) and (3m), and except as provided in  
2 s. 16.75 (2) (b) and (7), the department and its agents may purchase contractual  
3 services only if those services are performed within the United States. This  
4 requirement does not apply to any of the following:

5           (a) Contractual services that are not available to be performed within the  
6 United States.

7           (b) Contractual services if the payment for any part of the contractual services  
8 is made from federal moneys.

9           (c) The renewal, modification, or extension of any contract in effect on the  
10 effective date of this paragraph .... [LRB inserts date].

11           (d) Contractual services purchased by the Board of Regents of the University  
12 of Wisconsin System with moneys appropriated under s. 20.285 (1) (j), (ja), (jm), (u),  
13 or (w) or (5) (j).

14           **SECTION 2.** 16.75 (1) (a) 1. of the statutes is amended to read:

15           16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
16 materials, supplies, equipment, and contractual services to be provided to any  
17 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
18 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754,  
19 16.964 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest  
20 responsible bidder, taking into consideration life cycle cost estimates under sub.  
21 (1m), when appropriate, the location of the agency, the quantities of the articles to  
22 be supplied, their conformity with the specifications, and the purposes for which they  
23 are required and the date of delivery.

24           **SECTION 3.** 16.75 (6) (bm) and (e) of the statutes are amended to read:

