

**2015 DRAFTING REQUEST**

**Bill**

Received: 1/7/2015 Received By: mshovers  
Wanted: As time permits Same as LRB:  
For: Dave Hansen (608) 266-5670 By/Representing: John Wagnitz  
May Contact: Drafter: mshovers  
Subject: Local Gov't - misc Addl. Drafters: chanaman  
State Govt - procurement  
Extra Copies: EVM

Submit via email: YES  
Requester's email: Sen.Hansen@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Preference for US made products in contracts and manufacturing

**Instructions:**

See attached. Redraft 2013 SB 88 (LRB -1855)

**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 1/9/2015	csicilia 1/9/2015	jfrantze 1/9/2015	_____			
/1				_____	mbarman 1/9/2015	rosse 1/9/2015	State S&L

FE Sent For:

→ At  
Intro.

<END>

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1/?	mshovers	1 gjs		<u>1/9</u>			
1	MES	1/7/15					
		1/9					
		15					

FE Sent For:

<END>

**Shovers, Marc**

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**From:** Wadd, Jay  
**Sent:** Wednesday, January 07, 2015 10:42 AM  
**To:** Shovers, Marc  
**Subject:** Drafting Request

Hi, Marc,

Would you please redraft 2013 SB-88 for introduction in the Senate:

<http://docs.legis.wisconsin.gov/2013/related/proposals/sb88.pdf>

thanks,

Jay

Jay Wadd  
Office of Senator Dave Hansen  
608-266-5670



In 1/8/15 out 1/9/15  
State of Wisconsin  
2013 - 2014 LEGISLATURE

Due ~~today~~ TODAY  
MCP

1140/1



LRB-1855/1  
CMH&MES:kjfrs

↑  
slays

2015 ~~2013~~ SENATE BILL 88

March 20, 2013 - Introduced by Senators HANSEN, CARPENTER, HARRIS, C. LARSON, LASSA, RISSER, SHILLING, L. TAYLOR and T. CULLEN, cosponsored by Representatives JORGENSEN, KAHL, GENRICH, HESSELBEIN, BARCA, BERCEAU, BEWLEY, DANOU, HEBL, MASON, PASCH, POPE, RICHARDS, RINGHAND, C. TAYLOR, OHNSTAD and BILLINGS. Referred to Committee on Government Operations, Public Works, and Telecommunications.

SA12V  
SA15V

Gen

1 AN ACT to renumber and amend 16.754 (2); to amend 16.754 (3) (intro.) and  
2 (a) and 66.0901 (1m) (b); and to create 16.754 (2) (b) and 66.0901 (10) of the  
3 statutes; relating to: preference in state and local government contracts and  
4 procurement for materials manufactured in the United States.

**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 such exception requires, if all other factors are substantially equal, the purchasing agent to purchase materials which are mined, produced, manufactured, fabricated, or assembled (manufactured) to the greatest extent in the United States. Under this bill, with limited exceptions, the state must purchase materials that are manufactured to the greatest extent in the United States, regardless of whether all other factors are substantially equal. This bill also requires, with limited exceptions, that a contract for a public works or public improvement project must contain a provision that the contractor will use materials that are manufactured in the United States.

Generally under current law, if a city, village, town, county, school district, sewer district, technical college district, or other local unit of government wishes to let a public contract involving the construction or repair of any public work or building, or the furnishing of supplies or materials, there are a number of bidding requirements that apply to such contracts. For example, if the value of the contract

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is above a certain amount, or between certain amounts, certain local units of government must publish a notice in the newspaper before it contracts for the work. This bill adds another requirement to public contracts entered into by local units of government. Under this bill, such a public contract must contain a provision that the contractor will use materials that are manufactured in the United States in the performance of the contract.

For further information see the *state and local* 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:*

1 ✓       **SECTION 1.** 16.754 (2) of the statutes is renumbered 16.754 (2) (a) and amended  
2 to read:

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

6 ✓       **SECTION 2.** 16.754 (2) (b) of the statutes is created to read:

7           16.754 (2) (b) Any contract entered into by the state for the construction, repair,  
8 or modification of a public works or public improvement project must contain a  
9 provision that the contractor will use materials that are manufactured in the United  
10 States in the performance of the contract.

11 ✓       **SECTION 3.** 16.754 (3) (intro.) and (a) of the statutes are amended to read:

12           16.754 (3) EXEMPTIONS. (intro.) Subsection (2) (a) does not apply if the  
13 materials are purchased for the purpose of commercial resale or for the purpose of  
14 use in the production of goods for commercial sale. Subsection (2) does not apply to  
15 the purchase of stationery and printing materials. ~~Subsection (2) does not apply if~~  
16 ~~the department determines, under s. 16.75 (1) (a) 2., that the foreign nation or~~  
17 ~~subdivision thereof in which the vendor is domiciled does not give preference to~~  
18 ~~vendors domiciled in that nation or subdivision in making governmental purchases.~~

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1 Subsection (2) does not apply if the department or other person having contracting  
2 authority in respect to the purchase determines ~~that~~ any of the following:

3 (a) The materials are not manufactured in the United States in sufficient or  
4 reasonably available quantities; ~~or,~~

5 **SECTION 4.** 66.0901 (1m) (b) of the statutes is amended to read:

6 66.0901 (1m) (b) Except when necessary to secure federal aid and except as  
7 provided in sub. (10), a political subdivision may not use a bidding method that gives  
8 preference based on the geographic location of the bidder or that uses criteria other  
9 than the lowest responsible bidder in awarding a contract.

10 **SECTION 5.** 66.0901 (10) of the statutes is created to read:

11 66.0901 (10) MATERIALS MANUFACTURED IN THE UNITED STATES. Any public  
12 contract entered into by a municipality must contain a provision that the contractor  
13 will use materials that are manufactured in the United States in the performance  
14 of the contract.

15 **SECTION 6. Initial applicability.**

16 (1) This act first applies to contracts entered into in the fiscal year that begins  
17 in the year after this subsection takes effect.

18 (END)

**Rose, Stefanie**

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**From:** Wagnitz, John  
**Sent:** Friday, January 09, 2015 2:16 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1140/1 Topic: Preference for US made products in contracts and manufacturing

Please Jacket LRB -1140/1 for the SENATE.