

State of Wisconsin



2017 Assembly Bill 553

Date of enactment: April 3, 2018
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2017 WISCONSIN ACT 248

AN ACT *to amend* 16.75 (1) (a) 1.; and *to create* 16.75 (10p) and 20.931 of the statutes; **relating to:** eligibility for state procurement contracts and certain actions taken by state and local governmental bodies involving a boycott of Israel.

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 is amended to read:

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 (10p)~~ and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 165.987, 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. 16.75 (10p) of the statutes is created to read:

16.75 (10p) (a) In this subsection, “company” means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent

companies, or affiliates of those entities or business associations.

(b) The department, a designated purchasing agent under s. 16.71 (1), an agency making purchases under s. 16.74, or an authority may not enter into a contract with a company for the purchase of materials, supplies, equipment, or contractual services unless the contract includes a provision that the company is not currently participating in, or will not for the duration of the contract participate in a prohibited boycott, as defined in s. 20.931 (1) (b).

(c) This subsection does not apply to a contract if the estimated cost associated with the contract is less than \$100,000.

SECTION 3. 20.931 of the statutes is created to read:
20.931 Prohibited boycotts. (1) DEFINITIONS. In this section:

(a) “Local governmental unit” means a political subdivision of this state, a special purpose district in this state, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(b) “Prohibited boycott” means a refusal to deal with or a termination of business relations with Israel or a person doing business in Israel or in a territory under Israeli

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

jurisdiction, if the refusal or termination is intended to penalize, inflict economic harm on, or limit commercial relations with Israel or the territory. “Prohibited boycott” does not include an action taken for ordinary business purposes.

(c) “State agency” means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law.

(2) PROHIBITION OF BOYCOTTING AND OTHER ACTIONS. No state agency and no local governmental unit may adopt a rule, ordinance, policy, or procedure that involves the state agency or local governmental unit in a prohibited boycott.

SECTION 4. Initial applicability.

(1) PROCUREMENT CONTRACTS. The treatment of section 16.75 (1) (a) 1. and (10p) of the statutes first applies to contracts entered into, modified, or renewed on the effective date of this subsection.
