



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4443/1
MPG&CMH:jld

2017 BILL

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

Analysis by the Legislative Reference Bureau

This bill prohibits any state agency or other body in state government and any local governmental unit, including a special purpose district, from adopting a rule, ordinance, policy, or procedure that involves the state agency or local governmental unit in a boycott of Israel or a person doing business in Israel or in a territory under Israeli jurisdiction (prohibited boycott).

The bill also requires contracts for materials, supplies, equipment, and services between state purchasing agents and nongovernmental entities to include a provision that the nongovernmental entity is not currently participating, or will not for the duration of the contract participate, in a prohibited boycott.

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:

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

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1 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
2 materials, supplies, equipment, and contractual services to be provided to any
3 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
4 (6), (7), (8), (9), (10e), ~~and (10m)~~, and (10p) and ss. 16.705 (1r), 16.73 (4) (a), 16.751,
5 16.754, 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the
6 lowest responsible bidder, taking into consideration life cycle cost estimates under
7 sub. (1m), when appropriate, the location of the agency, the quantities of the articles
8 to be supplied, their conformity with the specifications, and the purposes for which
9 they are required and the date of delivery.

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

11 16.75 (10p) The department, a designated purchasing agent under s. 16.71 (1),
12 an agency making purchases under s. 16.74, or an authority may not enter into a
13 contract with a person for the purchase of materials, supplies, equipment, or
14 contractual services unless the contract includes a provision that the person is not
15 currently participating in, or will not for the duration of the contract participate in
16 a prohibited boycott, as defined in s. 20.931 (1) (b).

17 **SECTION 3.** 20.931 of the statutes is created to read:

18 **20.931 Prohibited boycotts. (1) DEFINITIONS.** In this section:

19 (a) "Local governmental unit" means a political subdivision of this state, a
20 special purpose district in this state, an agency or corporation of a political
21 subdivision or special purpose district, or a combination or subunit of any of the
22 foregoing.

23 (b) "Prohibited boycott" means a refusal to deal with or a termination of
24 business relations with Israel or a person doing business in Israel or in a territory
25 under Israeli jurisdiction, if the refusal or termination is intended to penalize, inflict

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1 economic harm on, or limit commercial relations with Israel or the territory.

2 “Prohibited boycott” does not include an action taken for ordinary business purposes.

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

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

9 **SECTION 4. Initial applicability.**

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

13 **(END)**