

1991 Senate Bill 258

Date of enactment: April 13, 1992
Date of publication*: April 27, 1992

1991 WISCONSIN ACT 170

AN ACT to amend 15.107 (2), 16.75 (4) (a) and 16.755 (intro.) and (1); and to create 16.75 (4) (d) of the statutes, relating to: establishment of a program to encourage participation of veteran-owned businesses in the state purchasing program, review of participation by veteran-owned and minority-owned businesses in the state purchasing program and renaming and changing the membership and qualifications of members of the council on small and minority business opportunities.

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

PREFATORY NOTE: This bill, prepared for the legislative council's special committee on employment of Vietnam and other veterans, creates a program to encourage the participation of veteran-owned businesses in the statewide purchasing program. The bill amends a current statute which encourages participation of small businesses in the statewide purchasing program.

The bill defines "veteran-owned business" as a business with less than \$1,500,000 in gross annual sales in the most recent calendar or fiscal year and that is at least 51% owned by one or more veterans, as defined in s. 45.35 (5).

Under the bill, the department of administration is required to do all of the following:

1. Maintain a list of veteran-owned businesses that have indicated a willingness to provide goods or services to the state.
2. Notify veteran-owned businesses on the department's list of agency purchasing requests.
3. Develop ways of simplifying specifications so as not to impose unnecessary administrative burdens on veteran-owned businesses that submit bids or proposals to the state.
4. Assist veteran-owned businesses in complying with competitive bidding procedures.

The bill renames the current "council on small and minority business opportunities" to be the "council on small business, veteran-owned business and minority business opportunities". The size of the council is increased from 11 to 13 by adding 2 persons to the council who are either owners or employes of businesses at least 51% owned by a veteran. The current function of the council to review participation by small businesses in the statewide purchasing program is

amended to also require review of participation by veteran-owned businesses and minority businesses in the program.

The bill also increases the requirement of percentage ownership for members appointed to the council. Current law requires at least 2 members to be owners or employes of small businesses that are at least 50% owned by one or more members of a racial minority group and at least one member to be an owner or employe of a small business that is at least 50% owned by one or more handicapped persons. The bill increases the required percentage in each instance from 50% to 51%.

SECTION 1. 15.107 (2) of the statutes is amended to read:

15.107 (2) (title) COUNCIL ON SMALL BUSINESS, VETERAN-OWNED BUSINESS AND MINORITY BUSINESS OPPORTUNITIES. There is created in the department of administration a council on small business, veteran-owned business and minority business opportunities consisting of ~~11~~ 13 members, appointed by the secretary of administration for 3-year terms, with representation as follows: at least 2 shall be owners or employes of small businesses at least ~~50%~~ 51% owned by one or more members of a racial minority group; at least one shall be an owner or employe of a small business at least ~~50%~~ 51% owned by one or more handicapped persons; at least one shall be an owner or employe of a small business operated on a nonprofit basis for the rehabilitation of disabled persons; at least 2 shall be owners or employes of veteran-owned businesses, as defined in s. 16.75 (4) (d); at least one shall be a representative of the department of development; and at least one shall be a consumer member. No member

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may serve for more than 2 consecutive full terms. The secretary of administration, or a department employe who is the secretary's designee, shall serve as the council's nonvoting secretary.

SECTION 2. 16.75 (4) (a) of the statutes is amended to read:

16.75 (4) (a) The department shall encourage the participation of small businesses and veteran-owned businesses in the statewide purchasing program by ensuring that there are no undue impediments to such participation and by actively encouraging small businesses and veteran-owned businesses to play an active role in the solicitation of public purchasing business. To that end the department shall:

1. Maintain a comprehensive ~~list~~ lists of small state businesses and of veteran-owned businesses located in this state which have ~~demonstrated the capacity of providing~~ indicated a willingness to provide materials, supplies, equipment or contractual services to the state.

2. Develop ways of simplifying specifications and terms so that they will not impose unnecessary administrative burdens on small state businesses and veteran-owned businesses located in this state which submit bids or proposals to the state.

3. Assist small state businesses and veteran-owned businesses located in this state in complying with the state's competitive bidding and competitive proposal procedures.

4. Notify businesses on the ~~list~~ lists maintained under subd. 1 of agency purchasing requests for which the businesses may wish to submit a bid or proposal.

5. By October 1 of each year, submit a report to the council on small business, veteran-owned business and minority business opportunities which evaluates the performance of small ~~Wisconsin~~ businesses located in this state in submitting bids or proposals to the state and makes recommendations for increased involvement of such businesses in submitting competitive bids and proposals under this section.

SECTION 3. 16.75 (4) (d) of the statutes is created to read:

16.75 (4) (d) In this subsection and s. 16.755, "veteran-owned business" means a small business, as defined in par. (c), that is certified by the department of veterans affairs as being at least 51% owned by one or more veterans, as defined in s. 45.35 (5).

SECTION 4. 16.755 (intro.) and (1) of the statutes are amended to read:

16.755 (title) Council on small business, veteran-owned business and minority business opportunities. (intro.) The council on small business, veteran-owned business and minority business opportunities shall:

(1) Review the extent of small business, veteran-owned business and minority business participation in purchasing by this state and its agencies.

SECTION 5. Nonstatutory provisions; initial terms. Notwithstanding section 15.107 (2) of the statutes, as affected by this act, of the additional members to be initially appointed to the council on small business, veteran-owned business and minority business opportunities under this act, the secretary of administration shall designate one to serve for a term expiring on July 1, 1994, and one to serve for a term expiring on July 1, 1995.