

State of Wisconsin



2009 Assembly Bill 228

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 299

AN ACT *to renumber* 18.16 (2), 18.16 (3), 18.16 (4), 18.16 (5), 18.64 (2), 18.64 (3), 18.64 (4), 18.64 (5), 18.77 (2), 18.77 (3), 18.77 (4), 18.77 (5), 85.25 (2) (c) 1. and 2., 229.46 (1) (a), 229.70 (1) (a) and 229.845 (1) (a); *to renumber and amend* 16.75 (3m) (a), 16.75 (3m) (b), 16.75 (3m) (c) 2., 16.75 (3m) (c) 5., 16.855 (10m) (a), 16.87 (2), 84.075 (1) and 200.57 (1); *to amend* 16.75 (3m) (c) 1., 16.75 (3m) (c) 3., 16.75 (3m) (c) 4., 16.855 (10m) (b), 16.855 (10m) (c), 16.855 (14) (a), 18.16 (title), 18.16 (6), 18.64 (title), 18.64 (6), 18.77 (title), 18.77 (6), 23.41 (6), 25.185 (title), 25.185 (3), 84.075 (title), 84.075 (2), 84.075 (3), 85.25 (2) (c) (intro.), 200.57 (title), 229.46 (2) (intro.), 229.46 (3) (intro.), 229.70 (title), 229.70 (2), 229.70 (3) (intro.), 229.70 (4), 229.70 (4m), 229.70 (5) (b) 1., 229.70 (5) (b) 2., 229.70 (5) (b) 3., 229.8273 (title), 229.8273 (2), 229.8273 (3), 229.8273 (4), 229.8273 (5) (b) 1., 229.8273 (5) (b) 2., 229.8273 (5) (b) 3., 229.8273 (6), 229.845 (title) and 229.845 (2); *to repeal and recreate* 18.16 (1), 18.64 (1), 18.77 (1) and 25.185 (1); and *to create* 16.75 (3m) (a) 1., 2. and 3., 16.75 (3m) (b) 2., 16.75 (3m) (c) 2. b. and d., 16.75 (3m) (c) 5. b., 16.855 (10m) (ac), 16.855 (10m) (am) 2., 16.87 (1) (am), 16.87 (2) (c), 18.16 (2) (b), 18.16 (3) (b), 18.16 (4) (b), 18.16 (5) (b), 18.64 (2) (b), 18.64 (3) (b), 18.64 (4) (b), 18.64 (5) (b), 18.77 (2) (b), 18.77 (3) (b), 18.77 (4) (b), 18.77 (5) (b), 84.075 (1c), 84.075 (1m) (b), 84.075 (1m) (c), 85.25 (2) (c) 2m., 200.57 (1) (a), 200.57 (3), 229.46 (1) (ag), 229.70 (1) (ag), 229.8273 (1) (am), 229.845 (1) (ag), 231.29, 234.36 and 560.033 of the statutes; **relating to:** awarding state procurements to certified disabled veteran–owned businesses, providing an exemption from emergency rule procedures, and requiring the exercise of rule–making authority.

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

SECTION 1. 16.75 (3m) (a) of the statutes is renumbered 16.75 (3m) (a) (intro.) and amended to read:

16.75 (3m) (a) (intro.) In this subsection, ~~“minority”~~
4. **“Minority business”** means a business certified by the department of commerce under s. 560.036 (2).

SECTION 2. 16.75 (3m) (a) 1., 2. and 3. of the statutes are created to read:

16.75 (3m) (a) 1. “Disabled veteran–owned business” means a business certified by the department of commerce under s. 560.033 (3).

2. “Disabled veteran–owned financial adviser” means a financial adviser certified by the department of commerce under s. 560.033 (3).

3. “Disabled veteran–owned investment firm” means an investment firm certified by the department of commerce under s. 560.033 (3).

SECTION 3. 16.75 (3m) (b) of the statutes is renumbered 16.75 (3m) (b) 1. and amended to read:

16.75 (3m) (b) 1. The department and any agency making purchases under s. 16.74 shall attempt to ensure that ~~5%~~ **5 percent** of the total amount expended under this subchapter in each fiscal year is paid to minority businesses.

* Section 991.11, WISCONSIN STATUTES 2007–08 : 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 as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

3. Except as provided under sub. (7), the department may purchase materials, supplies, equipment, and contractual services from any minority business or disabled veteran-owned business, or a business that is both a minority business and a disabled veteran-owned business, submitting a qualified responsible competitive bid that is no more than 5% 5 percent higher than the apparent low bid or competitive proposal that is no more than 5% 5 percent higher than the most advantageous offer proposal. In administering the preference for minority businesses or disabled veteran-owned businesses established in this paragraph, the department and any agency making purchases under s. 16.74 shall maximize the use of minority businesses or disabled veteran-owned businesses which are incorporated under ch. 180 or which have their principal place of business in this state.

SECTION 4. 16.75 (3m) (b) 2. of the statutes is created to read:

16.75 (3m) (b) 2. The department and any agency making purchases under s. 16.74 shall make efforts to ensure that a portion of the total amount expended under this subchapter in each fiscal year is paid to disabled veteran-owned businesses.

SECTION 5. 16.75 (3m) (c) 1. of the statutes is amended to read:

16.75 (3m) (c) 1. After completing any contract under this subchapter, the contractor shall report to the agency that awarded the contract any amount of the contract that was subcontracted to minority businesses and any amount of the contract that was subcontracted to disabled veteran-owned businesses.

SECTION 6. 16.75 (3m) (c) 2. of the statutes is renumbered 16.75 (3m) (c) 2. (intro.) and amended to read:

16.75 (3m) (c) 2. Each agency shall report to the department at least semiannually, or more often if required by the department, the all of the following for the reporting period specified by the department:

a. The total amount of money it has expended for contracts and orders awarded to minority businesses and the

c. The number of contacts with minority businesses in connection with proposed purchases.

SECTION 7. 16.75 (3m) (c) 2. b. and d. of the statutes are created to read:

16.75 (3m) (c) 2. b. The total amount of money and the percentage of the total amount of money it has expended for contracts and orders awarded to disabled veteran-owned businesses.

d. The number of contacts with disabled veteran-owned businesses in connection with proposed purchases.

SECTION 8. 16.75 (3m) (c) 3. of the statutes is amended to read:

16.75 (3m) (c) 3. The department shall maintain and annually publish data on state purchases from minority businesses and on state purchases from disabled veteran-owned businesses, including amounts expended and the

percentage of total expenditures awarded to minority businesses and amounts expended and the percentage of total expenditures awarded to disabled veteran-owned businesses.

SECTION 9. 16.75 (3m) (c) 4. of the statutes is amended to read:

16.75 (3m) (c) 4. The department shall annually prepare and submit a report to the governor and to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees under s. 13.172 (3), on the total amount of money paid to and the amount of indebtedness or other obligations underwritten by minority businesses, minority financial advisers and minority investment firms, disabled veteran-owned businesses, disabled veteran-owned financial advisers, and disabled veteran-owned investment firms under the requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.075 and 565.25 (2) (a) 3. and on this state's progress toward achieving compliance with par. (b) and ss. 16.855 (10m) (a) (am) and (10n), 16.87 (2), 25.185, and 84.075 (1) (1m). The report shall also include the percentage of the total amount of money paid to and the percentage of the total amount of indebtedness or other obligations underwritten by disabled veteran-owned businesses, disabled veteran-owned financial advisers, and disabled veteran-owned investment firms. In calculating the percentages to be reported under this subsection, the department shall exclude any purchase or contract for which a preference would violate any federal law or regulation or any contract between an agency and a federal agency or any contract that would result in a reduction in the the amount of federal aids received by this state.

SECTION 10. 16.75 (3m) (c) 5. of the statutes is renumbered 16.75 (3m) (c) 5. a. and amended to read:

16.75 (3m) (c) 5. a. In determining whether a purchase, contract or subcontract complies with the goal established under par. (b) 1, or s. 16.855 (10m) (am) 1, 16.87 (2) (b), or 25.185 (2), the department shall include only amounts paid to minority businesses, minority financial advisers and minority investment firms certified by the department of commerce under s. 560.036 (2).

SECTION 11. 16.75 (3m) (c) 5. b. of the statutes is created to read:

16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract is made with a disabled veteran-owned business, the department shall include only amounts paid to disabled veteran-owned businesses certified by the department of commerce under s. 560.033 (3).

SECTION 12. 16.855 (10m) (a) of the statutes is renumbered 16.855 (10m) (am) 1. and amended to read:

16.855 (10m) (am) 1. In awarding construction contracts the department shall attempt to ensure that 5% 5 percent of the total amount expended in each fiscal year

is awarded to contractors and subcontractors which are minority businesses, as defined under s. 16.75 (3m) (a) 4.

3. The department may award any contract to a minority business or disabled veteran-owned business, or a business that is both a minority business and a disabled veteran-owned business, that submits a qualified responsible bid that is no more than 5% 5 percent higher than the apparent low bid.

SECTION 13. 16.855 (10m) (ac) of the statutes is created to read:

16.855 (10m) (ac) In this subsection, “disabled veteran-owned business” means a business certified by the department of commerce under s. 560.033 (3).

SECTION 14. 16.855 (10m) (am) 2. of the statutes is created to read:

16.855 (10m) (am) 2. In awarding construction contracts, the department shall make efforts to ensure that a portion of the total amount expended in each fiscal year is awarded to contractors and subcontractors that are disabled veteran-owned businesses.

SECTION 15. 16.855 (10m) (b) of the statutes is amended to read:

16.855 (10m) (b) Upon completion of any contract, the contractor shall report to the department any amount of the contract that was subcontracted to minority businesses or disabled veteran-owned businesses.

SECTION 16. 16.855 (10m) (c) of the statutes is amended to read:

16.855 (10m) (c) The department shall maintain and annually publish data on contracts awarded to minority businesses and disabled veteran-owned businesses under this subsection and ss. 16.87 and 84.075.

SECTION 17. 16.855 (14) (a) of the statutes is amended to read:

16.855 (14) (a) If a project requires prior approval of the building commission under s. 13.48 (10) (a) and bids are required to be solicited under sub. (2), the department shall take both single bids and separate bids on any division of the work that it designates. If a project does not require prior approval of the building commission under s. 13.48 (10) (a) and bids are required to be solicited under sub. (2), the department may take single bids or separate bids on any division of the work that it designates. If the department awards contracts by the division of work, the department shall award the contracts according to the division of work selected for bidding. Except as provided in sub. (10m) ~~(a)~~ (am), the department shall award all contracts to the lowest qualified responsible bidder or bidders that result in the lowest total construction cost for the project.

SECTION 18. 16.87 (1) (am) of the statutes is created to read:

16.87 (1) (am) “Disabled veteran-owned business” means a business certified by the department of commerce under s. 560.033 (3).

SECTION 19. 16.87 (2) of the statutes is renumbered 16.87 (2) (a) and amended to read:

16.87 (2) (a) A contract for engineering services or architectural services or a contract involving an expenditure of \$10,000 or more for construction work, or \$30,000 or more for limited trades work, to be done for or furnished to the state or a department, board, commission, or officer of the state is exempt from the requirements of ss. 16.705 and 16.75.

(b) The department shall attempt to ensure that 5% 5 percent of the total amount expended under this section in each fiscal year is paid to minority businesses, as defined in s. 16.75 (3m) (a) 4.

SECTION 20. 16.87 (2) (c) of the statutes is created to read:

16.87 (2) (c) The department shall make efforts to ensure that a portion of the total amount expended under this section in each fiscal year is paid to disabled veteran-owned businesses.

SECTION 21. 18.16 (title) of the statutes is amended to read:

18.16 (title) Minority financial advisers and investment firms; disabled veteran-owned financial advisers and investment firms.

SECTION 22. 18.16 (1) of the statutes is repealed and recreated to read:

18.16 (1) In this section:

(a) “Disabled veteran-owned financial adviser” means a financial adviser certified by the department of commerce under s. 560.033 (3).

(b) “Disabled veteran-owned investment firm” means an investment firm certified by the department of commerce under s. 560.033 (3).

(c) “Minority financial adviser” means a financial adviser certified by the department of commerce under s. 560.036 (2).

(d) “Minority investment firm” means an investment firm certified by the department of commerce under s. 560.036 (2).

SECTION 23. 18.16 (2) of the statutes is renumbered 18.16 (2) (a).

SECTION 24. 18.16 (2) (b) of the statutes is created to read:

18.16 (2) (b) Except as provided in sub. (7), in contracting public debt by competitive sale, the commission shall make efforts to ensure that a portion of the total public indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 25. 18.16 (3) of the statutes is renumbered 18.16 (3) (a).

SECTION 26. 18.16 (3) (b) of the statutes is created to read:

18.16 (3) (b) Except as provided under sub. (7), in contracting public debt by negotiated sale, the commission shall make efforts to ensure that a portion of total

public indebtedness contracted in each fiscal year is underwritten by disabled veteran–owned investment firms.

SECTION 27. 18.16 (4) of the statutes is renumbered 18.16 (4) (a).

SECTION 28. 18.16 (4) (b) of the statutes is created to read:

18.16 (4) (b) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall make efforts to ensure that a portion of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran–owned financial advisers.

SECTION 29. 18.16 (5) of the statutes is renumbered 18.16 (5) (a).

SECTION 30. 18.16 (5) (b) of the statutes is created to read:

18.16 (5) (b) Except as provided under s. 18.06 (9) and sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for a portion of sales to disabled veteran–owned investment firms.

SECTION 31. 18.16 (6) of the statutes is amended to read:

18.16 (6) The commission shall annually report to the department of administration the total amount of public indebtedness contracted with the underwriting services of minority investment firms and disabled veteran–owned investment firms and the total amount of moneys expended for the services of minority financial advisers and disabled veteran–owned financial advisers during the preceding fiscal year.

SECTION 32. 18.64 (title) of the statutes is amended to read:

18.64 (title) Minority financial advisers and investment firms; disabled veteran–owned financial advisers and investment firms.

SECTION 33. 18.64 (1) of the statutes is repealed and recreated to read:

18.64 (1) In this section:

(a) “Disabled veteran–owned financial adviser” means a financial adviser certified by the department of commerce under s. 560.033 (3).

(b) “Disabled veteran–owned investment firm” means an investment firm certified by the department of commerce under s. 560.033 (3).

(c) “Minority financial adviser” means a financial adviser certified by the department of commerce under s. 560.036 (2).

(d) “Minority investment firm” means an investment firm certified by the department of commerce under s. 560.036 (2).

SECTION 34. 18.64 (2) of the statutes is renumbered 18.64 (2) (a).

SECTION 35. 18.64 (2) (b) of the statutes is created to read:

18.64 (2) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall make efforts to ensure that a portion of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran–owned investment firms.

SECTION 36. 18.64 (3) of the statutes is renumbered 18.64 (3) (a).

SECTION 37. 18.64 (3) (b) of the statutes is created to read:

18.64 (3) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall make efforts to ensure that a portion of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran–owned investment firms.

SECTION 38. 18.64 (4) of the statutes is renumbered 18.64 (4) (a).

SECTION 39. 18.64 (4) (b) of the statutes is created to read:

18.64 (4) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall make efforts to ensure that a portion of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran–owned financial advisers.

SECTION 40. 18.64 (5) of the statutes is renumbered 18.64 (5) (a).

SECTION 41. 18.64 (5) (b) of the statutes is created to read:

18.64 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for a portion of sales to disabled veteran–owned investment firms.

SECTION 42. 18.64 (6) of the statutes is amended to read:

18.64 (6) The commission shall annually report to the department of administration the total amount of revenue obligations contracted with the underwriting services of minority investment firms and disabled veteran–owned investment firms and the total amount of moneys expended for the services of minority financial advisers and disabled veteran–owned financial advisers during the preceding fiscal year.

SECTION 43. 18.77 (title) of the statutes is amended to read:

18.77 (title) Minority financial advisers and investment firms; disabled veteran–owned financial advisers and investment firms.

SECTION 44. 18.77 (1) of the statutes is repealed and recreated to read:

18.77 (1) In this section:

(a) “Disabled veteran–owned financial adviser” means a financial adviser certified by the department of commerce under s. 560.033 (3).

(b) “Disabled veteran–owned investment firm” means an investment firm certified by the department of commerce under s. 560.033 (3).

(c) “Minority financial adviser” means a financial adviser certified by the department of commerce under s. 560.036 (2).

(d) “Minority investment firm” means an investment firm certified by the department of commerce under s. 560.036 (2).

SECTION 45. 18.77 (2) of the statutes is renumbered 18.77 (2) (a).

SECTION 46. 18.77 (2) (b) of the statutes is created to read:

18.77 (2) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall make efforts to ensure that a portion of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran–owned investment firms.

SECTION 47. 18.77 (3) of the statutes is renumbered 18.77 (3) (a).

SECTION 48. 18.77 (3) (b) of the statutes is created to read:

18.77 (3) (b) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall make efforts to ensure that a portion of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran–owned investment firms.

SECTION 49. 18.77 (4) of the statutes is renumbered 18.77 (4) (a).

SECTION 50. 18.77 (4) (b) of the statutes is created to read:

18.77 (4) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall make efforts to ensure that a portion of the total moneys expended in such fiscal year for the services of financial advisers are expended for the services of disabled veteran–owned financial advisers.

SECTION 51. 18.77 (5) of the statutes is renumbered 18.77 (5) (a).

SECTION 52. 18.77 (5) (b) of the statutes is created to read:

18.77 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an operating note, provides for a por-

tion of sales to disabled veteran–owned investment firms.

SECTION 53. 18.77 (6) of the statutes is amended to read:

18.77 (6) The commission shall annually report to the department of administration the total amount of operating note indebtedness contracted with the underwriting services of minority investment firms and the total amount of moneys expended for the services of minority financial advisers and disabled veteran–owned financial advisers during the preceding fiscal year.

SECTION 54. 23.41 (6) of the statutes is amended to read:

23.41 (6) The department shall attempt to ensure that at least 5% of the total amount expended under this section in each fiscal year is paid to minority businesses, as defined in s. 16.75 (3m) (a) 4.

SECTION 55. 25.185 (title) of the statutes is amended to read:

25.185 (title) Minority financial advisers and investment firms; disabled veteran–owned financial advisers and investment firms.

SECTION 56. 25.185 (1) of the statutes is repealed and recreated to read:

25.185 (1) In this section:

(a) “Disabled veteran–owned financial adviser” means a financial adviser certified by the department of commerce under s. 560.033 (3).

(b) “Disabled veteran–owned investment firm” means an investment firm certified by the department of commerce under s. 560.033 (3).

(c) “Minority financial adviser” means a financial adviser certified by the department of commerce under s. 560.036 (2).

(d) “Minority investment firm” means an investment firm certified by the department of commerce under s. 560.036 (2).

SECTION 57. 25.185 (3) of the statutes is amended to read:

25.185 (3) The board shall annually report to the department of administration the total amount of moneys expended under sub. (2) for common stock and convertible bond brokerage commissions, the services of minority and disabled veteran–owned financial advisers, and the services of minority and disabled veteran–owned investment firms during the preceding fiscal year.

SECTION 58. 84.075 (title) of the statutes is amended to read:

84.075 (title) Contracting with minority businesses and disabled veteran–owned businesses.

SECTION 59. 84.075 (1) of the statutes is renumbered 84.075 (1m) (a) and amended to read:

84.075 (1m) (a) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06 and in contracting with private contractors and agencies

under s. 84.07, the department shall attempt to ensure that 5% 5 percent of the total amount expended in each fiscal year is paid to contractors, subcontractors, and vendors ~~which that~~ are minority businesses, ~~as defined under s. 560.036 (1) (e) 4.~~ In attempting to meet this goal, the department may award any contract to a minority business that submits a qualified responsible bid that is no more than 5% 5 percent higher than the low bid.

SECTION 60. 84.075 (1c) of the statutes is created to read:

84.075 (1c) In this section:

(a) “Disabled veteran–owned business” means a business certified by the department of commerce under s. 560.033 (3).

(b) “Minority business” means a business certified by the department of commerce under s. 560.036 (2).

SECTION 61. 84.075 (1m) (b) of the statutes is created to read:

84.075 (1m) (b) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06 and in contracting with private contractors and agencies under s. 84.07, the department may award any contract to a disabled veteran–owned business that submits a qualified responsible bid that is no more than 5 percent higher than the low bid unless doing so would violate the provisions of any federal law or regulation or any contract between the department and a federal agency or would otherwise result in a reduction of the amount of federal highway aid received by this state.

SECTION 61m. 84.075 (1m) (c) of the statutes is created to read:

84.075 (1m) (c) If a contractor, subcontractor, or vendor is both a minority business and a disabled veteran–owned business, the department may award a contract under par. (a) or (b) but the qualified responsible bid must be no more than 5 percent higher than the low bid, as provided under pars. (a) and (b).

SECTION 62. 84.075 (2) of the statutes is amended to read:

84.075 (2) The contractor shall report to the department any amount of the contract paid to subcontractors and vendors which are minority businesses or disabled veteran–owned businesses.

SECTION 63. 84.075 (3) of the statutes is amended to read:

84.075 (3) The department shall at least semiannually, or more often if required by the department of administration, report to the department of administration the total amount of money it has paid to contractors, subcontractors, and vendors ~~which that~~ are minority businesses and that are disabled veteran–owned businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of contacts with minority businesses and disabled veteran–owned businesses in connection with proposed purchases and contracts. In its reports, the department shall include only amounts paid to businesses

certified by the department of commerce as minority businesses or disabled veteran–owned businesses.

SECTION 64. 85.25 (2) (c) (intro.) of the statutes is amended to read:

85.25 (2) (c) (intro.) “Disadvantaged business” means ~~a~~ any of the following:

1m. A sole proprietorship, partnership, limited liability company, joint venture or corporation that fulfills all of the following requirements:

SECTION 65. 85.25 (2) (c) 1. and 2. of the statutes are renumbered 85.25 (2) (c) 1m. a. and b.

SECTION 66. 85.25 (2) (c) 2m. of the statutes is created to read:

85.25 (2) (c) 2m. A disabled veteran–owned business, as defined in s. 84.075 (1c) (a).

SECTION 67. 200.57 (title) of the statutes is amended to read:

200.57 (title) Minority financial advisers and investment firms and disabled veteran–owned businesses.

SECTION 68. 200.57 (1) of the statutes is renumbered 200.57 (1) (intro.) and amended to read:

200.57 (1) In this section, ~~“minority:~~

(b) ~~“Minority~~ financial adviser” and “minority investment firm” mean a financial adviser and investment firm, respectively, certified by the department of commerce under s. 560.036 (2).

SECTION 69. 200.57 (1) (a) of the statutes is created to read:

200.57 (1) (a) “Disabled veteran–owned financial adviser” and “disabled veteran–owned investment firm” mean a financial adviser and investment firm, respectively, certified by the department of commerce under s. 560.033 (3)

SECTION 70. 200.57 (3) of the statutes is created to read:

200.57 (3) The commission shall make efforts to ensure that a portion of the total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of disabled veteran–owned financial advisers or disabled veteran–owned investment firms.

SECTION 71. 229.46 (1) (a) of the statutes is renumbered 229.46 (1) (am).

SECTION 72. 229.46 (1) (ag) of the statutes is created to read:

229.46 (1) (ag) “Disabled veteran–owned business” means a business certified by the department of commerce under s. 560.033 (3).

SECTION 73. 229.46 (2) (intro.) of the statutes is amended to read:

229.46 (2) (intro.) A person who is awarded a contract by a district shall agree, as a condition to receiving the contract, that at least 25% of the employees hired because of the contract will be minority group members

and at least 5% of the employees hired because of the contract will be women, and shall make efforts to ensure that a portion of the employees hired because of the contract will be employees of a disabled veteran-owned business, if any of the following applies:

SECTION 74. 229.46 (3) (intro.) of the statutes is amended to read:

229.46 (3) (intro.) At least 25% of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses and at least 5% of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses, and the district shall make efforts to ensure that a portion of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to disabled veteran-owned businesses:

SECTION 75. 229.70 (title) of the statutes is amended to read:

229.70 (title) Minority contracting goals; disabled veteran-owned business contracting goals.

SECTION 76. 229.70 (1) (a) of the statutes is renumbered 229.70 (1) (am).

SECTION 77. 229.70 (1) (ag) of the statutes is created to read:

229.70 (1) (ag) "Disabled veteran-owned business" means a business certified by the department of commerce under s. 560.033 (3).

SECTION 78. 229.70 (2) of the statutes is amended to read:

229.70 (2) The district shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by a district shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 25% of the employees hired because of the contract will be minority group members, a portion of the employees hired because of the contract will be employees of a disabled veteran-owned business, and at least 5% of the employees hired because of the contract will be women if the contract is for the construction of any part of baseball park facilities.

SECTION 79. 229.70 (3) (intro.) of the statutes is amended to read:

229.70 (3) (intro.) It shall be a goal of the district to ensure that at least 25% of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses, a portion of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to disabled veteran-owned businesses, and at least 5% of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses:

SECTION 80. 229.70 (4) of the statutes is amended to read:

229.70 (4) It shall be a goal of a district, with regard to each of the contracts described under sub. (3) (a), (b) and (c), to award at least 25% of the dollar value of such contracts to minority businesses, a portion of the dollar value of such contracts to disabled veteran-owned businesses, and at least 5% of the dollar value of such contracts to women's businesses.

SECTION 81. 229.70 (4m) of the statutes is amended to read:

229.70 (4m) (a) The district shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by a district shall agree, as a condition to receiving the contract, that if he or she is unable to meet the goal under sub. (2), he or she shall make a good faith effort to contract with the technical college district board of the technical college district in which the facilities are to be constructed or the professional services contract is to be performed, to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, and women who are qualified to perform the construction work or professional services.

(b) If the district is unable to meet the goals under subs. (3) and (4), the district shall make a good faith effort to contract with the technical college district board of the technical college district in which the contracts described under sub. (3) (a), (b) and (c) are to be performed, to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, and women who are qualified to perform the contracts described under sub. (3) (a), (b) and (c).

SECTION 82. 229.70 (5) (b) 1. of the statutes is amended to read:

229.70 (5) (b) 1. The supply of eligible minority businesses, disabled veteran-owned businesses, and women's businesses that have the financial capacity, technical capacity and previous experience in the areas in which contracts were awarded.

SECTION 83. 229.70 (5) (b) 2. of the statutes is amended to read:

229.70 (5) (b) 2. The competing demands for the services provided by eligible minority businesses, disabled veteran-owned businesses, and women's businesses, as described in subd. 1., in areas in which contracts were awarded.

SECTION 84. 229.70 (5) (b) 3. of the statutes is amended to read:

229.70 (5) (b) 3. The extent to which the district or contractors advertised for and aggressively solicited bids from eligible minority businesses, disabled veteran-owned businesses, and women's businesses, as described in subd. 1., and the extent to which eligible minority businesses, disabled veteran-owned businesses, and women's businesses submitted bids.

SECTION 85. 229.8273 (title) of the statutes is amended to read:

229.8273 (title) Minority, disabled veteran, and women contracting.

SECTION 86. 229.8273 (1) (am) of the statutes is created to read:

229.8273 (1) (am) “Disabled veteran–owned business” means a business certified by the department of commerce under s. 560.033 (3).

SECTION 87. 229.8273 (2) of the statutes is amended to read:

229.8273 (2) A district shall ensure that, for construction or renovation work and professional services contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least 15% of the employees hired because of the contract will be minority group members, a portion of the employees hired because of the contract will be employees of a disabled veteran–owned business, and at least 5% of the employees hired because of the contract will be women.

SECTION 88. 229.8273 (3) of the statutes is amended to read:

229.8273 (3) It shall be a goal of the district to ensure that at least 15% of the aggregate dollar value of contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), shall be awarded to minority businesses, a portion of the aggregate dollar value of contracts awarded by the board shall be awarded to disabled veteran–owned businesses, and at least 5% of the aggregate dollar value of contracts awarded by the board shall be awarded to women’s businesses.

SECTION 89. 229.8273 (4) of the statutes is amended to read:

229.8273 (4) (a) The district shall ensure that, for construction or renovation work and professional services contracts described under sub. (2), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that if he or she is unable to meet the goal under sub. (2), he or she shall make a good faith effort to contract with the technical college district board of the technical college district in which the football stadium facilities are to be constructed or renovated, or the professional services contract is to be performed, to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, and women who are qualified to perform the construction work or professional services.

(b) If the district is unable to meet the goals under sub. (3), the district shall make a good faith effort to contract with the technical college district board of the tech-

nical college district in which the contracts described under sub. (3) are to be performed to develop appropriate training programs designed to increase the pool of minority group members, disabled veterans, and women who are qualified to perform the contracts described under sub. (3).

SECTION 90. 229.8273 (5) (b) 1. of the statutes is amended to read:

229.8273 (5) (b) 1. The supply of eligible minority businesses, disabled veteran–owned businesses, and women’s businesses that have the financial capacity, technical capacity and previous experience in the areas in which contracts were awarded.

SECTION 91. 229.8273 (5) (b) 2. of the statutes is amended to read:

229.8273 (5) (b) 2. The competing demands for the services provided by eligible minority businesses, disabled veteran–owned businesses, and women’s businesses, as described in subd. 1., in areas in which contracts were awarded.

SECTION 92. 229.8273 (5) (b) 3. of the statutes is amended to read:

229.8273 (5) (b) 3. The extent to which the district or contractors advertised for and aggressively solicited bids from eligible minority businesses, disabled veteran–owned businesses, and women’s businesses, as described in subd. 1., and the extent to which eligible minority businesses, disabled veteran–owned businesses, and women’s businesses submitted bids.

SECTION 93. 229.8273 (6) of the statutes is amended to read:

229.8273 (6) Annually the legislative audit bureau shall conduct an audit of the district’s efforts to achieve the minority participation, disabled veteran participation, and women participation hiring and contracting goals contained in this section. The audit bureau shall distribute a copy of each audit report under this subsection to the district, to the cochairs of the joint committee on finance and to the cochairs of the joint audit committee.

SECTION 94. 229.845 (title) of the statutes is amended to read:

229.845 (title) Minority contracting goals; disabled veteran–owned business contracting goals.

SECTION 95. 229.845 (1) (a) of the statutes is renumbered 229.845 (1) (am).

SECTION 96. 229.845 (1) (ag) of the statutes is created to read:

229.845 (1) (ag) “Disabled veteran–owned business” means a business certified by the department of commerce under s. 560.033 (3).

SECTION 97. 229.845 (2) of the statutes is amended to read:

229.845 (2) It shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least 15% of

the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, a portion of the aggregate dollar value of such contracts awarded by the district shall be awarded to disabled veteran-owned businesses, and at least 5% of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses, except that if the sponsoring city is a 1st class city, it shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least 25% of the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, a portion of the aggregate dollar value of such contracts awarded by the district shall be awarded to disabled veteran-owned businesses, and at least 5% of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses.

SECTION 98. 231.29 of the statutes is created to read:

231.29 Disabled veteran-owned business financial interests. (1) In this section, "business," "financial adviser," and "investment firm" mean a business, financial adviser, and investment firm certified by the department of commerce under s. 560.033 (3).

(2) The authority shall annually report to the department of administration the total amount purchased from and contracted or subcontracted under contracts made by the authority to businesses, the total amount of bonds issued by the authority with the underwriting services of investment firms, and the total amount of moneys expended by the authority for the services of financial advisers during the preceding state fiscal year.

SECTION 99. 234.36 of the statutes is created to read:

234.36 Disabled veteran-owned business financial interests. (1) In this section, "business," "financial adviser," and "investment firm" mean a business, financial adviser, and investment firm certified by the department of commerce under s. 560.033 (3).

(2) The authority shall annually report to the department of administration the total amount purchased from and contracted or subcontracted under contracts made by the authority to businesses, the total amount of bonds and notes issued by the authority with the underwriting services of investment firms, and the total amount of moneys expended by the authority for the services of financial advisers during the preceding state fiscal year.

SECTION 100. 560.033 of the statutes is created to read:

560.033 Disabled veteran-owned businesses. (1) **DEFINITIONS.** In this section, unless the context requires otherwise:

(a) "Business" means a sole proprietorship, partnership, limited liability company, joint venture, or corporation.

(b) "Disabled veteran" means a person who is verified by the department of veterans affairs as being all of

the following at the time the person applies for certification under sub. (3):

1. A veteran, as defined in s. 45.01 (12).

2. A resident of this state.

3. A person who is in receipt of an award from the U.S. department of veterans affairs of a service-connected disability rating under 38 USC 1114 or 1134 of at least 30 percent.

(c) "Duly authorized representative" has the meaning given in s. 45.04 (1) (a).

(d) "Financial adviser" means a business that serves as an adviser with regard to the sale of evidences of indebtedness or other obligations.

(e) "Investment firm" means a business that serves as a manager, comanager, or in any other underwriting capacity with regard to the sale of evidences of indebtedness or other obligations or as a broker-dealer as defined in s. 551.102 (4).

(f) "Useful business function" means the provision of materials, supplies, equipment, or services to customers, including the state.

(2) **DISABLED VETERAN-OWNED BUSINESS DATABASE.** The department shall develop, maintain, and keep current a computer database of businesses certified under this section.

(3) **DISABLED VETERAN-OWNED BUSINESS, FINANCIAL ADVISER, AND INVESTMENT FIRM CERTIFICATION.** (a) Any business, financial adviser, or investment firm may apply to the department for certification under this section.

(b) The department shall certify a business, financial adviser, or investment firm under this section if, after conducting an investigation, the department determines that the business, financial adviser, or investment firm fulfills all of the following requirements:

1. One or more disabled veterans owns not less than 51 percent of the business, financial adviser, or investment firm or, in the case of any publicly owned business, financial adviser, or investment firm, one or more disabled veterans owns not less than 51 percent of the stock of the business, financial adviser, or investment firm.

2. One or more disabled veterans or one or more duly authorized representatives of one or more disabled veterans controls the management and daily business operations of the business, financial adviser, or investment firm.

3. The business, financial adviser, or investment firm has its principal place of business in this state.

4. The business, financial adviser, or investment firm is currently performing a useful business function. Acting as a conduit for the transfer of funds to a business that is not certified under this section does not constitute a useful business function, unless doing so is a normal industry practice.

(c) The department may charge each business, financial adviser, or investment firm applying for certification

under this section a fee to cover the department's expenses in making the certification determination.

(d) If a business, financial adviser, or investment firm fails to provide the department with sufficient information to enable the department to conduct an investigation or does not qualify for certification under par. (b), the department shall deny the application. A business, financial adviser, or investment firm whose application is denied may, within 30 days after the date of the denial, appeal in writing to the secretary. The secretary shall enter his or her final decision within 30 days after receiving the appeal.

(e) 1. The department may, at the request of any state agency or on its own initiative, evaluate any business, financial adviser, or investment firm certified under this section to verify that it continues to qualify for certification. The business, financial adviser, or investment firm shall provide the department with any records or information necessary to complete the examination.

2. If a business, financial adviser, or investment firm fails to comply with a reasonable request for records or information, the department shall notify the business, financial adviser, or investment firm and the departments of administration and transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

3. If, after an evaluation under this paragraph, the department determines that a business, financial adviser, or investment firm no longer qualifies for certification under this section, the department shall notify the business, financial adviser, or investment firm and the departments of administration and transportation, in writing, that it intends to decertify the business, financial adviser, or investment firm.

(f) The business, financial adviser, or investment firm may, within 30 days after a notice is sent under par. (e) 2. or 3., appeal in writing to the secretary. If the business, financial adviser, or investment firm does not submit an appeal under this paragraph, the department shall immediately decertify the business, financial adviser, or investment firm. If an appeal is submitted under this paragraph, the secretary shall enter his or her final decision, in writing, within 30 days after receiving the appeal. If the secretary confirms the decision of the department, the department shall immediately decertify the business, financial adviser, or investment firm. A business, financial adviser, or investment firm decertified under this paragraph may, within 30 days after the secretary's decision, request a contested case hearing under s. 227.42 from the department. If the final administrative or judicial proceeding results in a determination that the business, financial adviser, or investment firm qualifies for certification under this section, the department shall immediately certify the business, financial adviser, or investment firm. The department shall provide the business, financial adviser, or investment firm and the depart-

ments of administration and transportation with a copy of the final written decision regarding certification under this paragraph.

(4) DEPARTMENT RULE MAKING. The department shall promulgate by administrative rule procedures to implement this section.

SECTION 101. Nonstatutory provisions.

(1) DISABLED VETERAN-OWNED BUSINESS CERTIFICATION; RULES. Using the procedure under section 227.24 of the statutes, the department of commerce shall promulgate the rules required under section 560.033 (4) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 560.033 (4) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 277.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) REPORT AND RECOMMENDATIONS CONCERNING DISABLED VETERAN-OWNED BUSINESS PROCUREMENT.

(a) In this subsection:

1. "Agency" has the meaning given in section 16.70 (1e) of the statutes.

2. "Disabled veteran-owned business" means a business certified by the department of commerce under section 560.033 (3) of the statutes, as created by this act.

3. "Disabled veteran-owned financial adviser" means a financial adviser certified by the department of commerce under section 560.033 (3) of the statutes, as created by this act.

4. "Disabled veteran-owned investment firm" means an investment firm certified by the department of commerce under section 560.033 (3) of the statutes, as created by this act.

(b) No later than March 31 of the 4th year beginning after the year in which this subsection takes effect the department of administration shall report to the appropriate standing committees of the legislature in the manner provided under section 13.172 (3) of the statutes concerning the percentage of orders placed by and contracts entered into by agencies under subchapters IV and V of chapter 16 of the statutes and sections 25.185 and 84.075 of the statutes and shall recommend to the committees either a goal consisting of a percentage of the total amount of money that will be annually paid to disabled veteran-owned businesses, disabled veteran-owned financial advisers, and disabled veteran-owned investment firms by agencies or a goal consisting of an annual percentage increase in the total amount of money that will be paid to disabled veteran-owned businesses, disabled veteran-owned financial advisers, and disabled

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veteran-owned investment firms by agencies in at least the 5-year period ending on December 31 of the 5th year beginning after the date of the report. In calculating the percentages under this paragraph, the department shall exclude any purchases or contracts that are not subject to a purchasing or contracting preference as a result of the application of section 16.75 (3m) (c) 4. of the statutes, as affected by this act.

SECTION 102. Initial applicability.

(1) This act first applies with respect to contracts entered into and orders placed on the effective date of this subsection.

SECTION 103. Effective dates. This act takes effect on the first day of the 6th month beginning after publication, except as follows:

(1) The creation of section 560.033 of the statutes takes effect on the day after publication.