

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus 6-2257

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Addl. Drafters:

Subject: Counties - miscellaneous  
Munis - miscellaneous  
Munis - sewerage districts  
State Finance - investment board  
State Government - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN6561,

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**Topic:**

Contracting preferences for minority businesses; certification by department of commerce

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**Instructions:**

See Attached

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**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>
/?	malaigm 06/16/2001	wjackson 06/17/2001		_____			
/1			haugeca 06/17/2001	_____	lrb docadmin 06/17/2001		

FE Sent For:

<END>

06/15/2001 12:32:59 PM

Page 1

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/?	malaigm	/1 WJ 6/17	CH 6-19	CH 6-19 <del>5/</del>			

FE Sent For:

**Uniform Statewide MBE Certification Established**

CN6561

Agency: DOC

**Description:** Establishes uniform statewide minority business certification through the Department of Commerce, which is to prescribe the application forms by rulemaking. The DOC rules may not require applicants to file a copy of their tax return, but may provide for other methods to certify income. Under the proposal all local county and municipal ordinances regarding minority business certification must conform to the state certification language.

Fiscal Effect: Unknown

Drafted as LRB b0304/2

(New provision)

~~MISS~~

GMM

2001

Date (time) needed soon

LRB b 095711

**AMDT TO BUDGET SUB AMDT**

GMM: Wlj : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**SENATE AMENDMENT  
~~TO SENATE AMENDMENT~~  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

At the locations indicated, amend the substitute amendment ~~amendment~~ as follows:

- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :
- #. Page . . . . , line . . . . :



~~SENATE AMENDMENT  
TO 2001 SENATE BILL 55~~

1 ~~At the locations indicated, amend the bill as follows.~~

72

17

2 1. Page ~~254~~, line ~~6~~: after that line insert:

3 "SECTION 321j. 16.854 (1) (a) of the statutes is amended to read:  
4 16.854 (1) (a) "Minority business" has the meaning given in s. 560.036 (1) (e)  
5 means a business that is certified by the department of commerce under s. 560.036  
6 (2)."

469

23

7 2. Page ~~641~~, line ~~22~~: after that line insert:

8 "SECTION 1111j. 25.17 (59) of the statutes is amended to read:  
9 25.17 (59) Invest or deposit money from the appropriation under s. 20.143 (1)  
10 (fm) in a public depository located in this state that is ~~at least 51% owned by a~~  
11 ~~minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
12 a minority business certified by the department of commerce under s. 560.036 (2)."

13 3. Page ~~692~~, line 6: after that line insert:

512

521

11

1 "SECTION 1346j. 34.05 (4) of the statutes is amended to read:

2 34.05 (4) Money from the appropriation under s. 20.143 (1) (fm) shall be  
3 deposited in a public depository located in this state that is ~~at least 51% owned by~~  
4 ~~a minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
5 a minority business certified by the department of commerce under s. 560.036 (2)."

6 4. Page 699, line 5: after that line insert:

7 "SECTION 1372e. 38.18 of the statutes is amended to read:

8 38.18 **Contracts and bidding.** All contracts made by a district board for  
9 public construction in a district shall be let by the district board to the lowest  
10 responsible bidder, and may be awarded to a minority business that is certified by  
11 the department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to  
12 (11) and (14). For purposes of this section, the district board shall possess the powers  
13 conferred by s. 62.15 on the board of public works and the common council. All  
14 contracts made under this section shall be made in the name of the district and shall  
15 be executed by the district board chairperson and district board secretary."

16 5. Page 746, line 19: after that line insert:


17 "SECTION 1406w. 43.17 (9) (a) of the statutes is amended to read:

18 43.17 (9) (a) All contracts for public construction made by a federated public  
19 library system whose territory lies within 2 or more counties or by a federated public  
20 library system whose territory lies within a single county with a population of at least  
21 500,000 shall be let by the public library system board to the lowest responsible  
22 bidder, and may be awarded to a minority business that is certified by the  
23 department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to (11)  
24 and (14). For purposes of this section, the system board possesses the powers

1 conferred by s. 62.15 on the board of public works and the common council. All  
2 contracts made under this section shall be made in the name of the federated public  
3 library system and shall be executed by the system board president and such other  
4 board officer as the system board designates.”

5 **6.** Page 899, line 5: after that line insert:

6 “SECTION 2001r. 59.52 (29) (c) of the statutes is created to read:

7 59.52 (29) (c) If a county enacts an ordinance or adopts a resolution that  
8 authorizes preferences or set-asides to minority businesses in the awarding of a  
9 public work contract under par. (a), the ordinance or resolution shall require that the  
10 minority business be certified by the department of commerce under s. 560.036 (2).

11 ~~7. Page 899, line 9: after that line insert:~~

12 ~~“SECTION 2002j. 59.57 (1) (b) of the statutes is amended to read:~~

13 59.57 (1) (b) If a county with a population of 500,000 or more appropriates  
14 money under par. (a) to fund nonprofit agencies, the county shall have a goal of  
15 expending 20% of the money appropriated for this purpose to fund a nonprofit agency  
16 that is actively managed by minority group members, as defined in s. 560.036 (1) (f),  
17 a minority business certified by the department of commerce under s. 560.036 (2) and  
18 that principally serves minority group members.”

19 **8.** Page 900, line 2: after that line insert:

20 “SECTION 2003f. 60.47 (7) of the statutes is created to read:

21 60.47 (7) MINORITY CONTRACTING. If a town board enacts an ordinance or adopts  
22 a resolution that authorizes preferences or set-asides to minority businesses in the  
23 awarding of a public work contract under subs. (2) and (3), the ordinance or

ⓑ up

1 resolution shall require that the minority business be certified by the department of  
2 commerce under s. 560.036 (2).

3 SECTION 2003p. 61.55 of the statutes is renumbered 61.55 (1) and amended to  
4 read:

5 61.55 (1) All contracts for public construction, in any ~~such~~ village, exceeding  
6 \$15,000, shall be let by the village board to the lowest responsible bidder in  
7 accordance with s. 66.0901 insofar as said that section ~~may be~~ is applicable. If the  
8 estimated cost of any public construction exceeds \$5,000, but is not greater than  
9 \$15,000, the village board shall give a class 1 notice, under ch. 985, of the proposed  
10 construction before the contract for the construction is executed.

11 (2) This provision does not apply to public construction if the materials for such  
12 a project are donated or if the labor for such a project is provided by volunteers, and  
13 this provision and s. 281.41 are not mandatory for the repair and reconstruction of  
14 public facilities when damage or threatened damage thereto creates an emergency,  
15 as determined by resolution of the village board, in which the public health or welfare  
16 of the village is endangered. Whenever the village board by majority vote at a regular  
17 or special meeting declares that an emergency no longer exists, this exemption no  
18 longer applies.

ⓑ up

19 SECTION 2003q. 61.55 (3) of the statutes is created to read:

20 61.55 (3) If a village board enacts an ordinance or adopts a resolution that  
21 authorizes preferences or set-asides to minority businesses in the awarding of a  
22 public work contract under sub. (1), the ordinance or resolution shall require that the  
23 minority business be certified by the department of commerce under s. 560.036 (2).

24 SECTION 2003r. 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and  
25 amended to read:

ⓑ VP  
see



1           62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR. (a)  
2 All public construction, the estimated cost of which exceeds \$15,000, shall be let by  
3 contract to the lowest responsible bidder; ~~all~~. All other public construction shall be  
4 let as the council may direct. If the estimated cost of any public construction exceeds  
5 \$5,000 but is not greater than \$15,000, the board of public works shall give a class  
6 1 notice, under ch. 985, of the proposed construction before the contract for the  
7 construction is executed.

8           **(b)** This provision does not apply to public construction if the materials for such  
9 a project are donated or if the labor for such a project is provided by volunteers. The  
10 council may also by a vote of three-fourths of all the members—elect provide by  
11 ordinance that any class of public construction or any part thereof may be done  
12 directly by the city without submitting the same for bids.

13           <sup>see 2 V9</sup> SECTION 2003. 62.15 (1) (c) of the statutes is created to read:

14           62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that  
15 authorizes preferences or set-asides to minority businesses in the awarding of a  
16 public work contract under par. (a), the ordinance or resolution shall require that the  
17 minority business be certified by the department of commerce under s. 560.036 (2).”.

18           <sup>680</sup> 9. Page 9<sup>11</sup>, line 1: after that line insert:

19           <sup>2026</sup> “SECTION 2026. 66.0901 (6) of the statutes is amended to read:

20           66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public  
21 contracts for the construction, repair, remodeling, or improvement of a public  
22 building or structure, other than highway structures and facilities, a municipality  
23 may bid projects based on a single or multiple division of the work. Public contracts  
24 shall be awarded according to the division of work selected for bidding. The

1 municipality may set out in any public contract reasonable and lawful conditions as  
2 to the hours of labor, wages, residence, character, and classification of workers to be  
3 employed by any contractor, classify contractors as to their financial responsibility,  
4 competency, and ability to perform work, and set up a classified list of contractors.  
5 The municipality may reject the bid of any person, if the person has not been  
6 classified for the kind or amount of work in the bid. If one of the conditions a  
7 municipality imposes under a contract that is let under this section authorizes  
8 preferences or set-asides to minority businesses in the awarding of a contract under  
9 this section, the condition shall require that the minority business be certified by the  
10 department of commerce under s. 560.036 (2).”

11 **10.** Page <sup>(265)</sup>1025, line <sup>(2a)</sup>24: after that line insert:

12 “**SECTION 2307h.** 84.075 (1) of the statutes is amended to read:

13 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction  
14 contracts under s. 84.06, and in contracting with private contractors and agencies  
15 under s. 84.07, the department of transportation shall attempt to ensure that 5% of  
16 the total amount expended in each fiscal year is paid to contractors, subcontractors,  
17 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1~~ that  
18 are minority businesses certified by the department of commerce under s. 560.036  
19 (2). In attempting to meet this goal, the department of transportation may award  
20 any contract to a minority business that submits a qualified responsible bid that is  
21 no more than 5% higher than the low bid.

22 **SECTION 2307i.** 84.075 (2) of the statutes is amended to read:

1           84.075 (2) The contractor shall report to the department of transportation any  
2 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority  
3 businesses certified by the department of commerce under s. 560.036 (2).

4           **SECTION 2307j.** 84.075 (3) of the statutes is amended to read:

5           84.075 (3) The department of transportation shall at least semiannually, or  
6 more often if required by the department of administration, report to the department  
7 of administration the total amount of money it has paid to contractors,  
8 subcontractors, and vendors ~~which that~~ are minority businesses under ss. 84.01 (13),  
9 84.06, and 84.07 and the number of contacts with minority businesses in connection  
10 with proposed purchases and contracts. In its reports, the department of  
11 transportation shall include only amounts paid to businesses certified by the  
12 department of commerce under s. 560.036 (2) as minority businesses.

13           **SECTION 2307k.** <sup>(8) (j)</sup> 84.076 (1) (c) of the statutes is amended to read:

14           84.076 (1) (c) "Minority business" ~~has the meaning given under s. 560.036 (1)~~  
15 (e) 1 means a business that is certified by the department of commerce under s.  
16 560.036 (2)."

17           **11.** Page 11<sup>(123)</sup>5, line 2<sup>(7)</sup>5: after that line insert:

18           **"SECTION 2744m.** 119.04 (1) of the statutes is amended to read:

19           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
20 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
21 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
22 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
23 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,  
24 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,

924

22

1 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and  
2 120.25 are applicable to a 1st class city school district and board.”

3 **12.** Page 1161, line 12: after that line insert:

4 “SECTION 2760m. 120.12 (27) of the statutes is created to read:

5 120.12 (27) MINORITY CONTRACTING. If the school board adopts a policy that  
6 authorizes preferences or set-asides to minority businesses in the awarding of a  
7 public contract, as defined in s. 60.47 (1) (a), ensure that the policy requires that the  
8 minority business be certified by the department of commerce under s. 560.036 (2).”

9 **13.** Page 1380, line 18: after that line insert:

10 “SECTION 3020h. 200.49 (1) (a) of the statutes is amended to read:

11 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~  
12 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~  
13 ~~controlled by one or more minority group members and that is engaged in~~  
14 ~~construction or construction related activities~~ business that is certified by the  
15 department of commerce under s. 560.036 (2).

16 SECTION 3020i. 200.49 (3) (intro.) of the statutes is amended to read:

17 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request  
18 proposals for prime contracts from bondable general contractors or construction  
19 contractors that are ~~bona fide independent~~ minority businesses. Each proposal  
20 submitted shall include all of the following conditions:

21 SECTION 3020j. 200.49 (3) (b) of the statutes is amended to read:

22 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable  
23 the executive director to determine that the prime contractor has made or will make

Page 1003, line 24: after that line insert:

1 a good faith effort to award at least 20% of the total contract amount to bona-fide  
2 independent minority business subcontractors.

3 SECTION 3020k. 200.49 (4) of the statutes is repealed.”

4 14. Page 1003, line 12: after that line insert:

5 “SECTION 3037h. 229.46 (1) (a) of the statutes is amended to read:

6 229.46 (1) (a) “Minority business” has the meaning given in s. 200.49 (1) (a)  
7 means a business that is certified by the department of commerce under s. 560.036

8 (2). “ (B) P

9 “SECTION 3037i. 229.70 (1) (a) of the statutes is amended to read:

10 229.70 (1) (a) “Minority business” has the meaning given in s. 560.036 (1) (e)  
11 means a business that is certified by the department of commerce under s. 560.036

12 (2). (B) G

13 SECTION 3037j. 229.8273 (1) (b) of the statutes is amended to read:

14 229.8273 (1) (b) “Minority business” has the meaning given in s. 560.036 (1) (e)  
15 means a business that is certified by the department of commerce under s. 560.036

16 (2). (B) C

17 SECTION 3037k. 229.845 (1) (a) of the statutes is amended to read:

18 229.845 (1) (a) “Minority business” has the meaning given in s. 560.036 (1) (e)  
19 means a business that is certified by the department of commerce under s. 560.036

20 (2). (1011) 6

21 15. Page 1011, line 6: after that line insert:

22 “SECTION 3095j. 232.05 (2) (d) of the statutes is amended to read:

1 232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services  
2 with minority businesses that are certified by the department of commerce under s.  
3 560.036 (2)."

(137) (15)

4 16. Page 1422, line 24: after that line insert:

5 "SECTION 3097e. 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

6 234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business  
7 that is certified by the department of commerce under s. 560.036 (2) or that is more  
8 than 50% owned or controlled by women or minorities.

9 17. Page 1423, line 7: after that line insert:

10 SECTION 3098v. 234.65 (1) (g) of the statutes is amended to read:

11 234.65 (1) (g) In granting loans under this section the authority shall give  
12 preference to businesses which that are minority businesses certified by the  
13 department of commerce under s. 560.036 (2) or that are more than 50% owned or  
14 controlled by women or minorities, to businesses that, together with all of their  
15 affiliates, subsidiaries, and parent companies, have current gross annual sales of  
16 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that  
17 have less than 50% of their ownership held or controlled by another business and  
18 have their principal business operations in this state."

19 18. Page 1440, line 21: delete lines 21 to 25.

(1337) (13) (13) (21)

20 19. Page 1441, line 1: delete lines 1 to 1 and substitute:

21 "SECTION 3141d. 252.12 (2) (c) 2. of the statutes is amended to read:

22 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the  
23 department shall award \$75,000 in each fiscal year as grants for services to prevent  
24 HIV infection and related infections, including hepatitis C virus infection. Criteria

1 for award of the grants shall include the criteria specified under subd. 1. The  
 2 department shall award 60% of the funding to applying organizations that receive  
 3 funding under par. (a) 8. and 40% of the funding to applying community-based  
 4 organizations that are operated by minority group members, as defined in s. 560.036  
 5 ~~(1)(f)~~ minority businesses certified by the department of commerce under s. 560.036  
 6 (2).”

(1156) (7)

7 20. Page 1539, line 12: after that line insert:

8 “SECTION 3619. <sup>sd → (sd) (B)</sup> 560.036 (2) (a) of the statutes is amended to read:

9 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87  
 10 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)  
 11 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495  
 12 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and  
 13 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,  
 14 560.039, and 560.80 to 560.85, the department shall establish and periodically  
 15 update a list of certified minority businesses, minority financial advisers, and  
 16 minority investment firms. Any business, financial adviser, or investment firm may  
 17 apply to the department for certification. For purposes of this paragraph, unless the  
 18 context otherwise requires, a “business” includes a financial adviser or investment  
 19 firm.

(59) (B)

20 SECTION 3619. 560.036 (3) (a) of the statutes is amended to read:

21 560.036 (3) (a) The department shall promulgate rules establishing procedures  
 22 to implement sub. (2). Those rules shall include a rule prescribing a uniform  
 23 application form for certification under sub. (2).

24 SECTION 3619. 560.036 (3) (c) of the statutes is amended to read:

(5J) (B)





SDC:.....Keckhaver – CN6561, Contracting preferences for minority businesses; certification by department of commerce

**CAUCUS SENATE AMENDMENT**  
**TO SENATE SUBSTITUTE AMENDMENT 1,**  
**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 72, line 17: after that line insert:

3 “**SECTION 321j.** 16.854 (1) (a) of the statutes is amended to read:

4 16.854 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
5 means a business that is certified by the department of commerce under s. 560.036  
6 (2).”.

7 **2.** Page 469, line 23: after that line insert:

8 “**SECTION 1111j.** 25.17 (59) of the statutes is amended to read:

9 25.17 (59) Invest or deposit money from the appropriation under s. 20.143 (1)  
10 (fm) in a public depository located in this state that is ~~at least 51% owned by a~~

1 ~~minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
2 a minority business certified by the department of commerce under s. 560.036 (2).”.

3 **3.** Page 512, line 6: after that line insert:

4 “**SECTION 1346j.** 34.05 (4) of the statutes is amended to read:

5 34.05 (4) Money from the appropriation under s. 20.143 (1) (fm) shall be  
6 deposited in a public depository located in this state that is ~~at least 51% owned by~~  
7 ~~a minority group member or minority group members, as defined in s. 560.036 (1) (f)~~  
8 a minority business certified by the department of commerce under s. 560.036 (2).”.

9 **4.** Page 521, line 11: after that line insert:

10 “**SECTION 1372e.** 38.18 of the statutes is amended to read:

11 **38.18 Contracts and bidding.** All contracts made by a district board for  
12 public construction in a district shall be let by the district board to the lowest  
13 responsible bidder, and may be awarded to a minority business that is certified by  
14 the department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to  
15 (11) and (14). For purposes of this section, the district board shall possess the powers  
16 conferred by s. 62.15 on the board of public works and the common council. All  
17 contracts made under this section shall be made in the name of the district and shall  
18 be executed by the district board chairperson and district board secretary.”.

19 **5.** Page 536, line 19: after that line insert:

20 “**SECTION 1406w.** 43.17 (9) (a) of the statutes is amended to read:

21 43.17 (9) (a) All contracts for public construction made by a federated public  
22 library system whose territory lies within 2 or more counties or by a federated public  
23 library system whose territory lies within a single county with a population of at least  
24 500,000 shall be let by the public library system board to the lowest responsible

1 bidder, and may be awarded to a minority business that is certified by the  
2 department of commerce under s. 560.036 (2), in accordance with s. 62.15 (1) to (11)  
3 and (14). For purposes of this section, the system board possesses the powers  
4 conferred by s. 62.15 on the board of public works and the common council. All  
5 contracts made under this section shall be made in the name of the federated public  
6 library system and shall be executed by the system board president and such other  
7 board officer as the system board designates.”.

8 **6.** Page 665, line 20: after that line insert:

9 “SECTION 2001r. 59.52 (29) (c) of the statutes is created to read:

10 59.52 (29) (c) If a county enacts an ordinance or adopts a resolution that  
11 authorizes preferences or set-asides to minority businesses in the awarding of a  
12 public work contract under par. (a), the ordinance or resolution shall require that the  
13 minority business be certified by the department of commerce under s. 560.036 (2).

14 SECTION 2002j. 59.57 (1) (b) of the statutes is amended to read:

15 59.57 (1) (b) If a county with a population of 500,000 or more appropriates  
16 money under par. (a) to fund nonprofit agencies, the county shall have a goal of  
17 expending 20% of the money appropriated for this purpose to fund a nonprofit agency  
18 that is ~~actively managed by minority group members, as defined in s. 560.036 (1) (f),~~  
19 a minority business certified by the department of commerce under s. 560.036 (2) and  
20 that principally serves minority group members.”.

21 **7.** Page 669, line 17: after that line insert:

22 “SECTION 2003t. 60.47 (7) of the statutes is created to read:

23 60.47 (7) MINORITY CONTRACTING. If a town board enacts an ordinance or adopts  
24 a resolution that authorizes preferences or set-asides to minority businesses in the

1 awarding of a public work contract under subs. (2) and (3), the ordinance or  
2 resolution shall require that the minority business be certified by the department of  
3 commerce under s. 560.036 (2).

4 **SECTION 2003up.** 61.55 of the statutes is renumbered 61.55 (1) and amended  
5 to read:

6 61.55 (1) All contracts for public construction, in any such village, exceeding  
7 \$15,000, shall be let by the village board to the lowest responsible bidder in  
8 accordance with s. 66.0901 insofar as said that section ~~may be~~ is applicable. If the  
9 estimated cost of any public construction exceeds \$5,000, but is not greater than  
10 \$15,000, the village board shall give a class 1 notice, under ch. 985, of the proposed  
11 construction before the contract for the construction is executed.

12 (2) This provision does not apply to public construction if the materials for such  
13 a project are donated or if the labor for such a project is provided by volunteers, and  
14 this provision and s. 281.41 are not mandatory for the repair and reconstruction of  
15 public facilities when damage or threatened damage thereto creates an emergency,  
16 as determined by resolution of the village board, in which the public health or welfare  
17 of the village is endangered. Whenever the village board by majority vote at a regular  
18 or special meeting declares that an emergency no longer exists, this exemption no  
19 longer applies.

20 **SECTION 2003uq.** 61.55 (3) of the statutes is created to read:

21 61.55 (3) If a village board enacts an ordinance or adopts a resolution that  
22 authorizes preferences or set-asides to minority businesses in the awarding of a  
23 public work contract under sub. (1), the ordinance or resolution shall require that the  
24 minority business be certified by the department of commerce under s. 560.036 (2).

1           **SECTION 2003vp.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and  
2 amended to read:

3           **62.15 (1) CONTRACTS; HOW LET; EXCEPTION FOR DONATED MATERIALS AND LABOR.** (a)  
4 All public construction, the estimated cost of which exceeds \$15,000, shall be let by  
5 contract to the lowest responsible bidder; ~~all.~~ All other public construction shall be  
6 let as the council may direct. If the estimated cost of any public construction exceeds  
7 \$5,000 but is not greater than \$15,000, the board of public works shall give a class  
8 1 notice, under ch. 985, of the proposed construction before the contract for the  
9 construction is executed.

10           **(b)** This provision does not apply to public construction if the materials for such  
11 a project are donated or if the labor for such a project is provided by volunteers. The  
12 council may also by a vote of three-fourths of all the members—elect provide by  
13 ordinance that any class of public construction or any part thereof may be done  
14 directly by the city without submitting the same for bids.

15           **SECTION 2003vq.** 62.15 (1) (c) of the statutes is created to read:

16           **62.15 (1) (c)** If a council enacts an ordinance or adopts a resolution that  
17 authorizes preferences or set-asides to minority businesses in the awarding of a  
18 public work contract under par. (a), the ordinance or resolution shall require that the  
19 minority business be certified by the department of commerce under s. 560.036 (2).”.

20           **8.** Page 680, line 5: after that line insert:

21           **“SECTION 2026k.** 66.0901 (6) of the statutes is amended to read:

22           **66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS.** In public  
23 contracts for the construction, repair, remodeling, or improvement of a public  
24 building or structure, other than highway structures and facilities, a municipality

1 may bid projects based on a single or multiple division of the work. Public contracts  
2 shall be awarded according to the division of work selected for bidding. The  
3 municipality may set out in any public contract reasonable and lawful conditions as  
4 to the hours of labor, wages, residence, character, and classification of workers to be  
5 employed by any contractor, classify contractors as to their financial responsibility,  
6 competency, and ability to perform work, and set up a classified list of contractors.  
7 The municipality may reject the bid of any person, if the person has not been  
8 classified for the kind or amount of work in the bid. If one of the conditions a  
9 municipality imposes under a contract that is let under this section authorizes  
10 preferences or set-asides to minority businesses in the awarding of a contract under  
11 this section, the condition shall require that the minority business be certified by the  
12 department of commerce under s. 560.036 (2).”.

13 **9.** Page 865, line 20: after that line insert:

14 “**SECTION 2307h.** 84.075 (1) of the statutes is amended to read:

15 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction  
16 contracts under s. 84.06, and in contracting with private contractors and agencies  
17 under s. 84.07, the department of transportation shall attempt to ensure that 5% of  
18 the total amount expended in each fiscal year is paid to contractors, subcontractors,  
19 and vendors ~~which are minority businesses, as defined under s. 560.036 (1)(e) 1 that~~  
20 are minority businesses certified by the department of commerce under s. 560.036  
21 (2). In attempting to meet this goal, the department of transportation may award  
22 any contract to a minority business that submits a qualified responsible bid that is  
23 no more than 5% higher than the low bid.

24 **SECTION 2307i.** 84.075 (2) of the statutes is amended to read:

1           84.075 (2) The contractor shall report to the department of transportation any  
2 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority  
3 businesses certified by the department of commerce under s. 560.036 (2).

4           **SECTION 2307j.** 84.075 (3) of the statutes is amended to read:

5           84.075 (3) The department of transportation shall at least semiannually, or  
6 more often if required by the department of administration, report to the department  
7 of administration the total amount of money it has paid to contractors,  
8 subcontractors, and vendors ~~which that~~ are minority businesses under ss. 84.01 (13),  
9 84.06, and 84.07 and the number of contacts with minority businesses in connection  
10 with proposed purchases and contracts. In its reports, the department of of  
11 transportation shall include only amounts paid to businesses certified by the  
12 department of commerce under s. 560.036 (2) as minority businesses.

13           **SECTION 2307jk.** 84.076 (1) (c) of the statutes is amended to read:

14           84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~  
15 ~~(e) 1~~ means a business that is certified by the department of commerce under s.  
16 560.036 (2).”.

17           **10.** Page 923, line 7: after that line insert:

18           **“SECTION 2744m.** 119.04 (1) of the statutes is amended to read:

19           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
20 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
21 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to  
22 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
23 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,  
24 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,

1 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and  
2 120.25 are applicable to a 1st class city school district and board.”

3 **11.** Page 924, line 22: after that line insert:

4 “**SECTION 2760m.** 120.12 (27) of the statutes is created to read:

5 120.12 (27) MINORITY CONTRACTING. If the school board adopts a policy that  
6 authorizes preferences or set-asides to minority businesses in the awarding of a  
7 public contract, as defined in s. 60.47 (1) (a), ensure that the policy requires that the  
8 minority business be certified by the department of commerce under s. 560.036 (2).”

9 **12.** Page 1003, line 6: after that line insert:

10 “**SECTION 3020h.** 200.49 (1) (a) of the statutes is amended to read:

11 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~  
12 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~  
13 ~~controlled by one or more minority group members and that is engaged in~~  
14 ~~construction or construction-related activities~~ business that is certified by the  
15 department of commerce under s. 560.036 (2).

16 **SECTION 3020i.** 200.49 (3) (intro.) of the statutes is amended to read:

17 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request  
18 proposals for prime contracts from bondable general contractors or construction  
19 contractors that are ~~bona fide independent~~ minority businesses. Each proposal  
20 submitted shall include all of the following conditions:

21 **SECTION 3020j.** 200.49 (3) (b) of the statutes is amended to read:

22 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable  
23 the executive director to determine that the prime contractor has made or will make



1 a good faith effort to award at least 20% of the total contract amount to bona fide  
2 independent minority business subcontractors.

3 **SECTION 3020k.** 200.49 (4) of the statutes is repealed.”.

4 **13.** Page 1003, line 12: after that line insert:

5 “**SECTION 3037h.** 229.46 (1) (a) of the statutes is amended to read:

6 229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~  
7 means a business that is certified by the department of commerce under s. 560.036  
8 (2).”.

9 **14.** Page 1003, line 24: after that line insert:

10 “**SECTION 3037p.** 229.70 (1) (a) of the statutes is amended to read:

11 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
12 means a business that is certified by the department of commerce under s. 560.036  
13 (2).

14 **SECTION 3037q.** 229.8273 (1) (b) of the statutes is amended to read:

15 229.8273 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
16 means a business that is certified by the department of commerce under s. 560.036  
17 (2).

18 **SECTION 3037r.** 229.845 (1) (a) of the statutes is amended to read:

19 229.845 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
20 means a business that is certified by the department of commerce under s. 560.036  
21 (2).”.

22 **15.** Page 1011, line 6: after that line insert:

23 “**SECTION 3095j.** 232.05 (2) (d) of the statutes is amended to read:

1           232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services  
2 with minority businesses that are certified by the department of commerce under s.  
3 560.036 (2).”.

4           **16.** Page 1011, line 15: after that line insert:

5           “**SECTION 3097e.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

6           234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business  
7 that is certified by the department of commerce under s. 560.036 (2) or that is more  
8 than 50% owned or controlled by women or minorities.

9           **SECTION 3098v.** 234.65 (1) (g) of the statutes is amended to read:

10           234.65 (1) (g) In granting loans under this section the authority shall give  
11 preference to businesses ~~which~~ that are minority businesses certified by the  
12 department of commerce under s. 560.036 (2) or that are more than 50% owned or  
13 controlled by women ~~or minorities~~, to businesses that, together with all of their  
14 affiliates, subsidiaries, and parent companies, have current gross annual sales of  
15 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that  
16 have less than 50% of their ownership held or controlled by another business and  
17 have their principal business operations in this state.”.

18           **17.** Page 1034, line 13: delete lines 13 to 21 and substitute:

19           “**SECTION 3141d.** 252.12 (2) (c) 2. of the statutes is amended to read:

20           252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the  
21 department shall award \$75,000 in each fiscal year as grants for services to prevent  
22 HIV infection and related infections, including hepatitis C virus infection. Criteria  
23 for award of the grants shall include the criteria specified under subd. 1. The  
24 department shall award 60% of the funding to applying organizations that receive

1 funding under par. (a) 8. and 40% of the funding to applying community-based  
2 organizations that are ~~operated by minority group members, as defined in s. 560.036~~  
3 ~~(1)(f) minority businesses certified by the department of commerce under s. 560.036~~  
4 ~~(2).~~”.

5 **18.** Page 1156, line 7: after that line insert:

6 “**SECTION 3619sd.** 560.036 (2) (a) of the statutes is amended to read:

7 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87  
8 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)  
9 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495  
10 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,  
11 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,  
12 560.039, and 560.80 to 560.85, the department shall establish and periodically  
13 update a list of certified minority businesses, minority financial advisers, and  
14 minority investment firms. Any business, financial adviser, or investment firm may  
15 apply to the department for certification. For purposes of this paragraph, unless the  
16 context otherwise requires, a “business” includes a financial adviser or investment  
17 firm.

18 **SECTION 3619sg.** 560.036 (3) (a) of the statutes is amended to read:

19 560.036 (3) (a) The department shall promulgate rules establishing procedures  
20 to implement sub. (2). Those rules shall include a rule prescribing a uniform  
21 application form for certification under sub. (2).

22 **SECTION 3619sj.** 560.036 (3) (c) of the statutes is amended to read:

23 560.036 (3) (c) The department may promulgate rules establishing conditions  
24 with which a business, financial adviser, or investment firm must comply to qualify

1 for certification, in addition to the qualifications specified under sub. (1) (e), (ep), and  
2 (fm), respectively. Those rules may not require that a business, financial adviser, or  
3 investment firm submit any income or franchise tax return to the department as a  
4 condition for qualification for certification.

5 **SECTION 3619sm.** 560.038 (1) (ar) of the statutes is amended to read:

6 560.038 (1) (ar) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
7 means a business that is certified by the department under s. 560.036 (2).

8 **SECTION 3619sp.** 560.039 (1) (b) of the statutes is amended to read:

9 560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~  
10 means a business that is certified by the department under s. 560.036 (2).”.

11 **19.** Page 1176, line 12: after that line insert:

12 “**SECTION 3710j.** 560.80 (8) of the statutes is amended to read:

13 560.80 (8) “Minority business” means a ~~minority business, as defined in s.~~  
14 ~~560.036 (1) (e),~~ business certified by the department under s. 560.036 (2) that has its  
15 principal place of business in this state.”.

16 (END)