

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 06/16/2003

Received By: gmalaise

Wanted: Soon

Identical to LRB:

For: Gary George (608) 266-2500

By/Representing: Kate Phillips

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: Counties - miscellaneous
Econ. Development - bus. dev.
Munis - miscellaneous
Munis - sewerage districts
State Finance - investment board
State Govt - procurement

Extra Copies:

Submit via email: YES

Requester's email: Sen.George@legis.state.wi.us ✓

Carbon copy (CC:) to: sandy.swain@legis.state.wi.us ✓
ron.shanovich@legis.state.wi.us ✓

Pre Topic:

No specific pre topic given

Topic:

Minority business certification

Instructions:

Redraft 01b0957/1, which was vetoed in 2001 Act 16

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>
/?	gmalaise 06/16/2003	wjackson 06/17/2003		_____			

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Carbon copy (CC:) to: ron shanovich - LFB
Sandy.swain@legis.state.wi.us (LFB)

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Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Includes handwritten dates and initials like '6/18', '6/15', 'JLD', 'RS', 'RS/13'.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 06/17/2003	_____	mbarman 06/17/2003	mbarman 06/17/2003	

FE Sent For:

<END>

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May Contact:

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State Govt - procurement**

Extra Copies: **MES
PSK
RAC
RCT
JTK**

Submit via email: **YES**

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? gmalaise 1 WLj 6/17

[Handwritten signatures and initials]
6-17-03

FE Sent For:

<END>

2003

Date (time) needed _____

0503 / 1

LRB b ~~2001~~ / 3

BUDGET AMENDMENT

[Not for compile]

GMM : WLJ : _____

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

**SENATE AMENDMENT
TO SENATE SUBSTITUTE AMENDMENT 1
TO 2003 SENATE BILL 44**

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

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

~~#. Page , line :~~

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~~#. Page , line :~~



RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: GMM) (Date: 6/16/03)



Please transfer the drafting file for

2001 LRB _____ to the drafting file

for 2003 LRB _____

The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

Please copy the drafting file for

2003 LRB 60061 / _____ (include the version) and place it in the

drafting file for 2003 LRB 60503

For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2003 - 2004 LEGISLATURE

605031/3
LRB:0001/2
GMM:cis:jf
605031/1

~~SENATE AMENDMENT
TO 2003 SENATE BILL 44~~

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

2

65 17
1. Page ~~117~~, line ~~2~~: after that line insert:

3

"SECTION 221m. 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

411 21
2. Page ~~459~~, line ~~6~~: after that line insert:

8

"SECTION 842t. 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

427 20
3. Page ~~479~~, line ~~20~~: after that line insert:

427 20

1 “SECTION 924g. 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 ~~478~~⁴³⁸, line ~~16~~¹⁰: after that line insert:

7 “SECTION ~~943r~~^{943p}. 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 ~~512~~⁴⁶⁴, line ~~24~~¹⁸: after that line insert:

17 “SECTION 1029r. 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.”.

5 ⁵⁸⁸ 6. Page ~~667~~, line ⁴ ~~4~~: after that line insert:

6 “SECTION 1524r. 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).”.

11 ⁵⁸⁸ 7. Page ~~667~~, line ²¹ ~~17~~: after that line insert:

12 “SECTION 1527g. 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.”

19 ⁵⁸⁸ 8. Page ~~667~~, line ~~21~~: after that line insert:

20 “SECTION 1528g. 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

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

3 **SECTION 1528m.** 61.55 of the statutes is renumbered 61.55 (1) and amended
4 to 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.

19 **SECTION 1528n.** 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 1528s.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and
25 amended to read:

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

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

12 **SECTION 1528t.** 62.15 (1) (c) of the statutes is created to read:

13 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that
14 authorizes preferences or set-asides to minority businesses in the awarding of a
15 public work contract under par. (a), the ordinance or resolution shall require that the
16 minority business be certified by the department of commerce under s. 560.036 (2). ✓

17 9. Page ~~66~~⁵⁹⁸, line ~~27~~¹⁶ after that line insert:

18 “~~SECTION 1533g.~~^{1533b} 66.0901 (6) of the statutes is amended to read:

19 66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS. In public
20 contracts for the construction, repair, remodeling, or improvement of a public
21 building or structure, other than highway structures and facilities, a municipality
22 may bid projects based on a single or multiple division of the work. Public contracts
23 shall be awarded according to the division of work selected for bidding. The
24 municipality may set out in any public contract reasonable and lawful conditions as

Handwritten note in a box: "# Page 719, line 25 after that line insert"

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

10

10. Page 737, line 9: delete lines 9 to 20 and substitute:

"SECTION 1682d. 84.075 (1) of the statutes is amended to read:

11 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
12 contracts under s. 84.06, and in contracting with private contractors and agencies
13 under ~~s. 84.06~~ ^{plan} and 84.07, the department of transportation shall attempt to
14 ensure that 5% of the total amount expended in each fiscal year is paid to contractors,
15 subcontractors, and vendors ~~which are minority businesses, as defined under s.~~
16 ~~560.036 (1) (e) 1~~ that are minority businesses certified by the department of
17 commerce under s. 560.036 (2). In attempting to meet this goal, the department of
18 transportation may award any contract to a minority business that submits a
19 qualified responsible bid that is no more than 5% higher than the low bid.

21 SECTION 1682m. 84.075 (2) of the statutes is amended to read:

22 84.075 (2) The contractor shall report to the department of transportation any
23 amount of the contract paid to subcontractors and vendors ~~which~~ that are minority
24 businesses certified by the department of commerce under s. 560.036 (2).

Page 793, line 17; after that line insert:

1 SECTION 1683d. 84.075 (3) of the statutes is amended to read:

2 84.075 (3) The department of transportation shall at least semiannually, or
3 more often if required by the department of administration, report to the department
4 of administration the total amount of money it has paid to contractors,
5 subcontractors, and vendors which that are minority businesses under ss. 84.01 (13),
6 84.06, 84.067, and 84.07 and the number of contacts with minority businesses in
7 connection with proposed purchases and contracts. In its reports, the department
8 of transportation shall include only amounts paid to businesses certified by the
9 department of commerce under s. 560.036 (2) as minority businesses.

10 SECTION 1683m. 84.076 (1) (c) of the statutes is amended to read:

11 84.076 (1) (c) "Minority business" has the meaning given under s. 560.036 (1)
12 (e) 1 means a business that is certified by the department of commerce under s.
13 560.036 (2)."

14 11. Page 823, line 8: delete lines 8 to 15 and substitute:

15 "SECTION 20227. 119.04 (1) of the statutes is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
18 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
19 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
20 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
21 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26) (27), 120.125,
22 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
23 120.25 are applicable to a 1st class city school district and board."

24 12. Page 824, line 16: after that line insert:

795 3

861 25

1 "SECTION 2031p. 120.12 (27) of the statutes is created to read:

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

850 23

6 ✓ 13. Page 914, line 4 after that line insert:

2325h

7 "SECTION 2315h. 200.49 (1) (a) of the statutes is amended to read:

8 200.49 (1) (a) "Minority business" means a ~~sole proprietorship, partnership,~~
9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
10 ~~controlled by one or more minority group members and that is engaged in~~
11 ~~construction or construction related activities~~ business that is certified by the
12 department of commerce under s. 560.036 (2).

2325j 5107

13 SECTION 2325j. 200.49 (3) (intro.) of the statutes is amended to read:

14 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request
15 proposals for prime contracts from bondable general contractors or construction
16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
17 submitted shall include all of the following conditions:

2315k 5107

18 SECTION 2315k. 200.49 (3) (b) of the statutes is amended to read:

19 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
20 the executive director to determine that the prime contractor has made or will make
21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
22 independent minority business subcontractors.

2315m 5107

23 SECTION 2315m. 200.49 (4) of the statutes is repealed.".

24 ✓ 14. Page 901, line 23 after that line insert:

874 19

⑥
2384c

①

“SECTION ~~2384g~~. 229.46 (1) (a) of the statutes is amended to read:

2

229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~

3

means a business that is certified by the department of commerce under s. 560.036

4

(2).

⑧
2384cj

5

SECTION ~~2384j~~. 229.70 (1) (a) of the statutes is amended to read:

6

229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~

7

means a business that is certified by the department of commerce under s. 560.036

8

(2).

⑨
2384cm

9

SECTION ~~2384m~~. 229.8273 (1) (b) of the statutes is amended to read:

10

229.8273 (1) (b) “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).

⑩
2384cr

13

SECTION ~~2384r~~. 229.845 (1) (a) of the statutes is amended to read:

14

229.845 (1) (a) “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).”.

⑪ 910 ⑫ 16

⑬

√ 15. Page ~~94k~~, line ~~24~~: after that line insert:

18

“SECTION 2440m. 232.05 (2) (d) of the statutes is amended to read:

19

232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services

20

with minority businesses that are certified by the department of commerce under s.

21

560.036 (2).”.

⑬ 911 ⑭ 7

⑮

√ 16. Page ~~94l~~, line ~~9~~: after that line insert:

23

“SECTION 2442r. 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

1 234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business
2 that is certified by the department of commerce under s. 560.036 (2) or that is more
3 than 50% owned or controlled by women or minorities.”

4 ↓ 17. Page 912, line 29: after that line insert:

5 “SECTION 2448g. 234.65 (1) (g) of the statutes is amended to read:

6 234.65 (1) (g) In granting loans under this section the authority shall give
7 preference to businesses which that are minority businesses certified by the
8 department of commerce under s. 560.036 (2) or that are more than 50% owned or
9 controlled by women ~~or minorities~~, to businesses that, together with all of their
10 affiliates, subsidiaries, and parent companies, have current gross annual sales of
11 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that
12 have less than 50% of their ownership held or controlled by another business and
13 have their principal business operations in this state.

14 SECTION 2448r. 252.12 (2) (c) 2. of the statutes is amended to read:

15 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
16 department shall award \$75,000 in each fiscal year as grants for services to prevent
17 HIV infection and related infections, including hepatitis C virus infection. Criteria
18 for award of the grants shall include the criteria specified under subd. 1. The
19 department shall award 60% of the funding to applying organizations that receive
20 funding under par. (a) 8. and 40% of the funding to applying community-based
21 organizations that are ~~operated by minority group members, as defined in s. 560.036~~
22 (1) ~~(f)~~ minority businesses certified by the department of commerce under s. 560.036
23 (2).”

24 ↓ 18. Page 975, line 4: after that line insert:

(B)
2618v

1 “SECTION ~~2618p~~. 560.036 (2) (a) of the statutes is amended to read:

2 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
3 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
4 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
5 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,
6 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
7 560.039, and 560.80 to 560.85, the department shall establish and periodically
8 update a list of certified minority businesses, minority financial advisers, and
9 minority investment firms. Any business, financial adviser, or investment firm may
10 apply to the department for certification. For purposes of this paragraph, unless the
11 context otherwise requires, a “business” includes a financial adviser or investment
12 firm.

(B)
2618vd

13 SECTION ~~2618r~~. 560.036 (3) (a) of the statutes is amended to read:

14 560.036 (3) (a) The department shall promulgate rules establishing procedures
15 to implement sub. (2). Those rules shall include a rule prescribing a uniform
16 application process for certification under sub. (2).

17 SECTION ~~2618c~~. 560.036 (3) (c) of the statutes is amended to read:

18 560.036 (3) (c) The department may promulgate rules establishing conditions
19 with which a business, financial adviser, or investment firm must comply to qualify
20 for certification under sub. (2), in addition to the qualifications specified under sub.
21 (1) (e), (ep), and (fm), respectively. Those rules may not require that a business,
22 financial adviser, or investment firm submit any income or franchise tax return or
23 any application for certification or classification as a minority business by the federal
24 government to the department as a condition for qualification for certification under
25 sub. (2).

2618vm

1

SECTION ~~2618v~~. 560.038 (1) (ar) of the statutes is amended to read:

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

4

SECTION ~~2618x~~. 560.039 (1) (b) of the statutes is amended to read:

5 560.039 (1) (b) "Minority business" ~~has the meaning given in s. 560.036 (1) (e)~~
6 means a business that is certified by the department under s. 560.036 (2)."

7

✓ 19. Page ~~998~~, line ~~19~~: after that line insert:

8

"SECTION ~~2628y~~. 560.80 (8) of the statutes is amended to read:

9 560.80 (8) "Minority business" means a ~~minority business, as defined in s.~~
10 560.036 (1) (e), business certified by the department under s. 560.036 (2) that has its
11 principal place of business in this state."

12

(END)

6/18/03

b0503/2

Ron Shanovich LF13

Permit dept to require business to submit
affidavit stating that all information provided
in connection w/ application is true & correct



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0503/1
GMM:wlj:rs

Handwritten initials and a circled '1' with an arrow pointing to the text above.

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 44

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

2 1. Page 65, line 17: after that line insert:

3 "SECTION 221m. 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 411, line 21: after that line insert:

8 "SECTION 842t. 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)."

1 **3.** Page 427, line 20: after that line insert:

2 “**SECTION 924g.** 34.05 (4) of the statutes is amended to read:

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

7 **4.** Page 438, line 10: after that line insert:

8 “**SECTION 943p.** 38.18 of the statutes is amended to read:

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

17 **5.** Page 464, line 18: after that line insert:

18 “**SECTION 1029r.** 43.17 (9) (a) of the statutes is amended to read:

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

1 and (14). For purposes of this section, the system board possesses the powers
2 conferred by s. 62.15 on the board of public works and the common council. All
3 contracts made under this section shall be made in the name of the federated public
4 library system and shall be executed by the system board president and such other
5 board officer as the system board designates.”.

6 **6.** Page 588, line 4: after that line insert:

7 “SECTION 1524r. 59.52 (29) (c) of the statutes is created to read:

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

12 **7.** Page 588, line 21: after that line insert:

13 “SECTION 1527g. 59.57 (1) (b) of the statutes is amended to read:

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

20 SECTION 1528g. 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

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

3 **SECTION 1528m.** 61.55 of the statutes is renumbered 61.55 (1) and amended
4 to 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.

19 **SECTION 1528n.** 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 1528s.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and
25 amended to read:

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

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

12 **SECTION 1528t.** 62.15 (1) (c) of the statutes is created to read:

13 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that
14 authorizes preferences or set-asides to minority businesses in the awarding of a
15 public work contract under par. (a), the ordinance or resolution shall require that the
16 minority business be certified by the department of commerce under s. 560.036 (2).”.

17 **8.** Page 598, line 6: after that line insert:

18 **“SECTION 1533b.** 66.0901 (6) of the statutes is amended to read:

19 **66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS.** In public
20 contracts for the construction, repair, remodeling, or improvement of a public
21 building or structure, other than highway structures and facilities, a municipality
22 may bid projects based on a single or multiple division of the work. Public contracts
23 shall be awarded according to the division of work selected for bidding. The
24 municipality may set out in any public contract reasonable and lawful conditions as

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

10 **9.** Page 719, line 25: after that line insert:

11 “**SECTION 1682d.** 84.075 (1) of the statutes is amended to read:

12 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
13 contracts under s. 84.06, and in contracting with private contractors and agencies
14 under s. 84.07, the department of transportation shall attempt to ensure that 5% of
15 the total amount expended in each fiscal year is paid to contractors, subcontractors,
16 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~
17 are minority businesses certified by the department of commerce under s. 560.036
18 (2). In attempting to meet this goal, the department of transportation may award
19 any contract to a minority business that submits a qualified responsible bid that is
20 no more than 5% higher than the low bid.

21 **SECTION 1682m.** 84.075 (2) of the statutes is amended to read:

22 84.075 (2) The contractor shall report to the department of transportation any
23 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority
24 businesses certified by the department of commerce under s. 560.036 (2).

1 **SECTION 1683d.** 84.075 (3) of the statutes is amended to read:

2 84.075 (3) The department of transportation shall at least semiannually, or
3 more often if required by the department of administration, report to the department
4 of administration the total amount of money it has paid to contractors,
5 subcontractors, and vendors ~~which~~ that are minority businesses under ss. 84.01 (13),
6 84.06, ~~84.067~~, and 84.07 and the number of contacts with minority businesses in
7 connection with proposed purchases and contracts. In its reports, the department
8 of transportation shall include only amounts paid to businesses certified by the
9 department of commerce under s. 560.036 (2) as minority businesses.

10 **SECTION 1683m.** 84.076 (1) (c) of the statutes is amended to read:

11 84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~
12 ~~(e) 1~~ means a business that is certified by the department of commerce under s.
13 560.036 (2).”.

14 **10.** Page 793, line 17: after that line insert:

15 “**SECTION 2022b.** 119.04 (1) of the statutes is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
18 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
19 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
20 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,
21 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,
22 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
23 120.25 are applicable to a 1st class city school district and board.”.

24 **11.** Page 795, line 3: after that line insert:

1 **“SECTION 2031p.** 120.12 (27) of the statutes is created to read:

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

6 **12.** Page 861, line 25: after that line insert:

7 **“SECTION 2325h.** 200.49 (1) (a) of the statutes is amended to read:

8 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~
9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
10 ~~controlled by one or more minority group members and that is engaged in~~
11 ~~construction or construction-related activities~~ business that is certified by the
12 department of commerce under s. 560.036 (2).

13 **SECTION 2325j.** 200.49 (3) (intro.) of the statutes is amended to read:

14 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request
15 proposals for prime contracts from bondable general contractors or construction
16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
17 submitted shall include all of the following conditions:

18 **SECTION 2325k.** 200.49 (3) (b) of the statutes is amended to read:

19 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
20 the executive director to determine that the prime contractor has made or will make
21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
22 ~~independent~~ minority business subcontractors.

23 **SECTION 2325m.** 200.49 (4) of the statutes is repealed.”.

24 **13.** Page 874, line 19: after that line insert:

1 **SECTION 2384c.** 229.46 (1) (a) of the statutes is amended to read:

2 229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~
3 means a business that is certified by the department of commerce under s. 560.036
4 (2).

5 **SECTION 2384cj.** 229.70 (1) (a) of the statutes is amended to read:

6 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
7 means a business that is certified by the department of commerce under s. 560.036
8 (2).

9 **SECTION 2384cm.** 229.8273 (1) (b) of the statutes is amended to read:

10 229.8273 (1) (b) “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).

13 **SECTION 2384cr.** 229.845 (1) (a) of the statutes is amended to read:

14 229.845 (1) (a) “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).”.

17 **14.** Page 910, line 16: after that line insert:

18 **SECTION 2440m.** 232.05 (2) (d) of the statutes is amended to read:

19 232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services
20 with minority businesses that are certified by the department of commerce under s.
21 560.036 (2).”.

22 **15.** Page 911, line 7: after that line insert:

23 **SECTION 2442r.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

1 234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business
2 that is certified by the department of commerce under s. 560.036 (2) or that is more
3 than 50% owned or controlled by women or minorities.”.

4 **16.** Page 912, line 20: after that line insert:

5 “SECTION 2448g. 234.65 (1) (g) of the statutes is amended to read:

6 234.65 (1) (g) In granting loans under this section the authority shall give
7 preference to businesses ~~which~~ that are minority businesses certified by the
8 department of commerce under s. 560.036 (2) or that are more than 50% owned or
9 controlled by women ~~or minorities~~, to businesses that, together with all of their
10 affiliates, subsidiaries, and parent companies, have current gross annual sales of
11 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that
12 have less than 50% of their ownership held or controlled by another business and
13 have their principal business operations in this state.

14 SECTION 2448r. 252.12 (2) (c) 2. of the statutes is amended to read:

15 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
16 department shall award \$75,000 in each fiscal year as grants for services to prevent
17 HIV infection and related infections, including hepatitis C virus infection. Criteria
18 for award of the grants shall include the criteria specified under subd. 1. The
19 department shall award 60% of the funding to applying organizations that receive
20 funding under par. (a) 8. and 40% of the funding to applying community-based
21 organizations that are ~~operated by minority group members, as defined in s. 560.036~~
22 ~~(1) (f)~~ minority businesses certified by the department of commerce under s. 560.036
23 (2).”.

24 **17.** Page 975, line 4: after that line insert:

1 **SECTION 2618v.** 560.036 (2) (a) of the statutes is amended to read:

2 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
3 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
4 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
5 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,
6 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
7 560.039, and 560.80 to 560.85, the department shall establish and periodically
8 update a list of certified minority businesses, minority financial advisers, and
9 minority investment firms. Any business, financial adviser, or investment firm may
10 apply to the department for certification. For purposes of this paragraph, unless the
11 context otherwise requires, a "business" includes a financial adviser or investment
12 firm.

department in connection with the application for certification is true and correct

13 **SECTION 2618vd.** 560.036 (3) (a) of the statutes is amended to read:

14 560.036 (3) (a) The department shall promulgate rules establishing procedures
15 to implement sub. (2). Those rules shall include a rule prescribing a uniform
16 application process for certification under sub. (2).

17 **SECTION 2618vg.** 560.036 (3) (c) of the statutes is amended to read:

18 560.036 (3) (c) The department may promulgate rules establishing conditions
19 with which a business, financial adviser, or investment firm must comply to qualify
20 for certification under sub. (2), in addition to the qualifications specified under sub.
21 (1) (e), (ep), and (fm), respectively. Those rules may not require that a business,
22 financial adviser, or investment firm submit any income or franchise tax return or
23 any application for certification or classification as a minority business by the federal
24 government to the department as a condition for qualification for certification under

25 sub. (2). but may require that a business, financial adviser, or investment firm submit an affidavit signed by an owner, partner, member, manager, officer, or director of the business, financial adviser, or investment firm stating that all information submitted to the

1 **SECTION 2618vm.** 560.038 (1) (ar) of the statutes is amended to read:

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

4 **SECTION 2618vp.** 560.039 (1) (b) of the statutes is amended to read:

5 560.039 (1) (b) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
6 means a business that is certified by the department under s. 560.036 (2).”.

7 **18.** Page 976, line 18: after that line insert:

8 “**SECTION 2628fg.** 560.80 (8) of the statutes is amended to read:

9 560.80 (8) “Minority business” means a ~~minority business, as defined in s.~~
10 560.036 (1) (e), business certified by the department under s. 560.036 (2) that has its
11 principal place of business in this state.”.

12 (END)

AMENDMENT JACKET

b 0503
LRB NUMBER

DATE

SENATE AMENDMENT _____

to _____ amendment _____

to _____ sub. amdt. _____

TO _____ BILL _____

DO NOT WRITE IN THE SHADED AREA

Offered by Senator (s) _____

Offered by (Joint) Committee on _____

To introduce this amendment: submit this amendment jacket, signed by the amendment authors, and all attached copies to the Senate Journal and Records Section, Room 402, One East Main, or to a member of the Chief Clerk's staff at the front desk in the Senate Chambers.



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0503/2
GMM:wlj&jld:pg

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 44

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

2 **1.** Page 65, line 17: after that line insert:

3 **"SECTION 221m.** 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 411, line 21: after that line insert:

8 **"SECTION 842t.** 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).".

1 **3.** Page 427, line 20: after that line insert:

2 “**SECTION 924g.** 34.05 (4) of the statutes is amended to read:

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

7 **4.** Page 438, line 10: after that line insert:

8 “**SECTION 943p.** 38.18 of the statutes is amended to read:

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

17 **5.** Page 464, line 18: after that line insert:

18 “**SECTION 1029r.** 43.17 (9) (a) of the statutes is amended to read:

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

1 and (14). For purposes of this section, the system board possesses the powers
2 conferred by s. 62.15 on the board of public works and the common council. All
3 contracts made under this section shall be made in the name of the federated public
4 library system and shall be executed by the system board president and such other
5 board officer as the system board designates.”.

6 **6.** Page 588, line 4: after that line insert:

7 “**SECTION 1524r.** 59.52 (29) (c) of the statutes is created to read:

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

12 **7.** Page 588, line 21: after that line insert:

13 “**SECTION 1527g.** 59.57 (1) (b) of the statutes is amended to read:

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

20 **SECTION 1528g.** 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

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

3 **SECTION 1528m.** 61.55 of the statutes is renumbered 61.55 (1) and amended
4 to 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.

19 **SECTION 1528n.** 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 1528s.** 62.15 (1) of the statutes is renumbered 62.15 (1) (a) and
25 amended to read:

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

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

12 **SECTION 1528t.** 62.15 (1) (c) of the statutes is created to read:

13 62.15 (1) (c) If a council enacts an ordinance or adopts a resolution that
14 authorizes preferences or set-asides to minority businesses in the awarding of a
15 public work contract under par. (a), the ordinance or resolution shall require that the
16 minority business be certified by the department of commerce under s. 560.036 (2).”.

17 **8.** Page 598, line 6: after that line insert:

18 **“SECTION 1533b.** 66.0901 (6) of the statutes is amended to read:

19 **66.0901 (6) SEPARATION OF CONTRACTS; CLASSIFICATION OF CONTRACTORS.** In public
20 contracts for the construction, repair, remodeling, or improvement of a public
21 building or structure, other than highway structures and facilities, a municipality
22 may bid projects based on a single or multiple division of the work. Public contracts
23 shall be awarded according to the division of work selected for bidding. The
24 municipality may set out in any public contract reasonable and lawful conditions as

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

10 **9.** Page 719, line 25: after that line insert:

11 “**SECTION 1682d.** 84.075 (1) of the statutes is amended to read:

12 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
13 contracts under s. 84.06, and in contracting with private contractors and agencies
14 under s. 84.07, the department of transportation shall attempt to ensure that 5% of
15 the total amount expended in each fiscal year is paid to contractors, subcontractors,
16 and vendors ~~which are minority businesses, as defined under s. 560.036 (1) (e) 1 that~~
17 are minority businesses certified by the department of commerce under s. 560.036
18 (2). In attempting to meet this goal, the department of transportation may award
19 any contract to a minority business that submits a qualified responsible bid that is
20 no more than 5% higher than the low bid.

21 **SECTION 1682m.** 84.075 (2) of the statutes is amended to read:

22 84.075 (2) The contractor shall report to the department of transportation any
23 amount of the contract paid to subcontractors and vendors ~~which that~~ are minority
24 businesses certified by the department of commerce under s. 560.036 (2).

1 **SECTION 1683d.** 84.075 (3) of the statutes is amended to read:

2 84.075 (3) The department of transportation shall at least semiannually, or
3 more often if required by the department of administration, report to the department
4 of administration the total amount of money it has paid to contractors,
5 subcontractors, and vendors ~~which~~ that are minority businesses under ss. 84.01 (13),
6 84.06, 84.067, and 84.07 and the number of contacts with minority businesses in
7 connection with proposed purchases and contracts. In its reports, the department
8 of transportation shall include only amounts paid to businesses certified by the
9 department of commerce under s. 560.036 (2) as minority businesses.

10 **SECTION 1683m.** 84.076 (1) (c) of the statutes is amended to read:

11 84.076 (1) (c) “Minority business” ~~has the meaning given under s. 560.036 (1)~~
12 ~~(e) 1~~ means a business that is certified by the department of commerce under s.
13 560.036 (2).”.

14 **10.** Page 793, line 17: after that line insert:

15 “**SECTION 2022b.** 119.04 (1) of the statutes is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
18 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
19 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
20 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245~~, 118.255, 118.258, 118.291,
21 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,
22 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
23 120.25 are applicable to a 1st class city school district and board.”.

24 **11.** Page 795, line 3: after that line insert:

1 **“SECTION 2031p.** 120.12 (27) of the statutes is created to read:

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

6 **12.** Page 861, line 25: after that line insert:

7 **“SECTION 2325h.** 200.49 (1) (a) of the statutes is amended to read:

8 200.49 (1) (a) “Minority business” means a ~~sole proprietorship, partnership,~~
9 ~~limited liability company, joint venture or corporation that is at least 51% owned and~~
10 ~~controlled by one or more minority group members and that is engaged in~~
11 ~~construction or construction-related activities~~ business that is certified by the
12 department of commerce under s. 560.036 (2).

13 **SECTION 2325j.** 200.49 (3) (intro.) of the statutes is amended to read:

14 200.49 (3) REQUEST FOR PROPOSALS. (intro.) The executive director shall request
15 proposals for prime contracts from bondable general contractors or construction
16 contractors that are ~~bona fide independent~~ minority businesses. Each proposal
17 submitted shall include all of the following conditions:

18 **SECTION 2325k.** 200.49 (3) (b) of the statutes is amended to read:

19 200.49 (3) (b) A subcontracting plan that provides sufficient detail to enable
20 the executive director to determine that the prime contractor has made or will make
21 a good faith effort to award at least 20% of the total contract amount to ~~bona fide~~
22 ~~independent~~ minority business subcontractors.

23 **SECTION 2325m.** 200.49 (4) of the statutes is repealed.”.

24 **13.** Page 874, line 19: after that line insert:

1 **SECTION 2384c.** 229.46 (1) (a) of the statutes is amended to read:

2 229.46 (1) (a) “Minority business” ~~has the meaning given in s. 200.49 (1) (a)~~
3 means a business that is certified by the department of commerce under s. 560.036
4 (2).

5 **SECTION 2384cj.** 229.70 (1) (a) of the statutes is amended to read:

6 229.70 (1) (a) “Minority business” ~~has the meaning given in s. 560.036 (1) (e)~~
7 means a business that is certified by the department of commerce under s. 560.036
8 (2).

9 **SECTION 2384cm.** 229.8273 (1) (b) of the statutes is amended to read:

10 229.8273 (1) (b) “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).

13 **SECTION 2384cr.** 229.845 (1) (a) of the statutes is amended to read:

14 229.845 (1) (a) “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).”.

17 **14.** Page 910, line 16: after that line insert:

18 **SECTION 2440m.** 232.05 (2) (d) of the statutes is amended to read:

19 232.05 (2) (d) Seek to enter into contracts for the purchase of goods and services
20 with minority businesses that are certified by the department of commerce under s.
21 560.036 (2).”.

22 **15.** Page 911, line 7: after that line insert:

23 **SECTION 2442r.** 234.01 (4n) (a) 3m. d. of the statutes is amended to read:

1 234.01 (4n) (a) 3m. d. The facility is owned or controlled by a minority business
2 that is certified by the department of commerce under s. 560.036 (2) or that is more
3 than 50% owned or controlled by women or minorities.”.

4 **16.** Page 912, line 20: after that line insert:

5 “SECTION 2448g. 234.65 (1) (g) of the statutes is amended to read:

6 234.65 (1) (g) In granting loans under this section the authority shall give
7 preference to businesses ~~which~~ that are minority businesses certified by the
8 department of commerce under s. 560.036 (2) or that are more than 50% owned or
9 controlled by women ~~or minorities~~, to businesses that, together with all of their
10 affiliates, subsidiaries, and parent companies, have current gross annual sales of
11 \$5,000,000 or less or that employ 25 or fewer persons, and to new businesses that
12 have less than 50% of their ownership held or controlled by another business and
13 have their principal business operations in this state.

14 SECTION 2448r. 252.12 (2) (c) 2. of the statutes is amended to read:

15 252.12 (2) (c) 2. From the appropriation under s. 20.435 (5) (am), the
16 department shall award \$75,000 in each fiscal year as grants for services to prevent
17 HIV infection and related infections, including hepatitis C virus infection. Criteria
18 for award of the grants shall include the criteria specified under subd. 1. The
19 department shall award 60% of the funding to applying organizations that receive
20 funding under par. (a) 8. and 40% of the funding to applying community-based
21 organizations that are ~~operated by minority group members, as defined in s. 560.036~~
22 ~~(1) (f)~~ minority businesses certified by the department of commerce under s. 560.036
23 (2).”.

24 **17.** Page 975, line 4: after that line insert:

1 **SECTION 2618v.** 560.036 (2) (a) of the statutes is amended to read:

2 560.036 (2) (a) For the purposes of ss. 16.75 (3m), 16.854, 16.855 (10m), 16.87
3 (2), 18.16, 18.64, 18.77, 25.17 (59), 25.185, 34.05 (4), 38.18, 43.17 (9) (a), 59.52 (29)
4 (c), 59.57 (1) (b), 60.47 (7), 61.55 (3), 62.15 (1) (c), 66.0901 (6), 84.075, 84.076, 119.495
5 (2), 120.12 (27), 200.49, 200.57, 229.46, 229.70, 229.8273, 229.845, 231.27 and,
6 232.05 (2) (d), 234.01 (4n) (a) 3m. d., 234.35, 234.65 (1) (g), 252.12 (2) (c) 2., 560.038,
7 560.039, and 560.80 to 560.85, the department shall establish and periodically
8 update a list of certified minority businesses, minority financial advisers, and
9 minority investment firms. Any business, financial adviser, or investment firm may
10 apply to the department for certification. For purposes of this paragraph, unless the
11 context otherwise requires, a “business” includes a financial adviser or investment
12 firm.

13 **SECTION 2618vd.** 560.036 (3) (a) of the statutes is amended to read:

14 560.036 (3) (a) The department shall promulgate rules establishing procedures
15 to implement sub. (2). Those rules shall include a rule prescribing a uniform
16 application process for certification under sub. (2).

17 **SECTION 2618vg.** 560.036 (3) (c) of the statutes is amended to read:

18 560.036 (3) (c) The department may promulgate rules establishing conditions
19 with which a business, financial adviser, or investment firm must comply to qualify
20 for certification under sub. (2), in addition to the qualifications specified under sub.
21 (1) (e), (ep), and (fm), respectively. Those rules may not require that a business,
22 financial adviser, or investment firm submit any income or franchise tax return or
23 any application for certification or classification as a minority business by the federal
24 government to the department as a condition for qualification for certification under
25 sub. (2), but may require that a business, financial adviser, or investment firm

1 submit an affidavit signed by an owner, partner, member, manager, officer, or
2 director of the business, financial adviser, or investment firm stating that all
3 information submitted to the department in connection with the application for
4 certification is true and correct.

5 **SECTION 2618vm.** 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 2618vp.** 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 **18.** Page 976, line 18: after that line insert:

12 **“SECTION 2628fg.** 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)