



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Added To File: GMM (Per: 06/16/2003)




 The 2003 drafting file for LRB 03b0061/2

has been copied/added to the 2003 drafting file for

LRB 03b0503

 The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied on yellow paper (darkened - auto centered - reduced to 90%), and added, as an appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

CANCEZ - lost stripes Redrafted as b503 **LRBb0061**

2003 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB44)

Received: 04/03/2003

Received By: gmalaise

Wanted: As time permits

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

Extra Copies: RAC, JTK, MES, RJM

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Minority business certification

Instructions:

See Attached--(redraft of LRB01b0957/1 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 04/03/2003	csicilia 04/09/2003		_____			
/1			jfrantze 04/10/2003	_____	sbasford 04/10/2003	sbasford 04/10/2003	

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/2	gmalaise 06/06/2003 gmalaise	csicilia 06/06/2003	jfrantze 06/06/2003	_____ _____ _____	lemery 06/06/2003		

FE Sent For:

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1?	gmalaise 04/03/2003	csicilia 04/09/2003	<i>JG</i> 6/6	<i>Sully</i> 6/6			
			<i>1/2 cjs</i> 6/6 03				

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Drafting History:

Table with columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Includes handwritten entries for dates and initials.

FE Sent For:

<END>

Shovers, Marc

From: Champagne, Rick
Sent: Thursday, April 03, 2003 11:50 AM
To: Marchant, Robert; Shovers, Marc; Kuesel, Jeffery
Subject: FW: Minority Business Certification

This just appeared in my In-Box. Would this be your request?

Rick

-----Original Message-----

From: LRB.Legal
Sent: Thursday, April 03, 2003 11:46 AM
To: Champagne, Rick
Subject: FW: Minority Business Certification

> -----Original Message-----

> **From:** Radatz, Clark
> **Sent:** Thursday, April 03, 2003 11:41 AM
> **To:** LRB.Legal
> **Subject:** FW: Minority Business Certification

> I believe this should go to your section.

> **Clark G. Radatz, Legislative Analyst**
> **Wisconsin Legislative Reference Bureau**
> **100 N. Hamilton Street**
> **Madison, WI 53701-2037**
> **(608) 267-0707**
> **clark.radatz@legis.state.wi.us**

> *A nonpartisan agency serving the Wisconsin Legislature since 1901*

> -----Original Message-----

> **From:** LRB.Reference
> **Sent:** Thursday, April 03, 2003 11:38 AM
> **To:** Cannon, Peter (Legislature); Roe, Richard; Radatz,
> Clark; Paolino, Bob; Keane, Michael; Ritsche, Daniel; Barish,
> Larry; Brown, Shanin
> **Subject:** FW: Minority Business Certification

> -----
> **From:** Phillips, Anna
> **Sent:** Thursday, April 03, 2003 11:38:26 AM
> **To:** LRB.Reference
> **Subject:** Minority Business Certification
> **Auto forwarded by a Rule**

> **TO:** Legislative Reference Bureau
> **FROM:** Kate Phillips, Aide to Senator Gary R. George
> **DATE:** April 3, 2003
> **RE:** Minority Business Certification

- >
- >
- > Senator George would like to request the creation of a budget
- > amendment to improve the Minority Business Certification
- > process on all levels of State government.
- >
- > The amendment should include the following:
- >
- > 1) The creation of a uniform Certification Form for all
- > State and local governments.
- > 2) The elimination of requiring tax returns in order to be
- > certified.
- > 3) The elimination of an additional Federal application in
- > order to be certified on all levels of State government.
- >
- > Senator George believes these measures will increase the
- > activity and growth among minority businesses in the State of
- > Wisconsin.
- >

Malaise, Gordon

From: Malaise, Gordon
Sent: Thursday, April 03, 2003 12:56 PM
To: Shovers, Marc; Kuesel, Jeffery; Marchant, Robert
Cc: Champagne, Rick
Subject: Minority Business Certification

Marc, Jeff, and Rob:

I saw next to the printer Marc's copy of an e-mail message from Rick to yourselves forwarding a drafting request from Senator George for a budget amendment relating to minority business certification and inquiring whether the draft is yours.

Actually, I drafted that request last session for Senator George. If there are no objections, I would be happy to do so again.

Gordon

2003

Date (time) needed SOON

LRBb 0061 / 1

BUDGET AMENDMENT

GMM : gjs : ..

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

*x-cls ✓
new CLS ✓
old SAV ✓
new SAV ✓*

**A) (S) AMENDMENT
TO 2003 SB-44**

At the locations indicated, amend the bill as follows:

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

#. Page , line :

*LPS: P. W. F.
all bill sections
containing
amended text.*

b 0061/1
LRB:000777
GMM:wj:ch

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 77, 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 469, line 28 after that line insert:
- 8 "SECTION 842b 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

bill

2
117
221m

last character is the letter "t"

456
6
842b

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. Page 517, line 9: after that line insert:

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

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

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

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

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

5. Page 539, line 14: after that line insert:

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

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

Page 663, line 17: after that line insert:

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 ⁽⁶⁶²⁾ ~~664~~, line ⁽⁴⁾ ~~29~~: after that line insert:

9 “SECTION ^(1524r) ~~20017~~ 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 ^(1527g) SECTION ~~20027~~ 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 ⁽⁶⁶³⁾ ~~664~~, line ^{(4) (21)} ~~17~~: after that line insert:

22 “SECTION ^{(1528m) (1528g)} ~~20037~~ 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 ^{1528m} ~~2003sup.~~ 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 ¹⁵²⁸ⁿ ~~2003sup.~~ 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).

1528s

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

3 62.15 (1) ~~(CONTRACTS; HOWLET; 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 ~~2003~~ ^(1528t) 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 ~~684~~ ⁽⁶⁶⁶⁾, line ~~1~~ ⁽¹²⁾; after that line insert:

21 "SECTION ~~2026~~ ^(1533g) 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)."

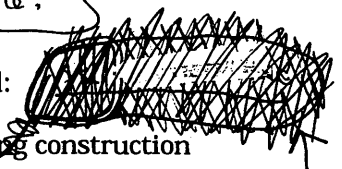
25

732, line 9: delete lines 9 to 14 and substitute:

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

1682d

14 "SECTION 23071. 84.075 (1) of the statutes is amended to read:



15 STET: 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
 16 leave contracts under s. 84.06, and in contracting with private contractors and agencies
 17 as material under s. 84.07, the department of transportation shall attempt to ensure that 5% of
 18 typed

16 this material typed

ss. 84.067 and

Do NOT INSERT THIS MATERIAL

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 23071. 84.075 (2) of the statutes is amended to read:

1682m

1683d

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).

84, 067

SECTION ~~23071~~. 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 transportation
11 shall include only amounts paid to businesses certified by the
12 department of commerce under s. 560.036 (2) as minority businesses.

1683m

SECTION ~~23071~~. 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)."

823, line 8: delete lines 8 to 16 and substitute:

10. Page ~~908~~, line 7, after that line insert:

2022c

SECTION ~~27011~~. 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 ⁸²⁴ 824, line ¹⁶ 27; after that line insert:

4) “SECTION ^{2031p} 2760. 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 ⁹¹⁴ 1004, line ⁵ 4; after that line insert:

10) “SECTION ^{2325h} 3020. 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 ^{2325j} 3020. 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 ^{2325k} 3020. 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 ^{2325 m}~~3020k~~. 200.49 (4) of the statutes is repealed.”

4 13. Page 1008, line ⁹³¹ ~~21~~ ²³: after that line insert:

5) “SECTION ^{2324g}~~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). ~~”~~ ^{2324j}

9) 14. Page 1008, line ~~21~~: after that line insert:

10) SECTION ~~3037i~~. 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). ^{2324m}

14) SECTION ~~3037j~~. 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). ^{2324r}

18) SECTION ~~3037k~~. 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). ⁹⁴⁵ ²⁰

22) 15. Page 1011, line ~~8~~: after that line insert:

23) “SECTION ^{2440m}~~3035l~~. 232.05 (2) (d) of the statutes is amended to read:

Page 948, line 15: after that line insert:

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)." (946) (9)

4) 16. Page 1011, line 14: after that line insert:

5) "SECTION ~~30977~~ 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. (2442c) (10)

9) ↘ SECTION ~~30987~~ 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. (2448g)

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

19) SECTION ~~31417~~ 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

plain

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 1154, line 11: after that line insert:

6 "SECTION ~~3619s~~^{2618p} 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 ~~3619s~~^{2618r} 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 ~~3619s~~^{2618t} 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

under sub. (2)

or any application for certification or classification
as a minority business by the federal government.

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. under sub. (2) ✓

5) SECTION ~~3619~~^{2618v} 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 ~~3619~~^{2618x} 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 ~~176~~¹⁹⁸ line ~~17~~¹²: after that line insert:

12) "SECTION ~~3710~~^{2628j} 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)

6/6/03

Kate

P 11, Q 16 change "form" to "process"



State of Wisconsin
2003 - 2004 LEGISLATURE

(p 11)

LRBb0061/1
GMM:cjs:jf

(2)
DMR

SENATE AMENDMENT,
TO 2003 SENATE BILL 44

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

2 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 2. Page 456, 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 3. Page 470, line 20: after that line insert:

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, line 16: after that line insert:

7 “SECTION 943m. 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, line 25: 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 **6.** Page 662, line 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 **7.** Page 663, line 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 **8.** Page 663, 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 666, line 12: after that line insert:

18 “**SECTION 1533g.** 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 **10.** Page 732, line 9: delete lines 9 to 25 and substitute:

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. ss. 84.067 and 84.07~~, the department of transportation shall attempt to
15 ensure that 5% of the total amount expended in each fiscal year is paid to contractors,
16 subcontractors, and vendors ~~which are minority businesses, as defined under s.~~
17 560.036 (1) (e) 1 that are minority businesses certified by the department of
18 commerce under s. 560.036 (2). In attempting to meet this goal, the department of
19 transportation may award any contract to a minority business that submits a
20 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).

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 16 and substitute:

15 **“SECTION 2022d.** 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:

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 **13.** Page 914, line 5: after that line insert:

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).

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 **14.** Page 931, line 23: after that line insert:

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).

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 **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).

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).”.

17 **15.** Page 945, line 20: 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 **16.** Page 946, 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 948, line 15: 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 997, line 12: after that line insert:

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.

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 form for certification under sub. (2).

17 **SECTION 2618t.** 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).

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 10: after that line insert:

8 “**SECTION 2628j.** 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)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0061/2
GMM:cjs:jf

SENATE AMENDMENT ,
TO 2003 SENATE BILL 44

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

2 **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 **2.** Page 456, 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 **3.** Page 470, line 20: after that line insert:

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, line 16: after that line insert:

7 “SECTION 943m. 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, line 25: 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 **6.** Page 662, line 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 **7.** Page 663, line 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 **8.** Page 663, 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 666, line 12: after that line insert:

18 **“SECTION 1533g.** 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 **10.** Page 732, line 9: delete lines 9 to 25 and substitute:

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. ss. 84.067 and 84.07~~, the department of transportation shall attempt to
15 ensure that 5% of the total amount expended in each fiscal year is paid to contractors,
16 subcontractors, and vendors ~~which are minority businesses, as defined under s.~~
17 ~~560.036 (1) (e) 1~~ that are minority businesses certified by the department of
18 commerce under s. 560.036 (2). In attempting to meet this goal, the department of
19 transportation may award any contract to a minority business that submits a
20 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).

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 16 and substitute:

15 “**SECTION 2022d.** 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:

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 **13.** Page 914, line 5: after that line insert:

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).

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 **14.** Page 931, line 23: after that line insert:

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).

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 **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).

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).”.

17 **15.** Page 945, line 20: 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 **16.** Page 946, 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 948, line 15: 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 997, line 12: after that line insert:

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.

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 2618t.** 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).

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 10: after that line insert:

8 “**SECTION 2628j.** 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)