



State of Wisconsin
2007 - 2008 LEGISLATURE

2

LRB-1856A

TK/JTK/CH/AG/MS/RC:lxx&bx:nn

insert
says R/M/R

2007 BILL

in 1/31/08
soon

ReGen ✓

1 **AN ACT to renumber** 18.16 (2), 18.16 (3), 18.16 (4), 18.16 (5), 18.64 (2), 18.64 (3),
2 18.64 (4), 18.64 (5), 18.77 (2), 18.77 (3), 18.77 (4), 18.77 (5), 85.25 (2) (c) 1. and
3 2., 229.46 (1) (a), 229.70 (1) (a) and 229.845 (1) (a); **to renumber and amend**
4 16.75 (3m) (a), 16.75 (3m) (b), 16.75 (3m) (c) 2., 16.75 (3m) (c) 5., 16.855 (10m)
5 (a), 16.87 (2), 84.075 (1) and 200.57 (1); **to amend** 16.75 (3m) (c) 1., 16.75 (3m)
6 (c) 3., 16.75 (3m) (c) 4., 16.855 (10m) (b), 16.855 (10m) (c), 16.855 (14) (a), 18.16
7 (title), 18.16 (6), 18.64 (title), 18.64 (6), 18.77 (title), 18.77 (6), 23.41 (6), 25.185
8 (title), 25.185 (3), 84.075 (title), 84.075 (2), 84.075 (3), 85.25 (2) (c) (intro.),
9 200.57 (title), 229.46 (2) (intro.), 229.46 (3) (intro.), 229.70 (title), 229.70 (2),
10 229.70 (3) (intro.), 229.70 (4), 229.70 (4m), 229.70 (5) (b) 1., 229.70 (5) (b) 2.,
11 229.70 (5) (b) 3., 229.8273 (title), 229.8273 (2), 229.8273 (3), 229.8273 (4),
12 229.8273 (5) (b) 1., 229.8273 (5) (b) 2., 229.8273 (5) (b) 3., 229.8273 (6), 229.845
13 (title) and 229.845 (2); **to repeal and recreate** 18.16 (1), 18.64 (1), 18.77 (1) and
14 25.185 (1); and **to create** 16.75 (3m) (a) 1., 2. and 3., 16.75 (3m) (b) 2., 16.75 (3m)

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1 (c) 2. b. and d., 16.75 (3m) (c) 5. b., 16.855 (10m) (ac), 16.855 (10m) (am) 2., 16.87
2 (1) (am), 16.87 (2) (c), 18.16 (2) (b), 18.16 (3) (b), 18.16 (4) (b), 18.16 (5) (b), 18.64
3 (2) (b), 18.64 (3) (b), 18.64 (4) (b), 18.64 (5) (b), 18.77 (2) (b), 18.77 (3) (b), 18.77
4 (4) (b), 18.77 (5) (b), 84.075 (1c), 84.075 (1m) (b), 85.25 (2) (c) 2m., 200.57 (1) (a),
5 200.57 (3), 229.46 (1) (ag), 229.70 (1) (ag), 229.8273 (1) (am), 229.845 (1) (ag),
6 231.29, 234.36 and 560.033 of the statutes; **relating to:** awarding state
7 procurements to certified disabled veteran-owned businesses, providing an
8 exemption from emergency rule procedures, and requiring the exercise of
9 rule-making authority.

Analysis by the Legislative Reference Bureau

Currently, minority-owned businesses that are certified by the Department of Commerce receive certain preferences in governmental procurement. State agencies must attempt to ensure that 5 percent of the total amount expended for state procurements in each fiscal year is paid to minority-owned businesses. With the exception of non-highway construction work and certain other limited exceptions, state agencies that are subject to requirements to make purchases through competitive bidding or competitive sealed proposals may accept a bid or proposal from a minority-owned business that is no more than 5 percent higher than the apparent low bid or most advantageous proposal. Unless the secretary of administration reports to the Joint Committee on Finance the reasons for not doing so, the Building Commission must ensure that at least 6 percent of the total long-term state public debt, revenue bonding, and short-term borrowing in each fiscal year is underwritten by minority-owned investment firms. The Investment Board must attempt to ensure that 5 percent of the total funds it expends for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of minority-owned financial advisers or minority-owned investment firms.

In addition, metropolitan sewerage commissions serving metropolitan sewerage districts that encompass first class cities, presently only Milwaukee, must attempt to ensure that 5 percent of that total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of minority-owned financial advisers or minority-owned investment firms. Current law contracting provisions that apply to special purpose districts (local exposition districts, professional baseball park districts, professional football stadium districts, and cultural arts districts) also contain provisions that relate to minority and women

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hiring and contracting. Generally, persons awarded contracts for local exposition districts must agree that at least 25 percent of the employees hired because of the contracts will be minority group members; at least 5 percent of the employees hired will be women; at least 25 percent of the aggregate dollar value of certain contracts will be awarded to minority businesses; and at least 5 percent of the aggregate dollar value of certain contracts will be awarded to women's business. In the case of the other special districts, the minority and women contracting provisions are goals, which generally include the same participation percentages, except that the participation percentages for minority group members is 15 percent for football stadium districts and cultural arts districts.

This bill creates similar preferences in awarding state contracts or orders to disabled veteran-owned businesses certified by the Department of Commerce (Commerce). The bill does not, however, create any goals for total amounts or percentages of state contracts or orders to be awarded to these businesses. The bill defines a disabled veteran as a veteran who entered service from Wisconsin and who has a disability incurred or aggravated in the line of duty that resulted in a disability rating of at least 30 percent.

Under the bill, Commerce must certify a business, financial adviser, or investment firm that meets all of the following requirements:

1. One or more disabled veterans owns not less than 51 percent of the business, financial adviser, or investment firm or, if the business, financial adviser, or investment firm is publicly owned, 51 percent of the stock.
2. One or more disabled veterans or duly authorized representatives of the disabled veteran controls the management and daily business operations of the business, financial adviser, or investment firm.
3. The business, financial adviser, or investment firm has its principal place of business in this state.
4. The business, financial adviser, or investment firm is performing a useful business function. Useful business function is defined under the bill as the provision of materials, supplies, equipment, or services to customers, including the state.

Commerce may decertify any business, financial adviser, or investment firm that Commerce determines no longer qualifies for certification. The bill establishes an appeal process for businesses, financial advisers, or investment firms decertified by Commerce.

The bill directs the Department of Administration (DOA) to annually report to the appropriate standing committees of the legislature concerning the total amount of money and the percentage of the total amount of money paid to, and the percentage of the total amount of indebtedness underwritten by disabled veteran-owned businesses, financial advisers, and investment firms. In addition, the bill directs DOA to report to the same committees, no later than March 31 of the fourth year beginning after the year in which the bill becomes law concerning DOA's recommendations for either a goal consisting of a percentage of the total amount of money that will be paid annually to disabled veteran-owned businesses, financial advisers, and investment firms by state agencies or a goal consisting of an annual percentage increase in the total amount of money that will be paid to disabled

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veteran-owned businesses, financial advisers, and investment firms by state agencies during at least the first full five-year period that follows the date of the report. In calculating all amounts paid to and percentages of amounts paid to businesses and firms, DOA is directed to exclude any contracts or purchases for which a purchase preference would violate a federal law or regulation or any contract between a state agency and a federal agency, or would result in a reduction in the amount of federal aids received by this state.

DOT administers a disadvantaged business mobilization assistance program, a loan guarantee program created to assist disadvantaged businesses in obtaining capital to participate in DOT construction contracts. Under the program, DOT may make grants to provide funding for these loan guarantees. This bill makes disabled veteran-owned businesses eligible for this program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 16.75 (**3m**) (a) (intro.) In this subsection, ~~“minority:~~

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

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

7 16.75 (**3m**) (a) 1. “Disabled veteran-owned business” means a business that is
8 certified by the department of commerce under s. 560.033 (3).

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

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

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

BILL**SECTION 3**

1 16.75 (3m) (b) 1. The department and any agency making purchases under s.
2 16.74 shall attempt to ensure that ~~5%~~ 5 percent of the total amount expended under
3 this subchapter in each fiscal year is paid to minority businesses.

4 3. Except as provided under sub. (7), the department may purchase materials,
5 supplies, equipment, and contractual services from any minority business or
6 disabled veteran-owned business submitting a qualified responsible competitive bid
7 that is no more than ~~5%~~ 5 percent higher than the apparent low bid or competitive
8 proposal that is no more than ~~5%~~ 5 percent higher than the most advantageous offer
9 proposal. In administering the preference for minority businesses or disabled
10 veteran-owned businesses established in this paragraph, the department and any
11 agency making purchases under s. 16.74 shall maximize the use of minority
12 businesses or disabled veteran-owned businesses which are incorporated under ch.
13 180 or which have their principal place of business in this state.

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

15 16.75 (3m) (b) 2. The department and any agency making purchases under s.
16 16.74 shall make efforts to ensure that a portion of the total amount expended under
17 this subchapter in each fiscal year is paid to disabled veteran-owned businesses.

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

19 16.75 (3m) (c) 1. After completing any contract under this subchapter, the
20 contractor shall report to the agency that awarded the contract any amount of the
21 contract that was subcontracted to minority businesses and any amount of the
22 contract that was subcontracted to disabled veteran-owned businesses.

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

BILL**SECTION 6**

1 16.75 (3m) (c) 2. Each agency shall report to the department at least
2 semiannually, or more often if required by the department, ~~the~~ all of the following
3 for the reporting period specified by the department:

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

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

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

9 16.75 (3m) (c) 2. b. The total amount of money and the percentage of the total
10 amount of money it has expended for contracts and orders awarded to disabled
11 veteran-owned businesses.

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

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

15 16.75 (3m) (c) 3. The department shall maintain and annually publish data on
16 state purchases from minority businesses and on state purchases from disabled
17 veteran-owned businesses, including amounts expended and the percentage of total
18 expenditures awarded to minority businesses and amounts expended and the
19 percentage of total expenditures awarded to disabled veteran-owned businesses.

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

21 16.75 (3m) (c) 4. The department shall annually prepare and submit a report
22 to the governor and to the chief clerk of each house of the legislature, for distribution
23 to the appropriate standing committees under s. 13.172 (3), on the total amount of
24 money paid to and the amount of indebtedness or other obligations underwritten by
25 minority businesses, minority financial advisers ~~and,~~ minority investment firms,

BILL**SECTION 9**

1 disabled veteran-owned businesses, disabled veteran-owned financial advisers,
2 and disabled veteran-owned investment firms under the requirements of this
3 subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.075 and 565.25 (2) (a) 3. and
4 on this state's progress toward achieving compliance with par. (b) and ss. 16.855
5 (10m) (a) (am) and (10n), 16.87 (2), 25.185, and 84.075 (1) (1m). The report shall also
6 include the percentage of the total amount of money paid to and the percentage of
7 the total amount of indebtedness or other obligations underwritten by disabled
8 veteran-owned businesses, disabled veteran-owned financial advisers, and
9 disabled veteran-owned investment firms. In calculating the percentages to be
10 reported under this subsection, the department shall exclude any purchase or
11 contract for which a preference would violate any federal law or regulation or any
12 contract between an agency and a federal agency or any contract that would result
13 in a reduction in the the amount of federal aids received by this state.

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

16 16.75 (3m) (c) 5. a. In determining whether a purchase, contract or subcontract
17 complies with the goal established under par. (b) 1. or s. 16.855 (10m) (am) 1., 16.87
18 (2) (b), or 25.185 (2) (a), the department shall include only amounts paid to minority
19 businesses, minority financial advisers and minority investment firms certified by
20 the department of commerce under s. 560.036 (2).

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

22 16.75 (3m) (c) 5. b. In determining whether a purchase, contract, or subcontract
23 is made with a disabled veteran-owned business, the department shall include only
24 amounts paid to disabled veteran-owned businesses certified by the department of
25 commerce under s. 560.033 (3).

BILL**SECTION 12**

1 **SECTION 12.** 16.855 (10m) (a) of the statutes is renumbered 16.855 (10m) (am)

2 1. and amended to read:

3 16.855 (**10m**) (am) 1. In awarding construction contracts the department shall
4 attempt to ensure that ~~5%~~ 5 percent of the total amount expended in each fiscal year
5 is awarded to contractors and subcontractors which are minority businesses, as
6 defined under s. 16.75 (3m) (a) 1.

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

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

11 16.855 (**10m**) (ac) In this subsection, “disabled veteran-owned business”
12 means a business certified by the department of commerce under s. 560.033 (3).

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

14 16.855 (**10m**) (am) 2. In awarding construction contracts, the department shall
15 make efforts to ensure that a portion of the total amount expended in each fiscal year
16 is awarded to contractors and subcontractors that are disabled veteran-owned
17 businesses.

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

19 16.855 (**10m**) (b) Upon completion of any contract, the contractor shall report
20 to the department any amount of the contract that was subcontracted to minority
21 businesses or disabled veteran-owned businesses.

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

23 16.855 (**10m**) (c) The department shall maintain and annually publish data on
24 contracts awarded to minority businesses and disabled veteran-owned businesses
25 under this subsection and ss. 16.87 and 84.075.

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

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

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

14 16.87 (1) (am) "Disabled veteran-owned business" means a business certified
15 by the department of commerce under s. 560.033 (3).

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

18 16.87 (2) (a) A contract for engineering services or architectural services or a
19 contract involving an expenditure of \$10,000 or more for construction work, or
20 \$30,000 or more for limited trades work, to be done for or furnished to the state or
21 a department, board, commission, or officer of the state is exempt from the
22 requirements of ss. 16.705 and 16.75.

23 (b) The department shall attempt to ensure that ~~5%~~ 5 percent of the total
24 amount expended under this section in each fiscal year is paid to minority
25 businesses, as defined in s. 16.75 (3m) (a) 1.

BILL**SECTION 20**

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

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

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

6 **18.16 (title) Minority financial advisers and investment firms; disabled**
7 **veteran-owned financial advisers and investment firms.**

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

9 18.16 (1) In this section:

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

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

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

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

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

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

20 18.16 (2) (b) Except as provided in sub. (7), in contracting public debt by
21 competitive sale, the commission shall make efforts to ensure that a portion of the
22 total public indebtedness contracted in each fiscal year is underwritten by disabled
23 veteran-owned investment firms.

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

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

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1 18.16 (3) (b) Except as provided under sub. (7), in contracting public debt by
2 negotiated sale, the commission shall make efforts to ensure that a portion of total
3 public indebtedness contracted in each fiscal year is underwritten by disabled
4 veteran-owned investment firms.

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

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

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

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

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

13 18.16 (5) (b) Except as provided under s. 18.06 (9) and sub. (7), an individual
14 underwriter or syndicate of underwriters shall make efforts to ensure that each bid
15 or proposal, submitted by that individual or syndicate in a competitive or negotiated
16 sale of public debt, provides for a portion of sales to disabled veteran-owned
17 investment firms.

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

19 18.16 (6) The commission shall annually report to the department of
20 administration the total amount of public indebtedness contracted with the
21 underwriting services of minority investment firms and disabled veteran-owned
22 investment firms and the total amount of moneys expended for the services of
23 minority financial advisers and disabled veteran-owned financial advisers during
24 the preceding fiscal year.

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

BILL**SECTION 32**

1 **18.64 (title) Minority financial advisers and investment firms; disabled**
2 **veteran-owned financial advisers and investment firms.**

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

4 18.64 (1) In this section:

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

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

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

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

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

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

15 18.64 (2) (b) Except as provided under sub. (7), in issuing evidences of revenue
16 obligations by competitive sale, the commission shall make efforts to ensure that a
17 portion of the total of revenue obligations contracted in each fiscal year is
18 underwritten by disabled veteran-owned investment firms.

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

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

21 18.64 (3) (b) Except as provided under sub. (7), in issuing evidences of revenue
22 obligations by negotiated sale, the commission shall make efforts to ensure that a
23 portion of the total of revenue obligations contracted in each fiscal year is
24 underwritten by disabled veteran-owned investment firms.

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

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

2 18.64 (4) (b) Except as provided under sub. (7), in issuing evidences of revenue
3 obligations by competitive sale or negotiated sale, the commission shall make efforts
4 to ensure that a portion of the total moneys expended in such fiscal year for the
5 services of financial advisers are expended for the services of disabled
6 veteran-owned financial advisers.

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

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

9 18.64 (5) (b) Except as provided under sub. (7), an individual underwriter or
10 syndicate of underwriters shall make efforts to ensure that each bid or proposal,
11 submitted by that individual or syndicate in a competitive or negotiated sale of a
12 revenue obligation, provides for a portion of sales to disabled veteran-owned
13 investment firms.

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

15 18.64 (6) The commission shall annually report to the department of
16 administration the total amount of revenue obligations contracted with the
17 underwriting services of minority investment firms and disabled veteran-owned
18 investment firms and the total amount of moneys expended for the services of
19 minority financial advisers and disabled veteran-owned financial advisers during
20 the preceding fiscal year.

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

22 **18.77 (title) Minority financial advisers and investment firms; disabled**
23 **veteran-owned financial advisers and investment firms.**

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

25 18.77 (1) In this section:

BILL**SECTION 44**

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

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

5 (c) "Minority financial adviser" means a financial adviser certified by the
6 department of commerce under s. 560.036 (2).

7 (d) "Minority investment firm" means an investment firm certified by the
8 department of commerce under s. 560.036 (2).

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

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

11 18.77 (2) (b) Except as provided under sub. (7), in contracting operating notes
12 by competitive sale, the commission shall make efforts to ensure that a portion of
13 total operating note indebtedness contracted in each fiscal year is underwritten by
14 disabled veteran-owned investment firms.

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

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

17 18.77 (3) (b) Except as provided under sub. (7), in contracting operating notes
18 by negotiated sale, the commission shall make efforts to ensure that a portion of total
19 operating note indebtedness contracted in each fiscal year is underwritten by
20 disabled veteran-owned investment firms.

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

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

23 18.77 (4) (b) Except as provided under sub. (7), in contracting operating notes
24 by competitive sale or negotiated sale, the commission shall make efforts to ensure
25 that a portion of the total moneys expended in such fiscal year for the services of

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1 financial advisers are expended for the services of disabled veteran-owned financial
2 advisers.

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

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

5 18.77 (5) (b) Except as provided under sub. (7), an individual underwriter or
6 syndicate of underwriters shall make efforts to ensure that each bid or proposal,
7 submitted by that individual or syndicate in a competitive or negotiated sale of an
8 operating note, provides for a portion of sales to disabled veteran-owned investment
9 firms.

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

11 18.77 (6) The commission shall annually report to the department of
12 administration the total amount of operating note indebtedness contracted with the
13 underwriting services of minority investment firms and the total amount of moneys
14 expended for the services of minority financial advisers and disabled veteran-owned
15 financial advisers during the preceding fiscal year.

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

17 23.41 (6) The department shall attempt to ensure that at least 5% of the total
18 amount expended under this section in each fiscal year is paid to minority
19 businesses, as defined in s. 16.75 (3m) (a) 1.

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

21 **25.185 (title) Minority financial advisers and investment firms;**
22 **disabled veteran-owned financial advisers and investment firms.**

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

24 25.185 (1) In this section:

BILL**SECTION 56**

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

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

5 (c) "Minority financial adviser" means a financial adviser certified by the
6 department of commerce under s. 560.036 (2).

7 (d) "Minority investment firm" means an investment firm certified by the
8 department of commerce under s. 560.036 (2).

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

10 25.185 (3) The board shall annually report to the department of administration
11 the total amount of moneys expended under sub. (2) for common stock and
12 convertible bond brokerage commissions, the services of minority and disabled
13 veteran-owned financial advisers, and the services of minority and disabled
14 veteran-owned investment firms during the preceding fiscal year.

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

16 **84.075** (title) **Contracting with minority businesses and disabled**
17 **veteran-owned businesses.**

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

20 84.075 (1m) (a) In purchasing services under s. 84.01 (13), in awarding
21 construction contracts under s. 84.06 and in contracting with private contractors and
22 agencies under s. 84.07, the department shall attempt to ensure that ~~5%~~ 5 percent
23 of the total amount expended in each fiscal year is paid to contractors,
24 subcontractors, and vendors which that are minority businesses, ~~as defined under~~
25 ~~s. 560.036 (1) (e) 1.~~ In attempting to meet this goal, the department may award any

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1 contract to a minority business that submits a qualified responsible bid that is no
2 more than ~~5%~~ 5 percent higher than the low bid.

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

4 84.075 (1c) In this section:

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

7 (b) "Minority business" means a business certified by the department of
8 commerce under s. 560.036 (2).

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

10 84.075 (1m) (b) In purchasing services under s. 84.01 (13), in awarding
11 construction contracts under s. 84.06 and in contracting with private contractors and
12 agencies under s. 84.07, the department may award any contract to a disabled
13 veteran-owned business that submits a qualified responsible bid that is no more
14 than 5 percent higher than the low bid unless doing so would violate the provisions
15 of any federal law or regulation or any contract between the department and a
16 federal agency or would otherwise result in a reduction of the amount of federal
17 highway aid received by this state.

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

19 84.075 (2) The contractor shall report to the department any amount of the
20 contract paid to subcontractors and vendors which are minority businesses or
21 disabled veteran-owned businesses.

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

23 84.075 (3) The department shall at least semiannually, or more often if
24 required by the department of administration, report to the department of
25 administration the total amount of money it has paid to contractors, subcontractors,

BILL**SECTION 63**

1 and vendors ~~which~~ that are minority businesses and that are disabled
2 veteran-owned businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of
3 contacts with minority businesses and disabled veteran-owned businesses in
4 connection with proposed purchases and contracts. In its reports, the department
5 shall include only amounts paid to businesses certified by the department of
6 commerce as minority businesses or disabled veteran-owned businesses.

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

8 85.25 (2) (c) (intro.) “Disadvantaged business” means a any of the following:

9 1m. A sole proprietorship, partnership, limited liability company, joint venture
10 or corporation that fulfills all of the following requirements:

11 **SECTION 65.** 85.25 (2) (c) 1. and 2. of the statutes are renumbered 85.25 (2) (c)

12 1m. a. and b.

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

14 85.25 (2) (c) 2m. A disabled veteran-owned business, as defined in s. 84.075 (1c)
15 (b).

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

17 **200.57 (title) Minority financial advisers and investment firms and**
18 **disabled veteran-owned businesses.**

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

21 200.57 (1) In this section, ~~“minority~~:

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

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

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

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

5 200.57 (3) The commission shall make efforts to ensure that a portion of the
6 total funds expended for financial and investment analysis and for common stock
7 and convertible bond brokerage commissions in each fiscal year is expended for the
8 services of disabled veteran-owned financial advisers or disabled veteran-owned
9 investment firms.

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

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

12 229.46 (1) (ag) “Disabled veteran-owned business” means a business certified
13 by the department of commerce under s. 560.033 (3).

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

15 229.46 (2) (intro.) A person who is awarded a contract by a district shall agree,
16 as a condition to receiving the contract, that at least 25% of the employees hired
17 because of the contract will be minority group members and at least 5% of the
18 employees hired because of the contract will be women, and shall make efforts to
19 ensure that a portion of the employees hired because of the contract will be employees
20 of a disabled veteran-owned business, if any of the following applies:

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

22 229.46 (3) (intro.) At least 25% of the aggregate dollar value of contracts
23 awarded by the district in the following areas shall be awarded to minority
24 businesses and at least 5% of the aggregate dollar value of contracts awarded by the
25 district in the following areas shall be awarded to women’s businesses, and the

BILL**SECTION 74**

1 district shall make efforts to ensure that a portion of the aggregate dollar value of
2 contracts awarded by the district in the following areas shall be awarded to disabled
3 veteran-owned businesses:

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

5 **229.70 (title) Minority contracting goals; disabled veteran-owned**
6 **business contracting goals.**

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

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

9 **229.70 (1) (ag)** "Disabled veteran-owned business" means a business certified
10 by the department of commerce under s. 560.033 (3).

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

12 **229.70 (2)** The district shall ensure that, for construction work and
13 professional services contracts, a person who is awarded such a contract by a district
14 shall agree, as a condition to receiving the contract, that his or her goal shall be to
15 ensure that at least 25% of the employees hired because of the contract will be
16 minority group members, a portion of the employees hired because of the contract
17 will be employees of a disabled veteran-owned business, and at least 5% of the
18 employees hired because of the contract will be women if the contract is for the
19 construction of any part of baseball park facilities.

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

21 **229.70 (3) (intro.)** It shall be a goal of the district to ensure that at least 25%
22 of the aggregate dollar value of contracts awarded by the district in the following
23 areas shall be awarded to minority businesses, a portion of the aggregate dollar value
24 of contracts awarded by the district in the following areas shall be awarded to
25 disabled veteran-owned businesses, and at least 5% of the aggregate dollar value of

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1 contracts awarded by the district in the following areas shall be awarded to women's
2 businesses:

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

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

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

10 229.70 (4m) (a) The district shall ensure that, for construction work and
11 professional services contracts, a person who is awarded such a contract by a district
12 shall agree, as a condition to receiving the contract, that if he or she is unable to meet
13 the goal under sub. (2), he or she shall make a good faith effort to contract with the
14 technical college district board of the technical college district in which the facilities
15 are to be constructed or the professional services contract is to be performed, to
16 develop appropriate training programs designed to increase the pool of minority
17 group members, disabled veterans, and women who are qualified to perform the
18 construction work or professional services.

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

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

BILL**SECTION 82**

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

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

6 229.70 (5) (b) 2. The competing demands for the services provided by eligible
7 minority businesses, disabled veteran-owned businesses, and women's businesses,
8 as described in subd. 1., in areas in which contracts were awarded.

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

10 229.70 (5) (b) 3. The extent to which the district or contractors advertised for
11 and aggressively solicited bids from eligible minority businesses, disabled
12 veteran-owned businesses, and women's businesses, as described in subd. 1., and
13 the extent to which eligible minority businesses, disabled veteran-owned
14 businesses, and women's businesses submitted bids.

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

16 **229.8273 (title) Minority, disabled veteran, and women contracting.**

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

18 229.8273 (1) (am) "Disabled veteran-owned business" means a business
19 certified by the department of commerce under s. 560.033 (3).

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

21 229.8273 (2) A district shall ensure that, for construction or renovation work
22 and professional services contracts that relate to the construction or renovation of
23 football stadium facilities that are financed by the proceeds of bonds issued under s.
24 229.824 (8), a person who is awarded such a contract by the district or by a contractor
25 shall agree, as a condition to receiving the contract, that his or her goal shall be to

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1 ensure that at least 15% of the employees hired because of the contract will be
2 minority group members, a portion of the employees hired because of the contract
3 will be employees of a disabled veteran-owned business, and at least 5% of the
4 employees hired because of the contract will be women.

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

6 229.8273 (3) It shall be a goal of the district to ensure that at least 15% of the
7 aggregate dollar value of contracts that relate to the construction or renovation of
8 football stadium facilities that are financed by the proceeds of bonds issued under s.
9 229.824 (8), shall be awarded to minority businesses, a portion of the aggregate
10 dollar value of contracts awarded by the board shall be awarded to disabled
11 veteran-owned businesses, and at least 5% of the aggregate dollar value of contracts
12 awarded by the board shall be awarded to women's businesses.

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

14 229.8273 (4) (a) The district shall ensure that, for construction or renovation
15 work and professional services contracts described under sub. (2), a person who is
16 awarded such a contract by the district or by a contractor shall agree, as a condition
17 to receiving the contract, that if he or she is unable to meet the goal under sub. (2),
18 he or she shall make a good faith effort to contract with the technical college district
19 board of the technical college district in which the football stadium facilities are to
20 be constructed or renovated, or the professional services contract is to be performed,
21 to develop appropriate training programs designed to increase the pool of minority
22 group members, disabled veterans, and women who are qualified to perform the
23 construction work or professional services.

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

BILL**SECTION 89**

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

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

6 229.8273 (5) (b) 1. The supply of eligible minority businesses, disabled
7 veteran-owned businesses, and women's businesses that have the financial capacity,
8 technical capacity and previous experience in the areas in which contracts were
9 awarded.

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

11 229.8273 (5) (b) 2. The competing demands for the services provided by eligible
12 minority businesses, disabled veteran-owned businesses, and women's businesses,
13 as described in subd. 1., in areas in which contracts were awarded.

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

15 229.8273 (5) (b) 3. The extent to which the district or contractors advertised for
16 and aggressively solicited bids from eligible minority businesses, disabled
17 veteran-owned businesses, and women's businesses, as described in subd. 1., and
18 the extent to which eligible minority businesses, disabled veteran-owned
19 businesses, and women's businesses submitted bids.

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

21 229.8273 (6) Annually the legislative audit bureau shall conduct an audit of
22 the district's efforts to achieve the minority participation, disabled veteran
23 participation, and women participation hiring and contracting goals contained in
24 this section. The audit bureau shall distribute a copy of each audit report under this

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1 subsection to the district, to the cochairs of the joint committee on finance and to the
2 cochairs of the joint audit committee.

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

4 **229.845 (title) Minority contracting goals; disabled veteran-owned**
5 **business contracting goals.**

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

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

8 **229.845 (1) (ag)** "Disabled veteran-owned business" means a business certified
9 by the department of commerce under s. 560.033 (3).

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

11 **229.845 (2)** It shall be a goal of the district, in awarding construction work and
12 professional services contracts related to cultural arts facilities, that at least 15% of
13 the aggregate dollar value of such contracts awarded by the district shall be awarded
14 to minority businesses, a portion of the aggregate dollar value of such contracts
15 awarded by the district shall be awarded to disabled veteran-owned businesses, and
16 at least 5% of the aggregate dollar value of such contracts awarded by the district
17 shall be awarded to women's businesses, except that if the sponsoring city is a 1st
18 class city, it shall be a goal of the district, in awarding construction work and
19 professional services contracts related to cultural arts facilities, that at least 25% of
20 the aggregate dollar value of such contracts awarded by the district shall be awarded
21 to minority businesses, a portion of the aggregate dollar value of such contracts
22 awarded by the district shall be awarded to disabled veteran-owned businesses, and
23 at least 5% of the aggregate dollar value of such contracts awarded by the district
24 shall be awarded to women's businesses.

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

BILL**SECTION 98**

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

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

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

12 **234.36 Disabled veteran-owned business financial interests.** (1) In this
13 section, "business," "financial adviser," and "investment firm" mean a business,
14 financial adviser, and investment firm certified by the department of commerce
15 under s. 560.033 (3).

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

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

23 **560.033 Disabled veteran-owned businesses.** (1) **DEFINITIONS.** In this
24 section, unless the context requires otherwise:

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Insert 27-3

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

3 (b) "Disabled veteran" means a person who is verified by the department of
4 veterans affairs as being a veteran, as defined in s. 45.01 (12), ^{all of the following at the time the person applies for certification} ~~as being~~ a resident of
5 this state ^{under} ~~at the time of entry into service,~~ and as being a person who the U.S. ^{Sub.}
6 department of veterans affairs has awarded at least a 30 percent service-connected ⁽³⁾
7 disability rating under 38 USC 1114 or 1134. ^{713.} ^{712.} ^{71.}

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

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

11 (e) "Investment firm" means a business that serves as a manager, comanager,
12 or in any other underwriting capacity with regard to the sale of evidences of
13 indebtedness or other obligations or as a broker-dealer as defined in s. 551.02 (3).

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

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

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

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

BILL**SECTION 100**

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

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

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

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

14 (c) The department may charge each business, financial adviser, or investment
15 firm applying for certification under this section a fee to cover the department's
16 expenses in making the certification determination.

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

24 (e) The department may, at the request of any state agency or on its own
25 initiative, evaluate any business, financial adviser, or investment firm certified

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1 under this section to verify that it continues to qualify for certification. The business,
2 financial adviser, or investment firm shall provide the department with any records
3 or information necessary to complete the examination. If a business, financial
4 adviser, or investment firm fails to comply with a reasonable request for records or
5 information, the department shall notify the business, financial adviser, or
6 investment firm and the departments of administration and transportation, in
7 writing, that it intends to decertify the business, financial adviser, or investment
8 firm. If, after an evaluation under this paragraph, the department determines that
9 a business, financial adviser, or investment firm no longer qualifies for certification
10 under this section, the department shall notify the business, financial adviser, or
11 investment firm and the departments of administration and transportation, in
12 writing, that it intends to decertify the business, financial adviser, or investment
13 firm.

14 (f) The business, financial adviser, or investment firm may, within 30 days after
15 a notice is sent under par. (e), appeal in writing to the secretary. If the business,
16 financial adviser, or investment firm does not submit an appeal under this
17 paragraph, the department shall immediately decertify the business, financial
18 adviser, or investment firm. If an appeal is submitted under this paragraph, the
19 secretary shall enter his or her final decision, in writing, within 30 days after
20 receiving the appeal. If the secretary confirms the decision of the department, the
21 department shall immediately decertify the business, financial adviser, or
22 investment firm. A business, financial adviser, or investment firm decertified under
23 this paragraph may, within 30 days after the secretary's decision, request a contested
24 case hearing under s. 227.42 from the department. If the final administrative or
25 judicial proceeding results in a determination that the business, financial adviser,

BILL**SECTION 100**

1 or investment firm qualifies for certification under this section, the department shall
2 immediately certify the business, financial adviser, or investment firm. The
3 department shall provide the business, financial adviser, or investment firm and the
4 departments of administration and transportation with a copy of the final written
5 decision regarding certification under this paragraph.

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

8 **SECTION 101. Nonstatutory provisions.**

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

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

22 (a) In this subsection:

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

BILL

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

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

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

10 (b) No later than March 31 of the 4th year beginning after the year in which
11 this subsection takes effect the Department of Administration shall report to the
12 appropriate standing committees of the legislature in the manner provided under
13 section 13.172 (3) of the statutes concerning the percentage of contracts entered into
14 and orders placed by agencies under subchapters IV and V of chapter 16 of the
15 statutes and sections 25.185 and 84.075 of the statutes and shall recommend to the
16 committees either a goal consisting of a percentage of the total amount of money that
17 will be annually paid to disabled veteran-owned businesses, disabled
18 veteran-owned financial advisers, and disabled veteran-owned investment firms by
19 agencies or a goal consisting of an annual percentage increase in the total amount
20 of money that will be paid to disabled veteran-owned businesses, disabled
21 veteran-owned financial advisers, and disabled veteran-owned investment firms by
22 agencies in at least the 5-year period ending on December 31 of the 5th year
23 beginning after the date of the report. In calculating the percentages under this
24 paragraph, the department shall exclude any contracts or purchases that are not

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1 subject to a contracting or purchasing preference as a result of the application of
2 section 16.75 (3m) (c) 4. of the statutes, as affected by this act.

3 **SECTION 102. Initial applicability.**

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

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

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

10 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1856/2ins
TKK:lxk&bx:nn

1 **INSERT 27-3**

2 (b) "Disabled veteran" means a person who is verified by the department of
3 veterans affairs as being all of the following at the time the person applies for
4 certification under sub. (3):

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

6 2. A resident of this state. ✓

7 3. A person who ^{is in receipt of an award from the} the U.S. department of veterans affairs ^{is the} ~~has awarded at least~~ ^{g of}

8 a ~~30 percent~~ service-connected disability rating under 38 USC 1114 or 1134.

of at least 30 percent

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Thursday, February 07, 2008 1:56 PM
To: Kelly, Judy
Subject: RE: LRB1856/2

Hi Judy --

I suspect both items in the analysis need tweaking; sorry for overlooking that point. I'll take a look momentarily....

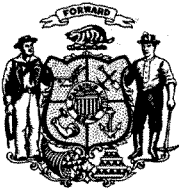
Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Kelly, Judy
Sent: Thursday, February 07, 2008 1:52 PM
To: Kuczenski, Tracy
Subject: LRB1856/2

Hi Tracy,

The draft looks good but I do have one question. I noticed that you changed the requirement that a veteran had to be living in the state when certified in order to qualify, but the analysis still says "a veteran who entered service from Wisconsin". I don't understand the 30% disability requirement well enough to know if that item in the analysis is correct. I would appreciate your looking at that too. They're both on page 3, para 2. I suppose I need a new draft once you fix the analysis. When I get a new draft, I'll need it sent to me (as well as Gary) by e-mail. Thank you very much for all of your hard work on this.

Judy



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1856/2 ³

TK/JTK/CH/AG/MS/RC:lxx&bx:nn

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2007 BILL

SAV

in 2/7/09
Wanted 2/8/09
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request sheet

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Regr Cat

1 AN ACT *to renumber* 18.16 (2), 18.16 (3), 18.16 (4), 18.16 (5), 18.64 (2), 18.64 (3),
2 18.64 (4), 18.64 (5), 18.77 (2), 18.77 (3), 18.77 (4), 18.77 (5), 85.25 (2) (c) 1. and
3 2., 229.46 (1) (a), 229.70 (1) (a) and 229.845 (1) (a); *to renumber and amend*
4 16.75 (3m) (a), 16.75 (3m) (b), 16.75 (3m) (c) 2., 16.75 (3m) (c) 5., 16.855 (10m)
5 (a), 16.87 (2), 84.075 (1) and 200.57 (1); *to amend* 16.75 (3m) (c) 1., 16.75 (3m)
6 (c) 3., 16.75 (3m) (c) 4., 16.855 (10m) (b), 16.855 (10m) (c), 16.855 (14) (a), 18.16
7 (title), 18.16 (6), 18.64 (title), 18.64 (6), 18.77 (title), 18.77 (6), 23.41 (6), 25.185
8 (title), 25.185 (3), 84.075 (title), 84.075 (2), 84.075 (3), 85.25 (2) (c) (intro.),
9 200.57 (title), 229.46 (2) (intro.), 229.46 (3) (intro.), 229.70 (title), 229.70 (2),
10 229.70 (3) (intro.), 229.70 (4), 229.70 (4m), 229.70 (5) (b) 1., 229.70 (5) (b) 2.,
11 229.70 (5) (b) 3., 229.8273 (title), 229.8273 (2), 229.8273 (3), 229.8273 (4),
12 229.8273 (5) (b) 1., 229.8273 (5) (b) 2., 229.8273 (5) (b) 3., 229.8273 (6), 229.845
13 (title) and 229.845 (2); *to repeal and recreate* 18.16 (1), 18.64 (1), 18.77 (1) and
14 25.185 (1); and *to create* 16.75 (3m) (a) 1., 2. and 3., 16.75 (3m) (b) 2., 16.75 (3m)

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1 (c) 2. b. and d., 16.75 (3m) (c) 5. b., 16.855 (10m) (ac), 16.855 (10m) (am) 2., 16.87
2 (1) (am), 16.87 (2) (c), 18.16 (2) (b), 18.16 (3) (b), 18.16 (4) (b), 18.16 (5) (b), 18.64
3 (2) (b), 18.64 (3) (b), 18.64 (4) (b), 18.64 (5) (b), 18.77 (2) (b), 18.77 (3) (b), 18.77
4 (4) (b), 18.77 (5) (b), 84.075 (1c), 84.075 (1m) (b), 85.25 (2) (c) 2m., 200.57 (1) (a),
5 200.57 (3), 229.46 (1) (ag), 229.70 (1) (ag), 229.8273 (1) (am), 229.845 (1) (ag),
6 231.29, 234.36 and 560.033 of the statutes; **relating to:** awarding state
7 procurements to certified disabled veteran-owned businesses, providing an
8 exemption from emergency rule procedures, and requiring the exercise of
9 rule-making authority.

Analysis by the Legislative Reference Bureau

Currently, minority-owned businesses that are certified by the Department of Commerce receive certain preferences in governmental procurement. State agencies must attempt to ensure that 5 percent of the total amount expended for state procurements in each fiscal year is paid to minority-owned businesses. With the exception of non-highway construction work and certain other limited exceptions, state agencies that are subject to requirements to make purchases through competitive bidding or competitive sealed proposals may accept a bid or proposal from a minority-owned business that is no more than 5 percent higher than the apparent low bid or most advantageous proposal. Unless the secretary of administration reports to the Joint Committee on Finance the reasons for not doing so, the Building Commission must ensure that at least 6 percent of the total long-term state public debt, revenue bonding, and short-term borrowing in each fiscal year is underwritten by minority-owned investment firms. The Investment Board must attempt to ensure that 5 percent of the total funds it expends for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of minority-owned financial advisers or minority-owned investment firms.

In addition, metropolitan sewerage commissions serving metropolitan sewerage districts that encompass first class cities, presently only Milwaukee, must attempt to ensure that 5 percent of that total funds expended for financial and investment analysis and for common stock and convertible bond brokerage commissions in each fiscal year is expended for the services of minority-owned financial advisers or minority-owned investment firms. Current law contracting provisions that apply to special purpose districts (local exposition districts, professional baseball park districts, professional football stadium districts, and cultural arts districts) also contain provisions that relate to minority and women

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hiring and contracting. Generally, persons awarded contracts for local exposition districts must agree that at least 25 percent of the employees hired because of the contracts will be minority group members; at least 5 percent of the employees hired will be women; at least 25 percent of the aggregate dollar value of certain contracts will be awarded to minority businesses; and at least 5 percent of the aggregate dollar value of certain contracts will be awarded to women's business. In the case of the other special districts, the minority and women contracting provisions are goals, which generally include the same participation percentages, except that the participation percentages for minority group members is 15 percent for football stadium districts and cultural arts districts.

INSERT-ANAL
X This bill creates similar preferences in awarding state contracts or orders to disabled veteran-owned businesses certified by the Department of Commerce (Commerce). The bill does not, however, create any goals for total amounts or percentages of state contracts or orders to be awarded to these businesses. The bill defines a disabled veteran as a veteran who entered service from Wisconsin and who has a disability incurred or aggravated in the line of duty that resulted in a disability rating of at least 30 percent.

Under the bill, Commerce must certify a business, financial adviser, or investment firm that meets all of the following requirements:

1. One or more disabled veterans owns not less than 51 percent of the business, financial adviser, or investment firm or, if the business, financial adviser, or investment firm is publicly owned, 51 percent of the stock.
2. One or more disabled veterans or duly authorized representatives of the disabled veteran controls the management and daily business operations of the business, financial adviser, or investment firm.
3. The business, financial adviser, or investment firm has its principal place of business in this state.
4. The business, financial adviser, or investment firm is performing a useful business function. Useful business function is defined under the bill as the provision of materials, supplies, equipment, or services to customers, including the state.

Commerce may decertify any business, financial adviser, or investment firm that Commerce determines no longer qualifies for certification. The bill establishes an appeal process for businesses, financial advisers, or investment firms decertified by Commerce.

The bill directs the Department of Administration (DOA) to annually report to the appropriate standing committees of the legislature concerning the total amount of money and the percentage of the total amount of money paid to, and the percentage of the total amount of indebtedness underwritten by disabled veteran-owned businesses, financial advisers, and investment firms. In addition, the bill directs DOA to report to the same committees, no later than March 31 of the fourth year beginning after the year in which the bill becomes law concerning DOA's recommendations for either a goal consisting of a percentage of the total amount of money that will be paid annually to disabled veteran-owned businesses, financial advisers, and investment firms by state agencies or a goal consisting of an annual percentage increase in the total amount of money that will be paid to disabled

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veteran-owned businesses, financial advisers, and investment firms by state agencies during at least the first full five-year period that follows the date of the report. In calculating all amounts paid to and percentages of amounts paid to businesses and firms, DOA is directed to exclude any contracts or purchases for which a purchase preference would violate a federal law or regulation or any contract between a state agency and a federal agency, or would result in a reduction in the amount of federal aids received by this state.

DOT administers a disadvantaged business mobilization assistance program, a loan guarantee program created to assist disadvantaged businesses in obtaining capital to participate in DOT construction contracts. Under the program, DOT may make grants to provide funding for these loan guarantees. This bill makes disabled veteran-owned businesses eligible for this program.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 16.75 **(3m)** (a) (intro.) In this subsection, ~~“minority:~~

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

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

7 16.75 **(3m)** (a) 1. “Disabled veteran-owned business” means a business that is
8 certified by the department of commerce under s. 560.033 (3).

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

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

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

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1 16.75 (3m) (b) 1. The department and any agency making purchases under s.
2 16.74 shall attempt to ensure that ~~5%~~ 5 percent of the total amount expended under
3 this subchapter in each fiscal year is paid to minority businesses.

4 3. Except as provided under sub. (7), the department may purchase materials,
5 supplies, equipment, and contractual services from any minority business or
6 disabled veteran-owned business submitting a qualified responsible competitive bid
7 that is no more than ~~5%~~ 5 percent higher than the apparent low bid or competitive
8 proposal that is no more than ~~5%~~ 5 percent higher than the most advantageous ~~offer~~
9 proposal. In administering the preference for minority businesses or disabled
10 veteran-owned businesses established in this paragraph, the department and any
11 agency making purchases under s. 16.74 shall maximize the use of minority
12 businesses or disabled veteran-owned businesses which are incorporated under ch.
13 180 or which have their principal place of business in this state.

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

15 16.75 (3m) (b) 2. The department and any agency making purchases under s.
16 16.74 shall make efforts to ensure that a portion of the total amount expended under
17 this subchapter in each fiscal year is paid to disabled veteran-owned businesses.

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

19 16.75 (3m) (c) 1. After completing any contract under this subchapter, the
20 contractor shall report to the agency that awarded the contract any amount of the
21 contract that was subcontracted to minority businesses and any amount of the
22 contract that was subcontracted to disabled veteran-owned businesses.

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

BILL**SECTION 6**

1 16.75 (3m) (c) 2. Each agency shall report to the department at least
2 semiannually, or more often if required by the department, ~~the~~ all of the following
3 for the reporting period specified by the department:

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

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

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

9 16.75 (3m) (c) 2. b. The total amount of money and the percentage of the total
10 amount of money it has expended for contracts and orders awarded to disabled
11 veteran-owned businesses.

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

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

15 16.75 (3m) (c) 3. The department shall maintain and annually publish data on
16 state purchases from minority businesses and on state purchases from disabled
17 veteran-owned businesses, including amounts expended and the percentage of total
18 expenditures awarded to minority businesses and amounts expended and the
19 percentage of total expenditures awarded to disabled veteran-owned businesses.

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

21 16.75 (3m) (c) 4. The department shall annually prepare and submit a report
22 to the governor and to the chief clerk of each house of the legislature, for distribution
23 to the appropriate standing committees under s. 13.172 (3), on the total amount of
24 money paid to and the amount of indebtedness or other obligations underwritten by
25 minority businesses, minority financial advisers ~~and~~, minority investment firms,

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1 disabled veteran-owned businesses, disabled veteran-owned financial advisers,
2 and disabled veteran-owned investment firms under the requirements of this
3 subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.075 and 565.25 (2) (a) 3. and
4 on this state's progress toward achieving compliance with par. (b) and ss. 16.855
5 (10m) ~~(a)~~ (am) and (10n), 16.87 (2), 25.185, and 84.075 ~~(1)~~ (1m). The report shall also
6 include the percentage of the total amount of money paid to and the percentage of
7 the total amount of indebtedness or other obligations underwritten by disabled
8 veteran-owned businesses, disabled veteran-owned financial advisers, and
9 disabled veteran-owned investment firms. In calculating the percentages to be
10 reported under this subsection, the department shall exclude any purchase or
11 contract for which a preference would violate any federal law or regulation or any
12 contract between an agency and a federal agency or any contract that would result
13 in a reduction in the the amount of federal aids received by this state.

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

16 16.75 **(3m)** (c) 5. a. In determining whether a purchase, contract or subcontract
17 complies with the goal established under par. (b) 1. or s. 16.855 (10m) (am) 1., 16.87
18 (2) (b), or 25.185 (2) (a), the department shall include only amounts paid to minority
19 businesses, minority financial advisers and minority investment firms certified by
20 the department of commerce under s. 560.036 (2).

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

22 16.75 **(3m)** (c) 5. b. In determining whether a purchase, contract, or subcontract
23 is made with a disabled veteran-owned business, the department shall include only
24 amounts paid to disabled veteran-owned businesses certified by the department of
25 commerce under s. 560.033 (3).

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1 **SECTION 12.** 16.855 (10m) (a) of the statutes is renumbered 16.855 (10m) (am)

2 1. and amended to read:

3 16.855 (**10m**) (am) 1. In awarding construction contracts the department shall
4 attempt to ensure that ~~5%~~ 5 percent of the total amount expended in each fiscal year
5 is awarded to contractors and subcontractors which are minority businesses, as
6 defined under s. 16.75 (3m) (a) 1.

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

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

11 16.855 (**10m**) (ac) In this subsection, “disabled veteran-owned business”
12 means a business certified by the department of commerce under s. 560.033 (3).

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

14 16.855 (**10m**) (am) 2. In awarding construction contracts, the department shall
15 make efforts to ensure that a portion of the total amount expended in each fiscal year
16 is awarded to contractors and subcontractors that are disabled veteran-owned
17 businesses.

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

19 16.855 (**10m**) (b) Upon completion of any contract, the contractor shall report
20 to the department any amount of the contract that was subcontracted to minority
21 businesses or disabled veteran-owned businesses.

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

23 16.855 (**10m**) (c) The department shall maintain and annually publish data on
24 contracts awarded to minority businesses and disabled veteran-owned businesses
25 under this subsection and ss. 16.87 and 84.075.

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

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

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

14 16.87 **(1)** (am) "Disabled veteran-owned business" means a business certified
15 by the department of commerce under s. 560.033 (3).

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

18 16.87 **(2)** (a) A contract for engineering services or architectural services or a
19 contract involving an expenditure of \$10,000 or more for construction work, or
20 \$30,000 or more for limited trades work, to be done for or furnished to the state or
21 a department, board, commission, or officer of the state is exempt from the
22 requirements of ss. 16.705 and 16.75.

23 (b) The department shall attempt to ensure that ~~5%~~ 5 percent of the total
24 amount expended under this section in each fiscal year is paid to minority
25 businesses, as defined in s. 16.75 (3m) (a) 1.

BILL**SECTION 20**

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

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

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

6 **18.16 (title) Minority financial advisers and investment firms; disabled**
7 **veteran-owned financial advisers and investment firms.**

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

9 18.16 (1) In this section:

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

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

14 (c) "Minority financial adviser" means a financial adviser certified by the
15 department of commerce under s. 560.036 (2).

16 (d) "Minority investment firm" means an investment firm certified by the
17 department of commerce under s. 560.036 (2).

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

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

20 18.16 (2) (b) Except as provided in sub. (7), in contracting public debt by
21 competitive sale, the commission shall make efforts to ensure that a portion of the
22 total public indebtedness contracted in each fiscal year is underwritten by disabled
23 veteran-owned investment firms.

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

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

BILL

1 18.16 (3) (b) Except as provided under sub. (7), in contracting public debt by
2 negotiated sale, the commission shall make efforts to ensure that a portion of total
3 public indebtedness contracted in each fiscal year is underwritten by disabled
4 veteran-owned investment firms.

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

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

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

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

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

13 18.16 (5) (b) Except as provided under s. 18.06 (9) and sub. (7), an individual
14 underwriter or syndicate of underwriters shall make efforts to ensure that each bid
15 or proposal, submitted by that individual or syndicate in a competitive or negotiated
16 sale of public debt, provides for a portion of sales to disabled veteran-owned
17 investment firms.

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

19 18.16 (6) The commission shall annually report to the department of
20 administration the total amount of public indebtedness contracted with the
21 underwriting services of minority investment firms and disabled veteran-owned
22 investment firms and the total amount of moneys expended for the services of
23 minority financial advisers and disabled veteran-owned financial advisers during
24 the preceding fiscal year.

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

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1 **18.64 (title) Minority financial advisers and investment firms; disabled**
2 **veteran-owned financial advisers and investment firms.**

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

4 18.64 (1) In this section:

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

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

9 (c) "Minority financial adviser" means a financial adviser certified by the
10 department of commerce under s. 560.036 (2).

11 (d) "Minority investment firm" means an investment firm certified by the
12 department of commerce under s. 560.036 (2).

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

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

15 18.64 (2) (b) Except as provided under sub. (7), in issuing evidences of revenue
16 obligations by competitive sale, the commission shall make efforts to ensure that a
17 portion of the total of revenue obligations contracted in each fiscal year is
18 underwritten by disabled veteran-owned investment firms.

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

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

21 18.64 (3) (b) Except as provided under sub. (7), in issuing evidences of revenue
22 obligations by negotiated sale, the commission shall make efforts to ensure that a
23 portion of the total of revenue obligations contracted in each fiscal year is
24 underwritten by disabled veteran-owned investment firms.

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

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

2 18.64 (4) (b) Except as provided under sub. (7), in issuing evidences of revenue
3 obligations by competitive sale or negotiated sale, the commission shall make efforts
4 to ensure that a portion of the total moneys expended in such fiscal year for the
5 services of financial advisers are expended for the services of disabled
6 veteran-owned financial advisers.

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

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

9 18.64 (5) (b) Except as provided under sub. (7), an individual underwriter or
10 syndicate of underwriters shall make efforts to ensure that each bid or proposal,
11 submitted by that individual or syndicate in a competitive or negotiated sale of a
12 revenue obligation, provides for a portion of sales to disabled veteran-owned
13 investment firms.

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

15 18.64 (6) The commission shall annually report to the department of
16 administration the total amount of revenue obligations contracted with the
17 underwriting services of minority investment firms and disabled veteran-owned
18 investment firms and the total amount of moneys expended for the services of
19 minority financial advisers and disabled veteran-owned financial advisers during
20 the preceding fiscal year.

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

22 **18.77 (title) Minority financial advisers and investment firms; disabled**
23 **veteran-owned financial advisers and investment firms.**

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

25 18.77 (1) In this section:

BILL**SECTION 44**

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

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

5 (c) "Minority financial adviser" means a financial adviser certified by the
6 department of commerce under s. 560.036 (2).

7 (d) "Minority investment firm" means an investment firm certified by the
8 department of commerce under s. 560.036 (2).

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

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

11 18.77 (2) (b) Except as provided under sub. (7), in contracting operating notes
12 by competitive sale, the commission shall make efforts to ensure that a portion of
13 total operating note indebtedness contracted in each fiscal year is underwritten by
14 disabled veteran-owned investment firms.

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

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

17 18.77 (3) (b) Except as provided under sub. (7), in contracting operating notes
18 by negotiated sale, the commission shall make efforts to ensure that a portion of total
19 operating note indebtedness contracted in each fiscal year is underwritten by
20 disabled veteran-owned investment firms.

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

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

23 18.77 (4) (b) Except as provided under sub. (7), in contracting operating notes
24 by competitive sale or negotiated sale, the commission shall make efforts to ensure
25 that a portion of the total moneys expended in such fiscal year for the services of

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1 financial advisers are expended for the services of disabled veteran-owned financial
2 advisers.

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

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

5 18.77 (5) (b) Except as provided under sub. (7), an individual underwriter or
6 syndicate of underwriters shall make efforts to ensure that each bid or proposal,
7 submitted by that individual or syndicate in a competitive or negotiated sale of an
8 operating note, provides for a portion of sales to disabled veteran-owned investment
9 firms.

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

11 18.77 (6) The commission shall annually report to the department of
12 administration the total amount of operating note indebtedness contracted with the
13 underwriting services of minority investment firms and the total amount of moneys
14 expended for the services of minority financial advisers and disabled veteran-owned
15 financial advisers during the preceding fiscal year.

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

17 23.41 (6) The department shall attempt to ensure that at least 5% of the total
18 amount expended under this section in each fiscal year is paid to minority
19 businesses, as defined in s. 16.75 (3m) (a) 1.

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

21 **25.185 (title) Minority financial advisers and investment firms;**
22 **disabled veteran-owned financial advisers and investment firms.**

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

24 25.185 (1) In this section:

BILL**SECTION 56**

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

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

5 (c) "Minority financial adviser" means a financial adviser certified by the
6 department of commerce under s. 560.036 (2).

7 (d) "Minority investment firm" means an investment firm certified by the
8 department of commerce under s. 560.036 (2).

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

10 25.185 (3) The board shall annually report to the department of administration
11 the total amount of moneys expended under sub. (2) for common stock and
12 convertible bond brokerage commissions, the services of minority and disabled
13 veteran-owned financial advisers, and the services of minority and disabled
14 veteran-owned investment firms during the preceding fiscal year.

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

16 **84.075 (title) Contracting with minority businesses and disabled**
17 **veteran-owned businesses.**

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

20 84.075 (1m) (a) In purchasing services under s. 84.01 (13), in awarding
21 construction contracts under s. 84.06 and in contracting with private contractors and
22 agencies under s. 84.07, the department shall attempt to ensure that ~~5%~~ 5 percent
23 of the total amount expended in each fiscal year is paid to contractors,
24 subcontractors, and vendors which that are minority businesses, ~~as defined under~~
25 ~~s. 560.036 (1) (e) 1.~~ In attempting to meet this goal, the department may award any

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1 contract to a minority business that submits a qualified responsible bid that is no
2 more than ~~5%~~ 5 percent higher than the low bid.

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

4 84.075 (1c) In this section:

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

7 (b) "Minority business" means a business certified by the department of
8 commerce under s. 560.036 (2).

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

10 84.075 (1m) (b) In purchasing services under s. 84.01 (13), in awarding
11 construction contracts under s. 84.06 and in contracting with private contractors and
12 agencies under s. 84.07, the department may award any contract to a disabled
13 veteran-owned business that submits a qualified responsible bid that is no more
14 than 5 percent higher than the low bid unless doing so would violate the provisions
15 of any federal law or regulation or any contract between the department and a
16 federal agency or would otherwise result in a reduction of the amount of federal
17 highway aid received by this state.

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

19 84.075 (2) The contractor shall report to the department any amount of the
20 contract paid to subcontractors and vendors which are minority businesses or
21 disabled veteran-owned businesses.

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

23 84.075 (3) The department shall at least semiannually, or more often if
24 required by the department of administration, report to the department of
25 administration the total amount of money it has paid to contractors, subcontractors,

BILL**SECTION 63**

1 and vendors ~~which~~ that are minority businesses and that are disabled
2 veteran-owned businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of
3 contacts with minority businesses and disabled veteran-owned businesses in
4 connection with proposed purchases and contracts. In its reports, the department
5 shall include only amounts paid to businesses certified by the department of
6 commerce as minority businesses or disabled veteran-owned businesses.

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

8 85.25 (2) (c) (intro.) "Disadvantaged business" means a any of the following:

9 1m. A sole proprietorship, partnership, limited liability company, joint venture
10 or corporation that fulfills all of the following requirements:

11 **SECTION 65.** 85.25 (2) (c) 1. and 2. of the statutes are renumbered 85.25 (2) (c)

12 1m. a. and b.

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

14 85.25 (2) (c) 2m. A disabled veteran-owned business, as defined in s. 84.075 (1c)

15 (b).

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

17 **200.57 (title) Minority financial advisers and investment firms and**
18 **disabled veteran-owned businesses.**

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

21 200.57 (1) In this section, ~~"minority:~~

22 (b) "Minority financial adviser" and "minority investment firm" mean a
23 financial adviser and investment firm, respectively, certified by the department of
24 commerce under s. 560.036 (2).

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

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

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

5 200.57 (3) The commission shall make efforts to ensure that a portion of the
6 total funds expended for financial and investment analysis and for common stock
7 and convertible bond brokerage commissions in each fiscal year is expended for the
8 services of disabled veteran-owned financial advisers or disabled veteran-owned
9 investment firms.

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

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

12 229.46 (1) (ag) “Disabled veteran-owned business” means a business certified
13 by the department of commerce under s. 560.033 (3).

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

15 229.46 (2) (intro.) A person who is awarded a contract by a district shall agree,
16 as a condition to receiving the contract, that at least 25% of the employees hired
17 because of the contract will be minority group members and at least 5% of the
18 employees hired because of the contract will be women, and shall make efforts to
19 ensure that a portion of the employees hired because of the contract will be employees
20 of a disabled veteran-owned business, if any of the following applies:

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

22 229.46 (3) (intro.) At least 25% of the aggregate dollar value of contracts
23 awarded by the district in the following areas shall be awarded to minority
24 businesses and at least 5% of the aggregate dollar value of contracts awarded by the
25 district in the following areas shall be awarded to women’s businesses, and the

BILL**SECTION 74**

1 district shall make efforts to ensure that a portion of the aggregate dollar value of
2 contracts awarded by the district in the following areas shall be awarded to disabled
3 veteran-owned businesses:

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

5 **229.70 (title) Minority contracting goals; disabled veteran-owned**
6 **business contracting goals.**

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

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

9 **229.70 (1) (ag)** "Disabled veteran-owned business" means a business certified
10 by the department of commerce under s. 560.033 (3).

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

12 **229.70 (2)** The district shall ensure that, for construction work and
13 professional services contracts, a person who is awarded such a contract by a district
14 shall agree, as a condition to receiving the contract, that his or her goal shall be to
15 ensure that at least 25% of the employees hired because of the contract will be
16 minority group members, a portion of the employees hired because of the contract
17 will be employees of a disabled veteran-owned business, and at least 5% of the
18 employees hired because of the contract will be women if the contract is for the
19 construction of any part of baseball park facilities.

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

21 **229.70 (3) (intro.)** It shall be a goal of the district to ensure that at least 25%
22 of the aggregate dollar value of contracts awarded by the district in the following
23 areas shall be awarded to minority businesses, a portion of the aggregate dollar value
24 of contracts awarded by the district in the following areas shall be awarded to
25 disabled veteran-owned businesses, and at least 5% of the aggregate dollar value of

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1 contracts awarded by the district in the following areas shall be awarded to women's
2 businesses:

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

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

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

10 229.70 (4m) (a) The district shall ensure that, for construction work and
11 professional services contracts, a person who is awarded such a contract by a district
12 shall agree, as a condition to receiving the contract, that if he or she is unable to meet
13 the goal under sub. (2), he or she shall make a good faith effort to contract with the
14 technical college district board of the technical college district in which the facilities
15 are to be constructed or the professional services contract is to be performed, to
16 develop appropriate training programs designed to increase the pool of minority
17 group members, disabled veterans, and women who are qualified to perform the
18 construction work or professional services.

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

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

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

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

6 229.70 (5) (b) 2. The competing demands for the services provided by eligible
7 minority businesses, disabled veteran-owned businesses, and women's businesses,
8 as described in subd. 1., in areas in which contracts were awarded.

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

10 229.70 (5) (b) 3. The extent to which the district or contractors advertised for
11 and aggressively solicited bids from eligible minority businesses, disabled
12 veteran-owned businesses, and women's businesses, as described in subd. 1., and
13 the extent to which eligible minority businesses, disabled veteran-owned
14 businesses, and women's businesses submitted bids.

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

16 **229.8273 (title) Minority, disabled veteran, and women contracting.**

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

18 229.8273 (1) (am) "Disabled veteran-owned business" means a business
19 certified by the department of commerce under s. 560.033 (3).

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

21 229.8273 (2) A district shall ensure that, for construction or renovation work
22 and professional services contracts that relate to the construction or renovation of
23 football stadium facilities that are financed by the proceeds of bonds issued under s.
24 229.824 (8), a person who is awarded such a contract by the district or by a contractor
25 shall agree, as a condition to receiving the contract, that his or her goal shall be to

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1 ensure that at least 15% of the employees hired because of the contract will be
2 minority group members, a portion of the employees hired because of the contract
3 will be employees of a disabled veteran-owned business, and at least 5% of the
4 employees hired because of the contract will be women.

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

6 229.8273 (3) It shall be a goal of the district to ensure that at least 15% of the
7 aggregate dollar value of contracts that relate to the construction or renovation of
8 football stadium facilities that are financed by the proceeds of bonds issued under s.
9 229.824 (8), shall be awarded to minority businesses, a portion of the aggregate
10 dollar value of contracts awarded by the board shall be awarded to disabled
11 veteran-owned businesses, and at least 5% of the aggregate dollar value of contracts
12 awarded by the board shall be awarded to women's businesses.

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

14 229.8273 (4) (a) The district shall ensure that, for construction or renovation
15 work and professional services contracts described under sub. (2), a person who is
16 awarded such a contract by the district or by a contractor shall agree, as a condition
17 to receiving the contract, that if he or she is unable to meet the goal under sub. (2),
18 he or she shall make a good faith effort to contract with the technical college district
19 board of the technical college district in which the football stadium facilities are to
20 be constructed or renovated, or the professional services contract is to be performed,
21 to develop appropriate training programs designed to increase the pool of minority
22 group members, disabled veterans, and women who are qualified to perform the
23 construction work or professional services.

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

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

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

6 229.8273 (5) (b) 1. The supply of eligible minority businesses, disabled
7 veteran-owned businesses, and women's businesses that have the financial capacity,
8 technical capacity and previous experience in the areas in which contracts were
9 awarded.

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

11 229.8273 (5) (b) 2. The competing demands for the services provided by eligible
12 minority businesses, disabled veteran-owned businesses, and women's businesses,
13 as described in subd. 1., in areas in which contracts were awarded.

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

15 229.8273 (5) (b) 3. The extent to which the district or contractors advertised for
16 and aggressively solicited bids from eligible minority businesses, disabled
17 veteran-owned businesses, and women's businesses, as described in subd. 1., and
18 the extent to which eligible minority businesses, disabled veteran-owned
19 businesses, and women's businesses submitted bids.

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

21 229.8273 (6) Annually the legislative audit bureau shall conduct an audit of
22 the district's efforts to achieve the minority participation, disabled veteran
23 participation, and women participation hiring and contracting goals contained in
24 this section. The audit bureau shall distribute a copy of each audit report under this

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1 subsection to the district, to the cochairs of the joint committee on finance and to the
2 cochairs of the joint audit committee.

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

4 **229.845 (title) Minority contracting goals; disabled veteran-owned**
5 **business contracting goals.**

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

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

8 229.845 (1) (ag) "Disabled veteran-owned business" means a business certified
9 by the department of commerce under s. 560.033 (3).

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

11 229.845 (2) It shall be a goal of the district, in awarding construction work and
12 professional services contracts related to cultural arts facilities, that at least 15% of
13 the aggregate dollar value of such contracts awarded by the district shall be awarded
14 to minority businesses, a portion of the aggregate dollar value of such contracts
15 awarded by the district shall be awarded to disabled veteran-owned businesses, and
16 at least 5% of the aggregate dollar value of such contracts awarded by the district
17 shall be awarded to women's businesses, except that if the sponsoring city is a 1st
18 class city, it shall be a goal of the district, in awarding construction work and
19 professional services contracts related to cultural arts facilities, that at least 25% of
20 the aggregate dollar value of such contracts awarded by the district shall be awarded
21 to minority businesses, a portion of the aggregate dollar value of such contracts
22 awarded by the district shall be awarded to disabled veteran-owned businesses, and
23 at least 5% of the aggregate dollar value of such contracts awarded by the district
24 shall be awarded to women's businesses.

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

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

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

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

12 **234.36 Disabled veteran-owned business financial interests.** (1) In this
13 section, "business," "financial adviser," and "investment firm" mean a business,
14 financial adviser, and investment firm certified by the department of commerce
15 under s. 560.033 (3).

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

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

23 **560.033 Disabled veteran-owned businesses.** (1) **DEFINITIONS.** In this
24 section, unless the context requires otherwise:

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

3 (b) "Disabled veteran" means a person who is verified by the department of
4 veterans affairs as being all of the following at the time the person applies for
5 certification under sub. (3):

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

7 2. A resident of this state.

8 3. A person who is in receipt of an award from the U.S. department of veterans
9 affairs of a service-connected disability rating under 38 USC 1114 or 1134 of at least
10 30 percent.

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

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

14 (e) "Investment firm" means a business that serves as a manager, comanager,
15 or in any other underwriting capacity with regard to the sale of evidences of
16 indebtedness or other obligations or as a broker-dealer as defined in s. 551.02 (3).

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

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

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

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

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

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

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

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

18 (c) The department may charge each business, financial adviser, or investment
19 firm applying for certification under this section a fee to cover the department's
20 expenses in making the certification determination.

21 (d) If a business, financial adviser, or investment firm fails to provide the
22 department with sufficient information to enable the department to conduct an
23 investigation or does not qualify for certification under par. (b), the department shall
24 deny the application. A business, financial adviser, or investment firm whose
25 application is denied may, within 30 days after the date of the denial, appeal in

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1 writing to the secretary. The secretary shall enter his or her final decision within 30
2 days after receiving the appeal.

3 (e) The department may, at the request of any state agency or on its own
4 initiative, evaluate any business, financial adviser, or investment firm certified
5 under this section to verify that it continues to qualify for certification. The business,
6 financial adviser, or investment firm shall provide the department with any records
7 or information necessary to complete the examination. If a business, financial
8 adviser, or investment firm fails to comply with a reasonable request for records or
9 information, the department shall notify the business, financial adviser, or
10 investment firm and the departments of administration and transportation, in
11 writing, that it intends to decertify the business, financial adviser, or investment
12 firm. If, after an evaluation under this paragraph, the department determines that
13 a business, financial adviser, or investment firm no longer qualifies for certification
14 under this section, the department shall notify the business, financial adviser, or
15 investment firm and the departments of administration and transportation, in
16 writing, that it intends to decertify the business, financial adviser, or investment
17 firm.

18 (f) The business, financial adviser, or investment firm may, within 30 days after
19 a notice is sent under par. (e), appeal in writing to the secretary. If the business,
20 financial adviser, or investment firm does not submit an appeal under this
21 paragraph, the department shall immediately decertify the business, financial
22 adviser, or investment firm. If an appeal is submitted under this paragraph, the
23 secretary shall enter his or her final decision, in writing, within 30 days after
24 receiving the appeal. If the secretary confirms the decision of the department, the
25 department shall immediately decertify the business, financial adviser, or

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1 investment firm. A business, financial adviser, or investment firm decertified under
2 this paragraph may, within 30 days after the secretary's decision, request a contested
3 case hearing under s. 227.42 from the department. If the final administrative or
4 judicial proceeding results in a determination that the business, financial adviser,
5 or investment firm qualifies for certification under this section, the department shall
6 immediately certify the business, financial adviser, or investment firm. The
7 department shall provide the business, financial adviser, or investment firm and the
8 departments of administration and transportation with a copy of the final written
9 decision regarding certification under this paragraph.

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

SECTION 101. Nonstatutory provisions.

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

23 (2) REPORT AND RECOMMENDATIONS CONCERNING DISABLED VETERAN-OWNED
24 BUSINESS PROCUREMENT.
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1 (a) In this subsection:

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

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

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

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

12 (b) No later than March 31 of the 4th year beginning after the year in which
13 this subsection takes effect the Department of Administration shall report to the
14 appropriate standing committees of the legislature in the manner provided under
15 section 13.172 (3) of the statutes concerning the percentage of contracts entered into
16 and orders placed by agencies under subchapters IV and V of chapter 16 of the
17 statutes and sections 25.185 and 84.075 of the statutes and shall recommend to the
18 committees either a goal consisting of a percentage of the total amount of money that
19 will be annually paid to disabled veteran-owned businesses, disabled
20 veteran-owned financial advisers, and disabled veteran-owned investment firms by
21 agencies or a goal consisting of an annual percentage increase in the total amount
22 of money that will be paid to disabled veteran-owned businesses, disabled
23 veteran-owned financial advisers, and disabled veteran-owned investment firms by
24 agencies in at least the 5-year period ending on December 31 of the 5th year
25 beginning after the date of the report. In calculating the percentages under this

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1 paragraph, the department shall exclude any contracts or purchases that are not
2 subject to a contracting or purchasing preference as a result of the application of
3 section 16.75 (3m) (c) 4. of the statutes, as affected by this act.

4 **SECTION 102. Initial applicability.**

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

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

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

11

(END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1856/3ins
TKK:lxk&bx:nn

1

INSERT ANAL

The bill defines a disabled veteran as a veteran who, at the time of application for certification, is a resident of the state and is in receipt of an award from the U.S. Department of Veterans Affairs of a disability rating of at least 30 percent.

Basford, Sarah

From: Kelly, Judy
Sent: Tuesday, February 26, 2008 10:14 AM
To: LRB.Legal
Subject: bill jacket for LRB1856/3

Please send over the bill jacket for LRB1856/3. Thanks.

Judy Kelly
Legislative Aide to
Rep. Gary Sherman