

1 **AN ACT** *to amend* 36.34 (1) (a) (intro.), 39.40 (1) (intro.) and 39.44 (1) (a) (intro.);
2 and *to create* 16.765 (3m), 36.11 (3) (am) and 230.01 (2m) of the statutes; **relating**
3 **to:** affirmative action practices in state contracting and state hiring, and the
4 consideration of race or ethnicity in the University of Wisconsin System and by the
5 higher educational aids board.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on affirmative action.

Under current law, the minority group members who own, control, and actively manage businesses that are minority businesses, minority financial advisers, or minority investment firms under s. 560.036, stats., must be U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

This draft would prohibit the consideration of race or ethnicity, for purposes of determining compliance with affirmative action requirements in s. 16.765, stats., of any person who is not a U.S. citizen or person lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

This draft would specify that the University of Wisconsin (UW) System may not consider the race or ethnicity of an applicant in that applicant’s admission to the UW System unless the applicant is a U.S. citizen or person lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

Under current law, the Ben R. Lawton minority undergraduate program provides financial assistance, in the form of grants, to certain minority undergraduate students enrolled in the UW System. The draft would create the requirement that a student must be a U.S. citizen or person lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20) in order to receive a grant under the Ben R. Lawton minority undergraduate grant program.

Under current law, the higher educational aids board (HEAB) operates a minority teacher loan program. Under the program, the board shall award loans to certain minority students who teach or agree to teach in school districts with high minority populations. The loan program also specifies terms for loan forgiveness. Additionally, the HEAB operates a minority undergraduate grant program. Under the program, the board provides financial assistance, in the form of grants, to certain minority students enrolled in the Wisconsin technical college system and private institutions of higher education.

This draft would create the requirement that a student must be a U.S. citizen or person lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20) in order to receive a minority undergraduate grant or minority teacher loan from the HEAB.

Current law, ch. 230, stats., relating to state civil service, establishes the policy to take affirmative action which is not in conflict with other provisions of the chapter. This draft would prohibit the consideration of race or ethnicity for affirmative action in ch. 230, stats., unless the consideration of race or ethnicity applies to U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101 (a) (20).

1 **SECTION 1.** 16.765 (3m) of the statutes is created to read:

2 16.765 **(3m)** For purposes of affirmative action under subs. (1) and (2), contracting
3 agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
4 Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance
5 Risk-Sharing Plan Authority, and the Bradley Center Sports and Entertainment Corporation
6 may not consider the race or ethnicity of an employee or applicant for employment unless the
7 employee or applicant for employment is a U.S. citizen or person lawfully admitted to the
8 United States for permanent residence, as defined under 8 USC 1101 (a) (20).

9 **SECTION 2.** 36.11 (3) (am) of the statutes is created to read:

10 36.11 **(3)** (am) The board may not consider the race or ethnicity of an applicant for
11 admission as a factor weighing in favor of admission of the person to the University of

1 Wisconsin System unless the applicant is a U.S. citizen or person lawfully admitted to the
2 United States for permanent residence, as defined under 8 USC 1101 (a) (20).

3 **SECTION 3.** 36.34 (1) (a) (intro.) of the statutes is amended to read:

4 36.34 (1) (a) (intro.) In this subsection “minority undergraduate” means an
5 undergraduate student who is a U.S. citizen or a person lawfully admitted to the United States
6 for permanent residence, as defined under 8 USC 1101 (a) (20), and who:

7 **SECTION 4.** 39.40 (1) (intro.) of the statutes is amended to read:

8 39.40 (1) (intro.) In this section “minority student” means a student who is a U.S. citizen
9 or a person lawfully admitted to the United States for permanent residence, as defined under
10 8 USC 1101 (a) (20), and who is any of the following :

11 **SECTION 5.** 39.44 (1) (a) (intro.) of the statutes is amended to read:

12 39.44 (1) (a) (intro.) In this section “minority undergraduate” means an undergraduate
13 student who is a U.S. citizen or a person lawfully admitted to the United States for permanent
14 residence, as defined under 8 USC 1101 (a) (20), and who:

15 **SECTION 6.** 230.01 (2m) of the statutes is created to read:

16 230.01 (2m) For purposes of affirmative action under this chapter, the race or ethnicity
17 of an employee or applicant for employment may not be considered unless the employee or
18 applicant for employment is a U.S. citizen or person lawfully admitted to the United States
19 for permanent residence, as defined under 8 USC 1101 (a) (20).

20 (END)