

1 **AN ACT** *to amend* 36.34 (1) (a) (intro.), 39.40 (1) (intro.), 39.44 (1) (a) (intro.),
 2 560.036 (1) (e) 1. a., 560.036 (1) (ep) 1. and 560.036 (1) (fm) 1.; and *to create*
 3 16.765 (3m), 36.11 (3) (am), 66.0145 (1) and (2) and 230.01 (2m) of the statutes;
 4 **relating to:** affirmative action practices in state and local government contracting
 5 and state and local government hiring, and the consideration of race or ethnicity in
 6 the University of Wisconsin System and by the 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 require 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., to be U.S. citizens.

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.

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 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 in order to receive a minority undergraduate grant or minority teacher loan from the HEAB.

This draft would require contractors, employers, and applicants for employment to be U.S. citizens in order to be eligible for affirmative action contracting and hiring programs of a city, village, town, school district, or county unless the citizenship requirement would cause a loss of federal funding to the local governmental unit.

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 a U.S. citizen.

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.

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

1 36.11 **(3)** (am) The board may not consider the race or ethnicity of an applicant for
2 admission as a factor weighing in favor of admission of the person to the University of
3 Wisconsin System unless the applicant is a U.S. citizen.

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

5 36.34 **(1)** (a) (intro.) In this subsection “minority undergraduate” means an
6 undergraduate student who is a U.S. citizen 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 and who is any of the following :

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

11 39.44 **(1)** (a) (intro.) In this section “minority undergraduate” means an undergraduate
12 student who is a U.S. citizen and who:

13 **SECTION 6.** 66.0145 (1) and (2) of the statutes are created to read:

14 66.0145 **(1)** In this subsection, “local governmental unit” means a city, village, town,
15 school district, or county.

16 **(2)** For the purposes of any affirmative action hiring or contracting program, a local
17 governmental unit may not consider the race or ethnicity of a contractor, employee, or
18 applicant for employment unless the contractor, employee, or applicant for employment is a
19 U.S. citizen. This subsection does not apply to the extent that its application would cause a
20 local governmental unit to be deemed ineligible for federal funds.

21 **SECTION 7.** 230.01 (2m) of the statutes is created to read:

22 230.01 **(2m)** For purposes of affirmative action under this chapter, the race or ethnicity
23 of an employee or applicant for employment may not be considered unless the employee or
24 applicant for employment is a U.S. citizen.

