



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2365/1
JK:kjf&lmk:jf

2005 ASSEMBLY BILL 703

September 27, 2005 - Introduced by Representatives SCHNEIDER and F. LASEE.
Referred to Committee on Labor.

1 **AN ACT to amend** 16.75 (6) (e), 16.855 (18), 16.855 (21) and 16.855 (22); and **to**
2 **create** 16.753, 16.855 (23) and 560.29 of the statutes; **relating to:** making
3 companies that hire illegal aliens ineligible for certain tax exemptions,
4 governmental contracts, grants, and loans, granting rule-making authority,
5 and providing penalties.

Analysis by the Legislative Reference Bureau

Under this bill, any company that has hired illegal aliens is, for a period of seven years, ineligible to: 1) receive any income or franchise tax credit or property tax exemption; 2) enter into a contract with the state or a local governmental unit for the construction, remodeling, or repair of a public work or building, or for the furnishing of supplies, services, equipment, or material of any kind; and 3) receive any grants or loans from a local governmental unit.

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:

6 **SECTION 1.** 16.75 (6) (e) of the statutes is amended to read:

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1 16.75 (6) (e) The governor or his or her designee may waive any requirement
2 of this subchapter if the governor or his or her designee finds that there exists an
3 emergency which threatens the public health, safety or welfare and the waiver is
4 necessary to meet the emergency. The governor or his or her designee shall require
5 the award of each contract under this paragraph to be made with such competition
6 as is practicable under the circumstances. The governor or his or her designee shall
7 file with the department a statement of facts constituting the emergency for each
8 waiver issued under this paragraph, and a statement of the basis for selection of each
9 contractor under the emergency procedure. This paragraph does not apply to the
10 ~~requirement~~ requirements specified in sub. (7) and s. 16.753.

11 **SECTION 2.** 16.753 of the statutes is created to read:

12 **16.753 Companies hiring illegal aliens.** No company that hires an illegal
13 alien is eligible to enter into any contract with an agency for the purchase of
14 materials, supplies, equipment, or contractual services for a period of 7 years
15 beginning with the year in which the company hires an illegal alien.

16 **SECTION 3.** 16.855 (18) of the statutes is amended to read:

17 16.855 (18) ~~This~~ Except as provided in sub. (23), this section shall not apply
18 to restoration or reconstruction of the state capitol building, historic structures at the
19 old world Wisconsin site and at Heritage Hill state park when the department
20 determines that a waiver of this section would serve the best interests of this state.

21 **SECTION 4.** 16.855 (21) of the statutes is amended to read:

22 16.855 (21) ~~This~~ Except as provided in sub. (23), this section does not apply to
23 contracts by the department of natural resources for construction work related to
24 hazardous substance spill response under s. 292.11 or environmental repair under
25 s. 292.31.

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1 **SECTION 5.** 16.855 (22) of the statutes is amended to read:

2 16.855 **(22)** The provisions of this section, except ~~sub-~~ subs. (10m) and (23), do
3 not apply to construction work for any project the estimated construction cost of
4 which does not exceed \$100,000 if the project is constructed in accordance with
5 policies and procedures prescribed by the building commission under s. 13.48 (29).
6 If the estimated construction cost of any project is at least \$30,000, and the building
7 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct
8 the project, the department shall provide adequate public notice of the project and
9 the procedures to be utilized to construct the project on a publicly accessible
10 computer site.

11 **SECTION 6.** 16.855 (23) of the statutes is created to read:

12 16.855 **(23)** No company that hires an illegal alien is eligible to enter into any
13 contract with an agency for engineering or architectural services or for construction
14 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in
15 which the company hires an illegal alien.

16 **SECTION 7.** 560.29 of the statutes is created to read:

17 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

18 (a) “Company” means any organization or enterprise operated for profit,
19 including a proprietorship, partnership, firm, business trust, joint venture,
20 syndicate, corporation, limited liability company, or association.

21 (b) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

22 (c) “Public contract” means a contract for the construction, execution, repair,
23 remodeling or improvement of a public work or building or for the furnishing of
24 supplies services, equipment, or material of any kind.

