

State of Wisconsin



2013 Senate Bill 370

Date of enactment:
Date of publication*:

2013 WISCONSIN ACT

AN ACT to renumber 23.41 (6) and 25.185 (2); to amend 16.75 (3m) (b) 2., 16.75 (3m) (c) 5. a., 16.855 (10m) (am) 2., 16.87 (2) (c), 18.16 (2) (b), 18.16 (3) (b), 18.16 (4) (b), 18.16 (5) (b), 18.64 (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) (b), 18.77 (5) (b), 84.075 (1m) (b), 200.57 (3), 229.46 (2) (intro.), 229.46 (3) (intro.), 229.70 (2), 229.70 (3) (intro.), 229.70 (4), 229.8273 (2), 229.8273 (3) and 229.845 (2); and to create 23.41 (6) (b) and 25.185 (2) (b) of the statutes; relating to: state procurement and construction contracts with disabled veteran-owned businesses.

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

SECTION 1. 16.75 (3m) (b) 2. of the statutes is amended to read:

16.75 (3m) (b) 2. The department and any agency making purchases under s. 16.74 shall ~~make efforts~~ attempt to ensure that ~~a portion at least 1 percent~~ of the total amount expended under this subchapter in each fiscal year is paid to disabled veteran-owned businesses.

SECTION 2. 16.75 (3m) (c) 5. a. of the statutes is amended to read:

16.75 (3m) (c) 5. a. In determining whether a purchase, contract, or subcontract complies with the goal established under par. (b) 1. or 2. or s. 16.855 (10m) (am) 1. or 2., 16.87 (2) (b) or (c), or 25.185 (2) (a) or (b), the department shall include only amounts paid to ~~minority~~ businesses, ~~minority~~ financial advisers, and ~~minority~~ investment firms certified by the department of administration under s. 16.283 or 16.287 (2), whichever is appropriate.

SECTION 3. 16.855 (10m) (am) 2. of the statutes is amended to read:

16.855 (10m) (am) 2. In awarding construction contracts, the department shall ~~make efforts~~ attempt to ensure that ~~a portion at least 1 percent~~ of the total amount expended in each fiscal year is awarded to contractors and subcontractors that are disabled veteran-owned businesses.

SECTION 4. 16.87 (2) (c) of the statutes is amended to read:

16.87 (2) (c) The department shall ~~make efforts~~ attempt to ensure that ~~a portion at least 1 percent~~ of the total amount expended under this section in each fiscal year is paid to disabled veteran-owned businesses.

SECTION 5. 18.16 (2) (b) of the statutes is amended to read:

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

SECTION 6. 18.16 (3) (b) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

SECTION 7. 18.16 (4) (b) of the statutes is amended to read:

18.16 (4) (b) Except as provided under sub. (7), in contracting public debt by competitive sale or negotiated sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 8. 18.16 (5) (b) of the statutes is amended to read:

18.16 (5) (b) Except as provided under s. 18.06 (9) and sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of public debt, provides for ~~a portion at least 1 percent~~ of sales to disabled veteran-owned investment firms.

SECTION 9. 18.64 (2) (b) of the statutes is amended to read:

18.64 (2) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 10. 18.64 (3) (b) of the statutes is amended to read:

18.64 (3) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by negotiated sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the total of revenue obligations contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 11. 18.64 (4) (b) of the statutes is amended to read:

18.64 (4) (b) Except as provided under sub. (7), in issuing evidences of revenue obligations by competitive sale or negotiated sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the total moneys expended in each fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 12. 18.64 (5) (b) of the statutes is amended to read:

18.64 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of a revenue obligation, provides for ~~a~~

~~portion at least 1 percent~~ of sales to disabled veteran-owned investment firms.

SECTION 13. 18.77 (2) (b) of the statutes is amended to read:

18.77 (2) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 14. 18.77 (3) (b) of the statutes is amended to read:

18.77 (3) (b) Except as provided under sub. (7), in contracting operating notes by negotiated sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of total operating note indebtedness contracted in each fiscal year is underwritten by disabled veteran-owned investment firms.

SECTION 15. 18.77 (4) (b) of the statutes is amended to read:

18.77 (4) (b) Except as provided under sub. (7), in contracting operating notes by competitive sale or negotiated sale, the commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the total moneys expended in such fiscal year for the services of financial advisers are expended for the services of disabled veteran-owned financial advisers.

SECTION 16. 18.77 (5) (b) of the statutes is amended to read:

18.77 (5) (b) Except as provided under sub. (7), an individual underwriter or syndicate of underwriters shall make efforts to ensure that each bid or proposal, submitted by that individual or syndicate in a competitive or negotiated sale of an operating note, provides for ~~a portion at least 1 percent~~ of sales to disabled veteran-owned investment firms.

SECTION 17. 23.41 (6) of the statutes is renumbered 23.41 (6) (a).

SECTION 18. 23.41 (6) (b) of the statutes is created to read:

23.41 (6) (b) The department shall attempt to ensure that at least 1 percent of the total amount expended under this section in each fiscal year is paid to disabled veteran-owned businesses, as defined in s. 16.75 (3m) (a) 1.

SECTION 19. 25.185 (2) of the statutes is renumbered 25.185 (2) (a).

SECTION 20. 25.185 (2) (b) of the statutes is created to read:

25.185 (2) (b) The board shall attempt to ensure that at least 1 percent of the 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 disabled veteran-owned financial advisers or disabled veteran-owned investment firms.

SECTION 21. 84.075 (1m) (b) of the statutes is amended to read:

84.075 (1m) (b) In purchasing services under s. 84.01 (13), in awarding construction contracts under s. 84.06, and in contracting with private contractors and agencies under s. 84.07, the department shall attempt to ensure that at least 1 percent of the total amount expended in each fiscal year is paid to contractors, subcontractors, and vendors that are disabled veteran-owned businesses. In attempting to meet this goal, the department may award any contract to a disabled veteran-owned business that submits a qualified responsible bid that is no more than 5 percent higher than the low bid unless doing so would violate the provisions of any federal law or regulation or any contract between the department and a federal agency or would otherwise result in a reduction of the amount of federal highway aid received by this state.

SECTION 22. 200.57 (3) of the statutes is amended to read:

200.57 (3) The commission shall make efforts to ensure that ~~a portion at least 1 percent~~ of the 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 disabled veteran-owned financial advisers or disabled veteran-owned investment firms.

SECTION 23. 229.46 (2) (intro.) of the statutes is amended to read:

229.46 (2) (intro.) A person who is awarded a contract by a district shall agree, as a condition to receiving the contract, that at least ~~25%~~ 25 percent of the employees hired because of the contract will be minority group members ~~and,~~ at least ~~5%~~ 5 percent of the employees hired because of the contract will be women, and ~~shall make efforts to ensure that a portion at least 1 percent~~ of the employees hired because of the contract will be employees of a disabled veteran-owned business, if any of the following applies:

SECTION 24. 229.46 (3) (intro.) of the statutes is amended to read:

229.46 (3) (intro.) At least ~~25%~~ 25 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses ~~and,~~ at least ~~5%~~ 5 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses, ~~and the district shall make efforts to ensure that a portion at least 1 percent~~ of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to disabled veteran-owned businesses:

SECTION 25. 229.70 (2) of the statutes is amended to read:

229.70 (2) The district shall ensure that, for construction work and professional services contracts, a person who is awarded such a contract by a district shall agree, as a condition to receiving the contract, that his or her

goal shall be to ensure that at least ~~25%~~ 25 percent of the employees hired because of the contract will be minority group members, ~~a portion at least 1 percent~~ of the employees hired because of the contract will be employees of a disabled veteran-owned business, and at least ~~5%~~ 5 percent of the employees hired because of the contract will be women if the contract is for the construction of any part of baseball park facilities.

SECTION 26. 229.70 (3) (intro.) of the statutes is amended to read:

229.70 (3) (intro.) It shall be a goal of the district to ensure that at least ~~25%~~ 25 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to minority businesses, ~~a portion at least 1 percent~~ of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to disabled veteran-owned businesses, and at least ~~5%~~ 5 percent of the aggregate dollar value of contracts awarded by the district in the following areas shall be awarded to women's businesses:

SECTION 27. 229.70 (4) of the statutes is amended to read:

229.70 (4) It shall be a goal of a district, with regard to each of the contracts described under sub. (3) (a), (b) and (c), to award at least ~~25%~~ 25 percent of the dollar value of such contracts to minority businesses, ~~a portion at least 1 percent~~ of the dollar value of such contracts to disabled veteran-owned businesses, and at least ~~5%~~ 5 percent of the dollar value of such contracts to women's businesses.

SECTION 28. 229.8273 (2) of the statutes is amended to read:

229.8273 (2) A district shall ensure that, for construction or renovation work and professional services contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), a person who is awarded such a contract by the district or by a contractor shall agree, as a condition to receiving the contract, that his or her goal shall be to ensure that at least ~~15%~~ 15 percent of the employees hired because of the contract will be minority group members, ~~a portion at least 1 percent~~ of the employees hired because of the contract will be employees of a disabled veteran-owned business, and at least ~~5%~~ 5 percent of the employees hired because of the contract will be women.

SECTION 29. 229.8273 (3) of the statutes is amended to read:

229.8273 (3) It shall be a goal of the district to ensure that at least ~~15%~~ 15 percent of the aggregate dollar value of contracts that relate to the construction or renovation of football stadium facilities that are financed by the proceeds of bonds issued under s. 229.824 (8), shall be awarded to minority businesses, ~~a portion at least 1 percent~~ of the aggregate dollar value of contracts awarded by the board shall be awarded to disabled veteran-owned

businesses, and at least ~~5%~~ 5 percent of the aggregate dollar value of contracts awarded by the board shall be awarded to women's businesses.

SECTION 30. 229.845 (2) of the statutes is amended to read:

229.845 (2) It shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least ~~15%~~ 15 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, ~~a portion at least 1 percent~~ of the aggregate dollar value of such contracts awarded by the district shall be awarded to disabled veteran-owned businesses, and at least ~~5%~~ 5 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses, except that if the sponsoring city is

a 1st class city, it shall be a goal of the district, in awarding construction work and professional services contracts related to cultural arts facilities, that at least ~~25%~~ 25 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to minority businesses, ~~a portion at least 1 percent~~ of the aggregate dollar value of such contracts awarded by the district shall be awarded to disabled veteran-owned businesses, and at least ~~5%~~ 5 percent of the aggregate dollar value of such contracts awarded by the district shall be awarded to women's businesses.

SECTION 31. Initial applicability.

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