

SG:ty

06/01/2007

1 **AN ACT** *to amend* 560.036 (1) (e) 1. (intro.); and *to create* 66.0145 (1) and (2),
2 560.036 (1) (e) 1. c., 560.036 (1) (ep) 3. and 560.036 (1) (fm) 3. of the statutes;
3 **relating to:** certification and recognition of businesses, financial advisers, and
4 investment firms as minority businesses, minority financial advisers, and minority
5 investment firms.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Under current law, s. 560.036, stats., defines “minority businesses”. Section 560.036 (2), stats., creates procedures to be used the department of commerce to certify businesses as “minority businesses”. The definition and certification of “minority businesses” in s. 560.036, stats., are cross-referenced throughout the Wisconsin statutes, and include references in ss. 16.75 (3m), 16.855 (10m), 16.87 (2), 18.16, 18.64, 18.77, 25.185, 119.495 (2), 200.57, 231.27, and 234.35.

Under current law, a minority business, minority financial adviser, or minority investment firm must be “at least 51% owned, controlled, and actively managed by a minority group member or members who are 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 create the additional requirement that the department may not certify a business, financial adviser, or investment firm as a minority business, minority financial adviser, or minority investment firm under s. 560.036, stats., if the individual net worth of any minority group member who owns, controls and actively manages the business, financial adviser, or investment firm exceeds \$1,000,000.

The draft also specifies that a local governmental unit may not recognize a business or grant any preference to a business as a minority-owned business if the individual net worth of any minority group member who owns, controls, and actively manages the business exceeds \$1,000,000.

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

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

(2) For the purposes of any program pertaining to minority-owned businesses, a local governmental unit may not recognize a business or grant any preference to a business as a minority-owned business unless the business is at least 51% owned, controlled, and actively managed by a minority group member or members whose individual net worth does not exceed \$1,000,000. This subsection does not apply to the extent that its application would cause a local governmental unit to be deemed ineligible for federal funds.

SECTION 2. 560.036 (1) (e) 1. (intro.) of the statutes is amended to read:

560.036 (1) (e) 1. (intro.) “Minority business” means a sole proprietorship, partnership, limited liability company, joint venture or corporation that fulfills ~~both~~ all of the following requirements:

SECTION 3. 560.036 (1) (e) 1. c. of the statutes is created to read:

560.036 (1) (e) 1. c. It is at least 51% owned, controlled, and actively managed by a minority group member or members whose individual net wealth does not exceed \$1,000,000.

SECTION 4. 560.036 (1) (ep) 3. of the statutes is created to read:

560.036 (1) (ep) 3. It is at least 51% owned, controlled, and actively managed by a minority group member or members whose individual net wealth does not exceed \$1,000,000.

SECTION 5. 560.036 (1) (fm) 3. of the statutes is created to read:

560.036 (1) (fm) 3. It is at least 51% owned, controlled, and actively managed by a minority group member or members whose individual net wealth does not exceed \$1,000,000.

(END)