



State of Wisconsin  
2005 - 2006 LEGISLATURE

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**SENATE AMENDMENT 2,  
TO 2005 SENATE BILL 715**

May 4, 2006 – Offered by Senators LASSA, DECKER, CARPENTER and BRESKE.

1           At the locations indicated, amend the bill as follows:

2           **1.** Page 1, line 2: after “inquires” insert “, making companies that hire illegal  
3           aliens ineligible for certain tax exemptions, governmental contracts, grants, and  
4           loans, granting rule-making authority, and providing penalties”.

5           **2.** Page 1, line 3: before that line insert:

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

7           16.75 (6) (e) The governor or his or her designee may waive any requirement  
8           of this subchapter if the governor or his or her designee finds that there exists an  
9           emergency which threatens the public health, safety or welfare and the waiver is  
10          necessary to meet the emergency. The governor or his or her designee shall require  
11          the award of each contract under this paragraph to be made with such competition  
12          as is practicable under the circumstances. The governor or his or her designee shall  
13          file with the department a statement of facts constituting the emergency for each

1 waiver issued under this paragraph, and a statement of the basis for selection of each  
2 contractor under the emergency procedure. This paragraph does not apply to the  
3 ~~requirement~~ requirements specified in sub. (7) and s. 16.753.

4 **SECTION 1c.** 16.753 of the statutes is created to read:

5 **16.753 Companies hiring illegal aliens.** No company that hires an illegal  
6 alien is eligible to enter into any contract with an agency for the purchase of  
7 materials, supplies, equipment, or contractual services for a period of 7 years  
8 beginning with the year in which the company hires an illegal alien.

9 **SECTION 1d.** 16.855 (18) of the statutes is amended to read:

10 16.855 (18) This Except as provided in sub. (23), this section shall not apply  
11 to restoration or reconstruction of the state capitol building, historic structures at the  
12 old world Wisconsin site and at Heritage Hill state park when the department  
13 determines that a waiver of this section would serve the best interests of this state.

14 **SECTION 1e.** 16.855 (21) of the statutes is amended to read:

15 16.855 (21) This Except as provided in sub. (23), this section does not apply to  
16 contracts by the department of natural resources for construction work related to  
17 hazardous substance spill response under s. 292.11 or environmental repair under  
18 s. 292.31.

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

20 16.855 (22) The provisions of this section, except ~~sub.~~ subs. (10m) and (23), do  
21 not apply to construction work for any project the estimated construction cost of  
22 which does not exceed \$100,000 if the project is constructed in accordance with  
23 policies and procedures prescribed by the building commission under s. 13.48 (29).  
24 If the estimated construction cost of any project is at least \$30,000, and the building  
25 commission elects to utilize the procedures prescribed under s. 13.48 (29) to construct

1 the project, the department shall provide adequate public notice of the project and  
2 the procedures to be utilized to construct the project on a publicly accessible  
3 computer site.

4 **SECTION 1g.** 16.855 (23) of the statutes is created to read:

5 16.855 (23) No company that hires an illegal alien is eligible to enter into any  
6 contract with an agency for engineering or architectural services or for construction  
7 work, as defined in s. 16.87 (1) (a) for a period of 7 years beginning with the year in  
8 which the company hires an illegal alien.”.

9 **3.** Page 1, line 3: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

10 **4.** Page 2, line 8: after that line insert:

11 “**SECTION 1s.** 560.29 of the statutes is created to read:

12 **560.29 Hiring illegal aliens. (1) DEFINITIONS.** In this section:

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

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

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

20 **(2) PENALTIES.** (a) Notwithstanding the provisions of any tax exemption under  
21 ch. 70 or tax credit under ch. 71 for which a company would otherwise be eligible, any  
22 company that has hired an illegal alien shall, for a period of 7 years beginning with  
23 the year in which the company hired an illegal alien, be ineligible to:

24 1. Receive any tax exemption under ch. 70 or any tax credit under ch. 71.

- 1           2. Enter into a public contract with a local governmental unit.
- 2           3. Receive any grants or loans from a local governmental unit.
- 3           4. Enter into a contract for the purchase of materials, supplies, equipment, or
- 4 contractual services with any agency, as defined in s. 16.70 (1e).
- 5           5. Enter into a contract for engineering or architectural services or for
- 6 construction work, as defined in s. 16.87 (1) (a), with any agency, as defined in s. 16.70
- 7 (1e).
- 8           (b) Any company that has hired an illegal alien is subject to a \$10,000 fine for
- 9 each illegal alien the company hires.
- 10           **(3) RULES.** The department shall promulgate rules to implement and
- 11 administer this section.”.

12

(END)