



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-0512/1

MIM:cdc

2025 BILL

1 **AN ACT** *to amend* 16.75 (1) (a) 1. and 16.855 (1m); *to create* 16.75 (10r), 16.856,
2 66.05025 and 230.144 of the statutes; **relating to:** the employment eligibility
3 verification program and granting rule-making authority.

Analysis by the Legislative Reference Bureau

State procurement

Under current law, the Department of Administration, the legislature, the judiciary, and state authorities may purchase all necessary materials and contract for services. Current law also generally authorizes DOA to contract for construction work when the project cost is estimated to exceed \$50,000. With some exceptions, such purchases or contracts must be awarded to the lowest bidder.

This bill creates a new exception to the lowest-bidder award by prohibiting the state from purchasing or contracting for materials or services with an employer that does not verify, by using the Federal Employment Eligibility Verification Program (E-Verify Program), that all of its employees are eligible to work in the United States or that employs an individual after the E-Verify Program identifies that the individual is not eligible to work in the United States. The E-Verify Program is a system operated by the federal Department of Homeland Security and the federal Social Security Administration that allows an employer to enroll in the system and verify that its employees are eligible to work in the United States.

BILL**SECTION 1*****State government and local government employment practices***

This bill provides that a state government agency or local governmental unit that intends to hire an employee after the bill's effective date must verify the individual's identity under the E-Verify Program. A state government agency or local governmental unit may not offer employment to any individual who is identified under the E-Verify Program as ineligible to work in the United States.

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:

SECTION 1. 16.75 (1) (a) 1. of the statutes is amended to read:

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), (10m), ~~and (10p)~~, and (10r) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied, their conformity with the specifications, and the purposes for which they are required and the date of delivery.

SECTION 2. 16.75 (10r) of the statutes is created to read:

16.75 (10r) (a) In this subsection "federal employment eligibility verification program" means the system operated by the federal department of homeland security and the federal social security administration that allows an employer to enroll in the system and verify that its employees are eligible to work in the United States.

(b) The department, a designated purchasing agent under s. 16.71, an agency

BILL**SECTION 2**

1 making purchases under s. 16.74, and any authority may not enter into a contract
2 or order for the purchase of materials, supplies, equipment, or contractual services
3 with any of the following:

4 1. Except as provided in par. (e), an employer that is not enrolled in the federal
5 employment eligibility verification program.

6 2. An employer that knowingly employs an individual who has been identified
7 by the federal employment eligibility verification program as ineligible to work in
8 the United States.

9 (c) If the department, a designated purchasing agent under s. 16.71, an
10 agency making purchases under s. 16.74, or any authority discovers that it has
11 entered into a contract or order that violates par. (b), it shall terminate the contract
12 or order without liability for the uncompleted portion or any materials or services
13 purchased or paid for by the employer for use in completing the contract or order.

14 (d) All contracts entered into under this section must contain written
15 notification of the requirements in this subsection and a place for the employer that
16 is awarded the contract to sign indicating that the employer is in compliance with
17 the requirements.

18 (e) Paragraph (b) 1. does not apply if the federal employment eligibility
19 verification program is discontinued.

20 **SECTION 3.** 16.855 (1m) of the statutes is amended to read:

21 16.855 (**1m**) The department shall let by contract to the lowest qualified
22 responsible bidder all construction work when the estimated construction cost of
23 the project exceeds \$50,000, except for construction work authorized under s.

BILL**SECTION 3**

1 16.858 and except as provided in sub. (1r) or (10m) or s. 13.48 (19) or 16.856.
2 Beginning in fiscal year 2023-24, this amount is \$100,000. If factors other than
3 dollar amounts are required to be evaluated for a project, the department shall
4 specify a formula that will convert the other factors into a dollar value for
5 comparison.

6 **SECTION 4.** 16.856 of the statutes is created to read:

7 **16.856 Employment eligibility verification.** (1) In this section “federal
8 employment eligibility verification program” has the meaning given in s. 16.75 (10r)
9 (a).

10 (2) The department may not let any construction work by contract under s.
11 16.855 (1m) to any of the following:

12 (a) Except as provided in sub. (4), an employer that is not enrolled in the
13 federal employment eligibility verification program.

14 (b) An employer that knowingly employs an individual who has been
15 identified by the federal employment eligibility verification program as ineligible to
16 work in the United States.

17 (3) All contracts let under s. 16.855 (1m) must contain written notification of
18 the requirements in this section and a place for the employer that is awarded the
19 contract to sign indicating that the employer is in compliance with the
20 requirements.

21 (4) Subsection (2) (a) does not apply if the federal employment eligibility
22 verification program is discontinued.

23 **SECTION 5.** 66.05025 of the statutes is created to read:

BILL**SECTION 5**

1 **66.05025 Employment eligibility verification.** (1) DEFINITIONS. In this
2 section:

3 (a) “Federal employment eligibility verification program” has the meaning
4 given in s. 16.75 (10r) (a).

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

6 **(2) VERIFICATION REQUIREMENTS.** A local governmental unit that intends to
7 hire an employee on or after the effective date of this subsection [LRB inserts
8 date], shall verify the individual’s identity under the federal employment eligibility
9 verification program. A local governmental unit may not offer employment to any
10 individual who is identified under the federal employment eligibility verification
11 program as ineligible to work in the United States.

12 **(3)** This section does not apply if the federal employment eligibility
13 verification program is discontinued.

14 **SECTION 6.** 230.144 of the statutes is created to read:

15 **230.144 Employment eligibility verification program.** (1) In this
16 section “federal employment eligibility verification program” has the meaning given
17 in s. 16.75 (10r) (a).

18 **(2)** Beginning on the effective date of this subsection [LRB inserts date], an
19 agency shall verify under the federal employment eligibility verification program
20 the identity of each individual that it intends to appoint to a position by enrolling in
21 the federal employment eligibility verification program. An agency may not offer
22 employment to any individual who is identified under the federal employment
23 eligibility verification program as ineligible to work in the United States.

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SECTION 6

(3) This section does not apply if the federal employment eligibility verification program is discontinued.

SECTION 7. Initial applicability.

(1) STATE PROCUREMENT AND CONSTRUCTION CONTRACTS. The treatment of ss. 16.75 (10r) and 16.856 first applies to a contract or order that is entered into on the effective date of this subsection.

(END)