

2005 DRAFTING REQUEST

Bill

Received: 11/03/2005

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Roessler (608) 266-5300**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Adl. Drafters:

Subject: **Econ. Development - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Roessler@legis.state.wi.us**

Carbon copy (CC:) to: **russ.whitesel@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Certification of woman-owned businesses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 11/04/2005	jdyer 11/10/2005		_____			State
/1	csundber 01/05/2006	jdyer 01/05/2006	jfrantze 11/10/2005	_____	mbarman 11/10/2005		State
/2			rschluet 01/06/2006	_____	lnorthro 01/06/2006	lnorthro 01/18/2006	

FE Sent For:

<END>

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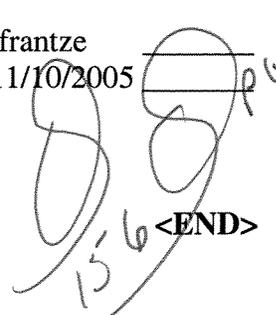
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156

 156 <END>

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/?	csundber	1/10 jld	2/10	2/10			

FE Sent For:

<END>

11/3/05

Require Commerce to certify woman-owned businesses (at least 51% owned, controlled, & actively managed by a woman). Don't model on 560.036; keep simple and let Commerce fill in gaps with rules.

* No procurement set-asides for woman-owned businesses — just a certification program.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-4007/9

CTS:.....

1 AMNR

ln. 11/4/05
Due: 11/14/05

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-N

and granting rule-making authority

Gen

1 AN ACT ...; relating to: certification of woman-owned businesses.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce (department) certifies businesses that are at least 51 percent owned, controlled, and actively managed by a member of certain racial minorities (minority businesses). Certified minority businesses are entitled under current law to certain preferences in governmental procurement. Current law does not grant preferences in governmental procurement to businesses owned by women. The department is required under current law to maintain a database of businesses that are owned by women, but the department does not certify such businesses.

This bill requires the department to implement a program to certify businesses that are at least 51 percent owned, controlled, and actively managed by women. The bill does not create preferences in governmental procurement for such businesses.

For further information see the *state* 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:

2 SECTION 1. 560.035 (title) of the statutes is amended to read:

3 560.035 (title) ~~Database of women's~~ Woman-owned businesses;

4 certification; database.

History: 1991 a. 39; 1999 a. 185.

IF Currently, the federal government gives certain preferences in federal procurement to a business that is at least 51 percent owned and controlled by women, if the business has been certified by a federal or state agency or by a national certifying entity.

all ✓

1 SECTION 2. 560.035 of the statutes is renumbered 560.035 (2).

2 SECTION 3. 560.035 (1) of the statutes is created to read:

3 560.035 (1) (a) In this subsection, "woman-owned business" means a sole
4 proprietorship, partnership, limited liability company, joint venture, or corporation
5 that fulfills both of the following requirements:

6 1. It is at least 51% ^{one percent} owned, controlled, and actively managed by a woman.

7 2. It is currently performing a useful business function.

8 (b) The department shall implement a program for the certification of
9 woman-owned businesses. The department shall compile and periodically update
10 a list of businesses certified under this section and shall make the list available to
11 the public on the Internet.

12 (c) The department shall promulgate rules necessary to implement this
13 subsection.

14 (END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4007/1dn

CTS: n:....

JLd

Senator Roessler:

Please review this draft carefully to ensure it is consistent with your intent and note the following:

1. Should the draft permit the department to charge a fee to a business that applies for certification? ✓
2. Should the draft limit certification to businesses that are incorporated under the laws of this state or that have their principal places of business in this state? ✓
3. Should the draft include a deadline for the department to implement a certification program or to submit proposed rules to the Legislative Council staff? ✓

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4007/1dn
CTS:jld:jf

November 10, 2005

Senator Roessler:

Please review this draft carefully to ensure it is consistent with your intent and note the following:

1. Should the draft permit the department to charge a fee to a business that applies for certification?
2. Should the draft limit certification to businesses that are incorporated under the laws of this state or that have their principal places of business in this state?
3. Should the draft include a deadline for the department to implement a certification program or to submit proposed rules to the Legislative Council staff?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Sundberg, Christopher

From: Wagner, Mike
Sent: Wednesday, January 04, 2006 12:01 PM
To: Sundberg, Christopher
Subject: Another day, another bill

Chris,

I'm sorry to inundate you with requests, but this one was a long time in coming. LRB-4007/1 (Woman-owned business certification). I finally have answers to your drafting questions.

✓ 1. Should the draft permit the department to charge a fee to a business that applies for certification?

-Yes...\$50 is the amount...please call the fee a processing fee (there is contention about how to name the fee)

✓ 2. Should the draft limit certification to businesses that are incorporated under the laws of this state or that have their principal places of business in this state?

-No, but businesses applying for certification should have some sort of permanent operation in Wisconsin (i.e. perform manufacturing, corporate headquarters, distribution center; etc.)

✓ 3. Should the draft include a deadline for the department to implement a certification program or to submit proposed rules to the Legislative Council staff?

-Yes...we would like a 6 month deadline for Commerce to have the program up and running after the bill is signed into law.

Mike Wagner
Office of Sen. Carol Roessler
608-266-5300

Sundberg, Christopher

From: Wagner, Mike
Sent: Wednesday, January 04, 2006 12:23 PM
To: Sundberg, Christopher
Subject: RE: Another day, another bill

Chris,

Emergency rules are just fine. In fact, the Senator talked about that, but I forgot it in my e-mail to you. Thanks for being so thorough.

From: Sundberg, Christopher
Sent: Wednesday, January 04, 2006 12:15 PM
To: Wagner, Mike
Subject: RE: Another day, another bill

OK, I'll prepare a redraft based on your instructions. In order to get a program is 'up and running' within 6 months, it will probably be necessary to authorize Commerce to promulgate emergency rules until permanent rules take effect. If it's OK, I'll change the draft to provide for emergency rules until permanent rules take effect.

From: Wagner, Mike
Sent: Wednesday, January 04, 2006 12:01 PM
To: Sundberg, Christopher
Subject: Another day, another bill

Chris,

I'm sorry to inundate you with requests, but this one was a long time in coming. LRB-4007/1 (Woman-owned business certification). I finally have answers to your drafting questions.

1. Should the draft permit the department to charge a fee to a business that applies for certification?

-Yes...\$50 is the amount...please call the fee a processing fee (there is contention about how to name the fee)

2. Should the draft limit certification to businesses that are incorporated under the laws of this state or that have their principal places of business in this state?

-No, but businesses applying for certification should have some sort of permanent operation in Wisconsin (i.e. perform manufacturing, corporate headquarters, distribution center; etc.)

3. Should the draft include a deadline for the department to implement a certification program or to submit proposed rules to the Legislative Council staff?

-Yes...we would like a 6 month deadline for Commerce to have the program up and running after the bill is signed into law.

Mike Wagner
Office of Sen. Carol Roessler
608-266-5300



State of Wisconsin
2005 - 2006 LEGISLATURE

Z RUNNR
LRB-4007/4
CTS:jld:jf

In: 1/5/06
Due: 1/12/06

2005 BILL

C-D-N

✓
↑ providing an exemption from emergency rule procedures

move

1 AN ACT ^{— regen.} to renumber 560.035; to amend 560.035 (title); and to create 560.035

2 (1) of the statutes; relating to: certification of woman-owned businesses and

3 granting rule-making authority. and making an appropriation

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce (department) certifies businesses that are at least 51 percent owned, controlled, and actively managed by a member of certain racial minorities (minority businesses). Certified minority businesses are entitled under current law to certain preferences in governmental procurement. Current law does not grant preferences in governmental procurement to businesses owned by women. The department is required under current law to maintain a database of businesses that are owned by women, but the department does not certify such businesses.

→ * Currently, the federal government gives certain preferences in federal procurement to a business that is at least 51 percent owned and controlled by women, if the business has been certified by a Federal or state agency or by a national certifying entity.

→ This bill requires the department to implement a program to certify businesses that are at least 51 percent owned, controlled, and actively managed by women. The bill does not create preferences in governmental procurement for such businesses.

under the bill, the department may charge applicants for certification a processing fee of up to \$50.

BILL

For further information see the *state* 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:

INS
2-1 ✓

1

SECTION 1. 560.035 (title) of the statutes is amended to read:

2 **560.035** (title) ~~Database of women's~~ Woman-owned businesses;
3 certification; database.

4 SECTION 2. 560.035 of the statutes is renumbered 560.035 (2).

5 SECTION 3. 560.035 (1) of the statutes is created to read:

6 560.035 (1) (a) In this subsection, "woman-owned business" means a sole
7 proprietorship, partnership, limited liability company, joint venture, or corporation
8 that fulfills all of the following requirements:

9 1. It is at least 51 percent owned, controlled, and actively managed by a woman.

10 2. It is currently performing a useful business function. ✓ in this state

11 (b) The department shall implement a program for the certification of
12 woman-owned businesses. The department shall compile and periodically update
13 a list of businesses certified under this section and shall make the list available to
14 the public on the Internet.

15 (c) The department shall promulgate rules necessary to implement this
16 subsection.

(END)

(bm) The department may charge an applicant for certification under this subsection a processing fee of not more than \$ 50. ✓

d-note
↓

INS
2-16 ✓

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4007/2ins
CTS:.....

1 **Insert 2-1:**

2 **SECTION 1.** 20.143 (1) (gr) [✓] of the statutes is created to read:

3 20.143 (1) (gr) *Woman-owned business certification processing fees.* All moneys
4 received from processing fees collected under s. 560.035 (1) (bm), for the costs of
5 certifying woman-owned businesses under s. 560.035 (1).

6 **Insert 2-16:**

7 **SECTION 2. Nonstatutory provisions.**

8 (1) (a) Using the procedure under section [✓] 227.24 of the statutes, the
9 department of commerce shall promulgate the rules required under section 560.035
10 (1) (c) [✓] of the statutes, as created by this act, for the period before the effective date
11 of the permanent rules required under section [✓] 560.035 (1) (c) of the statutes, as
12 created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
13 emergency rules promulgated under this subsection ^{e paragraph} remain in effect until the first
14 day of the 10th month beginning after the effective date of this subsection or the date
15 on which permanent rules take effect, whichever is sooner. Notwithstanding section
16 227.24 (1) (a) and (3) of the statutes, the department is not required to provide
17 evidence that promulgating a rule under this subsection ^{e paragraph} is necessary for the
18 preservation of the public peace, health, safety, or welfare and is not required to
19 provide a finding of emergency for a rule promulgated under this subsection ^e.

20 (b) The department of commerce shall submit in proposed form the rules
21 required under section 560.035 (1) (c) of the statutes, as created by this act, to the
22 legislative council staff under section [✓] 227.15 (1) of the statutes no later than the first
23 day of the 6th month beginning after the effective date of this subsection ^{e paragraph}.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4007/2dn

CTS: n:...

JL

Sen. Roessler:

This is a redraft of LRB-4007/1 based on instructions from your aide, Mike Wagner. Please review it carefully to ensure it is consistent with your intent and note the following:

1. This draft requires promulgation of emergency rules, which remain in effect until approximately 10 months after the effective date or until permanent rules take effect, whichever is sooner. The draft also requires the Department of Commerce to submit proposed permanent rules not later than 6 months after the effective date.
2. This draft permits the Department to charge a processing fee not to exceed \$50. Under the draft, any amounts collected in processing fees are credited to a Department PR appropriation for the costs of certifying woman-owned businesses. Is this correct?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4007/2dn
CTS:jld:rs

January 5, 2006

Sen. Roessler:

This is a redraft of LRB-4007/1 based on instructions from your aide, Mike Wagner. Please review it carefully to ensure it is consistent with your intent and note the following:

1. This draft requires promulgation of emergency rules, which remain in effect until approximately 10 months after the effective date or until permanent rules take effect, whichever is sooner. The draft also requires the Department of Commerce to submit proposed permanent rules not later than 6 months after the effective date.
2. This draft permits the Department to charge a processing fee not to exceed \$50. Under the draft, any amounts collected in processing fees are credited to a Department PR appropriation for the costs of certifying woman-owned businesses. Is this correct?

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail: christopher.sundberg@legis.state.wi.us

Northrop, Lori

From: Wagner, Mike
Sent: Wednesday, January 18, 2006 11:27 AM
To: LRB.Legal
Subject: Draft review: LRB 05-4007/2 Topic: Certification of woman-owned businesses

It has been requested by <Wagner, Mike> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-4007/2 Topic: Certification of woman-owned businesses