



2005 SENATE BILL 515

January 20, 2006 - Introduced by Senators ROESSLER, OLSEN, HARSDORF, BROWN, DARLING, ZIEN, S. FITZGERALD, KAPANKE and A. LASEE, cosponsored by Representatives STRACHOTA, KAUFERT, ALBERS, BALLWEG, GRONEMUS, OTT, OWENS, SEIDEL and WASSERMAN. Referred to Committee on Job Creation, Economic Development and Consumer Affairs.

1 **AN ACT** *to renumber* 560.035; *to amend* 560.035 (title); and *to create* 20.143
2 (1) (gr) and 560.035 (1) of the statutes; **relating to:** certification of
3 woman-owned businesses, providing an exemption from emergency rule
4 procedures, 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. Under the bill, the department may charge applicants for certification a processing fee of up to \$50. The bill does not create preferences in governmental procurement for such businesses.

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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:

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

2 20.143 (1) (gr) *Woman-owned business certification processing fees.* All moneys
3 received from processing fees collected under s. 560.035 (1) (bm), for the costs of
4 certifying woman-owned businesses under s. 560.035 (1).

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

6 **560.035** (title) ~~Database of women’s~~ **Woman-owned businesses;**
7 **certification; database.**

8 **SECTION 3.** 560.035 of the statutes is renumbered 560.035 (2).

9 **SECTION 4.** 560.035 (1) of the statutes is created to read:

10 560.035 (1) (a) In this subsection, “woman-owned business” means a sole
11 proprietorship, partnership, limited liability company, joint venture, or corporation
12 that fulfills all of the following requirements:

- 13 1. It is at least 51 percent owned, controlled, and actively managed by a woman.
14 2. It is currently performing a useful business function in this state.

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

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

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1 (c) The department shall promulgate rules necessary to implement this
2 subsection.

3 **SECTION 5. Nonstatutory provisions.**

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

16 (b) The department of commerce shall submit in proposed form the rules
17 required under section 560.035 (1) (c) of the statutes, as created by this act, to the
18 legislative council staff under section 227.15 (1) of the statutes no later than the first
19 day of the 6th month beginning after the effective date of this paragraph.

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(END)