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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

**2005-06**

(session year)

**Senate**

(Assembly, Senate or Joint)

Committee on ... Veterans, Homeland Security,  
Military Affairs, Small Business and Government  
Reform (SC-VHSMASBGR)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform**

##### **Assembly Bill 105**

Relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule-making authority, and providing an exemption from and extending the time limit for emergency rule procedures.

By Representatives Gottlieb, Jensen, Davis, Gronemus, Gunderson, Hahn, Hines, Honadel, Kaufert, Krawczyk, F. Lasee, LeMahieu, McCormick, Moulton, Musser, Nass, Nischke, Ott, Owens, Pridemore, Staskunas and Van Roy; cosponsored by Senators Cowles, Ellis, Brown, Darling, S. Fitzgerald, Kapanke, A. Lasee, Lazich, Leibham, Olsen, Roessler and Zien.

April 08, 2005      Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

April 12, 2005      **EXECUTIVE SESSION HELD**

Present:    (0)    None.

Absent:    (0)    None.

Moved by Senator Brown that **Senate Substitute Amendment LRBs0065** be recommended for adoption.

Ayes:    (5)    Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes:    (0)    None.

**ADOPTION OF SENATE SUBSTITUTE AMENDMENT LRBS0065  
RECOMMENDED, Ayes 5, Noes 0**

Moved by Senator Brown that **Assembly Bill 105** be recommended for concurrence as amended.

Ayes:    (5)    Senators Brown, Zien, Kanavas, Breske and Wirch.

Noes:    (0)    None.

**CONCURRENCE AS AMENDED RECOMMENDED, Ayes 5, Noes 0**

Daniel Lindstedt

Committee Clerk

**ASSEMBLY BILL 105 (LRB -1869)**

An Act to renumber and amend 16.705 (8); to amend 13.093 (2) (a), 16.705 (1) and 16.705 (2); and to create 16.705 (8) (a) and (b) of the statutes; relating to: state contractual service contracting procedures and information and fiscal estimate cost mitigation analyses, granting rule-making authority, and providing an exemption from and extending the time limit for emergency rule procedures. (FE)

**2005**

02-17.	A.	Introduced by Representatives <b>Gottlieb, Jensen, Davis, Gronemus, Gunderson, Hahn, Hines, Honadel, Kaufert, Krawczyk, F. Lasee, LeMahieu, McCormick, Moulton, Musser, Nass, Nischke, Ott, Owens, Pridemore, Staskunas and Van Roy</b> ; cosponsored by Senators <b>Cowles, Ellis, Brown, Darling, S. Fitzgerald, Kapanke, A. Lasee, Lazich, Leibham, Olsen, Roessler and Zien.</b>	78
02-17.	A.	Read first time and referred to committee on Budget Review	
03-03.	A.	Fiscal estimate received.	
03-09.	A.	Public hearing held.	
03-09.	A.	Executive action taken.	
03-09.	A.	Assembly amendment 1 offered by committee on Budget Review ( <b>LRB a0293</b> )	118
03-10.	A.	Report Assembly Amendment 1 adoption recommended by committee on Budget Review, Ayes 6, Noes 0	121
03-10.	A.	Report passage as amended recommended by committee on Budget Review, Ayes 4, Noes 2	121
03-10.	A.	Referred to committee on Rules	121
03-10.	A.	Placed on calendar 3-16-2005 by committee on Rules.	
03-16.	A.	Read a second time	140
03-16.	A.	Assembly amendment 1 <b>adopted</b>	140
03-16.	A.	Assembly amendment 2 offered by Representative Black ( <b>LRB a0328</b> )	140
03-16.	A.	Assembly amendment 2 withdrawn and returned to author	141
03-16.	A.	Assembly amendment 3 offered by Representative Albers ( <b>LRB a0301</b> )	141
03-16.	A.	Assembly amendment 3 <b>adopted</b>	141
03-16.	A.	Assembly amendment 4 offered by Representative Gottlieb ( <b>LRB a0330</b> )	141
03-16.	A.	Assembly amendment 4 <b>adopted</b>	141
03-16.	A.	Assembly amendment 5 offered by Representatives Berceau, Parisi, Zepnick, Seidel, Pope-Roberts, Lehman, Vruwink, Sheridan, Benedict, Black, Travis, Pocan and Molepske ( <b>LRB a0333</b> )	141
03-16.	A.	Assembly amendment 5 laid on table, Ayes 58, Noes 37	141
03-16.	A.	Ordered to a third reading	141
03-16.	A.	Rules suspended	141
03-16.	A.	Read a third time and <b>passed</b> , Ayes 88, Noes 7	141
03-16.	A.	Refused to suspend rules to order immediately messaged, Ayes 58, Noes 37	141
04-08.	S.	Received from Assembly	159
04-08.	S.	Read first time and referred to committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform	160
04-08.	S.	Senate substitute amendment 1 offered by Senator Cowles ( <b>LRB s0065</b> )	160
04-12.	S.	Executive action taken.	
04-12.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0	161
04-12.	S.	Report concurrence as amended recommended by committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform, Ayes 5, Noes 0	161
04-12.	S.	Available for scheduling.	
04-22.	S.	Pursuant to Senate Rule 46 (2)(c), withdrawn from the committee on Senate Organization and rereferred to the joint committee on Finance	184
05-31.	S.	<b>LRB correction</b> (Senate Substitute Amendment 1)	236
09-21.	S.	Executive action taken.	
09-26.	S.	Report adoption of Senate Substitute Amendment 1 recommended by joint committee on Finance, Ayes 16, Noes 0	363
09-26.	S.	Report concurrence as amended recommended by joint committee on Finance, Ayes 16, Noes 0	363
09-26.	S.	Available for scheduling.	
09-27.	S.	Placed on calendar 9-28-2005 pursuant to Senate Rule 18(1).	
09-28.	S.	Read a second time	378
09-28.	S.	Senate substitute amendment 1 <b>adopted</b>	378
09-28.	S.	Ordered to a third reading	378
09-28.	S.	Rules suspended	378
09-28.	S.	Read a third time and <b>concurred in</b> as amended, Ayes 33, Noes 0	378
09-28.	S.	Senator Carpenter added as a cosponsor	374
09-28.	S.	Ordered immediately messaged	379

## History of Proposal

August 10, 2012

10-06.	A.	Received from Senate amended and concurred in as amended (Senate substitute amendment 1 adopted) ....	517
10-06.	A.	Referred to committee on Rules .....	518
10-20.	A.	Placed on calendar 10-25-2005 by committee on Rules.	
10-25.	A.	Senate substitute amendment 1 <b>concurred in</b> .....	537
10-25.	A.	Action ordered immediately messaged .....	537
10-31.	A.	Report correctly enrolled .....	560
<b>2006</b>			
01-03.	A.	Presented to the Governor on 1-3-2006 .....	708
01-05.	A.	Report <b>approved</b> by the Governor on 1-4-2006. 2005 Wisconsin Act 89 .....	711
01-05.	A.	Published 1-19-2006 .....	711





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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2005 Assembly Bill 105**

**Assembly  
Amendments 1, 3, and 4**

*Memo published:* March 17, 2005

*Contact:* Russ Whitesel, Senior Staff Attorney (266-0932)

Under current law, the Department of Administration (DOA) or any state agency to which DOA delegates purchasing authority may contract for services whenever the services may be performed more efficiently or economically than if they were performed by state employees. Assembly Bill 105, among other provisions, directs DOA to prescribe, by rule, uniform procedures for determining whether services are appropriate for contracting. The bill also provides that DOA rules must include a requirement for agencies to conduct a uniform cost-benefit analysis of each proposed contractual service procurement in accordance with standards prescribed in those rules. The rules also are required to contain a provision for agencies to periodically review the continued appropriateness of contracting under each contractual services agreement.

**PROVISIONS OF ASSEMBLY AMENDMENT 1**

Under Assembly Bill 105, certain agencies in procurements are excluded from coverage due to specific statutory provisions relating to contracting.

*Assembly Amendment 1* amends the bill to make engineering services in the Department of Transportation (DOT) subject to the terms of Assembly Bill 105. DOT engineering services covered by the bill, as amended, are those engineering, consulting, surveying, or other specialized services as deemed advisable by the department. Under the amendment, these DOT services would be subject to s. 16.705, including DOA rules related to contractual services, as well as the newly added provisions contained in Assembly Bill 105.

**PROVISIONS OF ASSEMBLY AMENDMENT 3**

*Assembly Amendment 3* requires that the DOA rules providing for a "periodic review" of the continued appropriateness of contracting under each contractual services agreement must be made prior to any renewal of such a contract. The amendment also makes a spelling correction in the original legislation.

#### **PROVISIONS OF ASSEMBLY AMENDMENT 4**

Currently, DOA must promulgate, by rule, procedures for DOA and state agencies to use when entering into contractual service contracts. In addition to other provisions, Assembly Bill 105 provides that these rules must include a requirement for agencies to conduct a uniform cost-benefit analysis of each proposed contractual service procurement in accordance with standards prescribed in the rules and a requirement for agencies periodically to review the continued appropriateness of contracting under each contractual services agreement.

*Assembly Amendment 4* defines "cost-benefit analysis" to mean "a comprehensive study to identify and compare the total cost, quality, and timeliness of a service performed by state employees and resources with the total cost, quality, and timeliness of the same service obtained by means of a contract for contractual services."

#### **LEGISLATIVE HISTORY**

Assembly Bill 105 was introduced on February 17, 2005, by Representative Gottlieb and others; cosponsored by Senator Cowles and others and referred to the Committee on Budget Review. That committee held a public hearing and an executive session on March 9, 2005. At the executive session of the committee, the committee adopted Assembly Amendment 1 on a vote of Ayes, 6; Noes, 0. The committee then recommended the bill for passage, as amended, on a vote of Ayes, 4; Noes, 2.

The Assembly adopted Assembly Amendments 1, 3, and 4 to the bill on voice votes on March 16, 2005. Assembly Amendment 2 was offered and then withdrawn and returned to the author and Assembly Amendment 5 was laid on the table on a vote of Ayes, 59; Noes, 37. The Assembly passed Assembly Bill 105 on a vote of Ayes, 88; Noes, 7. However, the Assembly refused to suspend their rules to order the bill immediately messaged on a vote of Ayes, 58; Noes, 37.

RW:ksm:rv



**WISCONSIN ASSEMBLY**  
**2005-2006 SESSION**  
**Speaker Gard**

**AB 105**  
**BY GOTTLIEB**  
**CONTRACTUAL SERVICE PROCUREMENTS**  
**SUSPEND RULES TO IMMEDIATELY MESSAGE**

AYES - 58   NAYS - 37   NOT VOTING - 4   PAIRED - 0

<u>A</u>	<u>N</u>	<u>NY</u>	<u>NAME</u>		<u>A</u>	<u>N</u>	<u>NY</u>	<u>NAME</u>		<u>A</u>	<u>N</u>	<u>NY</u>	<u>NAME</u>	
Y			AINSWORTH	R	Y			KESTELL	R	N			SCHNEIDER	D
Y			ALBERS	R	Y			KLEEFISCH	R	N			SEIDEL	D
Y			BALLWEG	R	Y			KRAWCZYK	R		x		SHERIDAN	D
	N		BENEDICT	D	Y			KREIBICH	R	N			SHERMAN	D
	N		BERCEAU	D		N		KREUSER	D	N			SHILLING	D
Y			BIES	R		N		KRUSICK	D		x		SINICKI	D
	N		BLACK	D	Y			LAMB	R	N			STASKUNAS	D
	N		BOYLE	D	Y			LASEE	R	N			STEINBRINK	D
	N		COLON	D		N		LEHMAN	D	Y			STONE	R
	N		CULLEN	D	Y			LEMAHIEU	R	Y			STRACHOTA	R
Y			DAVIS	R	Y			LOEFFELHOLZ	R	Y			SUDER	R
	N		FIELDS	D	Y			LOTHIAN	R	N			TOLES	D
		x	FITZGERALD	R	Y			MCCORMICK	R	Y			TOWNS	R
Y			FREESE	R	Y			MEYER	R	Y			TOWNSEND	R
Y			FRISKE	R		N		MOLEPSKE	D	N			TRAVIS	D
Y			GIELOW	R	Y			MONTGOMERY	R	N			TURNER	D
Y			GOTTLIEB	R	Y			MOULTON	R	Y			UNDERHEIM	R
	N		GRIGSBY	D	Y			MURSAU	R	N			VAN AKKEREN	D
	N		GRONEMUS	D	Y			MUSSER	R	Y			VAN ROY	R
Y			GUNDERSON	R	Y			NASS	R	Y			VOS	R
		x	GUNDRUM	R		N		NELSON	D	Y			VRAKAS	R
Y			HAHN	R	Y			NERISON	R	N			VRUWINK	D
	N		HEBL	D	Y			NISCHKE	R	Y			VUKMIR	R
Y			HINES	R	Y			OTT	R	Y			WARD	R
Y			HONADEL	R	Y			OWENS	R	N			WASSERMAN	D
	N		HUBLER	D		N		PARISI	D	Y			WIECKERT	R
Y			HUEBSCH	R	Y			PETROWSKI	R	N			WILLIAMS, A.	D
Y			HUNDERTMARK	R	Y			PETTIS	R	Y			WILLIAMS, M.	R
Y			JENSEN	R		N		POCAN	D	Y			WOOD	R
Y			JESKEWITZ	R		N		POPE-ROBERTS	D	N			YOUNG	D
Y			KAUFERT	R	Y			PRIDEMORE	R	N			ZEPNICK	D
Y			KERKMAN	R	Y			RHOADES	R	N			ZIEGELBAUER	D
	N		KESSLER	D		N		RICHARDS	D	Y			SPEAKER	R

IN CHAIR: FREESE

NO VACANT DISTRICTS

SEQUENCE NO. 69  
Wednesday, March 16, 2005  
4:40 PM