

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 06-113

Rule No.: Chapter Comm 104

Relating to: Woman-Owned Business Certification Program

Contact person for substantive questions:

Contact person for internal processing:

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1. Basis and purpose of the proposed rule.

As directed by section 560.035 (1) (c) of the Statutes, the proposed rule would establish criteria for implementing a woman-owned business certification program.

2. How the proposed rule advances relevant statutory goals or purposes.

The rule addresses applying for, receiving, and maintaining voluntary credentials that may enable woman-owned businesses to benefit from additional business opportunities. Although the rule and its corresponding enabling legislation do not establish procurement preferences, the rule is consistent with statutory goals for remedying the effects of past discrimination against members of targeted groups.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes were made to the rule analysis or the fiscal estimate.

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FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

Less stringent application and compliance requirements are not proposed because section 560.035 (1) of the Statutes establishes uniform eligibility criteria for becoming certified as a woman-owned business. However, during rule development, the Department took steps to reduce possible barriers for woman-owned, small businesses by soliciting and utilizing input from organizations that represent the interests of woman-owned small businesses.

The Department plans to issue a statewide press release announcing the availability of the WBE certification, so that small businesses which are not members of associations or business-related organizations will be aware of the new WBE certification program. The Department also plans to promote the availability of the program through the Department's network of entrepreneurial business-assistance partners, numerous business affiliations and industries, and Department-sponsored events that cater to small business. A user-friendly WBE fact sheet is expected to be available through a Department WBE certification Web site, and training sessions may be offered, to assist small businesses in understanding the requirements and the application process.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No issues were raised during the public Hearing stage. All of the received Hearing comments were in favor of the rules.

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3. Nature and estimated cost of preparation of any reports by small businesses.

Any woman-owned business that becomes certified must notify the Department of any subsequent changes in the information that was submitted in support of the application for certification. The rule does not include a fee for this notice.

4. Nature and estimated cost of other measures and investments required of small businesses.

The application fee, renewal fee, and recertification fee would result in an annual cost of \$50.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the draft rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the draft rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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RULE NO.: Chapter Comm 104

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Agency contact person for substantive questions.

Name: Ruby Brooks

Title: Director, Bureau of Minority Business Development

Telephone No. 414-220-5365

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached