

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2227/3dn
MDK:kjf:pg

November 11, 2005

Sen. Zien:

Please note the following about this version:

1. Rather than amend the definition of “improve” or “improvement,” I think it is clearer to add the “laundry list” of “performing, furnishing, or procuring labor, services, materials, plans, or specifications” where appropriate in ch. 779. The definition is awkward enough under current law because it blends together a verb (“improve”) and a noun (“improvement”). I think that adding the suggested language would make it more awkward. In addition, if you amend the definition as suggested, its meaning in specific contexts would be more difficult to discern.
2. Note that s. 779.15 (1) adds managing, supervising, or administering to the “laundry list.” Is that okay?
3. The following provisions refer only to materials: ss. 779.02 (2) (e), 779.02 (7), and 779.14 (1m) (f). Is that okay?
4. Current law (and this bill) do not consistently use the term “used or consumed.” The term is used in the following statutes: ss. 779.01 (3), 779.035 (1), 779.036 (1), 779.14 (1e) (a), and 779.15 (1). Is that okay?
5. Section 779.035 (1) includes an exception for plans and specifications furnished by architects, professional engineers, or surveyors. Should the exception also refer to other types of service providers?
6. The following provisions refer to prime contractors and subcontractors, but not to suppliers: ss. 779.02 (1) (a), (5), (7), and (8), 779.036, 779.14 (1) (a) and (2) (a) 2., 779.14 (1m) (c) 1. a. and 2. a. and (d) 2. a., and 779.16. Because these provisions do not refer to suppliers, I did not add a reference to service providers. (I assumed that suppliers and service providers should be treated similarly.) Is that okay?
7. I did not add “service provider” to the reference to “supplier” in s. 779.02 (2) (e). Is that okay?
8. Section s. 779.01 (5) does not appear to consistently refer to mechanics and laborers. I’m not sure whether the inconsistency is intentional and I did not make any changes. Please let me know whether any changes are necessary.

9. I did not change the first reference to “prime contractor” in s. 779.155 (4) to “person” as requested in the instructions because I’m not sure why the instructions do not also change the second reference to “prime contractor” to “person” in that statute.

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