

2009 DRAFTING REQUEST

Bill

Received: **07/22/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Roger Roth (608) 266-7500**

By/Representing: **Jason Culotta**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - lic and reg**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Roth@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Contractor registration

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>
/?							
/1	rkite 07/28/2009	kfollett 08/11/2009	phenry 08/12/2009	_____	sbasford 08/12/2009	cduerst 09/15/2009	

FE Sent For: **NONE**

<END>

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/?	rkite	llgf 8/11	ph	ph mo/jk			

<END>

Kite, Robin

From: Culotta, Jason
Sent: Tuesday, July 21, 2009 11:08 AM
To: Kite, Robin
Subject: drafting request

Robin,

Earlier this session, you drafted a bill for Representative Roth prohibiting the Department of Commerce from enacting an emergency rule establishing a requirement for contractor registration.

The state budget passed last month includes language creating a statutory contractor registration requirement, which would preclude the bill offered earlier this session (LRB-2394/1).

Representative Roth would now like to draft a bill that would repeal the contractor registration statutory language included in the budget. That language can be found on page 441 of the budget, 2009 Act 28. I've attached the language of the provision below.

Please feel free to call our office at 6-7500 with any questions.

Thanks,
--Jason

SECTION 2155m. 101.147 of the statutes is created to read:

101.147 Contractor registration. (1) No person may hold himself or herself out or act as a construction contractor unless that person is registered as a construction contractor by the department.

(2) The department shall promulgate rules to administer and enforce this section.

(3) The department may directly assess a forfeiture by issuing an order against any person who violates this section.

(4) The registration requirement under sub. (1) does not apply to any of the following:

(a) A person who engages in construction on property owned or leased by that person.

(b) A state agency or local governmental unit.

(c) A person who engages in construction in the course of his or her employment by a state agency or local governmental unit.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

IN
7/28

Gen

1 **AN ACT ...; relating to:** registration of construction contractors.

Analysis by the Legislative Reference Bureau

Under 2009 Wisconsin Act 28 (Act 28), beginning on January 1, 2010, most persons who hold themselves out or act as a construction contractor must be registered by the Department of Commerce (Commerce). Act 28 authorizes Commerce to directly assess a forfeiture by issuing an order against any person who fails to register as required under that act. The registration requirement does not apply to a person who engages in construction on his or her own property, to a state agency or local governmental unit, or to a person who engages in construction in the course of his or her employment by a state agency or local governmental unit.

This bill eliminates the provisions of Act 28 that require that construction contractors be registered by Commerce.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2
3

SECTION 1. 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin Act 16 and 28, is amended to read:

4 101.02 (20) (a) For purposes of this subsection, "license" means a license,
5 permit, or certificate of certification or registration issued by the department under

1 ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), ~~101.147~~, 101.15 (2) (e),
 2 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653,
 3 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952,
 4 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17,
 5 145.175, 145.18, or 167.10 (6m).

History: 2009 a. 28.

6 **SECTION 2.** 101.02 (21) (a) of the statutes, as affected by 2009 Wisconsin Acts
 7 16 and 28, is amended to read:

8 101.02 (21) (a) In this subsection, "license" means a license, permit, or
 9 certificate of certification or registration issued by the department under s. 101.09
 10 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), ~~101.147~~, 101.15 (2) (e), 101.16 (3g),
 11 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6),
 12 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3),
 13 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
 14 167.10 (6m).

History: 2009 a. 28.

15 **SECTION 3.** 101.147 of the statutes, as created by 2009 Wisconsin Act 28, is
 16 repealed.

17 **SECTION 4.** 101.19 (1) (m) of the statutes, as created by 2009 Wisconsin Act 28,
 18 is repealed.

19 **SECTION 5.** 2009 Wisconsin Act 28, section 9110 (17r) is repealed.

20 **SECTION 6. Effective dates.** This act takes effect on January 10, 2010, except
 21 as follows:

Basford, Sarah

From: Culotta, Jason
Sent: Tuesday, September 15, 2009 10:12 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-3168/1 Topic: Contractor registration

Please Jacket LRB 09-3168/1 for the ASSEMBLY.