

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2734/P1dn
RNK:kjf:rs

May 3, 2005

I have prepared this draft in preliminary form to give you an opportunity to review and revise the draft before it is prepared in introducible form. Please note the following:

This draft does not include a provision authorizing the Department of Commerce to “phase in” the licensing process because I did not know what aspects of the process you want to allow the department to phase in. That is, do you want to require only certain contractors to be licensed initially? Or do you want to grandfather certain experienced contractors? If you can provide more information on this part of the request, I will incorporate it into the next version of the draft.

You also asked that the draft impose a penalty on a contractor or subcontractor who “knowingly evades any state or federal law in order to coerce an employee to falsely declare that they are an independent contractor.” I do not understand the intent of this provision. Again, if you can provide more information on this part of the request, I will incorporate it into the next version of the draft.

The definitions of “contractor” and “subcontractor” in this draft are quite broad. For example, the definition would probably include electricians who are already required under current law to be certified and plumbers who are required under current law to be licensed. On the other hand, it would seem that certain other contractors might not be covered under the draft. For example, a person who installs countertops might not fall under the definition of “contractor” or “subcontractor” under the draft. Please review these definitions closely to ensure that they meet your intent.

The regulation of contractors and subcontractors under this draft applies to both commercial construction and residential construction. Is this consistent with your intent?

I have included a delayed effective date in the draft to give the Department of Commerce sufficient time to promulgate rules. Is this O.K.?

Please feel free to contact me if you have any questions concerning this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us