

2005 DRAFTING REQUEST

Bill

Received: **04/12/2005**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Dean Kaufert (608) 266-5719**

By/Representing: **Cale Battles**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kaufert@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of building contractors

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>
/?	rkite 04/12/2005	kfollett 05/03/2005		_____			
/P1			rschluet 05/03/2005	_____	lnorthro 05/03/2005		
/P2	rkite 07/27/2005	kfollett 07/28/2005	rschluet 07/28/2005	_____	lnorthro 07/28/2005		
		kfollett 07/28/2005		_____			

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/P3	rkite 10/25/2005	kfollett 11/08/2005	chaugen 11/09/2005	_____	sbasford 11/09/2005		
/1	rkite 01/24/2006 rkite 02/15/2006	kfollett 01/27/2006	pgreensl 01/30/2006	_____ _____ _____	mbarman 01/30/2006	sbasford 02/15/2006	

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		kfollett 07/28/2005		_____			
		<i>1P3 kjl 11/8</i>	<i>OK 11-8</i>	<i>OK 5/11/09</i>			

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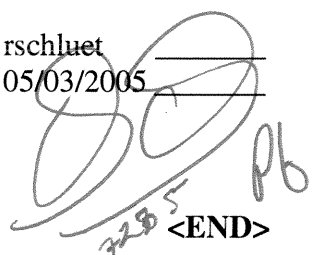
Instructions:

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7285 <END>

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/?	rkite	1 P1KJ 5/3					

FE Sent For:

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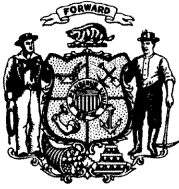
Kaufert -
Cale Battles

Contractor Registration Legislation

- All building contractors and sub contractors in the construction industry must register with the state through the Department of Commerce ✓
 - Contractor includes subcontractors, floor covering contractors, landscape contractors and consultants representing themselves as having the ability to supervise or manage a construction project for the benefit of the property owner
 - People that this should include: carpentry, floor covering, concrete, drywall, landscaping, masonry, painting and wall covering, plastering, insulation, roofing, ceramic, plastic and metal tile
- State will charge of fee of \$30 over two years to register. ✓
 - Allow Dept. to phase in registration process non stat? D-Note
- Allow the Department of Commerce to determine the application process and forms through the rule process. Also state that the Department must maintain a website allowing citizens to check to see if a contractor or subcontractor is registered in Wisconsin. ✓
- Penalty
 - Administrative Forfeitures
 - \$1000 for first offense
 - \$3000 and revocation of registration for one year ✓
 - \$5000 per day in violation of the offense, revocation of registration for two years
 - In addition to other penalties, a person not registered shall lose the ability to file a mechanics lien for the work performed while not properly registered ✓
- Other Provisions
 - Unlawful for a contractor to engage a subcontractor who is required by this legislation to be registered. ✓
 - A contractor or subcontractor that knowingly evade any state or federal law in order to coerces an employee to falsely declare that they are a independent contractor may be fined not more than \$10,000 or imprisoned for not more than 90 days or both ✓ D-Note
 - Exempt owners that are doing their own work ✓
- Establish Contractor Advisory Council
 - Create a contracting advisory council consisting of six licenses and one public member ✓
 - Department of Commerce must obtain comments from the council when the Department promulgates rules under this bill ✓

- **The council also is allowed to petition the Department for the adoption, amendment, or repeal of rules relating to the regulation of contracting services** ✓

- **Display of registration and registration number**
 - **Person who is issued registration number must display the registration at the person's principal place of business** ✓
 - **Must affix the number on all bids and contracts**
 - **Display number on all vehicles used by contractors or sub contractors in performing contracting services**



State of Wisconsin
2005 - 2006 LEGISLATURE

CPS:
underlying
draft
a/1
per
requester

LRB-2239/2

RNK: King

2734/P1

~~5/4~~
5/4

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 AN ACT ...; relating to: the regulation of construction contractors and
2 subcontractors and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

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

3 SECTION 1. 15.157[✓] (13) of the statutes is created to read:

4 15.157 (13) CONTRACTOR ADVISORY COUNCIL. There is created in the department
5 of commerce a contractor advisory council consisting of the following members
6 appointed by the secretary of commerce for 3-year terms:

7 (a) Six members who are licensed contractors or licensed subcontractors under
8 subch. VII of ch. 101.

9 (b) One member, who is not a licensed contractor or licensed subcontractor
10 under subch. VII of ch. 101 and who represents the general public.

1 SECTION 2. 20.143 (3) (j) of the statutes is amended to read:

2 20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for
3 the purposes of chs. 101, 145, and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m),
4 and 236.335. All moneys received under ch. 145, ss. 101.177 (4) (a) 4., 101.178,
5 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.9205 (3), 101.9208 (1) (b),
6 101.9213 (8), 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7), 101.984, and
7 236.12 (7), and 2001 Wisconsin Act 16, section 9110 (3z), shall be credited to this
8 appropriation.

History: 1979 c. 361; 1981 c. 20, 21, 349; 1983 a. 27, 83, 192, 381; 1985 a. 29 ss. 169 to 204, 3202 (14); 1985 a. 120, 332, 334; 1987 a. 27, 109, 317, 318, 399, 403; 1989 a. 31, 185, 237, 317, 325, 335, 336, 342, 359; 1991 a. 39, 259, 261, 269, 315; 1993 a. 5, 16, 75, 110, 232, 437; 1995 a. 27 ss. 483, 505 to 517, 608s, 609g, 609j, 964, 965, 977, 987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256.

9 SECTION 3. Subchapter VII of chapter 101 [precedes 101.98] of the statutes is
10 created to read:

11 CHAPTER 101

12 SUBCHAPTER VII

13 REGULATION OF CONSTRUCTION CONTRACTORS AND

14 SUBCONTRACTORS

15 101.98 Definitions. In this subchapter:

16 (1) "Contractor" means any person engaged in the business of construction
17 who contracts with the owner of real property to construct, or supervise the
18 construction of, a building *an improvement to that real property,* and who, either directly or by the use of subcontractors,
19 performs construction services.

20 (2) "Construction" includes renovation, repair, and remodeling.

21 (3) "Construction services" includes carpentry, floor covering installation or
22 repair, concrete work, drywall installation or repair, landscaping, masonry work,

1 painting, wall covering installation or repair, plastering, insulation work, roofing, or
2 ceramic, plastic, or metal tile installation or repair

3 (4) "Subcontractor" means a person who enters into a contract with a
4 contractor or subcontractor to perform part or all of a contract to construct or
5 supervise the construction of a building ^{an} improvement to real property

6 **101.981 Departmental powers and duties.** The department shall do all of
7 the following:

8 (1) Issue a license that includes a unique license number to any person who
9 desires to act as a contractor or a subcontractor and who meets the requirements for
10 that license under this subchapter.

11 (2) Establish a website ^{an Internet site} that consumers may use to determine whether a
12 contractor or subcontractor is licensed under this subchapter.

13 (3) Promulgate rules, upon consultation with the contractor advisory council,
14 establishing all of the following:

15 (a) Standards for the licensing of contractors and subcontractors.

16 (b) Application procedures for persons applying for a license under this
17 subchapter.

18 **101.982 Prohibition.** (1) No person may hold himself or herself out or act
19 as a contractor or subcontractor or perform construction services unless that person
20 is licensed as required under this subchapter.

21 (2) No contractor or subcontractor may enter into a contract for construction
22 services with a subcontractor who is not licensed as required under this subchapter.

23 (3) No contractor or subcontractor may claim or maintain an action to enforce
24 a lien under s. 779.01 for construction services performed or materials procured if the

1 contractor or subcontractor was not licensed as required under this subchapter at the
2 time that the services were performed or the materials were procured.

3 **101.983 Requirements.** Every person who holds a license under this
4 subchapter shall do all of the following:

5 (1) Display the number of the license at the person's principal place of business.

6 (2) Include the number of the license on all construction bids and contracts.

7 (3) Display the number of the license on each vehicle used by that person in
8 performing construction services.

9 **101.984 License term; fee.** A license issued under this subchapter shall be
10 valid for a period of 2 years and shall be renewable. The department shall charge
11 a fee of \$30 for a license issued under this subchapter.

12 **101.985 Exception.** Sections 101.982 and 101.983 do not apply to any person
13 who performs construction work on his or her personal residence.

14 **101.986 Contractor advisory council powers and duties.** The contractor
15 advisory council shall make recommendations to the department regarding the
16 promulgation of rules under this subchapter. The council may petition the
17 department to promulgate, amend, or repeal a rule concerning the licensing of
18 contractors and subcontractors.

19 **101.987 Penalties.** (1) A person who violates s. 101.982 or s. 101.983 shall
20 forfeit \$1,000 for a first violation, \$3,000 for a second violation, and \$5,000 for a third
21 or subsequent violation. Each day of violation constitutes a separate offense.

22 (2) (a) In addition to the forfeitures specified under sub. (1), the department
23 shall revoke a license issued to a person under this subchapter who commits a second
24 violation of s. 101.982 or s. 101.983 and may not issue a license to that person under
25 this subchapter for at least one year from the date of revocation.

1 (b) In addition to the forfeitures specified under sub. (1), the department shall
2 revoke a license issued to a person under this subchapter who commits a ^{3rd} ~~third~~ or
3 subsequent violation of s. 101.982 or s. 101.983 and may not issue a license to that
4 person under this subchapter for at least 2 years from the date of revocation.

5 Create
auto
ref A
SECTION 4. Nonstatutory provisions.

6 (1) PROPOSED RULES. No later than the first day of the 12th month beginning
7 after the effective date of this subsection, the department of commerce shall submit
8 in proposed form the rules required under section 101.981 (3) of the statutes, as
9 created by this act, to the legislative council staff under section 227.15 (1) of the
10 statutes, unless the secretary of administration requires the department to prepare
11 an economic impact report under section 227.137 of the statutes for the proposed
12 rules.

13 create
auto
ref C
14 (2) CONTRACTOR ADVISORY COUNCIL. Notwithstanding the length of terms
15 specified for the contractor advisory council under section 101.157 (13) of the
16 statutes, as created by this act, 2 of the initial members appointed under section
17 101.157 (13) of the statutes, as created by this act, shall be appointed for terms that
18 expire on July 1, 2007, 2 of the initial members appointed under section 101.157 (13)
19 of the statutes, as created by this act, shall be appointed for terms that expire on July
20 1, 2008, 2 of the initial members appointed under section 101.157 (13) of the statutes,
21 as created by this act, shall be appointed for terms that expire on July 1, 2009, and
22 one of the initial members appointed under section 101.157 (13) of the statutes, as
23 created by this act, shall be appointed for a term that expires on July 1, 2010.

24 SECTION 5. Effective dates. This act takes effect on the first day of the 18th
month beginning after publication, except as follows:

1 (1) PROPOSED RULES. ^(CS) Section 4 (1) of this act takes effect on the day after
2 publication. ^{A.R.A} ↓ ^{A.R.B} ↙

3 (2) CONTRACTOR ADVISORY COUNCIL. The treatment of sections 15.157 (13) and
4 101.986 of the statutes and ^(CS) Section 4 (2) of this act take effect on the day after
5 publication. ^{A.R.A} ↓ ^{A.R.C} ↙

6 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

2734/pldn
→ LRB-2239/2dn
RNK: k.jf

Date

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:

X 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.

X 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?

X 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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2734/P1dn
RNK:kjfrs

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:

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

Kite, Robin

From: Battles, Cale
Sent: Thursday, July 14, 2005 11:39 AM
To: Kite, Robin
Subject: RE: LRB 2734/P1

Thursday, July 21 at 10:00 work?

From: Kite, Robin
Sent: Thursday, July 14, 2005 11:37 AM
To: Battles, Cale
Subject: RE: LRB 2734/P1

Cale:

I will be in the office only in the mornings next week but I will be in every day. So I will be happy to participate in a conference call any morning next week.

Robin

-----Original Message-----

From: Battles, Cale
Sent: Thursday, July 14, 2005 11:26 AM
To: Kite, Robin
Subject: LRB 2734/P1

Robin,

Would you have time next week for a conference call with Mark Reihl (Wis. Carpenters Assoc.) and myself regarding LRB2734/P1. Mark has been helping me work through some of the possible fixes in the draft and it might be helpful for all of us to talk in order to get this finished. Would you have any time to do this next week Tuesday, Wednesday or Thursday for about 15 to 20 minutes.

Sincerely,

Cale Battles
Rep. Kaufert's Office
266-5719

Per conf call w/ Cale Bottles & Mark Reihl

7/21/05

D-Note -

change license or licensing to registration

phase in as rule

15⁺ ^{for example -} year -

everyone would register but
length may be one to 3 years -
point is that they don't want all
registrations to expire at the same time
Commerce wants "phased-in" application to
even out the work load

Can't coerce employee to call himself independent
contractor if he is really an employee

Council -

change:

4 licensed K or subs
2 represent organized labor
omit rep. from general public

change definitions per Arizona law
for "construction" & "construction services"

Cale will send these definitions to me

Under 101.9827 no person may



LICENSING

THE ARIZONA CONTRACTOR'S LICENSE

[Back to the Registrar of Contractors Home Page](#)

[QUALIFYING PARTY](#)

[EXPERIENCE REQUIREMENTS](#)

[LICENSE FEES](#)

[LICENSE CLASSIFICATIONS](#)

[EXAMINATIONS](#)

[BOND REQUIREMENTS](#)

[APPLYING FOR A LICENSE](#)

[LICENSE RECIPROCITY](#)

GENERAL REQUIREMENTS

Who can apply for a contractor's license?

A business consisting of a sole proprietorship (individual), a partnership, limited liability company, or a corporation may apply for a contractor's license if they have a regularly employed person with the necessary experience, knowledge and skills who serves as the qualifying party. All persons listed on the application must be 18 years of age or older.

A corporation or limited liability company must be registered with the Arizona Corporation Commission and in good standing with that agency before submitting an application for a contractor's license. The corporation or limited liability company must remain in good standing in order to renew their contractor's license.

Who is responsible for contracting activities?

All persons listed on the license are responsible for the contracting activities of the business. "Person" means a qualifying party, an owner, any partner of a partnership, all members of a limited liability company, and any officer, director or owner of 25 percent or more of the stock of a corporation.

Who must be licensed as a contractor?

Any business which contracts or offers to contract to build, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, development or improvement, or to do any part of the work must be a licensed contractor.

Also included in work requiring a license is the erection of scaffolding, connections to utility service lines, metering devices and sewer lines, mechanical or structural service to a structure or improvement and any other work in connection with the project.

"Contractor" includes subcontractors, floor covering contractors, landscape contractors and consultants representing themselves as having the ability to supervise or manage a construction project for the benefit of the property owner.

Supervision or management includes hiring and firing of specialty contractors, scheduling of work on the project, and selection and purchasing of construction material.

Contractors must be properly licensed before submitting bids.

To whom is the license issued?

A license may be issued to an individual, a partnership, limited liability company or a corporation. The license belongs to the business and not to the qualifying party.

If the ownership of a business changes, is the contractor's license considered to be part of the business?

No, with the possible exception of a corporation or limited liability company. If stock is sold and the file number assigned by the Arizona



(soon)

State of Wisconsin
2005 - 2006 LEGISLATURE

RM rev p2
LRB-2734/P
RNK:kjf:ts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regen. cat.

1 **AN ACT** *to amend* 20.143 (3) (j); and *to create* 15.157 (13) and subchapter VII
2 of chapter 101 [precedes 101.98] of the statutes; **relating to:** the regulation of
3 construction contractors and subcontractors and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of this draft.

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

5 **SECTION 1.** 15.157 (13) of the statutes is created to read:
6 15.157 (13) CONTRACTOR ADVISORY COUNCIL. There is created in the department
7 of commerce a contractor advisory council consisting of the following members
8 appointed by the secretary of commerce for 3-year terms:

9 (a) ~~Six~~ ^{Four} members who are ~~licensed~~ ^{registered} contractors or ~~licensed~~ ^{registered} subcontractors under
10 subch. VII of ch. 101.

Two members who represent labor unions

1 ~~(b) One member who is not a licensed contractor or licensed subcontractor~~
2 ~~under subch. VII of ch. 101 and who represents the general public~~

3 SECTION 2. 20.143 (3) (j) of the statutes is amended to read:

4 20.143 (3) (j) *Safety and building operations.* The amounts in the schedule for
5 the purposes of chs. 101, 145, and 168 and ss. 236.12 (2) (a), 236.13 (1) (d) and (2m),
6 and 236.335. All moneys received under ch. 145, ss. 101.177 (4) (a) 4., 101.178,
7 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.9205 (3), 101.9208 (1) (b),
8 101.9213 (8), 101.935, 101.951 (2), 101.952 (2), 101.955 (2), 101.973 (7), 101.984, and
9 236.12 (7), and 2001 Wisconsin Act 16, section 9110 (3z), shall be credited to this
10 appropriation.

11 SECTION 3. Subchapter VII of chapter 101 [precedes 101.98] of the statutes is
12 created to read:

13 CHAPTER 101

14 SUBCHAPTER VII

15 REGULATION OF CONSTRUCTION

16 CONTRACTORS AND SUBCONTRACTORS

17 **101.98 Definitions.** In this subchapter:

18 (1) "Contractor" means any person engaged in the business of construction who
19 contracts with the owner of real property to construct, or supervise the construction
20 of, an improvement to that real property, and who, either directly or by the use of
21 subcontractors, performs construction services.

22 (2) "Construction" includes renovation, repair, and remodeling *and demolition*

23 (3) "Construction services" *includes including* carpentry, floor covering installation or
24 repair, concrete work, drywall installation or repair, landscaping, masonry work,

*means all activities relating to construction
mechanical or structural*

erection of scaffolding, or connection to utility service lines, metering devices, or sewer lines

1 painting, wall covering installation or repair, plastering, insulation work, roofing, or
2 ceramic, plastic, or metal tile installation or repair.

3 (4) "Subcontractor" means a person who enters into a contract with a
4 contractor or subcontractor to perform part or all of a contract to construct or
5 supervise the construction of an improvement to real property.

6 **101.981 Departmental powers and duties.** The department shall do all of
7 the following:

8 (1) ~~Issue a license that includes~~ *Register, and issue registration* a unique ~~license~~ *registration* number, any person who
9 desires to act as a contractor or a subcontractor and who meets the requirements for
10 ~~that license~~ *registration* under this subchapter.

11 (2) Establish an Internet site that consumers may use to determine whether
12 a contractor or subcontractor is ~~licensed~~ *registered* under this subchapter.

13 (3) Promulgate rules, upon consultation with the contractor advisory council,
14 establishing all of the following:

15 (a) Standards for the ~~licensing~~ *registration* of contractors and subcontractors.

16 (b) Application procedures for persons applying for a ~~license~~ *registration* under this
17 subchapter.

18 **101.982 Prohibition.** *Prohibitions* (1) No person may hold himself or herself out or act
19 as a contractor or subcontractor or perform construction services unless that person
20 is ~~licensed~~ *registered* as required under this subchapter.

21 (2) No contractor or subcontractor may enter into a contract for construction
22 services with a subcontractor who is not ~~licensed~~ *registered* as required under this subchapter.

23 (3) No contractor or subcontractor may claim or maintain an action to enforce
24 a lien under s. 779.01 for construction services performed or materials procured if the

1 contractor or subcontractor was not licensed as required under this subchapter at the
2 time that the services were performed or the materials were procured.

3 **101.983 Requirements.** Every person who holds a license under this
4 subchapter shall do all of the following:

5 (1) Display the number of the license at the person's principal place of business.

6 (2) Include the number of the license on all construction bids and contracts.

7 (3) Display the number of the license on each vehicle used by that person in
8 performing construction services.

9 **101.984 License term; fee.** A license issued under this subchapter shall be
10 valid for a period of 2 years and shall be renewable. The department shall charge
11 a fee of \$30 for a license issued under this subchapter.

12 **101.985 Exception.** Sections 101.982 and 101.983 do not apply to any person
13 who performs construction work on his or her personal residence.

14 **101.986 Contractor advisory council powers and duties.** The contractor
15 advisory council shall make recommendations to the department regarding the
16 promulgation of rules under this subchapter. The council may petition the
17 department to promulgate, amend, or repeal a rule concerning the licensing of
18 contractors and subcontractors.

19 **101.987 Penalties.** (1) A person who violates s. 101.982 or 101.983 shall
20 forfeit \$1,000 for a first violation, \$3,000 for a 2nd violation, and \$5,000 for a 3rd or
21 subsequent violation. Each day of violation constitutes a separate offense.

22 (2) (a) In addition to the forfeitures specified under sub. (1), the department
23 shall revoke a license issued to a person under this subchapter who commits a 2nd
24 violation of s. 101.982 or 101.983 and may not issue a license to that person under
25 this subchapter for at least one year from the date of revocation.

insert
4-2

insert
4-11

registered

is registered

his or her registration

his or her

his or her registration

his or her registration

(a) Except as provided under par. (b), registration

Registration

registration

in an amount determined by the department by rule

registration

the registration of any

registered

register

1 (b) In addition to the forfeitures specified under sub. (1), the department shall
2 revoke ~~a license issued to a~~ ^{the registration of any} person under this subchapter who commits a 3rd or
3 subsequent violation of s. 101.982 or 101.983 and may not ~~issue a license to~~ ^{registered} that
4 person under this subchapter for at least 2 years from the date of revocation. ^{register}

5 **SECTION 4. Nonstatutory provisions.**

6 (1) PROPOSED RULES. No later than the first day of the 12th month beginning
7 after the effective date of this subsection, the department of commerce shall submit
8 in proposed form the rules required under section 101.981 (3) of the statutes, as
9 created by this act, to the legislative council staff under section 227.15 (1) of the
10 statutes, unless the secretary of administration requires the department to prepare
11 an economic impact report under section 227.137 of the statutes for the proposed
12 rules.

13 (2) CONTRACTOR ADVISORY COUNCIL. Notwithstanding the length of terms
14 specified for the contractor advisory council under section 15.157 (13) of the statutes,
15 as created by this act, 2 of the initial members appointed under section 15.157 (13)
16 of the statutes, as created by this act, shall be appointed for terms that expire on July
17 1, 2007, 2 of the initial members appointed under section 15.157 (13) of the statutes,
18 as created by this act, shall be appointed for terms that expire on July 1, 2008, ^{and} 2 of
19 the initial members appointed under section 15.157 (13) of the statutes, as created
20 by this act, shall be appointed for terms that expire on July 1, 2009, ^{and one of the}
21 ~~initial members appointed under section 15.157 (13) of the statutes, as created by~~
22 ~~this act, shall be appointed for a term that expires on July 1, 2010.~~

23 **SECTION 5. Effective dates.** This act takes effect on the first day of the 18th
24 month beginning after publication, except as follows:

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2734/P2ins.
RNK:.....

INSERT 4-2

(4) No contractor or subcontractor may knowingly and with intent to evade any state or federal law, rule, or regulation coerce or induce an employee to falsely declare that he or she is an independent contractor.

INSERT 4-11

(b) The department may, by rule, establish a term for registration under this subchapter[✓] that is longer or shorter than 2 years in order to stagger the expiration of the terms of all persons registered under this subchapter[✓].

Kite, Robin

From: Battles, Cale
Sent: Thursday, October 20, 2005 3:35 PM
To: Kite, Robin
Subject: FW: Scan from a Xerox WorkCentre Pro

Attachments: Scan001.PDF



Scan001.PDF (228
KB)

Robin,

I have attached some changes that we would like to make to LRB 2734/P2. I believe these are all the changes we would like to make to finish the draft. If you have any questions please give me a call. Thanks for all your help.

Cale Battles
Rep. Kaufert's Office
6-5719