

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3070/P3dn

JTK:cjs:pg

September 25, 2007

Dan LaRocque:

1. In s. 20.445 (1) (nc), stats., relating to funding for UI administration, I have changed the sunset date for encumbrances from October 1, 2007 to October 1, 2009. Please let me know if this is not in accord with your intent.
2. It seems we can now repeal s. 108.02 (12) (b), stats., which is the former law relating to determination of independent contractor status. Please let me know if you want to include this repeal in a subsequent draft.
3. I have modified your language submitted for the repeal and recreation of s. 108.04 (1) (b) 1., stats. relating to ability to perform work and availability for work, because I thought the language was unclear as to whether there are four independent conditions or one condition modified by three subservient conditions. Please review.
4. In proposed s. 108.04 (1) (b) 2., relating to ability to perform work and availability for work, do you want to clarify what happens when an employee cures his or her inability or unavailability during the middle of a week?
5. Concerning the benefit eligibility of the parents of children by whom they are employed in a family-owned business, I have treated in this draft those businesses that are organized as corporations or partnerships, or limited liability companies that are treated as corporations or partnerships for UI purposes, but have not treated sole proprietorships because the logic for extending the treatment to sole proprietorships is less compelling. I have also amended ss. 108.02 (15m) (a), stats., [which has the effect of amending s. 108.04 (1) (gm) and 108.04 (7) (r), stats.] and 108.04 (1) (gm) 4. c., stats., to exclude parents who are employed by businesses that are owned in whole or in part by their children from the exclusion to the family business benefit eligibility limitation where a family business ceases business activity and from the exception to the quit requalification requirement after termination of employment in a family-owned business that ceases business activity, because it did not make sense to me to include parents in the exclusions if parents are not included in the benefit eligibility limitation in the first place. I have not treated ss. 108.15 (8) (e) 1., stats., [successorship] and 108.22 (9), stats., [personal liability for certain violations] because these provisions, while they currently parallel the family business benefit limitation in their treatment of parents, do not seem to me to logically require treatment as a part of this item.

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