

**2005 DRAFTING REQUEST**

**Bill**

Received: 09/01/2005

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: J.A. Hines (608) 266-7746

By/Representing: Carolyn Jahnke

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Add. Drafters:

Subject: Buildings/Safety - bldg codes

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Administrative forfeitures for plumbing code violations

**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> |
|--------------|---------------------|------------------------|------------------------|----------------|----------------------|-----------------------|-----------------|
| /?           |                     |                        |                        | _____          |                      |                       | State           |
| /1           | rkite<br>09/14/2005 | csicilia<br>09/20/2005 | rschluet<br>09/20/2005 | _____          | lemery<br>09/20/2005 | mbarman<br>10/07/2005 |                 |

FE Sent For:

<END>

If the jacket comes back for this - send it back - Robin is NOT re-drafting it.

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| /? | rkite | 1 gjs 9/20/05 |  |  |  |  |  |
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FE Sent For:

9/20/05 PG  
<END>

## **Administrative Forfeitures for Licensing, Certification and Registration Violations**

### **Potential Law Revisions**

101.02(22) is created to read:

101.02(22) (a) The department may directly assess forfeitures by orders for violations of licensing, certification or registration statutory provisions of this chapter, ch. 145 and s. 167.10, and licensing, certification or registration rules promulgated under this chapter, ch. 145 and s. 167.10.

(b) The department shall establish by rule at least the following:

1. The amount of forfeitures.
2. A process by which forfeitures are to be assessed by orders.
3. A process by which forfeitures may be contested.

(c) The amount of forfeitures established under par. (b) may not exceed \$2,000 per violation.

(d) The department shall remit all forfeitures paid to the state treasurer for deposit in the school fund.

(e) In the case of any failure in the payment of a forfeiture, the department shall impose an interest penalty of 12% per year from the time when the forfeiture should have been paid.

(f) The attorney general may bring an action as provided in the name of the state to collect any forfeiture imposed under this subsection if the forfeiture has not been paid following the exhaustion of all administrative and judicial reviews.

**Kite, Robin**

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**From:** Jahnke, Carolyn  
**Sent:** Thursday, September 01, 2005 10:07 AM  
**To:** Kite, Robin  
**Subject:** Plumbing legislation to be drafted  
**Attachments:** Plumbing Law Rev.doc

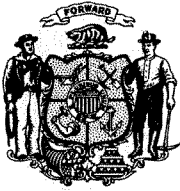
Hi Robin,

I tried calling you back, but I got your voicemail so I figured it was just as easy to send you this and see if you are the right person to handle it. Attached is a copy of legislation my boss would like drafted on giving Commerce the ability to enforce plumbing code violations. Please let me know if you aren't the right person. Feel free to contact me with any questions. I can be reached today at 920-858-9734.

Thanks!

Carolyn

Carolyn Jahnke  
Research Assistant  
Clerk, Assembly Public Health Committee  
State Representative J.A. Hines  
608-266-7746  
carolyn.jahnke@legis.state.wi.us



(soon)

State of Wisconsin  
2005 - 2006 LEGISLATURE

RM run

LRB-3588/7

RNK:/:....

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAW  
X-ref

Gen cat

1 AN ACT ...; relating to: the assessment of forfeitures by the department of  
2 commerce for violating certain licensing requirements and granting  
3 rule-making authority.

**Analysis by the Legislative Reference Bureau**

The Department of Commerce (Commerce) administers various laws, including building codes, that promote safety in public and private buildings and in the subsystems of those buildings. To that end, Commerce issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in the construction trades such as electricians and plumbers. Commerce also administers and issues licenses in connection with the administration of other laws relating to public safety such as those regulating fireworks and the storage of flammable liquids.

This bill authorizes Commerce to directly assess a forfeiture by issuing an order against any person who violates a requirement for applying for, obtaining, renewing, or operating under the authority of certain licenses issued by Commerce. The bill requires Commerce to promulgate rules that govern the procedures for assessing such forfeitures including the amount of the forfeitures. The bill provides that a forfeiture that is not paid after all administrative and judicial reviews are exhausted accrues interest at the rate of 12% per year. The bill authorizes the attorney general to bring a legal action to collect a forfeiture, including accrued interest, if the forfeiture is not paid as required under the bill.

percent

The bill requires that all forfeitures under the bill be deposited in the school fund.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 101.02 (22) of the statutes is created to read:

2           101.02 (22) (a) In this subsection:

3           1. "License" has the meaning given in sub. (21) (a). ✓

4           2. "Violation" means a violation of a requirement for applying for, obtaining,  
5 renewing, or operating under the authority of a license. ✓

6           (b) The department may directly assess a forfeiture by issuing an order against  
7 any person who commits a violation. The department may not assess a forfeiture  
8 exceeding \$2,000 for each violation. ✓

9           (c) The department shall promulgate rules specifying the procedures governing  
10 the assessment of forfeitures under this subsection including the following: ✓

11           1. The procedure for issuing an order for an alleged violation. ✓

12           2. The amount of a forfeiture that the department may assess for an alleged  
13 violation, subject to the limit under par. (b). ✓

14           3. The procedure for contesting an order issued for an alleged violation. ✓

15           4. The procedure for contesting the assessment of a forfeiture for an alleged  
16 violation. ✓

17           (d) The department shall remit all forfeitures paid under this subsection to the  
18 secretary of administration for deposit in the school fund. ✓

19           (e) All forfeitures that are not paid as required under this subsection shall  
20 accrue interest at the rate of 12% per year.

12 percent

1           (f) The attorney general may bring an action in the name of the state to collect  
2           any forfeiture imposed, or interest accrued, under this subsection if the forfeiture or  
3           interest has not been paid after the exhaustion of all administrative and judicial  
4           reviews.

5

(END)



**Barman, Mike**

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**From:** Jahnke, Carolyn  
**Sent:** Friday, October 07, 2005 8:28 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3588/1 Topic: Administrative forfeitures for plumbing code violations

It has been requested by <Jahnke, Carolyn> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3588/1 Topic: Administrative forfeitures for plumbing code violations