

**2005 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB(LRBx3588/1))**

Received: 10/12/2005

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:

Addl. Drafters:

Subject: Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Forfeitures for violations of plumbing license requirements

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**Instructions:**

See Attached

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**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>
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FE Sent For:

<END>

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10/13/05

FE Sent For:

<END>

## Kite, Robin

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**From:** Jahnke, Carolyn  
**Sent:** Wednesday, October 12, 2005 8:21 AM  
**To:** Kite, Robin  
**Subject:** Changes to LRB 3588

Hi Robin,

Sorry if my message doesn't make any sense. Hopefully this will be clearer. We need to get a sub amendment to LRB 3588 relating to plumbing issues. We want to have a hearing on this and an executive session next Wednesday so it is a bit of a rush. I'm sorry. We want the sub to make the changes just apply to the plumbing industry. I'm in a meeting today from 8:30-Noon. If you have any questions, email back or call.

Thanks!  
Carolyn

Carolyn Jahnke  
Research Assistant  
Clerk, Assembly Committee on Public Health  
State Representative J.A. Hines  
608.266.7746  
carolyn.jahnke@legis.state.wi.us

2005

Date (time) needed

10/14 (Fri)

LRBs 025111

SUBSTITUTE AMENDMENT [TO A BILL]

RNK: gjs:

Use the appropriate components and routines developed for substitute amendments.

S (A) SUBSTITUTE AMENDMENT

TO 2005 SB AB \_\_\_\_\_ (LRB- 358811)

AN ACT ... [generate catalog] to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to:

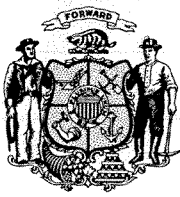
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

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

SECTION #.





Stays

2005 BILL

substitute amendment

regen. cat.

1 AN ACT to create 101.02 (22) of the statutes; relating to: the assessment of  
2 forfeitures by the Department of Commerce for violating certain licensing  
3 requirements and granting 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 percent 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. The bill requires that all forfeitures under the bill be deposited in the school fund.

Insert Anal.

in lieu of any other penalty under current law

engages in work as a plumber with the use of **INSERT ANAL-2**

substitute amendment

relating to the construction, installation, and maintenance of plumbing

**BILL**

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:*

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

101.02 (22) (a) In this subsection:

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

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

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

(b) ~~The~~ department shall promulgate rules specifying the procedures governing the assessment of forfeitures under this subsection including the following:

1. The procedure for issuing an order for an alleged violation.
2. The amount of a forfeiture that the department may assess for an alleged violation, subject to the limit under par. (b).
3. The procedure for contesting an order issued for an alleged violation.
4. The procedure for contesting the assessment of a forfeiture for an alleged violation.

(c) ~~The~~ department shall remit all forfeitures paid under this subsection to the secretary of administration for deposit in the school fund.

(d) ~~The~~ All forfeitures that are not paid as required under this subsection shall accrue interest at the rate of 12 percent per year.

~~commission of a violation, the~~

145.12 (5)

45.12 (5) (b)

license, permit, certification, or registration issued under this chapter

In lieu of any other penalty under this section, ~~for~~ the

violates s. 145.06

period stays

no 9

✓

(b)

the

(a)

(d) (e)

**BILL**

1     ~~(e)~~ 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)

INSERT ANAL.

LRB-2009/1

no 11

~~Under current law, a person who holds himself or herself out as a master plumber <sup>or</sup> ~~an authorized fire sprinkler contractor~~ without having a license is subject to certain penalties.~~

~~Who engages in work at plumbing, <sup>or</sup> who installs plumbing, <sup>or</sup> who engages in plumbing~~

Current law imposes ~~with~~ <sup>certain</sup> penalties against persons who engage in <sup>certain</sup> plumbing activities without a license required by Commerce.  
↑  
or registration

Insert Anal-2

engages in work at plumbing without a license, installs plumbing without having a master plumber ~~carpenter~~ in charge, allows a master plumber's license to be used by another person, ~~or~~ or tests the performance of a cross-connection control device without being ~~a~~ ~~so~~ registered by Commerce as a cross-connection control tester.