



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 750

**Assembly Substitute
Amendment 1**

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Current law states that no person may engage in or work at plumbing unless licensed to do so by the Department of Commerce. Current law also provides several exceptions to this prohibition. For example, the prohibition does not apply to plumbing work done by a property owner in a one-family building owned and occupied by him or her as his or her home or farm building, except where a license is required by local ordinance. In addition, the prohibition does not apply to making minor repairs to faucets, valves, pipes, or appliances, repair or replacement of electrical or gas energy or other automatic valves or control devices, or removing stoppages in waste or drainage pipes. Current law provides that any person violating the prohibition on engaging in plumbing without a license is subject to imprisonment for not more than three months, or a fine of not more than \$500.

Assembly Substitute Amendment 1 states that in lieu of any other penalty, the Department of Commerce may directly assess a forfeiture by issuing an order against any person who violates the prohibition on practice of plumbing without a license described above. The department may not assess a forfeiture exceeding \$2,000 for each violation.

The substitute amendment requires the Department of Commerce to promulgate rules specifying the procedures governing the assessment of forfeitures 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 statutory limitation; (3) the procedure for contesting an order issued for an alleged violation; and (4) the procedure for contesting the assessment of a forfeiture for an alleged violation.

The substitute amendment requires the department to remit all forfeitures to the Secretary of Administration for deposit in the School Fund. All forfeitures that are not paid as required accrue interest at the rate of 12% per year. In addition, the substitute amendment states that the Attorney General may bring an action in the name of the state to collect any forfeiture imposed, or interest accrued, if the forfeiture or interest has not been paid after the exhaustion of all administrative and judicial reviews.

The substitute amendment differs from the original bill in that the substitute amendment only covers violation of the prohibition on engaging in plumbing without a license, while the original bill covers engaging in a variety of professions or activities without a license, permit, or certificate of certification or registration issued by the Department of Commerce under various laws.

Legislative History

On November 30, 2005, the Assembly Committee on Public Health recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 7; Noes, 0; and passage of the bill as amended by a vote of Ayes, 6; Noes, 1. On January 19, 2006, the Assembly adopted Assembly Substitute Amendment 1, and passed the bill as amended, both by voice votes.

RNS:rv;jal