

**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1999 ASSEMBLY BILL 806**

March 7, 2000 – Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT** *to repeal* 254.17, 254.176 (3) (b) and 254.178 (2) (b); *to renumber and*  
2     *amend* 254.166 (2) (c); *to amend* 20.435 (1) (gm), 20.505 (1) (md), 254.15 (1),  
3     254.154, 254.166 (1), 254.167 (intro.), 254.167 (1), 254.167 (2), 254.167 (3) and  
4     254.174; *to repeal and recreate* 254.172; and *to create* 254.11 (4g), 254.11  
5     (4h), 254.11 (5m), 254.11 (8d), 254.11 (8s), 254.11 (9g), 254.166 (2) (c) 2., 254.166  
6     (2) (c) 3., 254.166 (2) (e), 254.171, 254.173, 254.179, 254.18, 254.181, 254.182  
7     and 901.055 of the statutes; **relating to:** conducting lead investigations,  
8     lead-bearing paint hazard control, requirements for certification of lead-free  
9     or lead-safe status for dwellings and premises, immunity from liability for lead  
10    poisoning or lead exposure, a report on the affordability and availability of  
11    liability insurance for lead-bearing paint hazards, granting rule-making  
12    authority, requiring the exercise of rule-making authority and making  
13    appropriations.

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

1           **SECTION 1.** 20.435 (1) (gm) of the statutes, as affected by 1999 Wisconsin Act  
2 9, is amended to read:

3           20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and*  
4 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),  
5 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179 (1) (d), 254.20 (5) and  
6 (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2) and ch. 69, for  
7 the purchase and distribution of medical supplies and to analyze and provide data  
8 under s. 250.04. All moneys received under ss. 146.50 (5) (f), (8) (d), 250.04 (3m),  
9 250.05 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181,  
10 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.89 and 255.08 (2)  
11 (b) and ch. 69 and as reimbursement for medical supplies shall be credited to this  
12 appropriation account.

13           **SECTION 2.** 20.505 (1) (md) of the statutes is amended to read:

14           20.505 **(1)** (md) *Oil overcharge restitution funds.* All federal moneys received  
15 as oil overcharge funds, as defined in s. 14.065 (1), for expenditure under proposals  
16 approved by the joint committee on finance under s. 14.065 and, for transfers under  
17 1993 Wisconsin Act 16, section 9201 (1z), and for allocation under 1999 Wisconsin  
18 Act .... (this act), section 32 (7).

19           **SECTION 3.** 254.11 (4g) of the statutes is created to read:

20           254.11 **(4g)** “Certificate of lead-free status” means a certificate issued by a  
21 certified lead risk assessor or other person certified under s. 254.176 that documents  
22 a finding by the assessor that a premises, dwelling or unit of a dwelling is free of  
23 lead-bearing paint as of the date specified on the certificate.

1           **SECTION 4.** 254.11 (4h) of the statutes is created to read:

2           254.11 **(4h)** “Certificate of lead–safe status” means a certificate issued by a  
3 certified lead risk assessor or other person certified under s. 254.176 that documents  
4 that the assessor detected no lead–bearing paint hazards affecting the premises,  
5 dwelling or unit of the dwelling on the date specified on the certificate.

6           **SECTION 5.** 254.11 (5m) of the statutes is created to read:

7           254.11 **(5m)** “Elevated blood lead level” means a level of lead in blood that is  
8 any of the following:

9           (a) Twenty or more micrograms per 100 milliliters of blood, as confirmed by one  
10 venous blood test.

11           (b) Fifteen or more micrograms per 100 milliliters of blood, as confirmed by 2  
12 venous blood tests that are performed at least 90 days apart.

13           **SECTION 6.** 254.11 (8d) of the statutes is created to read:

14           254.11 **(8d)** “Lead–bearing paint hazard” has the meaning specified by rule by  
15 the department.

16           **SECTION 7.** 254.11 (8s) of the statutes is created to read:

17           254.11 **(8s)** “Lead investigation” means a measure or set of measures designed  
18 to identify the presence of lead or lead hazards, including examination of painted or  
19 varnished surfaces, paint, dust, water and other environmental media.

20           **SECTION 8.** 254.11 (9g) of the statutes is created to read:

21           254.11 **(9g)** “Lead risk assessor” has the meaning specified by rule by the  
22 department.

23           **SECTION 9.** 254.15 (1) of the statutes is amended to read:

24           254.15 **(1)** Develop and implement a comprehensive statewide lead poisoning  
25 or lead exposure prevention and treatment program that includes lead poisoning or

1 lead exposure prevention grants under s. 254.151; any childhood lead poisoning  
2 screening requirement under rules promulgated under ss. 254.158 and 254.162; any  
3 requirements regarding care coordination and follow-up for children with lead  
4 poisoning or lead exposure required under rules promulgated under s. 254.164;  
5 departmental responses to reports of lead poisoning or lead exposure under s.  
6 254.166; any lead ~~inspection~~ investigation requirements under rules promulgated  
7 under ss. 254.167;; any lead inspection requirements under rules promulgated under  
8 254.168 and 254.17; any lead hazard reduction requirements under rules  
9 promulgated under s. 254.172; and certification, accreditation and approval  
10 requirements under ss. 254.176 and 254.178; any certification requirements and  
11 procedures under rules promulgated under s. 254.179; and any fees imposed under  
12 s. 254.181.

13 **SECTION 10.** 254.154 of the statutes is amended to read:

14 254.154 This subchapter does not prohibit any city, village, town or other  
15 political subdivision from enacting and enforcing ordinances establishing a system  
16 of lead poisoning or lead exposure control that provides the same or higher standards  
17 than those set forth in this subchapter. Nothing in this subchapter other than s.  
18 254.173 (2) and (3) may be interpreted or applied in any manner to impair the right  
19 of any person, or entity, municipality or other political subdivision to sue for damages  
20 or equitable relief or to restrain a violation of such an ordinance. Nothing in this  
21 subchapter may be interpreted or applied in any manner to impair the right of a  
22 municipality or other political subdivision to impose a penalty for or restrain the  
23 violation of an ordinance specified in this section.

24 **SECTION 11.** 254.166 (1) of the statutes is amended to read:

1           254.166 (1) The department may, after being notified that an occupant of a  
2 dwelling or premises who is under 6 years of age has blood lead poisoning or lead  
3 exposure, present official credentials to the owner or occupant of the dwelling or  
4 premises, or to a representative of the owner, and request admission to conduct a lead  
5 ~~inspection~~ investigation of the dwelling or premises. If the department is notified  
6 that an occupant of a dwelling or premises who is a child under 6 years of age has  
7 an elevated blood lead level, the department shall conduct a lead investigation of the  
8 dwelling or premises or ensure that a lead investigation of the dwelling or premises  
9 is conducted. The lead ~~inspection~~ investigation shall be conducted during business  
10 hours, unless the owner or occupant of the dwelling or premises consents to an  
11 ~~inspection~~ investigation during nonbusiness hours or unless the department  
12 determines that the dwelling or premises presents an imminent lead hazard. The  
13 department shall use reasonable efforts to provide prior notice of the lead ~~inspection~~  
14 investigation to the owner of the dwelling or premises. The department may remove  
15 samples or objects necessary for laboratory analysis to determine the presence of a  
16 lead hazard in the dwelling or premises. The department shall prepare and file  
17 written reports of all ~~inspections~~ lead investigations conducted under this section  
18 and shall make the contents of these reports available for inspection by the public,  
19 except for medical information, which may be disclosed only to the extent that  
20 patient health care records may be disclosed under ss. 146.82 to 146.835. If the owner  
21 or occupant refuses admission, the department may seek a warrant to ~~inspect~~  
22 investigate the dwelling or premises. The warrant shall advise the owner or  
23 occupant of the scope of the ~~inspection~~ lead investigation.

24           **SECTION 12.** 254.166 (2) (c) of the statutes is renumbered 254.166 (2) (c) (intro.)  
25 and amended to read:

1           254.166 (2) (c) (intro.) Notify the occupant of the dwelling or premises or that  
2 person's the occupant's representative that of all of the following:

3           1. That a lead hazard is present on or in the dwelling or premises ~~and may~~  
4 constitute a health hazard.

5           **SECTION 13.** 254.166 (2) (c) 2. of the statutes is created to read:

6           254.166 (2) (c) 2. The results of any lead investigations conducted on or in the  
7 dwelling or premises.

8           **SECTION 14.** 254.166 (2) (c) 3. of the statutes is created to read:

9           254.166 (2) (c) 3. Any actions taken to reduce or eliminate the lead hazard.

10          **SECTION 15.** 254.166 (2) (e) of the statutes is created to read:

11          254.166 (2) (e) If an order is issued under par. (d), conduct or require a certified  
12 lead risk assessor or other person certified under s. 254.176 to conduct a lead  
13 investigation, a check of work completed and dust tests for the presence of hazardous  
14 levels of lead to ensure compliance with the order.

15          **SECTION 16.** 254.167 (intro.) of the statutes is amended to read:

16          **254.167 Conduct of lead inspection investigation.** (intro.) Subject to the  
17 limitation under s. 254.174, the department may promulgate rules establishing  
18 procedures for conducting lead ~~inspections~~ investigations of dwellings and premises.  
19 ~~Any rules promulgated under this section shall meet, but not exceed, any~~  
20 ~~requirements under regulations promulgated by the administrator of the federal~~  
21 ~~environmental protection agency under section 402 of the federal toxic substances~~  
22 ~~control act, as created by section 1021 of P.L. 102-550. The rules promulgated under~~  
23 this section may include the following:

24          **SECTION 17.** 254.167 (1) of the statutes is amended to read:

1           254.167 (1) Specific procedures for ~~inspecting~~ investigating, testing or  
2 sampling painted, varnished or other finished surfaces, drinking water, household  
3 dust, soil and other materials that may contain lead.

4           **SECTION 18.** 254.167 (2) of the statutes is amended to read:

5           254.167 (2) Specific procedures for the notification of owners, operators,  
6 occupants or prospective occupants, mortgagees and lienholders of lead levels  
7 identified during ~~an inspection~~ a lead investigation and of any health risks that are  
8 associated with the lead level and condition of the lead found during the ~~inspection~~  
9 lead investigation.

10          **SECTION 19.** 254.167 (3) of the statutes is amended to read:

11          254.167 (3) The form of lead-~~inspection~~ investigation reports, the requirements  
12 for filing the reports with the department and the procedures by which members of  
13 the public may obtain copies of ~~inspection~~ lead investigation reports.

14          **SECTION 20.** 254.17 of the statutes is repealed.

15          **SECTION 21.** 254.171 of the statutes is created to read:

16          **254.171 Dwellings and units of dwellings where child has elevated**  
17 **blood lead level.** If an owner of a dwelling or unit of a dwelling receives written  
18 notice from the department or a local health department that a child under 6 years  
19 of age, who resides in the owner's owner-occupied dwelling or unit or who resides in  
20 the owner's dwelling or unit under the terms of a rental agreement, has an elevated  
21 blood lead level, the owner shall obtain a certificate of lead-free status or certificate  
22 of lead-safe status for the affected dwelling or unit in a timely manner, based on the  
23 reasonable availability of lead risk assessors or other persons certified under s.  
24 254.176 to conduct any necessary lead investigation or lead hazard reduction  
25 activities and based on the time required for issuance of a certificate of lead-free

1 status or a certificate of lead–safe status. Nothing in this section precludes the  
2 department or the department’s agent from conducting a lead investigation or  
3 issuing an order under s. 254.166.

4 **SECTION 22.** 254.172 of the statutes is repealed and recreated to read:

5 **254.172 Prevention and control of lead–bearing paint hazards in**  
6 **dwelling and premises. (1)** Subject to the limitation under s. 254.174, the  
7 department may promulgate rules governing lead hazard reduction that the  
8 department determines are consistent with federal law.

9 **(2)** If a certified lead risk assessor or other person certified under s. 254.176  
10 conducts a lead investigation of a dwelling or premises, he or she shall conduct the  
11 lead investigation and issue a report in accordance with any rules promulgated  
12 under s. 254.167. If the report indicates that the dwelling or premises meets criteria  
13 under s. 254.179 (1) (a) for issuance of a certificate of lead–free or of a certificate of  
14 lead–safe status, the lead risk assessor or other person shall issue the appropriate  
15 certificate, subject to s. 254.181.

16 **SECTION 23.** 254.173 of the statutes is created to read:

17 **254.173 Immunity from liability for lead poisoning or lead exposure;**  
18 **restrictions. (1)** LEGISLATIVE FINDINGS AND PURPOSE. (a) The legislature finds all  
19 of the following:

20 1. That a national task force appointed by the federal department of housing  
21 and urban development, the task force on lead–based paint hazard reduction and  
22 financing, found that 1,700,000 children under 6 years of age have blood lead levels  
23 at or above the federally established level of concern. The task force also found that  
24 the most common cause of childhood lead poisoning is ingestion of



1 lead-contaminated dust and chips from lead-bearing paint. The other significant  
2 cause is dust from bare lead-contaminated soil.

3 2. That high levels of lead in a child's blood can cause permanent nervous  
4 system damage and even relatively low blood lead levels can cause significant  
5 nervous system effects. Of 58,797 children who were screened in this state in fiscal  
6 year 1995–96, 11,170, or 19%, were newly identified as having blood lead levels that  
7 constitute lead poisoning or lead exposure.

8 (b) The legislature encourages property owners to address the problems  
9 associated with lead-bearing paint by bringing their property into compliance with  
10 the applicable state standards and finds that an appropriate method to so encourage  
11 property owners is to hold them not liable with respect to a person who develops lead  
12 poisoning or lead exposure in the property. The purpose of these standards and this  
13 restriction on liability is to reduce the exposure of children and others to  
14 lead-bearing paints, thereby substantially reducing the number of persons who  
15 develop lead poisoning or lead exposure. In addition, these standards and this  
16 restriction on liability will improve the quality of this state's housing stock and result  
17 in greater availability of insurance coverage for lead hazards.

18 **(2) IMMUNITY; CONDITIONS; RESTRICTIONS.** An owner of a dwelling or unit of a  
19 dwelling and his or her employes and agents are immune from civil and criminal  
20 liability and may not be subject to an agency proceeding under ch. 227, other than  
21 for the enforcement of rules promulgated by the department under this subchapter,  
22 for their acts or omissions related to lead poisoning or lead exposure of a person who  
23 resides in or has visited the dwelling or unit if, at the time that the lead poisoning  
24 or lead exposure occurred, a certificate of lead-free status or a certificate of lead-safe

1 status was in effect for the dwelling or unit. This subsection does not apply if it is  
2 shown by clear and convincing evidence that one of the following has occurred:

3 (a) The owner or his or her employe or agent obtained the certificate by fraud.

4 (b) The owner or his or her employe or agent violated a condition of the  
5 certificate.

6 (c) During renovation, remodeling, maintenance or repair after receiving the  
7 certificate, the owner or his or her employe or agent created a lead-bearing paint  
8 hazard that was present in the dwelling or unit of the dwelling at the time that the  
9 lead poisoning or lead exposure occurred.

10 (d) The owner or his or her employe or agent failed to respond in a timely  
11 manner to notification by a tenant, by the department or by a local health  
12 department that a lead-bearing paint hazard might be present.

13 (e) The lead poisoning or lead exposure was caused by a source of lead in the  
14 dwelling or unit of the dwelling other than lead-bearing paint.

15 **(3) TEMPORARY IMMUNITY; EXCEPTION.** (a) An owner of a dwelling or unit of a  
16 dwelling and his or her employes and agents are immune from civil and criminal  
17 liability and may not be subject to an agency proceeding under ch. 227, other than  
18 for the enforcement of rules promulgated by the department under this subchapter,  
19 for their acts or omissions related to lead poisoning or lead exposure that occur  
20 during the first 30 days after the owner acquires the dwelling or unit, except as  
21 provided in par. (b) 1. and except that this subsection does not apply to lead poisoning  
22 or lead exposure that results from a lead-bearing paint hazard created by the owner  
23 or his or her employe or agent. Except as provided in par. (b) 2., immunity under this  
24 subsection is extended for an additional 60 days if the owner of the dwelling or unit

1 of a dwelling or his or her employe or agent has done one of the following during that  
2 first 30–day period:

3 1. Completed a lead investigation report or entered into a contract for a lead  
4 investigation with respect to the dwelling or unit.

5 2. Entered into a contract for lead hazard reduction with respect to the dwelling  
6 or unit.

7 3. Registered for a course under s. 254.179 (1) (e).

8 4. Received certification under s. 254.176.

9 (b) 1. Immunity under par. (a) for the first 30 days after an owner acquires a  
10 dwelling or unit of a dwelling applies only if all of the following occur:

11 a. The owner obtains a certificate of lead–free status or a certificate of lead–safe  
12 status for the dwelling or unit.

13 b. The person issuing the certificate under subd. 1. a. certifies that the property  
14 was in compliance with the standards to obtain the certificate before that 30–day  
15 period ended.

16 2. Immunity under par. (a) for an additional 60 days following the first 30 days  
17 after an owner acquires a dwelling or unit of a dwelling applies only if all of the  
18 following occur:

19 a. The owner obtains a certificate of lead–free status or a certificate of lead–safe  
20 status for the dwelling or unit.

21 b. The person issuing the certificate certifies that the property was in  
22 compliance with the standards to obtain the certificate before that 60–day period  
23 ended.

24 **SECTION 24.** 254.174 of the statutes is amended to read:

1           **254.174 Technical advisory committees.** Before the department may  
2 promulgate rules under s. 254.167, 254.168, ~~254.17~~ or 254.172 or 254.179, the  
3 department shall appoint a technical advisory committee under s. 227.13 and shall  
4 consult with the technical advisory committee on the proposed rules. Any technical  
5 advisory committee required under this section shall include representatives from  
6 local health departments that administer local lead programs, representatives from  
7 the housing industry, persons certified under s. 254.176 and, representatives from  
8 the medical or public health professions and advocates for persons at risk of lead  
9 poisoning. Any technical advisory committee required under this section before  
10 promulgating rules under s. 254.168 shall also include representatives of facilities  
11 serving children under 6 years of age.

12           **SECTION 25.** 254.176 (3) (b) of the statutes is repealed.

13           **SECTION 26.** 254.178 (2) (b) of the statutes is repealed.

14           **SECTION 27.** 254.179 of the statutes is created to read:

15           **254.179 Rules for dwellings and premises. (1)** Subject to s. 254.174 and  
16 after review of ordinances of cities, towns and villages in this state, the department  
17 shall, by use of a research-based methodology, promulgate as rules all of the  
18 following:

19           (a) Except as provided in s. 254.18, the standards for a premises, dwelling or  
20 unit of a dwelling that must be met for issuance of a certificate of lead-free status  
21 or a certificate of lead-safe status to the owner of the premises, dwelling or unit of  
22 a dwelling.

23           (b) The procedures by which a certificate of lead-free status or a certificate of  
24 lead-safe status may be issued or revoked.

1           (c) The period of validity of a certificate of lead-free status or a certificate of  
2 lead-safe status, including all of the following:

3           1. Authorization for the certificate of lead-free status to remain in effect unless  
4 revoked because of erroneous issuance or because the premises, dwelling or unit of  
5 the dwelling is not free of lead-bearing paint. The rules shall specify that the face  
6 of the certificate shall indicate that the certificate is valid unless revoked.

7           2. The standards limiting the length of validity of a certificate of lead-safe  
8 status, including the condition of a premises, dwelling or unit of a dwelling, the type  
9 of lead hazard reduction activity that was performed, if any, and any other  
10 requirements that must be met to maintain certification, unless the certificate is  
11 earlier revoked because of erroneous issuance or because the premises, dwelling or  
12 unit of the dwelling is not safe from lead-bearing paint hazards. The rules shall  
13 specify that the face of the certificate shall indicate the certificate's length of validity.

14           (d) A mechanism for creating a registry of all premises, dwellings or units of  
15 dwellings for which a certificate of lead-free status or a certificate of lead-safe status  
16 is issued.

17           (e) The requirements for a course of up to 16 hours that a property owner or his  
18 or her employe or agent may complete in order to receive certification of completion  
19 and the scope of the lead investigation and lead hazard reduction activities that the  
20 owner, employe or agent may perform following certification, to the extent consistent  
21 with federal law.

22           **(2)** By January 1, 2003, and every 2 years thereafter, the department shall  
23 review the rules under sub. (1) and shall promulgate changes to the rules if necessary  
24 in order to maintain consistency with federal law.

1           **(3)** Subject to s. 254.174, the department may promulgate rules that set forth  
2 safe work practices that shall be followed in the demolition of a building constructed  
3 before January 1, 1978, to avoid exposure by persons to lead hazards in the area of  
4 the demolition.

5           **SECTION 28.** 254.18 of the statutes is created to read:

6           **254.18 Lead hazard reduction in dwellings and premises.** Sampling or  
7 testing of dwellings, units of dwellings or premises for the presence of lead-bearing  
8 paint or a lead hazard is not required before lead hazard reduction activities are  
9 conducted if the presence of lead-bearing paint or a lead hazard is assumed and the  
10 lead hazard reduction activities are performed in a lead-safe manner.

11           **SECTION 29.** 254.181 of the statutes is created to read:

12           **254.181 Certificate of lead-free status and certificate of lead-safe**  
13 **status; fees.** The department may impose a fee of \$50 for issuance of a certificate  
14 of lead-free status and a fee of \$25 for issuance of a certificate of lead-safe status.  
15 Fees under this section may not exceed actual costs of issuance and of maintaining  
16 the registry under s. 254.179 (1) (d). The department shall review the fees every 2  
17 years and adjust the fees to reflect the actual costs.

18           **SECTION 30.** 254.182 of the statutes is created to read:

19           **254.182 Repayment to general fund.** The secretary of administration shall  
20 transfer from the appropriation account under s. 20.435 (1) (gm) to the general fund  
21 the amount of \$735,000 when the secretary of administration determines that  
22 program revenues from fees imposed under ss. 254.176 (3) (e) and (4), 254.178 (2) (d)  
23 and 254.181 are sufficient to make the transfer.

24           **SECTION 31.** 901.055 of the statutes is created to read:

1           **901.055 Admissibility of results of dust testing for the presence of lead.**

2           The results of a test for the presence of lead in dust are not admissible during the  
3           course of a civil or criminal action or proceeding or an administrative proceeding  
4           unless the test was conducted by a person certified for this purpose by the  
5           department of health and family services.

6           **SECTION 32. Nonstatutory provisions.**

7           (1) RULES CONCERNING LEAD FOR DWELLINGS, UNITS OF DWELLINGS AND PREMISES.

8           The department of health and family services shall submit in proposed form the rules  
9           required under section 254.179 (1) of the statutes, as created by this act, to the  
10          legislative council staff under section 227.15 (1) of the statutes no later than the first  
11          day of the 7th month beginning after the effective date of this paragraph. In  
12          submitting the rules, the department shall include a summary of the differences  
13          between standards under the rules proposed to meet the requirement of section  
14          254.179 (1) (a) of the statutes, as created by this act, and standards under a similar  
15          ordinance of a 1st class city.

16          (2) SUPPLEMENT FOR REGISTRY OF LEAD-FREE OR LEAD-SAFE PROPERTIES. The  
17          department of health and family services may request the joint committee on finance  
18          to supplement, from the appropriation account under section 20.865 (4) (a) of the  
19          statutes, the appropriation account under section 20.435 (1) (a) of the statutes, to pay  
20          initial costs of establishing under section 254.179 (1) (d) of the statutes, as created  
21          by this act, a registry of properties that are issued certificates of lead-free status or  
22          certificates of lead-safe status. If the department of health and family services  
23          requests supplementation of the appropriation account under section 20.435 (1) (a)  
24          of the statutes, the department shall submit a plan to the joint committee on finance  
25          to expend not more than \$520,000 for fiscal year 2000–01. If the cochairpersons of

1 the committee do not notify the secretary of the department within 14 working days  
2 after the date of the department's submittal that the committee intends to schedule  
3 a meeting to review the request, the appropriation account shall be supplemented  
4 as provided in the request. If, within 14 working days after the date of the  
5 department's submittal, the cochairpersons of the committee notify the secretary of  
6 the department that the committee intends to schedule a meeting to review the  
7 request, the appropriation account shall be supplemented only as approved by the  
8 committee. Notwithstanding section 13.101 (3) (a) 1. of the statutes, the committee  
9 is not required to find that an emergency exists.

10 (3) **REGISTRY OF LEAD-FREE AND LEAD-SAFE PROPERTIES; LIMITATION ON FUNDING.**

11 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
12 under section 16.42 of the statutes for purposes of the 2001–2003 biennial budget  
13 bill, the department of health and family services shall submit information  
14 concerning the appropriation under section 20.435 (1) (a) of the statutes as though  
15 any supplementation, under SECTION 32 (2) of this act, of the dollar amount of that  
16 appropriation had not been made.

17 (4) **LEAD PAINT HAZARD REDUCTION; LIMITATION ON FUNDING.** Notwithstanding

18 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42  
19 of the statutes for purposes of the 2001–2003 biennial budget bill, the department  
20 of health and family services shall submit information concerning the appropriation  
21 under section 20.435 (1) (a) of the statutes as though the increase in the dollar  
22 amount of that appropriation by SECTION 33 (1) of this act had not been made.

23 (5) **LEAD PAINT HAZARDS OUTREACH AND ABATEMENT.** In submitting information

24 under section 16.42 (1) of the statutes for purposes of the 2001–2003 biennial budget  
25 bill, the department of health and family services shall submit a proposal, including



1 a request for additional funding, to conduct lead paint hazards outreach and  
2 abatement activities.

3 (6) REHABILITATION OF RENTAL PROPERTY FOR LOW-INCOME PERSONS. In submitting  
4 information under section 16.42 (1) of the statutes for purposes of the 2001–2003  
5 biennial budget bill, the Wisconsin housing and economic development authority  
6 shall submit a proposal to rehabilitate rental property for low-income persons in  
7 Wisconsin.

8 (7) ALLOCATION OF OIL OVERCHARGE FUNDS TO ENERGY PROGRAMS.  
9 Notwithstanding section 14.065 of the statutes, the secretary of administration shall  
10 allocate all oil overcharge restitution funds and all accruing interest earnings on  
11 those funds under section 20.505 (1) (md) of the statutes that are not approved for  
12 expenditure on the effective date of this subsection, for energy programs under  
13 section 16.95 of the statutes to provide energy efficient window replacements in  
14 rental properties owned by persons who seek a certificate of lead-free status, as  
15 defined in section 254.11 (4g) of the statutes, as created by this act, or a certificate  
16 of lead-safe status, as defined in section 254.11 (4h) of the statutes, as created by this  
17 act.

18 (8) REPORT ON LIABILITY INSURANCE FOR LEAD PAINT HAZARDS. The office of the  
19 commissioner of insurance shall review the cost and availability of insurance in the  
20 private market that provides residential property owners with liability coverage for  
21 lead-bearing paint hazards. On the basis of the review, the office shall, no later than  
22 October 1, 2002, prepare and submit to the appropriate standing committees of the  
23 legislature in the manner provided under section 13.172 (3) of the statutes a report  
24 on whether such insurance is sufficiently affordable and sufficiently available in the  
25 private insurance market. If the office determines and provides in its report that

1 such insurance is not either sufficiently affordable or sufficiently available in the  
2 private insurance market, the office shall submit drafting instructions to the  
3 legislative reference bureau for proposed legislation to create a state residential lead  
4 liability fund and shall include such proposed legislation in its 2003–05 biennial  
5 budget request under section 16.42 of the statutes.

6 **SECTION 33. Appropriation changes.**

7 (1) CERTIFICATION FOR PERFORMANCE OF LEAD PAINT HAZARD REDUCTION. In the  
8 schedule under section 20.005 (3) of the statutes for the appropriation to the  
9 department of health and family services under section 20.435 (1) (a) of the statutes,  
10 as affected by the acts of 1999, the dollar amount is increased by \$215,000 for fiscal  
11 year 2000–01 to increase the authorized FTE positions for the department by 5.0  
12 positions on January 1, 2001, and to provide supporting costs to perform certification  
13 for performance of lead paint hazard reduction.

14 (2) SUPPLEMENT FOR REGISTRY OF LEAD-FREE OR LEAD-SAFE PROPERTIES. In the  
15 schedule under section 20.005 (3) of the statutes for the appropriation to the joint  
16 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the  
17 acts of 1999, the dollar amount is increased by \$520,000 for fiscal year 2000–01 to  
18 increase funding to provide payment for initial costs of establishing a registry of  
19 properties that are issued certificates of lead-free status or certificates of lead-safe  
20 status.

21 **SECTION 34. Initial applicability.**

22 (1) IMMUNITY FROM LIABILITY FOR LEAD POISONING OR LEAD EXPOSURE. The  
23 treatment of section 254.173 of the statutes first applies to lead poisoning or lead  
24 exposure that occurs on the effective date of this subsection.

