

1999 DRAFTING REQUEST

Senate Amendment (SA-AB806)

Received: **03/27/2000**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Dick Sweet**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - public health**

Extra Copies: **ISR**

Pre Topic:

No specific pre topic given

Topic:

Changes to lead hazard control; immunity

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>
/?	kenneda 03/27/2000	jgeller 03/27/2000		_____			
/1	kenneda 03/28/2000	jgeller 03/28/2000	hhagen 03/27/2000	_____	lrb_docadmin 03/27/2000	lrb_docadmin 03/27/2000	
/2			kfollet 03/28/2000	_____	lrb_docadmin 03/28/2000	lrb_docadmin 03/28/2000	
/3	kenneda 03/28/2000	jgeller 03/28/2000	jfrantze 03/28/2000	_____	lrb_docadmin 03/29/2000	lrb_docadmin 03/29/2000	
/4	kenneda	jgeller	jfrantze	_____	lrb_docadmin	lrb_docadmin	

<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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/5	kenneda 03/29/2000	jgeller 03/29/2000	kfollet 03/29/2000	_____	lrb_docadmin 03/29/2000	lrb_docadmin 03/29/2000	

FE Sent For:

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/4	kenneda	jgeller	jfrantze	_____	lrb_docadmin	lrb_docadmin	

153/29/jg *KIF 3/29* *KIF/jf 3/29*

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For: Robert Jauch (608) 266-3510

By/Representing: Dick Swcct

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Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - public health

Extra Copies: ISR JLG

Pre Topic:

No specific pre topic given

Topic:

Changes to lead hazard control; immunity

Instructions:

See Attached

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/3	kenneda 03/28/2000	jgeller 03/28/2000	jfrantze 03/28/2000	_____	lrb_docadmin 03/29/2000	lrb_docadmin 03/29/2000	

14 3/29 jlg to 3/29 Jb/dh
3/29

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By/Representing: **Dick Sweet**

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Extra Copies: **ISR**

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Topic:

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/?	kenneda 03/27/2000	jgeller 03/27/2000		_____			
/1	kenneda 03/28/2000	jgeller 03/28/2000	hhagen 03/27/2000	_____	lrb_docadmin 03/27/2000	lrb_docadmin 03/27/2000	
/2		13 3/28 jg jgeller 03/28/2000	kfollet 03/28/2000	_____	lrb_docadmin 03/28/2000	lrb_docadmin 03/28/2000	

FE Sent For:

9/3/28
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3/28
<END>

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/?	kenneda 03/27/2000	jgeller 03/27/2000		_____			
/1		1/2 3/28 jja	hhagen 03/27/2000	_____	lrb_docadmin 03/27/2000	lrb_docadmin 03/27/2000	
FE Sent For:			kjf 3/28	kjf/hmh 3/28			

<END>

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By/Representing: Dick Sweet

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Extra Copies: ISR

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1/?	kenneda	1/3/27 Jg	kh 3/27	kh/af 3/27			

FE Sent For:

<END>

Kennedy, Debora

From: Sweet, Richard
Sent: Friday, March 24, 2000 2:29 PM
To: Kennedy, Debora
Cc: Korbitz, Adam; Sappenfield, Anne; Shannon, Pam
Subject: Lead paint

Debora,

Sen. Jauch would like to request the following amendments to Engrossed AB806:

✓1. Page 7, line 21: delete that line and substitute: "of any person, entity, municipality or other political subdivision to sue for damages".

✓2. Page 14, line 5: delete that line.

✓3. Page 14, line 6: delete that line and substitute:

"3. Possessed a certificate under s. 254.176 and began activities for lead hazard reduction specified by the department by rule."

4. Page 14, line 16: after that line insert:

"(c) There is no immunity under this subsection if, during the first 30-day period or the additional 60-day period, the owner receives an order under s. 254.166(2)(d) and fails to comply with the order."

Thanks for your help.

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

1999

Date (time) needed

TUESDAY

9:00 a.m.

LRB a 2061 11

AMENDMENT

DAK: jlg:

See form AMENDMENTS — COMPONENTS & ITEMS.

(S) AMENDMENT

TO S A AMENDMENT (LRBa 2 to 9)

TO S A SUBSTITUTE AMENDMENT (LRBs 1 to 1)

TO 1999 SB SJR SR (AB) AJR AR 806 (LRB 1 to 1)

At the locations indicated, amend the engrossed bill as follows:

(fill ONLY if "engrossed" or "as shown by")

#. Page 7, line 2: delete that line and substitute " of any person, entity, municipality or other political subdivision to sue for damages".

text: treat #. Page 14, line 5: delete lines 5 and 6 and substitute: 3. Possessed a certificate under s. 254.176 and began activities for lead hazard reduction specified by the department by rule."

text: treat #. Page 14, line 16: after that line insert: # "(c) Immunity does not apply under this subsection if, during the 30 day period under par. (a) or the 60 day period under par. (b), the owner receives an order under s. 254.166 (2)(d) and fails to comply with the order."

#. Page, line:

(End)

Kennedy, Debora

From: Sweet, Richard
Sent: Monday, March 27, 2000 4:07 PM
To: Kennedy, Debora
Cc: Korbitz, Adam; Shannon, Pam; Sappenfield, Anne
Subject: AB806

Debora,

Adam Korbitz is sending LRBa2061/1 back for a /2. The amendment would include the following:

Item 1. from /1 would be included.

Item 2. from /1 would be replaced by a deletion from the Engrossed Bill of page 13, line 23 to page 14, line 9, and substitution of the following--"(b) Immunity under par. (a) applies only if all of the following occur:". In addition, on page 13, line 20, "30" would be replaced by "60" and on page 14, line 14, "90-day" would be replaced by "60-day". (The effect of this is to change from 30 plus 60 days to a flat 60 days.)

Item 3. from /1 would be replaced by the following:

3. Page 14, line 16; after that line insert:

"(c) Immunity does not apply under this subsection if, during the 60-day period under par. (a), the owner receives an order under s. 254.166(2)(d) and fails to comply with the order.

(d) Immunity does not apply under this subsection if, during the 60-day period under par. (a), the dwelling or unit is vacant and the owner fails to comply with interim lead hazard control measures specified by the department by rule."

Thanks for your help.

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

Kennedy, Debora

From: Sweet, Richard
Sent: Tuesday, March 28, 2000 8:28 AM
To: Kennedy, Debora
Cc: Korbitz, Adam; Shannon, Pam; Sappenfield, Anne
Subject: FW: AB806

Debora,

I forgot one sentence in the e-mail message I sent you yesterday. (I've highlighted it in red.)

Dick

-----Original Message-----

From: Sweet, Richard
Sent: Monday, March 27, 2000 4:07 PM
To: Kennedy, Debora
Cc: Korbitz, Adam; Shannon, Pam; Sappenfield, Anne
Subject: AB806

Debora,

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Item 1. from /1 would be included.

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Item 3. from /1 would be replaced by the following:

3. Page 14, line 16; after that line insert:

"(c) Immunity does not apply under this subsection if, during the 60-day period under par. (a), the owner receives an order under s. 254.166(2)(d) and fails to comply with the order.

(d) Immunity does not apply under this subsection if, during the 60-day period under par. (a), the dwelling or unit is vacant and the owner fails to comply with interim lead hazard control measures specified by the department by rule. The interim lead hazard control measures under this paragraph are not required of owners who do not seek immunity under this subsection."

Thanks for your help.

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

TODAY 2:00

1999 - 2000 LEGISLATURE

LRBa2061/2

DAK:jlg:bah

D-NOTE

SENATE AMENDMENT,
TO 1999 ASSEMBLY BILL 806

1 At the locations indicated, amend the engrossed bill as follows:

2 1. Page 7, line 21: delete that line and substitute "of any person, entity,
3 municipality or other political subdivision to sue for damages".

4 2. Page 14, line 5: delete lines 5 and 6 and substitute:

5 "3. Possessed a certificate under s. 254.176 and began activities for lead hazard
6 reduction specified by the department by rule."

INSERT
1-6

7 3. Page 14, line 16: after that line insert:

one of the following applies;
text: treat #1.

8 "(c) Immunity does not apply under this subsection if, during the 30-day period
9 under par. (a) or the 60-day period under par. (b), the owner receives an order under
10 s. 254.166 (2) (d) and fails to comply with the order."

11 (END)

text: treat #2. The dwelling or unit is vacant and the owner fails to comply with interim lead hazard control measures specified by the department by rule. "



. Page 17, line 2: after that line insert:

TEXT: # " (f) The interim lead hazard control measures under
treat
S. 254.173 (3) (c) 2. "

(End) ✓

D-NOTE

#. Page 13, line 20: delete "30" and substitute "60".

#. Page 13, line 23: delete the material beginning with that line and ending with page 14, line 9, and substitute:

text: treat " (b) Immunity under par. (a) applies only if all of the following occur: "

#. Page 14, line 14: delete "90-day" and substitute "60-day".

(end ins)

D-NOTE

To Senator Jauch:

I did not draft the following as a part of
s. 254.173 (3) (c) 2. ✓: "The interim lead hazard
control measures under this subdivision are not
required of owners who do not seek immunity
under this subsection." The sentence seems
to be addressing the possibility of an
inference that interim measures must be
performed by a person who is not interested
in seeking immunity; however, I do not
believe that inference exists. The statute seems
straightforward; if one seeks immunity, one
must comply with certain requirements.

It should not be necessary to state what
one need not do if one does not seek immunity.



Moreover, the provision may be misleading to a court if the owner does not seek immunity and is sued; a court might read the provision as a legislative exception to a negligence standard for tort.

If you have any questions about this matter, I would be happy to discuss them with you.

DAK

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2061/2dn
DAK:jlg:kjf

March 28, 2000

To Senator Jauch:

I did not draft the following as part of s. 254.173 (3) (c) 2.: "The interim lead hazard control measures under this subdivision are not required of owners who do not seek immunity under this subsection.". The sentence seems to be addressing the possibility of an inference that interim measures must be performed by a person who is not interested in seeking immunity; however, I do not believe that inference exists. The statute seems straightforward; if one seeks immunity, one must comply with certain requirements. It should not be necessary to state what one need *not* do if one does *not* seek immunity. Moreover, the provision may be misleading to a court if the owner does not seek immunity and is sued; a court might read the provision as a legislative exception to a negligence standard for tort.

If you have any questions about this matter, I would be happy to discuss them with you.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137

Kennedy, Debora

From: Sweet, Richard
Sent: Tuesday, March 28, 2000 3:08 PM
To: Kennedy, Debora
Cc: Korbitz, Adam; Sappenfield, Anne; Shannon, Pam
Subject: FW: AB806 am.

Debora,

Slight change of plans. It will be the first day of the 64th month beginning after publication. Also, rather than being a separate amendment, it will be folded into LRBa2061/2. (Adam is sending the stripes back to you.)

Thanks again.

-----Original Message-----

From: Sweet, Richard
Sent: Tuesday, March 28, 2000 2:55 PM
To: Kennedy, Debora
Cc: Korbitz, Adam; Sappenfield, Anne; Shannon, Pam
Subject: AB806 am.

Debora,

Sen. Jauch would like to request an amendment that sunsets s. 254.173(3) 5 years after it takes effect; i.e. the first day of the 76th month beginning after publication.

Thanks.

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

WEDNESDAY 8:30 a.m.

1999 - 2000 LEGISLATURE

LRBa2061/3
DAK:jl:3

**SENATE AMENDMENT,
TO 1999 ASSEMBLY BILL 806**

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 7, line 21: delete that line and substitute "of any person, entity,
3 municipality or other political subdivision to sue for damages".

4 **2.** Page 13, line 20: delete "30" and substitute "60".

5 **3.** Page 13, line 23: delete the material beginning with that line and ending
6 with page 14, line 9, and substitute:

7 "(b) Immunity under par. (a) applies only if all of the following occur:"

8 **4.** Page 14, line 14: delete "90-day" and substitute "60-day".

9 **5.** Page 14, line 16: after that line insert:

10 "(c) Immunity does not apply under this subsection if, during the 60-day period
11 under par. (a), one of the following applies:

12 1. The owner receives an order under s. 254.166 (2) (d) and fails to comply with
13 the order.

1 2. The dwelling or unit is vacant and the owner fails to comply with interim lead
2 ✓ hazard control measures specified by the department by rule. ~~the~~

INSERT 2-2

3 **6.** Page 17, line 2: after that line insert:

4 “(f) The interim lead hazard control measures under s. 254.173 (3) (c) 2.”.

5 ~~END~~



#. Page 22, line 12: delete "254.172," and substitute "254.172" ✓

#. Page 22, line 13: delete that line and substitute "and 901.055 ^{of} the statutes, the creation of sections 254.166(2)(c) 2. ✓ and 3. ✓ and 254.173" ✓.

#. Page 22, line 15: after that line insert:
eff date" (2) The repeal ^{of} section 254.173(3) ✓ of the statutes takes effect on the first day of the 64th ✓ month beginning after publication. "

(End) ✓

INSERT 2-2

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION
(608-266-3561)

SECTION 23d. RP; 254.173 (3) [✓] , as created by
1999 Wisconsin
Act ... (this act)

(end ins)

Kennedy, Debora

From: Korbitz, Adam
Sent: Wednesday, March 29, 2000 9:27 AM
To: Kennedy, Debora
Subject: FW:

This is the second addition. Dick Sweet would like you to email him a copy of the amendment when it is finished. Thanks, Adam.

-----Original Message-----

From: Sweet, Richard
Sent: Wednesday, March 29, 2000 8:27 AM
To: Korbitz, Adam
Cc: Sappenfield, Anne; Shannon, Pam
Subject: FW:

Adam,

I spoke with Bob and he wanted to add to the reports the number of kids who reside in certified properties and get EBL or lead poisoning. I've added that to the language (highlighted in red).

Also, he mentioned that he wants to sunset the law after 7 years (i.e. 100 months after publication). I assumed that he just want to sunset the general immunity, not the standards or certificates. Any thoughts on this?

Dick

-----Original Message-----

From: Sweet, Richard
Sent: Tuesday, March 28, 2000 5:10 PM
To: Korbitz, Adam
Cc: Shannon, Pam; Sappenfield, Anne
Subject:

Page 21, line 15: after that line insert:

✓(9) REPORTS ON LEAD HAZARD REDUCTION ACTIVITIES. (a) By March 1, 2002, 2003 and 2004, the department of health and family services shall prepare a report describing activities related to reducing lead-bearing paint hazards in residential property under subchapter II of chapter 254 of the statutes, as affected by this act, in the previous calendar year. The report shall include a summary of the number of dwellings or units of dwellings that have received a certificate of lead-free or lead-safe status, the percentage of all dwellings and units constructed before 1978 that this number represents, the incidence of lead poisoning or lead exposure and the incidence of elevated blood lead level in children, the number of children who reside in property that is certified as lead-free or lead-safe and either have lead poisoning or lead exposure or have elevated blood lead levels, the number of persons certified to perform lead hazard reduction or lead management activities under section 254.176 of the statutes, as affected by this act, and the number of persons who have completed a course and been certified under section 254.179(1)(e) of the statutes, as affected by this act.

(b) By March 1, 2005, the department of health and family services shall prepare a report evaluating the successes or failures of this act and rules promulgated under this act in reducing the incidence of lead poisoning or lead exposure and the incidence of elevated blood lead level in children. The report shall include any statutory changes that the department feels are needed to further the goal of reducing the incidence of lead poisoning or lead exposure ~~and the incidence of elevated blood lead level in children.~~

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

Reports to gov. + legis - standing committees

Kennedy, Debora

From: Korbitz, Adam
Sent: Wednesday, March 29, 2000 9:26 AM
To: Kennedy, Debora
Subject: FW: Immunity sunset--AB806

Hi Debora, we are going to have to redraft the amendment (a2061/3) again. I am sending back the stripes. There are two additions. One is outlined in this email from Dick Sweet to me, re: sunseting the immunity language. I will forward another email from Dick which describes the second addition, which adds some reporting and study language. If you have questions, please call Dick or me. Word is that we will be taking the bill up today by unanimous consent. Thanks, Adam.

-----Original Message-----

From: Sweet, Richard
Sent: Wednesday, March 29, 2000 9:20 AM
To: Korbitz, Adam; Kennedy, Debora
Cc: Shannon, Pam; Sappenfield, Anne
Subject: Immunity sunset--AB806

Adam,

This is the language that would sunset the immunity section after 7 years. [Sub. (3) of that section is sunsetted after 4 years.]

1. Page 14, line 16: after that line insert:

"SECTION 23m. 254.173 of the statutes, as created by 1999 Wisconsin Act...(this act), is repealed."

2. Page 22, line 15: after that line insert:

"(2) The repeal of section 254.173 of this statutes takes effect on the first day of the 100th month beginning after publication."

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
(1 East Main Street, Room 401)
Madison, WI 53701-2536
Phone (608)266-2982
Fax (608)266-3830
E-mail richard.sweet@legis.state.wi.us

Kennedy, Debora

From: Sweet, Richard
Sent: Wednesday, March 29, 2000 9:55 AM
To: Kennedy, Debora
Cc: Korbitz, Adam; Sappenfield, Anne; Shannon, Pam
Subject: FW: Immunity sunset--AB806

Debora,

Adam asked that I forward this language to you for incorporation into the super-am. to AB806. Sen. Jauch's preference is to refer to "84 months" rather than "100 months", so I've drafted it that way even though it isn't standard drafting. He wants to do the same thing with the sunset of the temporary immunity, i.e. 48 months after it kicks in rather than 64 months after publication.

Thanks.

Dick

✓ 1. Page 14, line 16: after that line insert:

"SECTION 23m. 254.173 of the statutes, as created by 1999 Wisconsin Act...(this act), is repealed."

✓ 2. Page 22, line 15: after that line insert:

"(2) The repeal of section 254.173 of this statute takes effect on the first day of the 84th month beginning after the date specified in subsection (1)."

No -
D-Note

NOW

1999 - 2000 LEGISLATURE

LRBa2061/4

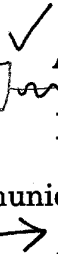
DAK:jlg

D-NOTE

**SENATE AMENDMENT,
TO 1999 ASSEMBLY BILL 806**

INSERT 1-3

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3. Page 13, line 23: delete the material beginning with that line and ending with page 14, line 9, and substitute:
" (b) Immunity under par. (a) applies only if all of the following occur: ".
4. Page 14, line 14: delete "90-day" and substitute "60-day".
5. Page 14, line 16: after that line insert:
" (c) Immunity does not apply under this subsection if, during the 60-day period under par. (a), one of the following applies:
1. The owner receives an order under s. 254.166 (2) (d) and fails to comply with the order.

1 2. The dwelling or unit is vacant and the owner fails to comply with interim lead
2 hazard control measures specified by the department by rule.

3 **SECTION 23d.** 254.173 (3) of the statutes, as created by 1999 Wisconsin Act
4 (this act), is repealed. *plain*

NOTE
MOVE →
INSERT 2-4

5 **6.** Page 17, line 2: after that line insert:
6 “(f) The interim lead hazard control measures under s. 254.173 (3) (c) 2.”

INSERT 2-6

7 ~~Page 22, line 12: delete “254.172” and substitute “254.172”.~~

8 **8.** Page 22, line ¹² ~~12~~: delete ~~that line~~ and substitute “^{lines 12 and 13} and 901.055 of the statutes,
9 the creation of sections 254.166 (2) (c) 2. and 3. and 254.173”.

10 **9.** Page 22, line 15: after that line insert:

*and the amendment of
section 254.154 (by
SECTION 10b)
letter*

11 “(2) The repeal of section 254.173 (3) of the statutes takes effect on the first day
12 of the 61th month beginning after publication.”

13 (END)

D-NOTE

*(c) The treatment of sections 254.11 (8d),
(by SECTION 10)
254.154, 254.166 (2) (c) and (e), 254.172*

eff date

(3) The repeal of section 254.173 (title), (1) and (2) of the statutes takes effect on the first day of the 100th month beginning after publication."

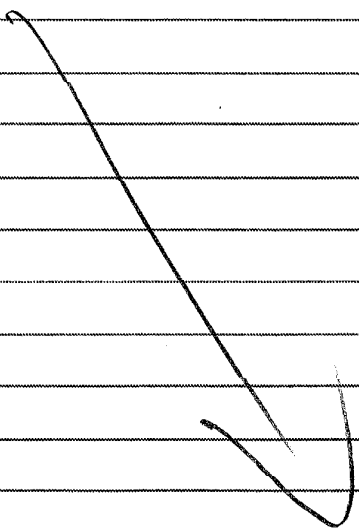
(End)

of the statute and the repeal and recreation of section 254.154

D-note



Page 7, line 25; after that line insert:



ENGROSSED ASSEMBLY BILL 806

1 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
 2 or lead exposure prevention and treatment program that includes lead poisoning or
 3 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
 4 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
 5 requirements regarding care coordination and follow-up for children with lead
 6 poisoning or lead exposure required under rules promulgated under s. 254.164;
 7 departmental responses to reports of lead poisoning or lead exposure under s.
 8 254.166; any lead inspection investigation requirements under rules promulgated
 9 under ss. 254.167; any lead inspection requirements under rules promulgated under
 10 254.168 and 254.17; any lead hazard reduction requirements under rules
 11 promulgated under s. 254.172; and certification, accreditation and approval
 12 requirements under ss. 254.176 and 254.178; any certification requirements and
 13 procedures under rules promulgated under s. 254.179; and any fees imposed under
 14 s. 254.181.

(15)

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

as affected by 1999 Wisconsin Act ... (this act),

16

254.154 This subchapter does not prohibit any city, village, town or other

17

political subdivision from enacting and enforcing ordinances establishing a system

18

of lead poisoning or lead exposure control that provides the same or higher standards

19

than those set forth in this subchapter. Nothing in this subchapter ~~other than s.~~ ← plain

20

~~254.173 (2) and (3)~~ ^{strike} may be interpreted or applied in any manner to impair the right

21

of any person or entity ~~municipality or other political subdivision~~ to sue for damages

22

or equitable relief ~~or to restrain a violation of such an ordinance.~~ Nothing in this ← plain

23

subchapter may be interpreted or applied in any manner to impair the right of a

24

municipality or other political subdivision to impose a penalty for or restrain the

25

violation of an ordinance specified in this section.



INSERT 1-3

(P. 33)
33

1 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
 2 or lead exposure prevention and treatment program that includes lead poisoning or
 3 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
 4 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
 5 requirements regarding care coordination and follow-up for children with lead
 6 poisoning or lead exposure required under rules promulgated under s. 254.164;
 7 departmental responses to reports of lead poisoning or lead exposure under s.
 8 254.166; any lead inspection investigation requirements under rules promulgated
 9 under ss. 254.167; any lead inspection requirements under rules promulgated under
 10 254.168 and 254.17; any lead hazard reduction requirements under rules
 11 promulgated under s. 254.172; and certification, accreditation and approval
 12 requirements under ss. 254.176 and 254.178; any certification requirements and
 13 procedures under rules promulgated under s. 254.179; and any fees imposed under
 14 s. 254.181.

etc
section 106,

as affected by 1999 Wisconsin Act
... (this act) is repealed
and recreated

Fix
Component

- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

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

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

(end ins 1-3)

INSERT 2-4

^C
SECTION 23~~A~~. 254.173 (title), (1) and (2) of

the statutes, as created by 1999 Wisconsin Act ...

(this act) is repealed. (2)

(end ins 2-4)

INSERT 2-6

p. 102

Kennedy, Debora

From: Korbitz, Adam
Sent: Wednesday, March 29, 2000 9:27 AM
To: Kennedy, Debora
Subject: FW:

This is the second addition. Dick Sweet would like you to email him a copy of the amendment when it is finished. Thanks, Adam.

-----Original Message-----

From: Sweet, Richard
Sent: Wednesday, March 29, 2000 8:27 AM
To: Korbitz, Adam
Cc: Sappenfield, Anne; Shannon, Pam
Subject: FW:

Adam,

I spoke with Bob and he wanted to add to the reports the number of kids who reside in certified properties and get EBL or lead poisoning. I've added that to the language (highlighted in red).

Also, he mentioned that he wants to sunset the law after 7 years (i.e. 100 months after publication). I assumed that he just want to sunset the general immunity, not the standards or certificates. Any thoughts on this?

Dick

-----Original Message-----

From: Sweet, Richard
Sent: Tuesday, March 28, 2000 6:10 PM
To: Korbitz, Adam
Cc: Shannon, Pam; Sappenfield, Anne
Subject:

in stat.

Page 21, line 15: after that line insert:

CS

Each

#

each of the dates

(9) REPORTS ON LEAD HAZARD REDUCTION ACTIVITIES. (a) By March 1, 2002, 2003 and 2004, the department of health and family services shall prepare a report describing activities related to reducing lead-bearing paint hazards in residential property under subchapter II of chapter 254 of the statutes, as affected by this act, in the previous calendar year. ~~The~~ report shall include a summary of the number of dwellings or units of dwellings that have received a certificate of lead-free or lead-safe status, the percentage of all dwellings and units constructed before 1978 that this number represents, the incidence of lead poisoning or lead exposure ~~and the incidence of elevated blood lead levels~~ in children, the number of children who reside in property that is certified as lead-free or lead-safe and either have lead poisoning or lead exposure ~~or have elevated blood lead levels~~, the number of persons certified to perform lead hazard reduction or lead management activities under section 254.176 of the statutes, as affected by this act, and the number of persons who have completed a course and been certified under section 254.179(1)(e) of the statutes, as affected by this act.

and submit to the governor and to the legislature in the manner¹ provided under section 13.172(3) of the statutes

#(b) By March 1, 2005, the department of health and family services shall prepare a report evaluating the successes or failures of this act and rules promulgated under this act in reducing the incidence of lead poisoning or lead exposure ~~and the incidence of elevated blood lead level~~ in children. The report shall include any statutory changes that the department feels are needed to further the goal of reducing the incidence of lead poisoning or lead exposure ~~and the incidence of elevated blood lead level~~ in children. "

Dick Sweet

Richard Sweet, Senior Staff Attorney
Wisconsin Legislative Council Staff
P.O. Box 2536
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and submit to the governor and to the legislature in the manner provided under section 13.172(3) of the statutes

Reports to gov. + legis - standing committees

→ # Page 22, line 8: delete "treatment" and substitute "creation".

End of
INS 2-6

D. NOTE

To Senator Jauch:

Please note that effect of the sunseting of the immunity provisions under s. 254.173[✓] by this amendment is as follows:

¶ 1. The temporary immunity provisions under s. 254.173(3), under the engrossed bill, take effect on the first day of the 16th month after publication and are sunsetted, under the amendment on the first day of the 6th month after publication. Thus, the temporary immunity provisions have a period of validity of 18 months.

¶ 2. The remaining immunity provisions (s. 254.173 (1) and (2)), under the engrossed bill, ^{also} take effect on the first day of the 16th month after publication but are sunsetted, under the amendment on the first day of the 100th month after publication. ✗

Thus, those remaining immunity provisions
have a period of validity of 84 months.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2061/4dn
DAK:jlgjf

March 29, 2000

To Senator Jauch:

Please note that effect of the sunseting of the immunity provisions under s. 254.173 by this amendment is as follows:

1. The temporary immunity provisions under s. 254.173 (3), under the engrossed bill, take effect on the first day of the 16th month after publication and are sunsetted, under the amendment on the first day of the 64th month after publication. Thus, the temporary immunity provisions have a period of validity of 48 months.

2. The remaining immunity provisions (s. 254.173 (1) and (2)), under the engrossed bill, also take effect on the first day of the 16th month after publication but are sunsetted, under the amendment on the first day of the 100th month after publication. Thus, those remaining immunity provisions have a period of validity of 84 months.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137

Kennedy, Debora

From: Sweet, Richard
Sent: Wednesday, March 29, 2000 1:10 PM
To: Korbitz, Adam
Cc: Kennedy, Debora; Shannon, Pam; Sappenfield, Anne
Subject: Am. to AB806

Adam,

It looks like 2 changes are needed in the amendment--on page 1, line 12 and on page 2, line 9, "person or entity" should be replaced by "person, entity, municipality or other political subdivision".

Dick Sweet

Richard Sweet, Senior Staff Attorney
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E-mail richard.sweet@legis.state.wi.us

Now

**SENATE AMENDMENT,
TO 1999 ASSEMBLY BILL 806**

1 At the locations indicated, amend the engrossed bill as follows:

2 **1.** Page 7, line 21: delete that line and substitute "of any person, entity,
3 municipality or other political subdivision to sue for damages".

4 **2.** Page 7, line 25: after that line insert:

5 "SECTION 10b. 254.154 of the statutes, as affected by 1999 Wisconsin Act
6 (this act), is amended to read:

7 254.154 This subchapter does not prohibit any city, village, town or other
8 political subdivision from enacting and enforcing ordinances establishing a system
9 of lead poisoning or lead exposure control that provides the same or higher standards
10 than those set forth in this subchapter. Nothing in this subchapter other than s.
11 254.173 (2) and (3) may be interpreted or applied in any manner to impair the right
12 of any person ~~or~~ entity to sue for damages or equitable relief. Nothing in this
13 subchapter may be interpreted or applied in any manner to impair the right of a

plain

(B)

Local authority

plain → municipality or other political subdivision

1 municipality or other political subdivision to impose a penalty for or restrain the
2 violation of an ordinance specified in this section.

3 SECTION 10c. 254.154 of the statutes, as affected by 1999 Wisconsin Act (this
4 act), section 10b, is repealed and recreated to read:

5 ^(B) 254.154 ^{Local authority.} ← (B) This subchapter does not prohibit any city, village, town or other
6 political subdivision from enacting and enforcing ordinances establishing a system
7 of lead poisoning or lead exposure control that provides the same or higher standards
8 than those set forth in this subchapter. Nothing in this subchapter may be
9 interpreted or applied in any manner to impair the right of any person ⁽¹⁾ ~~or~~ entity to
10 sue for damages or equitable relief. Nothing in this subchapter may be interpreted
11 or applied in any manner to impair the right of a municipality or other political
12 subdivision to impose a penalty for or restrain the violation of an ordinance specified
13 in this section.”

✓ municipality or other political subdivision

14 3. Page 13, line 20: delete “30” and substitute “60”.

15 4. Page 13, line 23: delete the material beginning with that line and ending
16 with page 14, line 9, and substitute:

17 “(b) Immunity under par. (a) applies only if all of the following occur:”.

18 5. Page 14, line 14: delete “90-day” and substitute “60-day”.

19 6. Page 14, line 16: after that line insert:

20 “(c) Immunity does not apply under this subsection if, during the 60-day period
21 under par. (a), one of the following applies:

22 1. The owner receives an order under s. 254.166 (2) (d) and fails to comply with
23 the order.

1 2. The dwelling or unit is vacant and the owner fails to comply with interim lead
2 hazard control measures specified by the department by rule.

3 **SECTION 23c.** 254.173 (title), (1) and (2) of the statutes, as created by 1999
4 Wisconsin Act (this act), are repealed.

5 **SECTION 23d.** 254.173 (3) of the statutes, as created by 1999 Wisconsin Act
6 (this act), is repealed.”.

7 **7.** Page 17, line 2: after that line insert:

8 “(f) The interim lead hazard control measures under s. 254.173 (3) (c) 2.”.

9 **8.** Page 21, line 15: after that line insert:

10 “(9c) REPORTS ON LEAD HAZARD REDUCTION ACTIVITIES.

11 (a) By each of the dates March 1, 2002, 2003 and 2004, the department of health
12 and family services shall prepare and submit to the governor and to the legislature
13 in the manner provided under section 13.172 (3) of the statutes a report describing
14 activities related to reducing lead-bearing paint hazards in residential property
15 under subchapter II of chapter 254 of the statutes, as affected by this act, in the
16 previous calendar year. Each report shall include a summary of the number of
17 dwellings or units of dwellings that have received a certificate of lead-free or
18 lead-safe status, the percentage of all dwellings and units constructed before 1978
19 that this number represents, the incidence of lead poisoning or lead exposure in
20 children, the number of children who reside in property that is certified as lead-free
21 or lead-safe and either have lead poisoning or lead exposure, the number of persons
22 certified to perform lead hazard reduction or lead management activities under
23 section 254.176 of the statutes, as affected by this act, and the number of persons who