

2007 DRAFTING REQUEST**Assembly Amendment (AA-AB483)**Received: **11/07/2007**Received By: **dkennedy**Wanted: **As time permits**

Identical to LRB:

For: **J.A. Hines (608) 266-7746**By/Representing: **Doug Parrott (aide)**This file may be shown to any legislator: **NO**Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - public health**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Hines@legis.wisconsin.gov**Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov****Pre Topic:**

No specific pre topic given

Topic:

Abatement and removal of human health hazards

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>
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/1			rschluet 11/08/2007		lparisi 11/08/2007	lparisi 11/08/2007	

FE Sent For:

<END>

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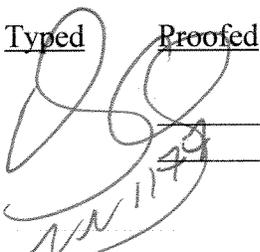
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/?	dkennedy	11/8 jld					

FE Sent For:

<END>

Kennedy, Debora

From: Parrott, Douglas
Sent: Tuesday, November 06, 2007 1:35 PM
To: Kennedy, Debora
Cc: Sweet, Richard; 'Michael Welsh'; Plona, Katie P - DHFS
Subject: FW: Amendment to AB 483

Hi Debora,

We discussed your suggestion below and agree with Dick that it will accomplish what we are looking for.

Thanks,

Doug

From: Sweet, Richard
Sent: Friday, November 02, 2007 2:07 PM
To: Parrott, Douglas; Kennedy, Debora
Subject: RE: Amendment to AB 483

Doug/Debora,

I had suggested putting the language at the end of the definition so that there isn't any ambiguity (as there arguably might be now) as to whether a local health officer is charged under statute or ordinance with the inspection powers and therefore included or not included in the definition. I think adding the phrase Debora suggested ("or a local health officer or his or her designee") at the end of the current definition would accomplish this.

Dick

From: Parrott, Douglas
Sent: Friday, November 02, 2007 1:30 PM
To: Sweet, Richard
Cc: 'Michael Welsh'
Subject: FW: Amendment to AB 483

FYI...

From: Kennedy, Debora
Sent: Friday, November 02, 2007 1:30 PM
To: Parrott, Douglas
Subject: RE: Amendment to AB 483

Another, perhaps better, way to deal with s. 66.0119 would simply be to add "or a local health officer or his or her designee" after "peace officer" under s. 66.0119 (2), stats. That avoids several problems, including the fact that the definition of "inspection purposes" under s. 66.0119 (1) (a) is exceedingly badly written. I'll wait to hear from you, Doug.

Debora

From: Parrott, Douglas
Sent: Friday, November 02, 2007 1:18 PM
To: Kennedy, Debora
Subject: RE: Amendment to AB 483

*Note:
This instruction
was incorrect
This is what is
wanted*

Hi Debora,

I'll talk with Dick Sweet and the public health folks and get back to you next week.

Thanks,

Doug

From: Kennedy, Debora
Sent: Friday, November 02, 2007 1:15 PM
To: Parrott, Douglas
Subject: Amendment to AB 483

Doug--

The following are questions I have about the proposed language for this amendment:

1. The amendment to the definition of "peace officer" under s. 66.0119 (1) (b) would include "employees or agents of local health departments"--the placement of this language in that paragraph makes it somewhat ambiguous whether "charged under statute or mun. ordinance with powers or duties involving inspection of real or personal property... etc." applies. Should it? Also, the term "employees or agents of local health departments" is exceedingly broad--it could cover anyone from a secretary to a public health dental hygienist (under the definition of "subordinate personnel" under s. 251.06 (3) (e) in the bill). I would suggest tightening the language to, perhaps, a "local health officer or his or her designee" and placing this term after "agent or employee" in s. 66.0119 (1) (b).
2. I also would suggest amending s. 66.0119 (1) (a), stats. (the definition of "inspection purposes") to include "abatement or removal of human health hazards"--the purposes now include health and safety, but including "human health hazard" in the definition might give the local health officer a bit more leeway--adding this language would not mean that all other kinds of peace officers would be able to abate or remove human health hazards, because other peace officers are not "charged under statute, etc. with powers or duties" involving human health hazard abatement or removal.
3. Your amendment proposes to remove two of the Initial Applicability provisions (p. 39, lines 1 to 6); however, your amendment does not change or remove the revised definition of "human health hazard" under s. 254.01 (2); it well could be that there would be confusion, without the Initial Applicability provisions, as to whether the revised definition applies to any abatements or removals of human health hazards that are now in progress--it is that situation that an Initial Applicability is supposed to clarify. Since some of the changes to s. 254.59 are being removed by this amendment, I would, of course remove mention of those from the Initial Applicability provisions.

Please let me know what you think of these questions and proposals.

Debora A. Kennedy

Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Parrott, Douglas
Sent: Tuesday, November 06, 2007 1:45 PM
To: Kennedy, Debora
Cc: 'Michael Welsh'; Plona, Katie P - DHFS; Sweet, Richard
Subject: RE: Amendment to AB 483

Hi Debora,

We have discussed point number "3" and agree that the changes you have suggested should be included in the amendment.

Points "1" and "2" have already been covered by the language you suggested in your second email.

Please let me know if you have any further questions or concerns.

Thanks,

Doug

From: Kennedy, Debora
Sent: Friday, November 02, 2007 1:15 PM
To: Parrott, Douglas
Subject: Amendment to AB 483

Doug--

The following are questions I have about the proposed language for this amendment:

1. The amendment to the definition of "peace officer" under s. 66.0119 (1) (b) would include "employees or agents of local health departments"--the placement of this language in that paragraph makes it somewhat ambiguous whether "charged under statute or mun. ordinance with powers or duties involving inspection of real or personal property...etc." applies. Should it? Also, the term "employees or agents of local health departments" is exceedingly broad--it could cover anyone from a secretary to a public health dental hygienist (under the definition of "subordinate personnel" under s. 251.06 (3) (e) in the bill). I would suggest tightening the language to, perhaps, a "local health officer or his or her designee" and placing this term after "agent or employee" in s. 66.0119 (1) (b).

2. I also would suggest amending s. 66.0119 (1) (a), stats. (the definition of "inspection purposes") to include "abatement or removal of human health hazards"--the purposes now include health and safety, but including "human health hazard" in the definition might give the local health officer a bit more leeway--adding this language would not mean that all other kinds of peace officers would be able to abate or remove human health hazards, because other peace officers are not "charged under statute, etc. with powers or duties" involving human health hazard abatement or removal.

3. Your amendment proposes to remove two of the Initial Applicability provisions (p. 39, lines 1 to 6); however, your amendment does not change or remove the revised definition of "human health hazard" under s. 254.01 (2); it well could be that there would be confusion, without the Initial Applicability provisions, as to whether the revised definition applies to any abatements or removals of human health hazards that are now in progress--it is that situation that an Initial Applicability is supposed to clarify. Since some of the changes to s. 254.59 are being removed by this amendment, I would, of course remove mention of those from the Initial Applicability provisions.

Please let me know what you think of these questions and proposals.

Debora A. Kennedy

Managing Attorney
Legislative Reference Bureau
(608) 266-0137
debora.kennedy@legis.state.wi.us

Kennedy, Debora

To: Parrott, Douglas
Subject: RE: Amendment for AB 483

Shall do. I'll call if I have questions.

From: Parrott, Douglas
Sent: Wednesday, October 31, 2007 11:05 AM
To: Kennedy, Debora
Subject: RE: Amendment for AB 483

If we could have it within the next week that would be great.

From: Kennedy, Debora
Sent: Wednesday, October 31, 2007 9:16 AM
To: Parrott, Douglas
Subject: RE: Amendment for AB 483

Doug, when do you need this amendment?

From: Parrott, Douglas
Sent: Tuesday, October 30, 2007 2:22 PM
To: Kennedy, Debora
Cc: Sweet, Richard; 'Michael Welsh'; Plona, Katie P - DHFS
Subject: Amendment for AB 483

Hi Debora,

After numerous discussions, we have reached the conclusion that we are going to need to amend AB 483 in order to alleviate the concerns of some members of the Assembly Public Health Committee. Dick Sweet was involved in our discussions and has provided us with the language that will hopefully be acceptable.

We would like to amendment to do the following:

- **Remove the material beginning on page 31, line 1, and ending on page 35, line 10, while leaving the material on page 34, line 19, page 35, line 3, intact.**
- **Remove the material beginning on page 39, line 1 to 6.**
- **Change s. 66.0119.(1)(b) to read as follows:**
66.0119(1)(b) "Peace officer" means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents, and includes employees or agents of local health departments.

Please let me know if you have any questions regarding this request.

Sincerely,

Doug

Douglas Parrott
Research Assistant

11/7/07 DAK and Dick Sweet conferred re the
Initial applicability section. Because change
to the definition of "human health hazard"
affects numerous statutes, I decided to
make the Init. App. applicable to "a human
health hazard" —————
an action
or order
concerning
commenced on the
eff date



THURS a.m.
State of Wisconsin
2007 - 2008 LEGISLATURE

a0867/1
LRBa0835/1
DAK:fdg
stays

D-NOTE

ASSEMBLY AMENDMENT,
TO 2007 ASSEMBLY BILL 483

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

2 1. Page 3, line 11: after "services," insert "special inspection warrants,".

3 2. Page 9, line 14: after that line insert:

4 "SECTION 15m. 66.0119 (2) of the statutes is amended to read:

5 66.0119 (2) A peace officer, a local health officer, as defined in s. 250.01 (5), or
6 the local health officer's designee may apply for, obtain and execute a special
7 inspection warrant issued under this section. Except in cases of emergency where
8 no special inspection warrant is required, special inspection warrants shall be issued
9 for inspection of personal or real properties which are not public buildings or for
10 inspection of portions of public buildings which are not open to the public only upon
11 showing that consent to entry for inspection purposes has been refused."

INSERT
1-11

12 3. Page 31, line 1: delete the material beginning with that line and ending with
13 page 34, line 18.

1 4. Page 35, line 4: delete lines 4 to 10.

2 check
Component

3 5. Page 39, line 1: delete ~~sections 254.01 (2) and 254.59 (1), (2)~~ and

substitute "section 254.01 (2)". lines 1 to 3 ✓

4 6. Page 39, line 2: delete "and (8) (a)"

lines 4 to 6

5 7. Page 39, line 4: delete "sections" and substitute "section" ✓

6 8. Page 39, line 5: delete "and 254.59 (1), (2), (3), (3m), (4), and (8) (b)"

7 (END)

INSERT 2-5 ✓

D-NOTE

INSERT 1-11

Section #. 66.0119 (1) (b) of the statutes is amended to read:

66.0119 (1) (b) "Peace officer" means a state, county, city, village, town, town sanitary district or public inland lake protection and rehabilitation district officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, including buildings, building premises and building contents.

History: 1971 c. 185 s. 7; 1981 c. 374; 1983 a. 189 s. 329 (4); 1989 a. 159; 1995 a. 27, 227; 1999 a. 150 ss. 30, 287 to 292; Stats. 1999 s. 66.0119; 2003 a. 89.

, and means a local health officer, as defined in s. 250.01(5), or his or her designee

(end ins 1-11)

ASSEMBLY BILL 483

INSERT 2-5

1 (1) REFUSAL OF ENTRY. The treatment of sections 254.01 (2) and 254.59 (1), (2),
2 and (8) (a) of the statutes first applies to a refusal of entry on the effective date of this
3 subsection.

4 (2) MAINTENANCE OF A HUMAN HEALTH HAZARD. The treatment of sections 254.01
5 (2) and 254.59 (1), (2), (3), (3m), (4), and (8) (b) of the statutes first applies to
6 maintenance of a human health hazard on the effective date of this subsection.

7 (3) LOCAL HEALTH OFFICERS OF LOCAL HEALTH DEPARTMENTS. The treatment of
8 sections 251.05 (1) (a), (b), and (c) and 251.06 (1m) of the statutes first applies to local
9 health officers hired on the effective date of this subsection.

10 (END)

commenced

an action or order concerning

D-NOTE

Parrott

Yo Doug Parrott:

I conferred

I conferred with Dick Sweet

concerning the Initial Applicability
provision (SECTION 223 (2)), and

this amendment contains our

agreed-upon version.

DAK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0867/1dn
DAK:jld:rs

November 8, 2007

To Doug Parrott:

I conferred with Dick Sweet concerning the Initial Applicability provision (SECTION 223 (2)), and this amendment contains out agreed-upon version.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.wisconsin.gov