

**2007 DRAFTING REQUEST**

**Bill**

Received: **12/07/2006**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC 6-9791**

By/Representing: **Laura Rose**

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: **laura.rose@legis.wisconsin.gov**

Carbon copy (CC:) to: **robin.ryan@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Lead investigations

**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>
/?	dkennedy 12/10/2006	jdyer 12/12/2006		_____			
/P1			natzke 12/12/2006	_____	sbasford 12/12/2006		
/1	dkennedy 11/07/2007	jdyer 11/07/2007	pgreensl 11/07/2007	_____	cduerst 11/07/2007	lparisi 11/07/2007	

FE Sent For: N/A

<END>

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/?	dkennedy 12/10/2006	jdyer 12/12/2006		_____			
/P1			nmatzke 12/12/2006	_____	sbasford 12/12/2006		
/1	dkennedy 11/07/2007	jdyer 11/07/2007	pgreensl 11/07/2007	_____	cduerst 11/07/2007		

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/?	dkennedy 12/10/2006	jdye 12/12/2006		_____			
/P1		<i>1 1/2 jld</i>	nmatzke 12/12/2006	_____	sbasford 12/12/2006		

FE Sent For:

*PK*  
*PK*  
*PK/hm*  
<END>

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/?	dkennedy	Al 12/12 jld	nwn 12/12	nwn 12/12			

FE Sent For:

<END>

# DHFS

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**Department of Health and Family Services**  
**2003-2005 Remedial Legislation Statutory Language Request**  
**Date: 8/24/05**

**Title: Asbestos/Lead(Pb) Section Programs**

**Current Language:**

254.11(8u) ...lead inspection...  
254.166(2)(b) ...lead inspection...  
254.168 Title Lead inspections...  
254.168 Paragraph ...lead inspections...

**The Administrative or Substantive Problem with the Current Statutes:**

The word "inspection" has a specific narrow meaning in lead investigation as defined in federal lead regulations and in ch. HFS 163, Wisconsin Administrative Rule. The statutory language, however, uses the term "inspection" when referencing broader lead investigation processes.

**Statutory Changes Requested:**

Strike the word "inspection(s)" and replace with the word "investigation(s)" in each of the above citations.

**Rationale for the Change:**

Changing the word "inspection" to "investigation" will ensure that the statute is consistent with the usage of terms in federal law and as the term is used in state rules. The term "investigation" was properly used elsewhere in ch. 254, such as in s. 254.172 and s. 254.179, when the lead-free/lead-safe registry language was added, but the pre-existing references to "inspection" were not replaced at that time.

**Estimate of the Fiscal Effect of the Change:** None.

**Desired Effective Date:** Upon enactment

**Agency:** DHFS

**Agency Contact:** Shelley Bruce, Asbestos & Lead Certification Unit Supervisor

**Phone:** (608) 267-0928

D-NOTE

1059  
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS - PWF  
please

Regen

1 AN ACT *to repeal* 254.11 (8r); and *to amend* 49.46 (2) (b) 13., 254.11 (8u), 254.15  
 2 (1), 254.151 (2), 254.164 (4), 254.166 (2) (b) and 254.168 (intro.) of the statutes;  
 3 **relating to:** replacing the term lead inspection with the term lead  
 4 investigation with respect to the level of lead in certain premises (suggested as  
 5 remedial legislation by the Department of Health and Family Services).

***Analysis by the Legislative Reference Bureau***

Currently, the Department of Health and Family Services (DHFS) must develop and implement a comprehensive statewide lead poisoning or lead exposure prevention and treatment program that, among other things, includes lead inspection requirements that DHFS must promulgate as rules. DHFS must also promulgate rules that establish standards for the care coordination and follow-up of children under six years of age with lead poisoning or lead exposure, including lead inspections of all or part of a child's dwelling or other dwellings or premises that may have contributed to the child's lead poisoning or lead exposure.

Also under current law, after consulting with a technical advisory committee, DHFS may promulgate rules that require periodic lead inspections of or a demonstration that no lead hazard is present at a foster home, group home, shelter care facility, day care provider, day care center, nursery school, kindergarten, or other facility that serves children under six years of age. "Lead management activity" is defined as a lead inspection or the design or management of lead hazard reduction. DHFS is authorized to promulgate rules to establish certification

requirements for the performance or supervision of the performance of lead hazard reduction or lead management activities. Training courses in lead hazard reduction or lead management activities must be accredited by DHFS.

Currently, after being notified that a child under the age of six has blood lead poisoning or lead exposure, DHFS or a local health department that DHFS designates as its agent may request admission to the child's dwelling to conduct a lead investigation; however, if DHFS is notified that a child under the age of six has an elevated lead blood level, DHFS or the agent *must* conduct a lead investigation of the dwelling. If DHFS or the agent determines that a lead hazard is present, DHFS or the agent may, among other things, inform a local health officer of the results of a lead inspection. "Lead inspection" is defined as the inspection of a dwelling or premises for the presence of lead. "Lead investigation" is defined as a measure or set of measures designed to identify the presence of lead or lead hazards.

Lastly, under current law, care coordination and follow-up services, including lead inspections, are provided for Medical Assistance program recipients who have lead poisoning or lead exposure. DHFS also must award grants to provide lead poisoning or lead exposure screening, care coordination, and follow-up services, including lead inspections, to children under age six who are not covered by a third-party payer.

This bill eliminates the definition of the term "lead inspection" and replaces that term with the term "lead investigation" throughout the statutes that currently refer to lead inspections. The bill removes reference to an obsolete date.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1           **SECTION 1.** 49.46 (2) (b) 13. of the statutes is amended to read:

2           49.46 (2) (b) 13. Care coordination and follow-up, including lead  
3 investigations, as defined in s. 254.11 (8s), of persons having lead poisoning or lead  
4 exposure, as defined in s. 254.11 (9), including lead inspections.

5           **SECTION 2.** 254.11 (8r) of the statutes is repealed.

6           **SECTION 3.** 254.11 (8u) of the statutes is amended to read:

1           254.11 (8u) "Lead management activity" means a lead ~~inspection~~ <sup>✓</sup> investigation  
2 or the design or management of lead hazard reduction.

3           **SECTION 4.** 254.15 (1) <sup>✓</sup> of the statutes ~~as affected by 2005 Wisconsin Act 25~~ <sup>✓</sup> is  
4 amended to read:

5           254.15 (1) Develop and implement a comprehensive statewide lead poisoning  
6 or lead exposure prevention and treatment program that includes lead poisoning or  
7 lead exposure prevention grants under s. 254.151; any childhood lead poisoning  
8 screening requirement under rules promulgated under ss. 254.158 and 254.162; any  
9 requirements regarding care coordination and follow-up for children with lead  
10 poisoning or lead exposure required under rules promulgated under s. 254.164;  
11 responses to reports of lead poisoning or lead exposure under s. 254.166; any lead  
12 investigation requirements under rules promulgated under ss. 254.167; ~~any lead~~  
13 ~~inspection requirements under rules promulgated under~~ <sup>✓</sup> and 254.168; any lead  
14 hazard reduction requirements under rules promulgated under s. 254.172;  
15 certification, accreditation and approval requirements under ss. 254.176 and  
16 254.178; any certification requirements and procedures under rules promulgated  
17 under s. 254.179; and any fees imposed under s. 254.181.

18           **SECTION 5.** 254.151 (2) <sup>✓</sup> of the statutes is amended to read:

19           254.151 (2) To fund lead poisoning or lead exposure screening, care  
20 coordination and follow-up services, including lead ~~inspections~~ <sup>✓</sup> investigations, to  
21 children under age 6 who are not covered by a 3rd-party payer.

22           **SECTION 6.** 254.164 (4) <sup>✓</sup> of the statutes is amended to read:

23           254.164 (4) A lead ~~inspection~~ <sup>✓</sup> investigation of all or part of the child's dwelling  
24 or other dwellings or premises that may have contributed to the child's lead  
25 poisoning or lead exposure.



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

LRB-4062/P1dn  
DAK:tdrs

1059

~~November 28, 2005~~

3 new date

keep

To Laura Rose:

In addition to amending the statutes requested by DHFS, this bill includes changes to the term "lead inspection" as amendments to ss. 49.46 (2) (b) 13., 254.15 (1), 254.151 (2), and 254.164 (4), stats., repeals s. 254.11 (8r), stats., and, in s. 254.168 (intro.), stats., strikes a date. All these changes were previously approved by DHFS for the identical request submitted by DHFS August 27, 2002, and drafted as 2003 LRB-0758/P3. Please review.

both

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

and as 2005 LRB-4062/P1

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

LRB-1059/P1dn  
DAK:jld:nwn

December 12, 2006

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Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

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

LRB-1059/P1dn  
DAK:jld:nwn

December 12, 2006

*ok*

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(soon - Lu edit 11/7)  
State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1059/P1 1

DAK:jld:nwn

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

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INSERT  
JT

✓  
INSERT 2-4

✓  
INSERT 2-5

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22           254.164 (4) A lead ~~inspection~~ investigation of all or part of the child's dwelling  
23 or other dwellings or premises that may have contributed to the child's lead  
24 poisoning or lead exposure.

25           **SECTION 7.** 254.166 (2) (b) of the statutes is amended to read:

1           254.166 (2) (b) Inform the local health officer of the results of the lead  
2 inspection investigation and provide recommendations to reduce or eliminate the  
3 lead hazard.

4           **SECTION 8.** 254.168 (intro.) of the statutes is amended to read:

5           **254.168 Lead inspections investigations of facilities serving children**  
6 **under 6 years of age.** (intro.) Subject to the limitation under s. 254.174, the  
7 department may promulgate rules that, ~~after June 30, 1998,~~ require any of the  
8 following facilities to have periodic lead ~~inspections~~ investigations at intervals  
9 determined by the department or to otherwise demonstrate that the facility does not  
10 contain a lead hazard, if any part of the facility was constructed before January 1,  
11 1978:

12

(END)

INSERT 4-11 ✓

CS

NOTE:

INSERT 2-4

note: Std

**LRB 1059/1: Section 17** Updates terminology in the statute relating to Medical Assistance reimbursement for care coordination and follow-up of persons having lead poisoning or exposure, to refer to "lead investigations" rather than "lead inspections". ✓

INSERT 2-5

**Section 21** Repeals a reference to "lead inspection". This term is encompassed in the broader term "lead investigation" which is defined in s. 254.11(8s) ✓ of the statutes. ✓

INSERT 4-11

**Sections 3 to 8**: These sections delete the term "lead inspection" in chapter 254 of the statutes, relating to toxic substances, and replaces it with the term "lead investigation", which is a broader term which encompasses lead inspections. ✓

2007-2008 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1059/1ins  
.....

INSERT  
J

Department of Health and Family  
Services

NOTE: LRC

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the ~~M~~ and introduced by the Law Revision Committee under s. 13.83 (1) (c) 1. and 5., as a result of the Revisor of Statutes' case and opinion review under s. 13.93 (2) (d), stats. ~~This bill is introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats.~~ After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

(end ins J)

LPS-  
insert  
not  
checked  
in

**Duerst, Christina**

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**From:** Rose, Laura  
**Sent:** Wednesday, November 07, 2007 2:50 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-1059/1 Topic: Lead investigations

Please Jacket LRB 07-1059/1 for the SENATE.