



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBa1255/1  
KRP/MCP/KP:amn/wlj/skw

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 797**

February 17, 2020 - Offered by Representatives THIESFELDT and KITCHENS.

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

2 **1.** Page 1, line 2: after “products” insert “; lead testing of drinking water  
3 sources in certain schools; providing loans for lead remediation in certain schools;  
4 and providing an exception to referendum restrictions for lead remediation”.

5 **2.** Page 1, line 3: before that line insert:

6 “**SECTION 1a.** 24.61 (3) (a) 1. dm. of the statutes is created to read:

7 24.61 (3) (a) 1. dm. Remediating lead contamination in a school building.

8 **SECTION 1b.** 24.61 (3) (a) 2. of the statutes is amended to read:

9 24.61 (3) (a) 2. A town, village, city, or county as provided under s. 67.04 or  
10 otherwise authorized by law, or to remediate lead contamination in a school with  
11 which the town, village, city, or county has contracted.

12 **SECTION 1c.** 24.61 (3) (a) 3. of the statutes is amended to read:

1           24.61 (3) (a) 3. A technical college district as provided under s. 67.04 or  
2 otherwise authorized by law, or to remediate lead contamination in a school with  
3 which the district has contracted.

4           **SECTION 1d.** 24.61 (3) (a) 3m. of the statutes is created to read:

5           24.61 (3) (a) 3m. A cooperative educational service agency for the purpose of  
6 remediating lead contamination in a school with which the agency has contracted.

7           **SECTION 1e.** 48.737 of the statutes is renumbered 48.737 (1).

8           **SECTION 1f.** 48.737 (2) of the statutes is created to read:

9           48.737 (2) (a) No later than 7 days after the effective date of this paragraph ....  
10 [LRB inserts date], the department shall post on its Internet site a copy of the  
11 guidance document and testing protocol published by the federal environmental  
12 protection agency under 42 USC 300j-24 (b). This paragraph does not apply after  
13 the department posts the information required under par. (b).

14           (b) No later than 7 days after the department receives the notice under 2019  
15 Wisconsin Act .... (this act), section 2m (2), the department shall post on its Internet  
16 site a copy of the document created under s. 254.15 (7) providing technical guidance  
17 and a model plan for testing potable sources of water for lead contamination.

18           **SECTION 1g.** 97.67 (8) of the statutes is created to read:

19           97.67 (8) (a) No later than 7 days after the effective date of this paragraph ....  
20 [LRB inserts date], the department shall post on its Internet site a copy of the  
21 guidance document and testing protocol published by the federal environmental  
22 protection agency under 42 USC 300j-24 (b). This paragraph does not apply after  
23 the department posts the information required under par. (b).

24           (b) No later than 7 days after the department receives the notice under 2019  
25 Wisconsin Act .... (this act), section 2m (2), the department shall post on its Internet

1 site a copy of the document created under s. 254.15 (7) providing technical guidance  
2 and a model plan for testing potable sources of water for lead contamination.

3 **SECTION 1h.** 115.28 (66) to (68) of the statutes are created to read:

4 115.28 **(66)** LEAD CONTAMINATION GUIDANCE DOCUMENT AND TESTING PROTOCOL. No  
5 later than 7 days after the effective date of this subsection ... [LRB inserts date], post  
6 on the department's Internet site a copy of the guidance document and testing  
7 protocol published by the federal environmental protection agency under 42 USC  
8 300j-24 (b). This subsection does not apply after the state superintendent posts the  
9 information required under sub. (67).

10 **(67)** TECHNICAL GUIDANCE AND MODEL PLAN FOR TESTING POTABLE WATER. No later  
11 than 7 days after the department receives the notice under 2019 Wisconsin Act ...  
12 (this act), section 2m (2), post on the department's Internet site a copy of the  
13 document created under s. 254.15 (7) providing technical guidance and a model plan  
14 for testing potable sources of water for lead contamination.

15 **(68)** FEDERAL FUNDING FOR LEAD TESTING AND REMEDIATION. In consultation with  
16 the department of health services and the department of natural resources, seek  
17 federal funding to assist school boards, operators of charter schools under s. 118.40  
18 (2r) and (2x), and governing bodies of private schools participating in programs  
19 under ss. 115.7915, 118.60, and 119.23 to pay for the costs of complying with the  
20 testing and remediation requirements under s. 118.07 (6). The state superintendent  
21 shall ensure that any funding obtained for this purpose is distributed equitably  
22 among those school boards, operators, and governing bodies that are eligible for that  
23 funding.

24 **SECTION 1i.** 118.07 (6) of the statutes is created to read:

25 118.07 **(6)** (a) In this subsection:

1           1. “Drinking water source” means a water faucet, drinking fountain, ice maker,  
2 or other water outlet that dispenses potable water that is used for drinking or food  
3 preparation.

4           2. “Governing body” means any of the following:

5           a. For a public school other than a charter school under s. 118.40 (2r) or (2x),  
6 the school board of the school district in which the school is located.

7           b. For a child care program established under s. 120.13 (14), the school board  
8 that established the child care program.

9           c. For a charter school under s. 118.40 (2r) or (2x), the operator of the charter  
10 school.

11           d. For a private school participating in a program under s. 115.7915, 118.60,  
12 or 119.23, the governing body of the private school.

13           3. “Lead contamination” means a concentration of lead that is greater than the  
14 federal action level for lead established pursuant to the Safe Drinking Water Act, 42  
15 USC 300f et seq.

16           4. “School” means a public school, including a charter school; a child care  
17 program established under s. 120.13 (14); or a private school participating in a  
18 program under s. 115.7915, 118.60, or 119.23.

19           (b) Except as provided under pars. (g) and (h), the governing body of a school  
20 shall, at least once every 5 years, test all drinking water sources at the school for lead  
21 contamination. The governing body shall conduct a test under this paragraph in  
22 accordance with the guidance posted on the department’s Internet site under s.  
23 115.28 (66) or (67) at the time the test is conducted. The governing body shall submit  
24 the test sample for processing to the laboratory of hygiene or a certified laboratory,  
25 as defined in s. 299.11 (1) (b).

1 (c) The governing body of a school shall identify all water sources at the school  
2 and, for each water source, determine whether it dispenses potable or nonpotable  
3 water. For each water source that dispenses potable water, the governing body shall  
4 determine whether the water source is a drinking water source under this  
5 subsection. For a potable water source the governing body determines is not a  
6 drinking water source under this subsection, the governing body shall, if the water  
7 source is accessible to pupils, clearly identify the water source with an appropriate  
8 sign identifying the water as not for drinking.

9 (d) The governing body of a school shall, no later than 30 days after receiving  
10 the results of a test conducted under par. (b), do all of the following:

11 1. Post the results on the governing body's Internet site or, if the governing body  
12 does not have an Internet site, make the results available to the public for  
13 examination on request.

14 2. Provide the results to the department.

15 (e) If the results of a test of a drinking water source at a school conducted under  
16 par. (b) show lead contamination, the governing body of the school shall do all of the  
17 following:

18 1. Immediately disconnect, shut off, or otherwise eliminate all access to water  
19 from the drinking water source and, if necessary, provide an alternative drinking  
20 water supply.

21 2. No later than 6 months after receiving the results that show lead  
22 contamination, develop and submit a plan to the department for remediating the  
23 lead contamination.

24 3. No later than 30 days after submitting a remediation plan under subd. 2.,  
25 post the plan on the governing body's Internet site or, if the governing body does not

1 have an Internet site, make the plan available to the public for examination on  
2 request.

3 (f) The governing body of a school may reconnect, turn on, and otherwise restore  
4 access to water from a drinking water source described under par. (e) 1. if the  
5 governing body does all of the following:

6 1. Remediates the lead contamination in the drinking water source in  
7 accordance with the remediation plan developed under par. (e) 2.

8 2. Conducts a test of the drinking water source in accordance with the  
9 requirements under par. (b).

10 3. Submits the test sample from the test described under subd. 2. for processing  
11 in accordance with the requirements under par. (b).

12 4. Receives test results for the test sample described under subd. 3. that show  
13 no lead contamination.

14 5. No later than 30 days after receiving the test results described under subd.  
15 4., posts the results as provided under par. (d) 1. and provides the results to the  
16 department.

17 (g) If the governing body of a school conducts 2 consecutive tests under par. (b)  
18 or (f) of a drinking water source at the school and the test results show lead levels  
19 not higher than 5 parts per billion, the governing body is not required to conduct any  
20 additional tests under par. (b) of that drinking water source.

21 (h) The requirements under this subsection do not apply to a school building  
22 in which pupils are not regularly present and that is not used to prepare food or  
23 provide water for pupil consumption.

24 **SECTION 1j.** 121.91 (3) (a) 3. of the statutes is created to read:

1            121.91 (3) (a) 3. If the school board of a school district receives results for a test  
2            conducted under s. 118.07 (6) (b) that show the presence of lead in drinking water at  
3            a school in the school district, all of the following apply:

4            a. The school board may call a special referendum under subd. 1. only to submit  
5            to the electors of the school district for approval or rejection a resolution supporting  
6            inclusion in the final school district budget of an amount equal to the proposed excess  
7            revenue attributable to costs of lead remediation conducted to reduce or eliminate  
8            the presence of lead in drinking water at schools in the school district.

9            b. Notwithstanding subd. 1. and s. 67.05 (6a) (a) 2. a., a school board may  
10           proceed under this subdivision, under subd. 1., and under s. 67.05 (6a) (a) 2. a. no  
11           more than 3 times in any calendar year.

12           **SECTION 1k.** 254.15 (7) of the statutes is created to read:

13           254.15 (7) (a) After consultation with the department of agriculture, trade and  
14           consumer protection, the department of children and families, the department of  
15           natural resources, the department of public instruction, and the department of  
16           safety and professional services, create a document providing technical guidance on  
17           and a model plan for schools, child care providers under ch. 48, child care centers  
18           under ch. 48, group homes under ch. 48, and recreational and educational camps  
19           under ch. 97 for testing potable sources of water for lead contamination, remediating  
20           lead contamination in potable sources of water, and disseminating information on  
21           results of tests of potable sources of water.

22           (b) In developing the technical guidance and model plan under this subsection,  
23           do all of the following:

24           1. Consult with stakeholders and interested parties.

25           2. Conduct a public hearing relating to the technical guidance and model plan.

1           3. Accept from any person written comments relating to the technical guidance  
2 and model plan.

3           (c) Create the document providing technical guidance and a model plan under  
4 this subsection by July 1, 2023.”.

5           **3.** Page 2, line 15: after that line insert:

6           **“SECTION 2m. Nonstatutory provisions.**

7           (1) (a) In this subsection:

8           1. “Drinking water source” has the meaning given in s. 118.07 (6) (a) 1.

9           2. “Governing body” has the meaning given in s. 118.07 (6) (a) 2.

10          3. “Lead contamination” has the meaning given in s. 118.07 (6) (a) 3.

11          4. “School” has the meaning given in s. 118.07 (6) (a) 4.

12          (b) The governing body of a school shall conduct the first test required under  
13 s. 118.07 (6) (b) as follows:

14          1. For a school building or an addition to a school building constructed before  
15 January 1, 1974, no later than one year after the effective date of this subdivision.

16          2. For a school building or an addition to a school building constructed on or  
17 after January 1, 1974, and before January 1, 1985, no later than 2 years after the  
18 effective date of this subdivision.

19          3. For a school building or an addition to a school building constructed on or  
20 after January 1, 1985, no later than 3 years after the effective date of this  
21 subdivision.

22          (c) Notwithstanding the requirement under s. 118.07 (6) (b) that the governing  
23 body of a school shall conduct a test under s. 118.07 (6) (b) in accordance with the  
24 guidance posted on the department of public instruction’s Internet site under s.



1 115.28 (66) or (67), the governing body, in conducting the first test as provided under  
2 par. (b), is required to obtain and test only one sample for each drinking water source.

3 (d) If the governing body of a school tested all drinking water sources at the  
4 school in accordance with the requirements under s. 118.07 (6) (b) no more than 5  
5 years before the effective date of this paragraph, the governing body shall do all of  
6 the following:

7 1. Notwithstanding par. (b), conduct the first test required under s. 118.07 (6)  
8 (b) no later than 6 years after the effective date of this subdivision.

9 2. No later than 3 months after the effective date of this subdivision, provide  
10 the test results to the department of public instruction.

11 3. If the test results for a drinking water source show lead contamination, no  
12 later than 6 months after providing the test results to the department of public  
13 instruction under subd. 2., develop and submit a remediation plan to the department  
14 of public instruction regarding the drinking water source.

15 (2) When the department of health services creates the document required  
16 under s. 254.15 (7), the department shall notify the department of agriculture, trade  
17 and consumer protection, the department of children and families, and the  
18 department of public instruction of the date on which the document is created.

19 **SECTION 3m. Effective dates.** This act takes effect on the day after  
20 publication, except as follows:

21 (1) The treatment of s. 118.07 (6) and SECTION 2m (1) of this act take effect on  
22 July 1, 2020.”

23 (END)