



State of Wisconsin
1999 - 2000 LEGISLATURE

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**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.

