



State of Wisconsin
1999 - 2000 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 232**

March 1, 2000 – Offered by Senator WIRCH.

1 **AN ACT to repeal** 254.17, 254.176 (3) (b), 254.178 (2) (b) and chapter 606; **to**
2 **renumber and amend** 254.166 (2) (c); **to amend** 20.435 (1) (gm), 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, chapter
7 606 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 state residential lead liability fund, granting
11 rule-making authority, requiring the exercise of rule-making authority and
12 making 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.** 254.11 (4g) of the statutes is created to read:

14 254.11 (4g) “Certificate of lead-free status” means a certificate issued by a
15 certified lead risk assessor or other person certified under s. 254.176 that documents
16 a finding by the assessor that a premises, dwelling or unit of a dwelling is free of
17 lead-bearing paint as of the date specified on the certificate.

18 **SECTION 3.** 254.11 (4h) of the statutes is created to read:

19 254.11 (4h) “Certificate of lead-safe status” means a certificate issued by a
20 certified lead risk assessor or other person certified under s. 254.176 that documents
21 that the assessor detected no lead-bearing paint hazards affecting the premises,
22 dwelling or unit of the dwelling on the date specified on the certificate.

23 **SECTION 4.** 254.11 (5m) of the statutes is created to read:

24 254.11 (5m) “Elevated blood lead level” means a level of lead in blood that is
25 any of the following:

1 (a) Twenty or more micrograms per 100 milliliters of blood, as confirmed by one
2 venous blood test.

3 (b) Fifteen or more micrograms per 100 milliliters of blood, as confirmed by 2
4 venous blood tests that are performed at least 90 days apart.

5 **SECTION 5.** 254.11 (8d) of the statutes is created to read:

6 254.11 (8d) "Lead-bearing paint hazard" has the meaning specified by rule by
7 the department.

8 **SECTION 6.** 254.11 (8s) of the statutes is created to read:

9 254.11 (8s) "Lead investigation" means a measure or set of measures designed
10 to identify the presence of lead or lead hazards, including examination of painted or
11 varnished surfaces, paint, dust, water and other environmental media.

12 **SECTION 7.** 254.11 (9g) of the statutes is created to read:

13 254.11 (9g) "Lead risk assessor" has the meaning specified by rule by the
14 department.

15 **SECTION 8.** 254.15 (1) of the statutes is amended to read:

16 254.15 (1) Develop and implement a comprehensive statewide lead poisoning
17 or lead exposure prevention and treatment program that includes lead poisoning or
18 lead exposure prevention grants under s. 254.151; any childhood lead poisoning
19 screening requirement under rules promulgated under ss. 254.158 and 254.162; any
20 requirements regarding care coordination and follow-up for children with lead
21 poisoning or lead exposure required under rules promulgated under s. 254.164;
22 departmental responses to reports of lead poisoning or lead exposure under s.
23 254.166; any lead ~~inspection~~ investigation requirements under rules promulgated
24 under ss. 254.167, ; any lead inspection requirements under rules promulgated
25 under 254.168 ~~and 254.17~~; any lead hazard reduction requirements under rules

1 promulgated under s. 254.172; and certification, accreditation and approval
2 requirements under ss. 254.176 and 254.178; any certification requirements and
3 procedures under rules promulgated under s. 254.179; and any fees imposed under
4 s. 254.181.

5 **SECTION 9.** 254.154 of the statutes is amended to read:

6 254.154 This subchapter does not prohibit any city, village, town or other
7 political subdivision from enacting and enforcing ordinances establishing a system
8 of lead poisoning or lead exposure control that provides the same or higher standards
9 than those set forth in this subchapter. Nothing in this subchapter other than s.
10 254.173 (2) and (3) may be interpreted or applied in any manner to impair the right
11 of any person, or entity, municipality or other political subdivision to sue for damages
12 or equitable relief or to restrain a violation of such an ordinance. Nothing in this
13 subchapter may be interpreted or applied in any manner to impair the right of a
14 municipality or other political subdivision to impose a penalty for or restrain the
15 violation of an ordinance specified in this section.

16 **SECTION 10.** 254.166 (1) of the statutes is amended to read:

17 254.166 (1) The department may, after being notified that an occupant of a
18 dwelling or premises who is under 6 years of age has blood lead poisoning or lead
19 exposure, present official credentials to the owner or occupant of the dwelling or
20 premises, or to a representative of the owner, and request admission to conduct a lead
21 ~~inspection~~ investigation of the dwelling or premises. If the department is notified
22 that an occupant of a dwelling or premises who is a child under 6 years of age has
23 an elevated blood lead level, the department shall conduct a lead investigation of the
24 dwelling or premises or ensure that a lead investigation of the dwelling or premises
25 is conducted, except that the department may waive this requirement in a city of the

1 first class. The lead ~~inspection~~ investigation shall be conducted during business
2 hours, unless the owner or occupant of the dwelling or premises consents to an
3 ~~inspection~~ investigation during nonbusiness hours or unless the department
4 determines that the dwelling or premises presents an imminent lead hazard. The
5 department shall use reasonable efforts to provide prior notice of the lead ~~inspection~~
6 investigation to the owner of the dwelling or premises. The department may remove
7 samples or objects necessary for laboratory analysis to determine the presence of a
8 lead hazard in the dwelling or premises. The department shall prepare and file
9 written reports of all ~~inspections~~ lead investigations conducted under this section
10 and shall make the contents of these reports available for inspection by the public,
11 except for medical information, which may be disclosed only to the extent that
12 patient health care records may be disclosed under ss. 146.82 to 146.835. If the owner
13 or occupant refuses admission, the department may seek a warrant to ~~inspect~~
14 investigate the dwelling or premises. The warrant shall advise the owner or
15 occupant of the scope of the ~~inspection~~ lead investigation.

16 **SECTION 11.** 254.166 (2) (c) of the statutes is renumbered 254.166 (2) (c) (intro.)
17 and amended to read:

18 254.166 (2) (c) (intro.) Notify the occupant of the dwelling or premises or ~~that~~
19 ~~person's~~ the occupant's representative ~~that~~ of all of the following:

20 1. That a lead hazard is present on or in the dwelling or premises ~~and may~~
21 ~~constitute a health hazard.~~

22 **SECTION 12.** 254.166 (2) (c) 2. of the statutes is created to read:

23 254.166 (2) (c) 2. The results of any lead investigations conducted on or in the
24 dwelling or premises.

25 **SECTION 13.** 254.166 (2) (c) 3. of the statutes is created to read:

1 254.166 (2) (c) 3. Any actions taken to reduce or eliminate the lead hazard.

2 **SECTION 14.** 254.166 (2) (e) of the statutes is created to read:

3 254.166 (2) (e) If an order is issued under par. (d), conduct or require a certified
4 lead risk assessor or other person certified under s. 254.176 to conduct a lead
5 investigation, a check of work completed and dust tests for the presence of hazardous
6 levels of lead to ensure compliance with the order.

7 **SECTION 15.** 254.167 (intro.) of the statutes is amended to read:

8 **254.167 Conduct of lead inspection investigation.** (intro.) Subject to the
9 limitation under s. 254.174, the department may promulgate rules establishing
10 procedures for conducting lead ~~inspections~~ investigations of dwellings and premises.
11 ~~Any rules promulgated under this section shall meet, but not exceed, any~~
12 ~~requirements under regulations promulgated by the administrator of the federal~~
13 ~~environmental protection agency under section 402 of the federal toxic substances~~
14 ~~control act, as created by section 1021 of P.L. 102-550. The rules promulgated under~~
15 this section may include the following:

16 **SECTION 16.** 254.167 (1) of the statutes is amended to read:

17 254.167 (1) Specific procedures for ~~inspecting~~ investigating, testing or
18 sampling painted, varnished or other finished surfaces, drinking water, household
19 dust, soil and other materials that may contain lead.

20 **SECTION 17.** 254.167 (2) of the statutes is amended to read:

21 254.167 (2) Specific procedures for the notification of owners, operators,
22 occupants or prospective occupants, mortgagees and lienholders of lead levels
23 identified during an ~~inspection~~ a lead investigation and of any health risks that are
24 associated with the lead level and condition of the lead found during the ~~inspection~~
25 lead investigation.

1 **SECTION 18.** 254.167 (3) of the statutes is amended to read:

2 254.167 (3) The form of lead-inspection investigation reports, the requirements
3 for filing the reports with the department and the procedures by which members of
4 the public may obtain copies of inspection lead investigation reports.

5 **SECTION 19.** 254.17 of the statutes is repealed.

6 **SECTION 20.** 254.171 of the statutes is created to read:

7 **254.171 Dwellings and units of dwellings where child has elevated**
8 **blood lead level.** If an owner of a dwelling or unit of a dwelling receives written
9 notice from the department or a local health department that a child under 6 years
10 of age, who resides in the owner's owner-occupied dwelling or unit or who resides in
11 the owner's dwelling or unit under the terms of a rental agreement, has an elevated
12 blood lead level, the owner shall obtain a certificate of lead-free status or certificate
13 of lead-safe status for the affected dwelling or unit in a timely manner, based on the
14 reasonable availability of lead risk assessors or other persons certified under s.
15 254.176 to conduct any necessary lead investigation or lead hazard reduction
16 activities and based on the time required for issuance of a certificate of lead-free
17 status or a certificate of lead-safe status. Nothing in this section precludes the
18 department or the department's agent from conducting a lead investigation or
19 issuing an order under s. 254.166.

20 **SECTION 21.** 254.172 of the statutes is repealed and recreated to read:

21 **254.172 Prevention and control of lead-bearing paint hazards in**
22 **dwellings and premises.** (1) Subject to the limitation under s. 254.174, the
23 department may promulgate rules governing lead hazard reduction that the
24 department determines are consistent with federal law.

1 (2) If a certified lead risk assessor or other person certified under s. 254.176
2 conducts a lead investigation of a dwelling or premises, he or she shall conduct the
3 lead investigation and issue a report in accordance with any rules promulgated
4 under s. 254.167. If the report indicates that the dwelling or premises meets criteria
5 under s. 254.179 (1) (a) for issuance of a certificate of lead-free or of a certificate of
6 lead-safe status, the lead risk assessor or other person shall issue the appropriate
7 certificate, subject to s. 254.181.

8 **SECTION 22.** 254.173 of the statutes is created to read:

9 **254.173 Immunity from liability for lead poisoning or lead exposure;**
10 **restrictions. (1) LEGISLATIVE FINDINGS AND PURPOSE.** (a) The legislature finds all
11 of the following:

12 1. That a national task force appointed by the federal department of housing
13 and urban development, the task force on lead-based paint hazard reduction and
14 financing, found that 1,700,000 children under 6 years of age have blood lead levels
15 at or above the federally established level of concern. The task force also found that
16 the most common cause of childhood lead poisoning is ingestion of
17 lead-contaminated dust and chips from lead-bearing paint. The other significant
18 cause is dust from bare lead-contaminated soil.

19 2. That high levels of lead in a child's blood can cause permanent nervous
20 system damage and even relatively low blood lead levels can cause significant
21 nervous system effects. Of 58,797 children who were screened in this state in fiscal
22 year 1995-96, 11,170, or 19%, were newly identified as having blood lead levels that
23 constitute lead poisoning or lead exposure.

24 (b) The legislature encourages property owners to address the problems
25 associated with lead-bearing paint by bringing their property into compliance with

1 the applicable state standards and finds that an appropriate method to so encourage
2 property owners is to hold them not liable with respect to a person who develops lead
3 poisoning or lead exposure in the property. The purpose of these standards and this
4 restriction on liability is to reduce the exposure of children and others to
5 lead-bearing paints, thereby substantially reducing the number of persons who
6 develop lead poisoning or lead exposure. In addition, these standards and this
7 restriction on liability will improve the quality of this state's housing stock and result
8 in greater availability of insurance coverage for lead hazards.

9 (2) IMMUNITY; CONDITIONS; RESTRICTIONS. An owner of a dwelling or unit of a
10 dwelling and his or her employes and agents are immune from civil and criminal
11 liability and may not be subject to an agency proceeding under ch. 227, other than
12 for the enforcement of rules promulgated by the department under this subchapter,
13 for their acts or omissions related to lead poisoning or lead exposure of a person who
14 resides in or has visited the dwelling or unit if, at the time that the lead poisoning
15 or lead exposure occurred, a certificate of lead-free status or a certificate of lead-safe
16 status was in effect for the dwelling or unit. This subsection does not apply if it is
17 shown by clear and convincing evidence that one of the following has occurred:

18 (a) The owner or his or her employe or agent obtained the certificate by fraud.

19 (b) The owner or his or her employe or agent violated a condition of the
20 certificate.

21 (c) During renovation, remodeling, maintenance or repair after receiving the
22 certificate, the owner or his or her employe or agent created a lead-bearing paint
23 hazard that was present in the dwelling or unit of the dwelling at the time that the
24 lead poisoning or lead exposure occurred.

1 (d) The owner or his or her employe or agent failed to respond in a timely
2 manner to notification by a tenant, by the department or by a local health
3 department that a lead-bearing paint hazard might be present.

4 (e) The lead poisoning or lead exposure was caused by a source of lead in the
5 dwelling or unit of the dwelling other than lead-bearing paint.

6 **(3) TEMPORARY IMMUNITY; EXCEPTION.** An owner of a dwelling or unit of a
7 dwelling and his or her employes and agents are immune from civil and criminal
8 liability and may not be subject to an agency proceeding under ch. 227, other than
9 for the enforcement of rules promulgated by the department under this subchapter,
10 for their acts or omissions related to lead poisoning or lead exposure that occur
11 during the first 30 days after the owner acquires the dwelling or unit, except that this
12 subsection does not apply to lead poisoning or lead exposure that results from a
13 lead-bearing paint hazard created by the owner or his or her employe or agent.
14 Immunity under this subsection is extended for an additional 60 days if the owner
15 of the dwelling or unit of a dwelling or his or her employe or agent has done one of
16 the following during that first 30-day period:

17 (a) Completed a lead investigation report or entered into a contract for a lead
18 investigation with respect to the dwelling or unit.

19 (b) Entered into a contract for lead hazard reduction with respect to the
20 dwelling or unit.

21 (c) Registered for a course under s. 254.179 (1) (e).

22 (d) Received certification under s. 254.176.

23 **SECTION 23.** 254.174 of the statutes is amended to read:

24 **254.174 Technical advisory committees.** Before the department may
25 promulgate rules under s. 254.167, 254.168, ~~254.17~~ or 254.172 or 254.179, the

1 department shall appoint a technical advisory committee under s. 227.13 and shall
2 consult with the technical advisory committee on the proposed rules. Any technical
3 advisory committee required under this section shall include representatives from
4 local health departments that administer local lead programs, representatives from
5 the housing industry, persons certified under s. 254.176 and , representatives from
6 the medical or public health professions and advocates for persons at risk of lead
7 poisoning. Any technical advisory committee required under this section before
8 promulgating rules under s. 254.168 shall also include representatives of facilities
9 serving children under 6 years of age.

10 **SECTION 24.** 254.176 (3) (b) of the statutes is repealed.

11 **SECTION 25.** 254.178 (2) (b) of the statutes is repealed.

12 **SECTION 26.** 254.179 of the statutes is created to read:

13 **254.179 Rules for dwellings and premises. (1)** Subject to s. 254.174 and
14 after review of ordinances of cities, towns and villages in this state, the department
15 shall, by use of a research-based methodology, promulgate as rules all of the
16 following:

17 (a) Except as provided in s. 254.18, the standards for a premises, dwelling or
18 unit of a dwelling that must be met for issuance of a certificate of lead-free status
19 or a certificate of lead-safe status to the owner of the premises, dwelling or unit of
20 a dwelling.

21 (b) The procedures by which a certificate of lead-free status or a certificate of
22 lead-safe status may be issued or revoked.

23 (c) The period of validity of a certificate of lead-free status or a certificate of
24 lead-safe status, including all of the following:

1 1. Authorization for the certificate of lead-free status to remain in effect unless
2 revoked because of erroneous issuance or because the premises, dwelling or unit of
3 the dwelling is not free of lead-bearing paint. The rules shall specify that the face
4 of the certificate shall indicate that the certificate is valid unless revoked.

5 2. The standards limiting the length of validity of a certificate of lead-safe
6 status, including the condition of a premises, dwelling or unit of a dwelling, the type
7 of lead hazard reduction activity that was performed, if any, and any other
8 requirements that must be met to maintain certification, unless the certificate is
9 earlier revoked because of erroneous issuance or because the premises, dwelling or
10 unit of the dwelling is not safe from lead-bearing paint hazards. The rules shall
11 specify that the face of the certificate shall indicate the certificate's length of validity.

12 (d) A mechanism for creating a registry of all premises, dwellings or units of
13 dwellings for which a certificate of lead-free status or a certificate of lead-safe status
14 is issued.

15 (e) The requirements for a course of up to 16 hours that a property owner or his
16 or her employe or agent may complete in order to receive certification of completion
17 and the scope of the lead investigation and lead hazard reduction activities that the
18 owner or agent may perform following certification, to the extent consistent with
19 federal law.

20 **(2)** By January 1, 2003, and every 2 years thereafter, the department shall
21 review the rules under sub. (1) and shall promulgate changes to the rules if necessary
22 in order to maintain consistency with federal law.

23 **(3)** Subject to s. 254.174, the department may promulgate rules that set forth
24 safe work practices that shall be followed in the demolition of a building constructed

1 before January 1, 1978, to avoid exposure by persons to lead hazards in the area of
2 the demolition.

3 **SECTION 27.** 254.18 of the statutes is created to read:

4 **254.18 Lead hazard reduction in dwellings and premise.** Sampling or
5 testing of dwellings, units of dwellings or premises for the presence of lead-bearing
6 paint or a lead hazard is not required before lead hazard reduction activities are
7 conducted if the presence of lead-bearing paint or a lead hazard is assumed and the
8 lead hazard reduction activities are performed in a lead-safe manner.

9 **SECTION 28.** 254.181 of the statutes is created to read:

10 **254.181 Certificate of lead-free status and certificate of lead-safe**
11 **status; fees.** The department may impose a fee of \$50 for issuance of a certificate
12 of lead-free status and a fee of \$25 for issuance of a certificate of lead-safe status.
13 Fees under this section may not exceed actual costs of issuance and of maintaining
14 the registry under s. 254.179 (1) (d). The department shall review the fees every 2
15 years and adjust the fees to reflect the actual costs.

16 **SECTION 29.** Chapter 606 of the statutes is created to read:

17 **CHAPTER 606**

18 **STATE RESIDENTIAL LEAD**

19 **LIABILITY FUND**

20 **606.01 Definitions.** In this chapter:

21 (1) “Certificate of lead-free status” has the meaning given in s. 254.11 (4g).

22 (2) “Certificate of lead-safe status” has the meaning given in s. 254.11 (4h).

23 **606.05 Issuance of policies.** (1) If the manager makes a determination, as
24 specified by rule, that insurance providing residential property owners with liability
25 coverage for lead-bearing paint hazards is not either sufficiently affordable or

1 sufficiently available in the private insurance market, the state residential lead
2 liability fund shall offer policies that insure residential property in this state against
3 liability resulting from lead-bearing paint hazards. Prior to making the
4 determination, the manager shall work with insurers to encourage the offering of
5 this coverage in the private market.

6 (2) A policy may be issued by the fund only for property for which a certificate
7 of lead-free status or a certificate of lead-safe status is in effect. A policy may not
8 cover periods during which a certificate is not in effect.

9 **606.10 Rules and reports.** (1) The manager shall promulgate rules
10 specifying premiums, coverage limits and covered expenses for policies issued under
11 s. 606.05 and may promulgate other rules necessary to administer the state
12 residential lead liability fund. The manager shall specify premiums at a level that
13 the manager determines will be sufficient to pay all costs of the fund. The fund may
14 not pay damages to a claimant when it is found by a court by clear and convincing
15 evidence that one or more of the conditions in s. 254.173 (2) (a) to (e) exist.

16 (2) The manager shall, on an ongoing basis, review the cost and availability of
17 insurance in the private insurance market that provides residential property owners
18 with liability coverage for lead-bearing paint hazards. No later than 12 months after
19 the effective date of the rules promulgated by the department of health and family
20 services under s. 254.179 (1), and every 2 years after the first report is submitted, the
21 manager shall submit a report to the legislature under s. 13.172 (2) on the cost and
22 availability of this insurance in the private market.

23 **606.15 Termination of fund.** If the manager has not made the determination
24 under s. 606.05 (1) by a date that is 8 years after the effective date of this section
25 [revisor inserts date], the manager shall publish a notice in the Wisconsin

1 Administrative Register stating that the state residential lead liability fund
2 terminates on the date specified in this section.

3 **SECTION 30.** Chapter 606 of the statutes, as created by 1999 Wisconsin Act
4 (this act), is repealed.

5 **SECTION 31.** 901.055 of the statutes is created to read:

6 **901.055 Admissibility of results of dust testing for the presence of lead.**

7 The results of a test for the presence of lead in dust are not admissible during the
8 course of a civil or criminal action or proceeding or an administrative proceeding
9 unless the test was conducted by a person certified for this purpose by the
10 department of health and family services.

11 **SECTION 32. Nonstatutory provisions.**

12 (1) RULES CONCERNING LEAD FOR DWELLINGS, UNITS OF DWELLINGS AND PREMISES.
13 The department of health and family services shall submit in proposed form the rules
14 required under section 254.179 (1) of the statutes, as created by this act, to the
15 legislative council staff under section 227.15 (1) of the statutes no later than the first
16 day of the 7th month beginning after the effective date of this paragraph.

17 (2) SUPPLEMENT FOR REGISTRY OF LEAD-FREE OR LEAD-SAFE PROPERTIES. The
18 department of health and family services may request the joint committee on finance
19 to supplement, from the appropriation account under section 20.865 (4) (a) of the
20 statutes, the appropriation account under section 20.435 (1) (a) of the statutes, to pay
21 initial costs of establishing under section 254.179 (1) (d) of the statutes, as created
22 by this act, a registry of properties that are issued certificates of lead-free status or
23 certificates of lead-safe status. If the department of health and family services
24 requests supplementation of the appropriation account under section 20.435 (1) (a)
25 of the statutes, the department shall submit a plan to the joint committee on finance

1 to expend not more than \$520,000 for fiscal year 2000–01. If the cochairpersons of
2 the committee do not notify the secretary of the department within 14 working days
3 after the date of the department’s submittal that the committee intends to schedule
4 a meeting to review the request, the appropriation account shall be supplemented
5 as provided in the request. If, within 14 working days after the date of the
6 department’s submittal, the cochairpersons of the committee notify the secretary of
7 the department that the committee intends to schedule a meeting to review the
8 request, the appropriation account shall be supplemented only as approved by the
9 committee. Notwithstanding section 13.101 (3) (a) 1. of the statutes, the committee
10 is not required to find that an emergency exists.

11 (3) REGISTRY OF LEAD-FREE AND LEAD-SAFE PROPERTIES; LIMITATION ON FUNDING.

12 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information
13 under section 16.42 of the statutes for purposes of the 2001–2003 biennial budget
14 bill, the department of health and family services shall submit information
15 concerning the appropriation under section 20.435 (1) (a) of the statutes as though
16 any supplementation, under SECTION 32 (2) of this act, of the dollar amount of that
17 appropriation had not been made.

18 (4) LEAD PAINT HAZARD REDUCTION; LIMITATION ON FUNDING. Notwithstanding

19 section 16.42 (1) (e) of the statutes, in submitting information under section 16.42
20 of the statutes for purposes of the 2001–2003 biennial budget bill, the department
21 of health and family services shall submit information concerning the appropriation
22 under section 20.435 (1) (a) of the statutes as though the increase in the dollar
23 amount of that appropriation by SECTION 33 (1) of this act had not been made.

24 (5) LEAD PAINT HAZARDS OUTREACH AND ABATEMENT. In submitting information

25 under section 16.42 (1) of the statutes for purposes of the 2001–2003 biennial budget

1 bill, the department of health and family services shall submit a proposal, including
2 a request for additional funding, to conduct lead paint hazards outreach and
3 abatement activities.

4 (6) REHABILITATION OF RENTAL PROPERTY FOR LOW-INCOME PERSONS. In submitting
5 information under section 16.42 (1) of the statutes for purposes of the 2001-2003
6 biennial budget bill, the Wisconsin housing and economic development authority
7 shall submit a proposal to rehabilitate rental property for low-income persons in
8 Wisconsin.

9 **SECTION 33. Appropriation changes.**

10 (1) CERTIFICATION FOR PERFORMANCE OF LEAD PAINT HAZARD REDUCTION. In the
11 schedule under section 20.005 (3) of the statutes for the appropriation to the
12 department of health and family services under section 20.435 (1) (a) of the statutes,
13 as affected by the acts of 1999, the dollar amount is increased by \$215,000 for fiscal
14 year 2000-01 to increase the authorized FTE positions for the department by 5.0
15 positions on January 1, 2001, and to provide supporting costs to perform certification
16 for performance of lead paint hazard reduction.

17 (2) SUPPLEMENT FOR REGISTRY OF LEAD-FREE OR LEAD-SAFE PROPERTIES. In the
18 schedule under section 20.005 (3) of the statutes for the appropriation to the joint
19 committee on finance under section 20.865 (4) (a) of the statutes, as affected by the
20 acts of 1999, the dollar amount is increased by \$520,000 for fiscal year 2000-01 to
21 increase funding to provide payment for initial costs of establishing a registry of
22 properties that are issued certificates of lead-free status or certificates of lead-safe
23 status.

24 **SECTION 34. Initial applicability.**

1 (1) IMMUNITY FROM LIABILITY FOR LEAD POISONING OR LEAD EXPOSURE. The
2 treatment of section 254.173 of the statutes first applies to lead poisoning or lead
3 exposure that occurs on the effective date of this subsection.

4 **SECTION 35. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The treatment of sections 254.11 (8d), 254.166 (2) (c) and (e), 254.172,
7 254.173 and 901.055 of the statutes and the creation of 254.166 (2) (c) 2. and 3. and
8 chapter 606 of the statutes and SECTION 34 (1) of this act take effect on the first day
9 of the 16th month beginning after publication.

10 (2) The repeal of chapter 606 of the statutes takes effect on the date stated in
11 the notice published by the manager of the state residential lead liability fund in the
12 Wisconsin Administrative Register under section 606.15.

13 (END)