
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Senate Bill 424

**Senate Substitute
Amendment 1**

BACKGROUND

Under current law, the Department of Children and Families (DCF)'s administrative rules require certain testing as a condition for licensure, and all licensed day care centers must provide a "safe supply of drinking water." However, testing for lead is only required for day care centers that provide care for nine or more children and obtain water from a private well. In-home day care providers must test for bacteria (and, in some cases, nitrates) as a condition of licensure, but not lead.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 generally requires certain child care providers and camps to test every drinking water source¹ for lead contamination during the six-month period prior to submitting an application for a state license.

If a test demonstrates lead contamination, the bill requires an applicant for licensure to immediately disconnect, shut off, or otherwise eliminate all access to water from the contaminated drinking water source. The applicant then must either: (1) remediate the problem; or (2) provide an alternative water supply.

If the applicant chooses to remediate the contamination, the applicant must initially provide an adequate supply of potable water (or, before an initial license, a plan to supply such water). Within six months after submitting the license application, the applicant must then establish and begin to carry out a plan for remediating the lead contamination, by either: (1) affixing a point-of-source or point-of-entry filter onto the drinking water source; or (2) if another drinking water source in the building is not contaminated, permanently disconnecting, shutting off, or otherwise eliminating access to the contaminated drinking water source.

If the applicant instead chooses to provide an alternate water supply, the applicant must establish and carry out a plan for providing, on a permanent basis, an adequate supply of potable water from external sources, such as bottled water, and for ensuring that children served in the building do not consume water from contaminated drinking water sources.

The bill exempts applicants for license renewals from testing requirements if previous tests showed lead levels not higher than five parts per billion. In addition, the bill allows certain child care providers to have a plumbing assessment completed by a licensed plumber, environmental consultant, certified lead risk assessor, or certified lead hazard investigator, in lieu of testing.

¹ The substitute amendment defines "drinking water source" to mean a water faucet, drinking fountain, ice maker, or other water outlet that dispenses potable water that is used for drinking or food preparation.

The bill requires DCF and the Department of Agriculture, Trade, and Consumer Protection, in consultation with the Department of Health Services and the Department of Natural Resources, to seek federal funding to assist with costs incurred by providers as a result of the bill.

Finally, the bill authorizes the Board of Commissioners of Public Lands to use school trust funds to issue loans to municipalities for the purpose of remediating lead contamination in buildings subject to testing under the bill.

BILL HISTORY

Senator Cowles offered Senate Substitute Amendment 1 on January 3, 2020. On January 8, 2020, the Senate Committee on Natural Resources and Energy voted to recommend adoption of the substitute amendment and passage of the bill, as amended, both on unanimous votes.

AH:jal