

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3634/1dn

DAK:kmg:pg

August 30, 2001

To Representative Richards:

Current law, under s. 254.46, stats., already requires that DHFS or a local health department close or restrict swimming, diving, and recreational bathing if a human health hazard exists and requires posting of the area; therefore, in this draft I have built on that current provision to require the specific testing by a local health department for E. coli from Memorial Day to Labor Day; if a human health hazard is found, current law would then require closure of the area and posting.

Please note that I did not make an exception for privately held land, because to do so would appear to require a narrowing of s. 254.46, stats. Public health laws in general have very broad police powers, and it appears that no exception for privately held land has been adopted as policy in the past in this situation.

If you have questions about the draft, or if I can assist you further with it, please do not hesitate to call.

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