

2001 DRAFTING REQUEST

Bill

Received: **08/20/2001**

Received By: **kenneda**

Wanted: **Soon**

Identical to LRB:

For: **Jon Richards (608) 266-0650**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters: **gibsom**

Subject: **Health - public health
Nat. Res. - parks and forestry**

Extra Copies: **RNK**

Submit via email: **YES**

Requester's email: **Rep.Richards@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require testing of all public beaches in counties and state parks or forests bordering Lake Michigan

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kenneda 08/21/2001			_____			S&L
/1	gibsom 08/28/2001	gilfokm 08/29/2001	pgreensl 08/30/2001	_____	lrb_docadmin 08/30/2001		S&L
/2	kenneda	gilfokm	pgreensl	_____	lrb_docadmin		S&L

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	11/21/2001	11/27/2001	11/28/2001	_____	11/28/2001		
/3	kenneda 02/05/2002	gilfokm 02/05/2002	pgreensl 02/06/2002	_____	lrb_docadmin 02/06/2002		S&L
/4	kenneda 02/12/2002	gilfokm 02/12/2002	rschluet 02/14/2002	_____	lrb_docadmin 02/14/2002	lrb_docadmin 02/14/2002	

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At intro.

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1/4-2/12
knmg

2-14-2 JF

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/2	kenneda	gilfokm <i>1/3-2/5/02 King</i>	pgreensl <i>2/6 pm</i>		lrb_docadmin		

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1/?	kenneda	1-8/29 King	8/30 PS	8/30 PS/PE			

FE Sent For:

<END>

Kennedy, Debora

From: Gibson-Glass, Mary
Sent: Thursday, August 16, 2001 5:37 PM
To: Tradewell, Becky; Kennedy, Debora
Cc: Kite, Robin
Subject: Bill request for testing water quality at beaches

Representative Jon Richards called this week wanting a bill to do the following:

Require all counties bordering on Lake Michigan to test all public beaches at least 3 times a week for e-coli from Memorial Day to Labor Day.

Require DNR (and DOF if applicable) to conduct these tests at "state beaches" in state parks or forests (I don't know whether there are any state forests on Lake Michigan) and to post an update sign stating whether the beach is "safe" as to e-coli contamination.

I honestly don't know if this is a natural resources, environmental or health draft. Would you two please discuss this and let me know? Robin or I'll be happy to do it if you think it is in our area. Whoever ends up with it needs to call Richards' office to tell him who the drafter will be.

Thanks,

Mary

8/20/01

Rep. Richards called to clarify this request.
He wants:

① local health departments in each county that have jurisdiction over the area of public beaches bordering on Lake Michigan to test, as specified in the request

② local health departments shall be responsible for posting, or arranging for posting, of update signs about the beach safety (the "arranging" language is necessary bec., at least in Mil. Co., the parks dept. is the agency that actually posts)

③ He does not want the requirements of ① (I think that's the only one that's applicable) to apply to beaches in front of private homes

I think MGB or RNK and I should share this draft.

He wants it by the end of the month; since all of us will be gone sometime during that time, I said it was problematic.

254.46



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3634-1

DAK&MGG.../...
King

LPS: there is no D-NOTE ATTACHED; added later.

Fri
D-Note 8/31

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen. Act.

1 AN ACT ...; relating to: required testing for E. coli and posting of beaches on the
2 shore of Lake Michigan.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) or a local health department must close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area that is used for those purposes on a body of water and on associated land. (A "human health hazard" is a substance, activity or condition to which exposure is known to have the potential to cause acute or chronic illness or death.) DHFS or the local health department must also require the posting of the area.

This bill requires that a local health department that has jurisdiction over an area of land that includes part of the western shore of Lake Michigan test the water at public beaches in that area for the presence of E. coli in sufficient quantity to constitute a human health hazard. The testing must take place at least three times a week during the period from the last Monday in May (Memorial Day) to the first Monday in September (Labor Day). For beaches located in state parks or state forests on the shore of Lake Michigan, the bill requires that the department of natural resources (DNR) conduct the testing and and that DNR post a notice at each beach stating whether the beach is closed to the presence of E. coli.

open or is due

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 23.09 (4m) of the statutes is created to read:

2 23.09 (4m) E. COLI TESTING. (a) In this subsection, "E. coli" has the meaning
3 given in s. 254.46 (1).

4 (b) At least 3 times in each week[✓] during the period from the last Monday in
5 May to the first Monday in September ^{annually} ~~for each year~~, the department ~~of Natural~~
6 ~~resources~~ shall test the water at each beach on the shore of Lake Michigan that is
7 located in a state park or a state forest for the presence of E. coli in a quantity that
8 ~~constitutes~~ ^{constitutes} a human health hazard. The department shall maintain a posted notice
9 at each beach as to whether the beach is open or is closed due to the presence of E.
10 coli.

11 SECTION 2. 254.46 of the statutes is renumbered 254.46 (3).

12 SECTION 3. 254.46 (1) of the statutes is created to read:

13 254.46 (1) In this section, "E. coli" means Escherichia coli, a species of
14 organisms with pathogenic strains that, in sufficient numbers, cause epidemic
15 diarrheal disease.

16 SECTION 4. 254.46 (2) of the statutes is created to read:

17 254.46 (2) At least 3 times in each week during the period from the last Monday
18 in May to the first Monday in September ^{annually} ~~for each year~~, a local health department that
19 has jurisdiction over an area of land that includes part of the shore of Lake Michigan
20 shall test the water at all beaches on the shore, except those that are located in a state

1 forest or state park, that are used by the public for the presence of E. coli in a quantity
2 that constitutes a human health hazard.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3634/1dn

DAK: ~~1/20/01~~

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

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LRB-3634/1dn
DAK:kmg:pg

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

Kennedy, Debora

From: Vasby, Tara
Sent: Tuesday, November 20, 2001 11:47 AM
To: Kennedy, Debora
Subject: LRB3534

Debora,
per the draft regarding the regular testing of beaches, Rep. Richards would like the draft to include Lake Superior as well.

If you have questions, please just let me know. Thanks so much!

Sincerely,

Tara J. Vasby
Leg. Assistant
Rep. Jon Richards



2001 BILL

1 AN ACT to renumber 254.46; and to create 23.09 (4m), 254.46 (1) and 254.46 (2)
 2 of the statutes; relating to: required testing for E. coli and posting of beaches
 3 on the ~~shore~~ of Lake Michigan. and Lake Superior

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services (DHFS) or a local health department must close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area that is used for those purposes on a body of water and on associated land. (A "human health hazard" is a substance, activity, or condition to which exposure is known to have the potential to cause acute or chronic illness or death.) DHFS or the local health department must also require the posting of the area.

This bill requires that a local health department that has jurisdiction over an area of land that includes part of the western shore of Lake Michigan test the water at public beaches in that area for the presence of E. coli in sufficient quantity to constitute a human health hazard. The testing must take place at least three times a week during the period from the last Monday in May (Memorial Day) to the first Monday in September (Labor Day). For beaches located in state parks or state forests on the shore of Lake Michigan, the bill requires that the department of natural resources (DNR) conduct the testing and that DNR post a notice at each beach stating whether the beach is open or is closed due to the presence of E. coli.

or on the shore of Lake Superior

or part of the southern shore of Lake Superior

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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or on the shore of Lake Superior

4 (b) At least 3 times in each week during the period from the last Monday in May
5 to the first Monday in September annually, the department shall test the water at
6 each beach on the shore of Lake Michigan that is located in a state park or a state
7 forest for the presence of E. coli in a quantity that constitutes a human health hazard.
8 The department shall maintain a posted notice at each beach as to whether the beach
9 is open or is closed due to the presence of E. coli.

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19 shall test the water at all beaches on the shore, except those that are located in a state

*or part of the shore of
Lake Superior*

BILL

1 forest or state park, that are used by the public for the presence of E. coli in a quantity
2 that constitutes a human health hazard.

3 (END)

Kennedy, Debora

From: Vasby, Tara
Sent: Tuesday, February 05, 2002 10:01 AM
To: Kennedy, Debora
Subject: Changes to LRB 3634/2 RE: Beach testing

Debora,

We had a meeting with the DNR today regarding this bill and they asked for the following change. On page 2, line 8-9 please have it read:

"The department shall maintain a posted advisory at each beach as to risks associated with elevated E.coli levels."

Thanks!

Tara J. Vasby
Leg. Assistant
Rep. Jon Richards

02/05/2002



2001 BILL

an advisory ✓

advisories ✓ at

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2 of the statutes; relating to: required testing for E. coli and posting of beaches
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risk's associated with elevated

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18 in May to the first Monday in September annually, a local health department that
19 has jurisdiction over an area of land that includes part of the shore of Lake Michigan
20 or part of the shore of Lake Superior shall test the water at all beaches on the shore,

Kennedy, Debora

From: Vasby, Tara
Sent: Monday, February 11, 2002 3:21 PM
To: Kennedy, Debora
Subject: LRB3634 RE: Beach testing

Debora,

The following changes (in red) were made by DNR staff and legal counsel. If possible, can you please make the changes in LRB 3634? The DNR will be coming into funds from the EPA soon and the goal is to not have this legislation interfere with the collection of that money. Thus the changes by the DNR.

Thanks so much!
Sincerely,
Tara J. Vasby
Leg. Assistant
Rep. Jon Richards

-----Original Message-----

From: Glymph, Aural (Toni)
Sent: Monday, February 11, 2002 3:16 PM
To: Vasby, Tara
Cc: Matthias, Alison M; Kluesner, Elizabeth M
Subject: RE: DRAFT beach testing legislation

Hi Tara, here are my edits for the proposed bill, my corrections are in red:

Page 1 Paragraph 2

This bill requires that a local health department that has jurisdiction over an area of land that includes part of the western shore of Lake Michigan or part of the southern shore of Lake Superior test the water at public beaches in that area for the presence of E. coli or other appropriate indicator organism, in sufficient quantity to constitute a human health hazard. The testing must take place at least three times a week during the period from the last Monday in May (Memorial Day) to the first Monday in September (Labor Day). For beaches located in state parks or state forests on the shore of Lake Michigan or Lake Superior, the bill requires that the department of natural resources (DNR) conduct the testing and that DNR post an advisory at each beach informing the public of health risks to bathers, whenever detected levels of E. coli or other appropriate indicator organism exceed the applicable state standard.

Page 2 Line 8-9

The department shall post an advisory at each beach informing the public of health risks to bathers, whenever detected levels of E. coli or other appropriate indicator organism exceed the applicable state standard.

Page 2 Line 12-14

254.46 (1) In this section, "E. coli" means Escherichia coli, a species of bacteria that in sufficient numbers, may indicate fecal contamination and increased risk of disease and gastrointestinal illness.

I changed the language to "E. coli or other appropriate indicator organism" because I did not want to assume that the workgroup would decide to use on E.coli as an indicator. While I agree we should be using E.coli, EPA allows us to choose between E.coli and Enterococci. I do not want to jump the gun in assuming the rest of the workgroup agrees with me.

If you have any questions about anything I wrote, feel free to give me a call.

*Toni Glymph, Environmental Toxicologist
Water Quality Standards Section
Wisconsin Department of Natural Resources
(608) 264-8954*



2001 BILL

or another appropriate indicator organism

Gen. Cat.

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BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Whenever detected levels of E. coli or the other appropriate indicator organism exceed this standard,

1 SECTION 1. 23.09 (4m) of the statutes is created to read:

2 23.09 (4m) E. COLI TESTING. (a) In this subsection, "E. coli" has the meaning
3 given in s. 254.46 (1).

or another appropriate indicator organism

4 (b) At least 3 times in each week during the period from the last Monday in May
5 to the first Monday in September annually, the department shall test the water at
6 each beach on the shore of Lake Michigan or on the shore of Lake Superior that is
7 located in a state park or a state forest for the presence of E. coli in a quantity that
8 constitutes a human health hazard. The department shall ~~maintain a posted~~

post an

9 advisory at each beach ~~as to risks associated with elevated E. coli levels.~~

informing the public of health risks to bathers

10 SECTION 2. 254.46 of the statutes is renumbered 254.46 (3).

11 SECTION 3. 254.46 (1) of the statutes is created to read:

12 254.46 (1) In this section, "E. coli" means Escherichia coli, a species of
13 ~~organisms with pathogenic strains~~ that, in sufficient numbers, ~~cause epidemic~~

14 ~~diarrheal disease.~~

bacteria

may indicate fecal contamination and increased risk of disease and gastrointestinal illness

15 SECTION 4. 254.46 (2) of the statutes is created to read:

16 254.46 (2) At least 3 times in each week during the period from the last Monday
17 in May to the first Monday in September annually, a local health department that
18 has jurisdiction over an area of land that includes part of the shore of Lake Michigan
19 or part of the shore of Lake Superior shall test the water at all beaches on the shore,

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1 except those that are located in a state forest or state park, that are used by the public
2 for the presence of *E. coli* in a quantity that constitutes a human health hazard.

3

(END)

*or another appropriate
indicator organism*

Emery, Lynn

From: Vasby, Tara
Sent: Thursday, February 14, 2002 3:42 PM
To: LRB.Legal
Subject: Draft review: LRB-3634/4 Topic: Require testing of all public beaches in counties and state parks or forests bordering Lake Michigan

It has been requested by <Vasby, Tara> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-3634/4 Topic: Require testing of all public beaches in counties and state parks or forests bordering Lake Michigan