



2005 ASSEMBLY BILL 132

February 24, 2005 - Introduced by Representatives KESTELL, LEMAHIEU, HAHN, F. LASEE, PETROWSKI, HINES, PRIDEMORE, OTT, VRAKAS, LOTHIAN and ALBERS, cosponsored by Senators LEIBHAM, A. LASEE, REYNOLDS, OLSEN and GROTHMAN. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 31.187 (1) and 31.253 (1) of the statutes; **relating to:** removal
2 of abandoned dams.

Analysis by the Legislative Reference Bureau

Current law sets forth two procedures that the Department of Natural Resources (DNR) must follow before DNR has a dam removed from a waterway. If the dam is abandoned, DNR must give 60 days' written notice to the dam's owner, if the owner can be found. If not, DNR must publish a public notice three times in the county in which the dam is located.

Also for the removal of any dam by DNR, whether abandoned or not, DNR must hold a public informational hearing or publish a class 2 notice saying that it will remove the dam without a hearing unless one is requested in writing within 30 days.

This bill requires that, prior to beginning any of these procedures, DNR must consider the results the dam removal will have on the safety, health, and welfare of the persons who will be affected by the removal.

For further information see the *state* 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:

3 **SECTION 1.** 31.187 (1) of the statutes is amended to read:

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1 31.187 (1) The department may remove or cause to be removed, in such manner
2 as it deems considers fit, old and abandoned dams in streams in this state ~~upon~~
3 giving after the department considers the results the removal will have on the safety,
4 health, and welfare of the persons who will be affected by the removal. Before
5 beginning the removal, the department shall give 60 days' notice in writing to the
6 owner thereof, if the owner can be found. If the owner of the dam is unknown or
7 cannot, by due diligence, be found, the department shall publish a class 3 notice,
8 under ch. 985, in the county in which the dam is situated.

9 **SECTION 2.** 31.253 (1) of the statutes is amended to read:

10 31.253 (1) OPPORTUNITY FOR HEARING PRIOR TO DEPARTMENT ACTION. Except as
11 provided under sub. (4), prior to seeking or causing the removal of a dam under this
12 chapter, the department shall consider the results the removal will have on the
13 safety, health, and welfare of the persons who will be affected by the removal and
14 shall hold a public informational hearing on the proposed removal or publish a class
15 2 notice under ch. 985 stating that it will seek or cause the removal of the dam
16 without holding a public informational hearing unless a hearing is requested in
17 writing within 30 days after the last publication of the notice. The department may
18 hold further hearings or give further notice as it deems appropriate.

19 (END)