



2007 ASSEMBLY BILL 117

February 22, 2007 – Introduced by Representatives ALBERS, MOLEPSKE, TOWNSEND, A. OTT, MURSAU and HAHN, cosponsored by Senators S. FITZGERALD, LASSA and OLSEN. Referred to Committee on Agriculture.

1 **AN ACT** *to create* 31.045 (3) of the statutes; **relating to:** requiring certain
2 approvals for the construction, enlargement, or modification of a dam that
3 affects the water level of a drain.

Analysis by the Legislative Reference Bureau

Under current law, drainage boards govern drainage districts that operate drains for agricultural lands owned by two or more persons. An individual landowner may also install a drain on not more than 80 acres of agricultural lands if the landowner presents a petition to the drainage board or, if there is no drainage board in the county, to the appropriate town supervisors and if the drainage board or town supervisors, after a hearing, order that the drain be constructed.

Current law also provides that a person may not construct, operate, or maintain a dam without a permit issued from the Department of Natural Resources. This bill specifies that a person who obtains a permit to construct, enlarge, or modify a dam may not construct, enlarge, or modify the dam unless the person first obtains written approvals from certain persons if the activity for which the permit was issued will change the water level of a drain passing through or along agricultural lands and if the change in that water level will cause a change to the benefits accruing to the agricultural lands. The approvals, if required, must be obtained from every owner

