



2011 ASSEMBLY BILL 43

March 8, 2011 – Introduced by Representatives KESTELL, BIES, LEMAHIEU, MURSAU, ZIEGELBAUER and PETROWSKI, cosponsored by Senator LEIBHAM. 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. For an abandoned dam, 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 the dam is abandoned or not, DNR must hold a public informational hearing or publish a class 2 notice stating that DNR 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 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:

