



**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 132**

May 2, 2005 – Offered by Representative PRIDEMORE.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 2: delete that line and substitute “and opening of dams.”
- 3 **2.** Page 2, line 1: after “remove” insert “or permanently open”.
- 4 **3.** Page 2, line 1: after “removed” insert “or permanently opened”.
- 5 **4.** Page 2, line 3: after “removal” insert “or opening”.
- 6 **5.** Page 2, line 4: after “removal” insert “or opening”.
- 7 **6.** Page 2, line 5: substitute “the removal or opening is started” for “beginning
- 8 the removal”.
- 9 **7.** Page 2, line 6: substitute “thereof of the dam” for “thereof”.
- 10 **8.** Page 2, line 8: after that line insert:
- 11 “**SECTION 1m.** 31.253 (title) of the statutes is amended to read:

1 **31.253** (title) **Dam ~~removal~~ removals and openings; opportunity for**
2 **hearing.**”.

3 **9.** Page 2, line 11: after “removal” insert “or the permanent opening”.

4 **10.** Page 2, line 12: after “removal” insert “or opening”.

5 **11.** Page 2, line 13: after “removal” insert “or opening”.

6 **12.** Page 2, line 14: after “removal” insert “or opening”.

7 **13.** Page 2, line 15: after “removal” insert “or opening”.

8 **14.** Page 2, line 18: substitute “~~deems~~ considers” for “deems”.

9 **15.** Page 2, line 18: after that line insert:

10 “**SECTION 3m.** 31.253 (2) of the statutes is amended to read:

11 **31.253 (2) OPPORTUNITY FOR HEARING PRIOR TO COURT ACTION.** Except as provided
12 under sub. (4), a court may not order or authorize the removal or permanent opening
13 of a dam in an enforcement action under this chapter unless a public informational
14 hearing or an opportunity for a public informational hearing was provided.

15 **SECTION 4m.** 31.253 (3) of the statutes is amended to read:

16 **31.253 (3) PUBLIC INFORMATIONAL HEARING.** If the department conducts a public
17 informational hearing under this section, the department shall explain the basis for
18 its decision to seek or cause the removal or permanent opening of the dam, the
19 procedures which will be followed and opportunities for citizen involvement in those
20 procedures and the department shall provide an opportunity for citizens to present
21 comments, testimony and evidence concerning the removal or permanent opening of

1 the dam. Notwithstanding s. 227.42, this hearing may not be converted or treated
2 as a contested case.”.

3 (END)