

MEMORANDUM

To: The House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 2/14/2025

Re: H.B. 2114, as Introduced: Authorizing the chief engineer to adopt rules and regulations under the watershed district act and concerning fees and inspections of dams.

Section 1: Permit Fees

Current law requires written consent or a permit from the chief engineer for constructing, modifying, or adding to any dam or water obstruction, or changing the course, current, or cross-section of a stream. Certain water obstructions are exempt from needing a permit if the obstruction falls within certain criteria. Section 1 of the bill would add a new subsection (e) that would state that any structure that would otherwise fall under the definition of "dam" shall be considered a water obstruction if its primary purpose is to serve as a: (1) Dry detention road fill for state, county or municipal government; or (2) low head dam that has a maximum height below the lowest stream bank.¹

Section 2: Application Fees

The bill would increase application fees for permits to construct, modify or add to a dam, with fees varying by hazard class. The bill would also add a new "Post-Construction Permit Fee" for water obstructions that is in addition to the current "Permit Application Fee".

Section 3: Inspection and Compliance

Under current law, the chief engineer or an authorized representative of the chief engineer is authorized to inspect dams or water obstructions. The bill would clarify that the term "authorized representative" can include "a licensed professional engineer approved by the chief engineer". Language would also be amended to clarify that owners paying for inspection services must pay

¹ Pg. 3, line 8

the department directly, even when the inspection was performed by a contractor approved by the chief engineer.²

Section 4: Penalties

In addition to the law's current penalties, a new civil penalty would be added ranging from \$100 to \$1,000 per violation. The bill would remit civil penalty amounts to the water structures fund.³

H.B. 2114 would become effective upon publication in the statute book.

² Pg. 4, line 29

³ Pg. 7, lines 1-16