

SENATE BILL 1

1 **AN ACT** *to repeal* 23.321 (1) (c); *to renumber* 23.321 (title) and (1) (title), (a) and
2 (b), 23.321 (1) (d) to (f) and 23.321 (2); *to renumber and amend* 23.321 (2m)
3 to (5); *to amend* 281.22 (title), 281.22 (3), 281.69 (3) (b) 2., 281.98 (1), 299.95
4 and 814.04 (intro.); and *to create* 281.01 (21), 281.22 (4) and 281.36 of the
5 statutes; **relating to:** water quality certification for nonfederal wetlands, time
6 limits and procedures for processing applications for water quality
7 certifications that are applicable to wetlands, granting rule-making authority,
8 and providing a penalty.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

9 **SECTION 1.** 23.321 (title) and (1) (title), (a) and (b) of the statutes are
10 renumbered 281.37 (title) and (1) (title), (a) and (b).

1 **SECTION 2.** 23.321 (1) (c) of the statutes is repealed.

2 **SECTION 3.** 23.321 (1) (d) to (f) of the statutes are renumbered 281.37 (1) (d) to
3 (f).

4 **SECTION 4.** 23.321 (2) of the statutes, as created by 1999 Wisconsin Act 147, is
5 renumbered 281.37 (2).

6 **SECTION 5.** 23.321 (2m) to (5) of the statutes are renumbered 281.37 (2m) to (5),
7 and 281.37 (2m) (a) and (b) 3., as renumbered, are amended to read:

8 281.37 **(2m)** (a) 1. A person who is the holder of a permit or other approval that
9 authorizes a mitigation project shall grant a conservation easement under s. 700.40
10 to the department to ensure that a wetland that is being restored, enhanced, or
11 created will not be destroyed or substantially degraded by any subsequent ~~owner~~
12 proprietor of or holder of interest in the property on which the wetland is located.
13 The department shall revoke the permit or other approval if the holder of the permit
14 or other approval fails to take these measures.

15 2. A person who is restoring, enhancing, or creating a wetland to provide
16 transferable credits as part of a wetlands mitigation bank shall grant a conservation
17 easement under s. 700.40 to the department, to ensure that the wetland will not be
18 destroyed or substantially degraded by any subsequent ~~owner~~ proprietor of or holder
19 of interest in the property on which the wetland is located.

20 (b) 3. Any subsequent ~~owner~~ proprietor of or holder of interest in the property
21 on which the wetland specified in subd. 1. is located did not contribute to the loss of
22 the wetland.

23 **SECTION 6.** 281.01 (21) of the statutes is created to read:

24 281.01 **(21)** “Wetland” has the meaning given in s. 23.32 (1).

25 **SECTION 7.** 281.22 (title) of the statutes is amended to read:

1 **281.22** (title) **Fees and time limits for water quality determinations for**
2 **wetlands.**

3 **SECTION 8.** 281.22 (3) of the statutes is amended to read:

4 281.22 **(3)** EXEMPTIONS FROM FEES. ~~This section does~~ Subsections (1), (2) and
5 (2m) do not apply to any federal agency or state agency.

6 **SECTION 9.** 281.22 (4) of the statutes is created to read:

7 281.22 **(4)** TIME LIMITS. The department shall promulgate a rule to establish
8 time limits for the steps involved in processing, approving, and denying applications
9 for determinations that the department makes as to whether projects comply with
10 the standards of water quality established by rules promulgated under s. 281.15 that
11 are applicable to wetlands other than nonfederal wetlands, as defined in s. 281.36
12 (1) (c). Upon referral of any proposed rule under this subsection to the presiding
13 officer of each house of the legislature under s. 227.19 (2), the presiding officers shall
14 refer the proposed rule to a senate committee and an assembly committee concerned
15 with the environment.

16 **SECTION 10.** 281.36 of the statutes is created to read:

17 **281.36 Water quality certification for nonfederal wetlands. (1)**

18 DEFINITIONS. In this section:

19 (a) “Additional federal law or interpretation” means any of the following:

20 1. An amendment to 33 USC 1344 (f) that becomes effective after
21 January 9, 2001.

22 2. Any other federal statutory provision that affects the exemptions under 33
23 USC 1344 (f) and that becomes effective after January 9, 2001.

24 3. A regulation, rule, memorandum of agreement, guidance letter, interpretive
25 document, or other provision established by a federal agency that is promulgated or

1 adopted pursuant to 33 USC 1344 (f) or that is used to interpret or implement 33 USC
2 1344 (f), that applies to wetlands located in this state, and that becomes effective
3 after January 9, 2001.

4 4. A decision issued by a federal district or federal appellate court that affects
5 the application of a federal amendment or provision described in subds. 1. to 3., that
6 applies to wetlands located in this state, and that is issued after January 9, 2001.

7 (am) “Area of special natural resource interest” has the meaning given in s.
8 281.37 (1) (a).

9 (b) “Existing federal law or interpretation” means any of the following:

10 1. 33 USC 1344 (f), as amended to January 8, 2001.

11 2. A regulation, rule, memorandum of agreement, guidance letter, interpretive
12 document, or other provision established by a federal agency that is promulgated or
13 adopted pursuant to 33 USC 1344 (f) or that is used to interpret or implement 33 USC
14 1344 (f), that applies to wetlands located in this state, and that is in effect on
15 January 8, 2001.

16 3. A decision issued by a federal district or federal appellate court that affects
17 the application of a federal statute or provision described in subd. 1. or 2., that
18 applies to wetlands located in this state, and that is issued on or before
19 January 8, 2001.

20 (bg) “Federal transportation agency” means the federal aviation
21 administration, the federal highway administration, or the federal railroad
22 administration.

23 (c) “Nonfederal wetland” means a wetland that is identified as such under sub.
24 (1m).

25 (cm) “Political subdivision” means a city, village, town, or county.

1 (cr) “State transportation agency” means the department of transportation or
2 the office of the commissioner of railroads.

3 (d) “Water quality standards” means water quality standards set under rules
4 promulgated by the department under s. 281.15.

5 **(1m)** DETERMINATION OF NONFEDERAL WETLANDS. (a) A wetland is identified as
6 a nonfederal wetland if either of the following applies:

7 1. Any discharges of dredged or fill material into the wetland are determined
8 not to be subject to regulation under 33 USC 1344 due to the decision in Solid Waste
9 Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99–1178 (U.S.
10 Jan. 9, 2001) or any subsequent interpretations of that decision by a federal agency
11 or by a federal district or federal appellate court that applies to wetlands located in
12 this state.

13 2. The wetland is determined to be a nonnavigable, intrastate, and isolated
14 wetland under the decision in Solid Waste Agency of Northern Cook County v. U.S.
15 Army Corps of Engineers, No. 99–1178 (U.S. Jan. 9, 2001) or any subsequent
16 interpretations of that decision by a federal agency or by a federal district or federal
17 appellate court that applies to wetlands located in this state.

18 (b) For the purpose of identifying wetlands under par. (a):

19 1. If the U.S. army corps of engineers issues a determination as to whether a
20 wetland is a nonfederal wetland, the department shall adopt that determination.

21 2. If the U.S. army corps of engineers does not issue a determination as to
22 whether a wetland is a nonfederal wetland, the department shall determine whether
23 the wetland is a nonfederal wetland.

24 **(2)** CERTIFICATION REQUIREMENT. (a) No person may discharge dredged or fill
25 material into a nonfederal wetland unless the discharge is authorized by a water

1 quality certification issued by the department under this section. No person may
2 violate any condition imposed by the department in a water quality certification
3 under this section. The department may not issue a water quality certification under
4 this section unless it determines that the discharge will comply with all applicable
5 water quality standards.

6 (b) 1. The department shall approve or deny a complete application for a water
7 quality certification under this section within 120 days after the date the department
8 determines that a complete application for the certification has been submitted
9 unless the applicant and the department agree to extend the time period. The
10 department may not determine an application to be complete until the requirements
11 under s. 1.11 have been met and until all of the items of information for the water
12 quality certification and for any associated permits or other approvals have been
13 submitted to the department. If the department fails to approve or deny the complete
14 application within the applicable time period, the applicant may bring an action for
15 mandamus to compel the department to approve or deny the application. If the court
16 grants the mandamus, the department shall approve or deny the application within
17 30 days after the mandamus is granted and the court shall award the applicant
18 reasonable attorney fees and court costs incurred in bringing the action.

19 2. For purposes of subd. 1., the department shall initially determine whether
20 a complete application has been submitted and, no later than 30 days after the
21 application is submitted, notify the applicant in writing about the initial
22 determination of completeness. If the department determines that the application
23 is incomplete, the notice shall state the reason for the determination and the specific
24 items of information necessary to make the application complete. An applicant may
25 supplement and resubmit an application that the department has determined to be

1 incomplete. There is no limit on the number of times that an applicant may resubmit
2 an application that the department has determined to be incomplete under this
3 subdivision. The department may not demand items of information that are not
4 specified in the notice as a condition for determining whether the application is
5 complete unless both the department and the applicant agree or unless the applicant
6 makes material additions or alterations to the project for which the the application
7 has been submitted.

8 **(3) DELINEATION PROCEDURES.** For purposes of delineating the boundary of a
9 nonfederal wetland, the department and the person who is applying for or who holds
10 a water quality certification under this section shall use the procedures contained
11 in the wetlands delineation manual published by the U.S. army corps of engineers.
12 The edition of the manual that shall be used shall be the 1987 edition of the manual
13 and any document that the U.S. army corps of engineers issues interpreting that
14 manual, unless the U.S. army corps of engineers publishes an edition of the manual
15 after January 9, 2001, and the department by rule designates that edition as the one
16 to be used under this subsection. If the U.S. army corps of engineers issues a
17 guidance document interpreting the edition of the wetlands delineation manual that
18 the department is required to use under this subsection and if that guidance
19 document is issued after the effective date of this paragraph [revisor inserts date],
20 the department shall notify the appropriate standing committee of each house of the
21 legislature, as determined by the speaker of the assembly and the president of the
22 senate, of the issuance of the guidance document and whether the department
23 intends to promulgate a rule incorporating the provisions of the guidance document.

1 **(4) EXEMPTIONS.** Except as provided in sub. (5), the certification requirement
2 under sub. (2) does not apply to any discharge that is the result of any of the following
3 activities:

4 (a) Normal farming, silviculture, or ranching activities.

5 (b) Maintenance, emergency repair, or reconstruction of damaged parts of
6 structures that are in use in a nonfederal wetland.

7 (c) Construction or maintenance of farm ponds, stock ponds, or irrigation
8 ditches.

9 (d) Maintenance of drainage ditches.

10 (e) Construction or maintenance of farm roads, forest roads, or temporary
11 mining roads that is performed in accordance with best management practices, as
12 determined by the department, to ensure all of the following:

13 1. That the flow and circulation patterns and chemical and biological
14 characteristics of the affected nonfederal wetland are not impaired.

15 2. That the reach of the affected nonfederal wetland is not reduced.

16 3. That any adverse effect on the aquatic environment of the affected
17 nonfederal wetland is minimized to the degree required by the department.

18 **(5) INAPPLICABILITY OF EXEMPTIONS.** Notwithstanding sub. (4), a discharge that
19 would be exempt under sub. (4) is subject to the certification requirement under sub.
20 (2) if the discharge is incidental to an activity that has as its purpose bringing a
21 nonfederal wetland, or part of an nonfederal wetland, into a use for which it was not
22 previously subject and if the activity may do any of the following:

23 (a) Impair the flow or circulation of any nonfederal wetland.

24 (b) Reduce the reach of any nonfederal wetland.

1 **(6) RULES FOR EXEMPTIONS.** (a) The department shall promulgate rules to
2 interpret and implement the provisions under subs. (4) and (5). In promulgating
3 these rules, the department shall do all of the following:

4 1. Make the rules consistent with existing federal law.

5 2. Incorporate any applicable additional federal law or interpretation into the
6 rules.

7 (b) Whenever an additional federal law or interpretation is initially
8 incorporated into the rules, the department may modify the additional federal law
9 or interpretation as it determines is necessary, but the department may not
10 otherwise amend or modify any of the rules promulgated under this subsection.

11 **(7) RULES PROHIBITION; DETERMINATIONS OF PUBLIC SAFETY.** (a) The department
12 may not promulgate or enforce a rule requiring a person who submits an application
13 for a water quality certification under this section for the discharge of dredged or fill
14 material into a nonfederal wetland to submit a description of practicable alternatives
15 to the discharge or to submit a description of any investigation conducted to
16 determine the viability of such alternatives if all of the following apply:

17 1. The wetland is less than one acre in size.

18 2. The wetland is not in an area of special natural resource interest.

19 3. The application for the water quality certification includes a copy of a
20 determination that the discharge is necessary for public safety that is made under
21 par. (b) or that is made in response to a request made under par. (bn).

22 (b) 1. A political subdivision shall make a determination as to whether a
23 discharge into a nonfederal wetland within the boundaries of the political
24 subdivision is necessary for public safety if requested to do so by an applicant for a
25 water quality certification under this section. A state transportation agency shall

1 make a determination as to whether a discharge into a nonfederal wetlands is
2 necessary for public safety if requested to do so by an applicant for a water quality
3 certification under this section.

4 2. Before a political subdivision or a state transportation agency makes any
5 determination under subd. 1., it shall publish appropriate notice, as determined by
6 the political subdivision or the state transportation agency, to the public that
7 describes the request and that states that it will be making the determination. On
8 or before the date of the publication of the notice, the political subdivision or state
9 transportation agency shall mail or otherwise provide a written copy of the notice to
10 the department. After publication of the notice, the governing body of the political
11 subdivision or the state transportation agency may hold a public hearing to
12 determine whether the discharge is necessary for public safety. Any public hearing
13 held under this subdivision shall be held no later than 30 days after the applicant
14 for the water quality certification made the request for the determination. The
15 governing body of the political subdivision or the state transportation agency shall
16 issue the determination in writing, and the determination shall include a statement
17 of the grounds for making the determination.

18 3. The department or any person whose substantial interests are adversely
19 affected by a determination issued under subd. 2. by a governing body of a political
20 subdivision or by a state transportation agency may file for judicial review of the
21 determination. Section 68.13 shall apply to the judicial review of a determination
22 made by a political subdivision. Sections 227.52 to 227.58 shall apply to the judicial
23 review of a determination made by a state transportation agency.

1 (bn) An applicant for a water quality certification may submit a request to a
2 federal transportation agency for a determination as to whether a discharge into a
3 nonfederal wetland is necessary for public safety.

4 (c) 1. Notwithstanding the fact that an applicant for a water quality
5 certification under this section has received a determination that the discharge is
6 necessary for public safety, the department may conduct an examination of the
7 practicable alternatives to the proposed discharge that will not adversely affect the
8 nonfederal wetland and that will not result in other significant adverse
9 environmental consequences.

10 2. If the department decides under subd. 1. to conduct an examination, the
11 department shall conduct the examination by first determining, after consulting
12 with the applicant for the water quality certification, whether an alternative to the
13 discharge exists on the parcel of land on which the nonfederal wetland is located that
14 would not conflict with the determination that the discharge is necessary for public
15 safety. At the same time that the department is conducting the examination of the
16 practicable alternatives under this subdivision, the department shall consider the
17 functional value of the nonfederal wetland. If the department determines that such
18 a practicable alternative exists, the department may deny the water quality
19 certification.

20 3. If the department determines that no practicable alternative exists after
21 conducting the examination under subd 2., the department may proceed with the
22 examination by determining, after consulting with the applicant for the water
23 quality certification, whether an alternative to the discharge exists on the parcel of
24 land on which the nonfederal wetland is not located that would not conflict with the
25 determination that the discharge is necessary for public safety. At the same time

1 that the department is conducting an examination of the practicable alternatives
2 under this subdivision, the department shall consider the functional value of the
3 nonfederal wetland. If the department determines that such a practicable
4 alternative exists, the department may deny the water quality certification.

5 4. If the department determines that no practicable alternative exists after
6 conducting the examination under subds. 2. and 3., the department may require that
7 the applicant implement a mitigation project under s. 281.37 (2).

8 **(8) GENERAL WATER QUALITY CERTIFICATIONS.** (a) In lieu of issuing individual
9 water quality certifications under this section, the department may issue a general
10 water quality certification for types of discharges that the department determines
11 are similar in nature or for the purpose of simplifying the certification process if the
12 discharges meet all of the following standards:

13 1. The discharges will cause only minimal adverse environmental effects, as
14 determined by the department, if they are performed separately.

15 2. The cumulative adverse effect on the environment by the discharges will be
16 minimal, as determined by the department.

17 (b) No general water quality certification issued under par. (a) may be effective
18 for more than 5 years after the date of its issuance.

19 (bn) 1. The department shall issue general water quality certifications that are
20 consistent with all of the general permits issued under 33 USC 1344 (e) that applied
21 on January 8, 2001, to nonfederal wetlands located in this state.

22 2. If a general permit as specified in subd. 1. is amended or modified after
23 January 8, 2001, the department shall incorporate the amendments or
24 modifications into the general water quality certification issued under subd. 1. and
25 may not otherwise amend or modify the general water quality certification.

1 (c) If the department determines that any of the discharges under a general
2 water quality certification issued under par. (a) fails to meet any of the standards in
3 par. (a), the department shall modify the certification so that the discharges meet all
4 of the standards. If the department cannot modify the certification so that all of the
5 standards will be met or if the department determines that the discharges subject
6 to the general certification are more appropriately certified by using individual
7 water quality certifications, the department shall revoke the general certification.

8 (d) Before issuing, modifying, or revoking a general water quality certification
9 issued under par. (a), the department shall provide notice and a hearing under ss.
10 227.17 and 227.18.

11 (e) Subsection (2) (b) does not apply to general water quality certifications
12 issued under this subsection.

13 **(9) INSPECTION AUTHORITY.** (a) For purposes of enforcing this section, any
14 employee or other representative of the department, upon presenting his or her
15 credentials, may do any of the following:

16 1. Enter and inspect any property on which is located a nonfederal wetland, or
17 part of a nonfederal wetland, for which an application for a water quality
18 certification has been submitted to the department.

19 2. Enter and inspect any property on which is located a nonfederal wetland to
20 investigate a discharge of dredged or fill material that the department has reason
21 to believe is in violation of this section.

22 3. Gain access to and inspect any records that the department requires a holder
23 of a water quality certification to keep.

24 (am) An employee or representative of the department may not exercise the
25 authority granted under par. (a) 1. before the date on which the application is

1 submitted. If the application is denied or withdrawn, an employee or representative
2 of the department may not exercise this authority after the date on which the
3 application is denied or withdrawn. If the application is approved, an employee or
4 representative of the department may not exercise this authority after the 30th day
5 immediately following the completion date of the discharge of the dredged or fill
6 material or the completion date of any conditions imposed under the water quality
7 certification, whichever date is later.

8 (ar) 1. Before entering and inspecting a property under par. (a) 2., the
9 department shall make at least one of the following requests:

10 a. A request for consent from the proprietor to enter and inspect the property.

11 b. A request, orally or in writing, that the proprietor provide an oral or written
12 explanation, as elected by the department, concerning the activity that the
13 department has reason to believe may constitute a violation of this section.

14 2. a. If the proprietor grants consent for the entry on, and the inspection of, the
15 property to investigate a discharge as authorized under par. (a) 2., the department,
16 upon reasonable advance notice, may enter and inspect the property in compliance
17 with the terms of the consent granted by the proprietor.

18 b. If the proprietor refuses to grant consent for the entry on, or the inspection
19 of, the property or if the proprietor's explanation or terms of consent are not
20 acceptable to the department of natural resources, the department of natural
21 resources may apply for, obtain, or execute a special inspection warrant under s.
22 66.0119 or refer the matter to the department of justice for enforcement under s.
23 299.95.

1 c. If the proprietor fails to respond to all requests made under subd. 1., an agent
2 of the department of natural resources may apply for, obtain, and execute a special
3 inspection warrant under s. 66.0119.

4 3. Any employee or representative of the department may make the requests
5 under subd. 1. or enter or inspect property under subd. 2. a. only during reasonable
6 hours.

7 (b) Any employee or representative of the department may exercise the
8 authority granted under par. (a) 1. or 3. only during reasonable hours and only after
9 the department has provided reasonable advance notice to the proprietor of the
10 property involved or to the holder of the water quality certification.

11 (c) An employee or representative of the department may not gain access to or
12 inspect any records as authorized under par. (a) 3. unless the holder of the water
13 quality certification, or the holder's designee, is present or unless the holder of the
14 certification waives this requirement.

15 **(10) OTHER REQUIREMENTS.** This section does not affect the authority of the
16 department to do any of the following:

17 (a) Regulate the discharge of dredged or fill material in a nonfederal wetland
18 under ss. 59.692, 61.351, 62.231, 87.30, 281.11 to 281.35, 281.41 to 281.47, or 281.49
19 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.

20 (b) Issue a water quality certification under rules promulgated under this
21 chapter to implement 33 USC 1341 (a).

22 **SECTION 11.** 281.69 (3) (b) 2. of the statutes is amended to read:

23 281.69 **(3)** (b) 2. The restoration of a wetland, as defined in s. ~~23.32 (1)~~, if the
24 restoration will protect or improve a lake's water quality or its natural ecosystem.

25 **SECTION 12.** 281.98 (1) of the statutes is amended to read:

1 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19), and 281.99 (2),
2 any person who violates this chapter or any rule promulgated or any plan approval,
3 license ~~or~~, special order, or water quality certification issued under this chapter shall
4 forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of
5 continued violation is a separate offense. While an order is suspended, stayed, or
6 enjoined, this penalty does not accrue.

7 **SECTION 13.** 299.95 of the statutes is amended to read:

8 **299.95 Enforcement; duty of department of justice; expenses.** The
9 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except
10 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan
11 approvals and, permits, and water quality certifications of the department, except
12 those promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except
13 as provided in s. 285.86. The circuit court for Dane county or for any other county
14 where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to
15 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval
16 ~~or~~, permit, or certification by injunctive and other relief appropriate for
17 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295
18 or this chapter or the rule, special order, license, plan approval ~~or~~, permit or
19 certification prohibits in whole or in part any pollution, a violation is considered a
20 public nuisance. The department of natural resources may enter into agreements
21 with the department of justice to assist with the administration of chs. 281 to 285 and
22 289 to 295 and this chapter. Any funds paid to the department of justice under these
23 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

24 **SECTION 14.** 814.04 (intro.) of the statutes is amended to read:

1 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.30 (5m),
2 106.50 (6) (i) and (6m) (a), 115.80 (9), 281.36 (2) (b) 1., 769.313, 814.025, 814.245,
3 895.035 (4), 895.10 (3), 895.75 (3), 895.77 (2), 895.79 (3), 895.80 (3), 943.212 (2) (b),
4 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as follows:

5 **SECTION 15. Nonstatutory provisions.**

6 (1) TEMPORARY PROCESS.

7 (a) In this subsection, “existing federal law or interpretation” has the meaning
8 given in section 281.36 (1) (b) of the statutes, as created by this act.

9 (b) Except as provided in paragraph (c), no person may discharge dredged or
10 fill material into a nonfederal wetland before the date on which the rules required
11 under section 281.36 (6) of the statutes, as created by this act, are effective unless
12 one of the following applies:

13 1. The person demonstrates to the satisfaction of the department of natural
14 resources that the discharge would qualify for an exemption under existing federal
15 law or interpretation.

16 2. The person receives a water quality certification issued under section 281.36
17 of the statutes, as created by this act.

18 3. The person demonstrates to the satisfaction of the department of natural
19 resources that the discharge is exempt from the water quality standards for wetlands
20 set under rules promulgated under section 281.15 of the statutes.

21 (c) This subsection does not apply after the date on which the rules required
22 under section 281.36 (6) of the statutes, as created by this act, are effective.

23 (2) RULES DEADLINE. The department of natural resources shall submit in
24 proposed form the rules required under section 281.36 (6) of the statutes, as created
25 by this act, to the legislative council staff under section 227.15 (1) of the statutes no

1 later than the first day of the 13th month beginning after the effective date of this
2 subsection.

3 (3) LEGISLATIVE COUNCIL STUDY. The joint legislative council is requested to
4 establish a committee to study the regulation of wetlands.

5 **SECTION 16. Effective dates.** This act takes effect on the day after publication,
6 except as follows:

7 (1) The treatment of section 23.321 (2) of the statutes takes effect on
8 August 1, 2001, or on the day after publication, whichever is later.

9 (END)