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1 **SECTION 135.** 30.206 (3) (title) of the statutes is created to read:

2 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
3 PERMITS.

4 **SECTION 136.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
5 amended to read:

6 30.206 (3) (a) A person wishing to proceed with an activity that may be
7 authorized by a general permit shall apply to the department, with written
8 notification of the person's wish to proceed, not less than ~~20 business~~ 30 days before
9 commencing the activity authorized by a general permit. ~~The department may~~
10 ~~request additional information from the applicant~~ notification shall provide
11 information describing the activity in order to allow the department to determine
12 whether the activity is ~~within the scope of a~~ authorized by the general permit and
13 ~~shall inform the applicant in writing of its determination within 10 business days~~
14 ~~after receipt of adequate information.~~

15 **SECTION 137.** 30.206 (3) (c) of the statutes is created to read:

16 30.206 (3) (c) Upon completion of an activity that the department has
17 authorized under a general permit, the applicant for the general permit shall provide
18 to the department a statement certifying that the activity is in compliance with all
19 of the conditions of the general permit and a photograph of the activity.

20 **SECTION 138.** 30.206 (3m) of the statutes is repealed.

21 **SECTION 139.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
22 amended to read:

23 30.206 (3) (b) ~~Upon receipt of the department's determination that the~~
24 ~~proposed activity is authorized by a general permit, If within 30 days after a~~
25 notification under par. (a) is submitted to the department the department does not

BILL**SECTION 139**

1 require any additional information about the activity that is subject to the
2 notification and does not inform the applicant that an individual permit will be
3 required, the activity will be considered to be authorized by the general permit and
4 the applicant may proceed without further notice, hearing, permit or approval if the
5 activity is carried out in compliance with all of the conditions of the general permit.
6 The department may require an individual permit only if it determines that the
7 proposed activity is not authorized by the general permit.

8 **SECTION 140.** 30.206 (5) (title) of the statutes is created to read:

9 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

10 **SECTION 141.** 30.206 (6) of the statutes is amended to read:

11 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
12 which a general permit has been issued may request an individual permit under the
13 applicable provisions of this ~~chapter~~ subchapter or ch. 31 in lieu of seeking
14 authorization under the general permit.

15 **SECTION 142.** 30.206 (7) of the statutes is amended to read:

16 30.206 (7) This section does not apply to an application for a general permit for
17 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
18 ~~if the application for the general permit may be submitted under s. 30.207.~~

19 **SECTION 143.** 30.207 (1) of the statutes is amended to read:

20 30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (b)~~
21 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
22 the portion and shoreline of Lake Poygan in Waushara County; the area south of
23 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
24 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
25 portion of Outagamie County south and east of USH 41; that portion of Waupaca

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1 County that includes the town of Mukwa, city of New London, town of Caledonia,
2 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
3 in the town of Weyauwega.

4 **SECTION 144.** 30.207 (3) (d) 2. of the statutes is amended to read:

5 30.207 (3) (d) 2. Specify the department's plans for proceeding on the
6 application. ~~The plans shall include a timetable for the notice and hearing required~~
7 ~~under sub. (4).~~

8 **SECTION 145.** 30.207 (4) (b) of the statutes is repealed.

9 **SECTION 146.** 30.207 (5) of the statutes is repealed.

10 **SECTION 147.** 30.208 of the statutes is created to read:

11 **30.208 Applications for individual permits and contracts; department**
12 **determinations. (1) APPLICATION REQUIRED.** A person who seeks to obtain or modify
13 an individual permit under this subchapter or to enter into a contract under s. 30.20
14 shall submit an application to the department. The application may contain a
15 request for a public hearing on the application.

16 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION.** (a)
17 Upon determination by the department that an application submitted under sub. (1)
18 is complete, the department shall provide notice of complete application to interested
19 and potentially interested members of the public, as determined by the department.
20 The department shall provide the notice within 15 days after the determination that
21 the application is complete. If the applicant has requested a public hearing as part
22 of the submitted application, a notice of public hearing shall be part of the notice of
23 complete application.

24 (b) If the notice of complete application does not contain a notice of public
25 hearing, any person may request a public hearing in writing or the department may

BILL**SECTION 147**

1 decide to hold a public hearing without a request being submitted if the department
2 determines that there is a significant public interest in holding a hearing.

3 (c) A request for a public hearing under par. (b) must be submitted to the
4 department or the department's decision to hold a public hearing must occur within
5 30 days after the department completes providing the notice of complete application.
6 The department shall provide notice of public hearing within 15 days after the
7 request for public hearing is submitted or the department makes its determination.

8 (d) The department shall hold a public hearing within 30 days after the notice
9 of hearing has been provided under par. (a) or (c).

10 (e) Within 30 days after the public hearing is held or, if no public hearing is held,
11 within 30 days of the 30-day comment period under sub. (4) (a), the department shall
12 render a decision, issuing, denying, or modifying the permit or approving the
13 contract that is the subject of the application submitted under sub. (1).

14 (4) PUBLIC COMMENT. (a) The department shall provide a period for public
15 comment after the department has provided a notice of complete application under
16 sub. (3) (a), during which time any person may submit written comments with
17 respect to the application for the permit or contract. The department shall retain all
18 of the written comments submitted during this period and shall consider all of the
19 comments in the formulation of the final decision on the application. The period for
20 public comment shall end on the 30th day following the date on which the
21 department completes providing the notice of complete application, except as
22 provided in par. (b).

23 (b) If a public hearing is held, the period for public comment shall end on the
24 10th day following the date on which the public hearing is completed.

BILL

1 (d) The department shall promulgate rules to establish procedures for the
2 conduct of public hearings held under this subsection. Public hearings held under
3 this subsection are not contested cases under s. 227.01 (3).

4 (5) NOTICE REQUIREMENTS. (a) The department shall, by rule, establish
5 procedures for providing notices of complete applications and notices of public
6 hearings to be provided under sub. (3), and notices of administrative hearings to be
7 provided under s. 30.209 (1). The procedures shall require all of the following:

- 8 1. That the notice be published as a class 1 notice under ch. 985.
- 9 2. That the notice be mailed to any person or group upon request.

10 (b) The department shall, by rule, prescribe the form and content of notices of
11 complete applications and notices of public hearings to be provided under sub. (3),
12 and notices of administrative hearings to be provided under s. 30.209 (1). Each notice
13 shall include all of the following information:

- 14 1. The name and address of each applicant or permit holder.
- 15 2. A brief description of each applicant's activity or project that requires the
16 permit.
- 17 3. The name of the waterway in or for which the activity or project is planned.
- 18 4. For a notice of complete application and a notice of public hearing under sub.
19 (3), a statement of the tentative determination to issue, modify, or deny a permit for
20 the activity or project described in the application.
- 21 5. For a notice of complete application and a notice of public hearing under sub.
22 (3), a brief description of the procedures for the formulation of final determinations,
23 including a description of the comment period required under sub. (4).

24 (c) The department may delegate the department's requirement to provide
25 notice under sub. (3) or s. 30.209 (1) by doing any of the following:

BILL

1 1. Requiring that the applicant for the permit or contract provide by
2 publication, mailing, or other distribution or more of the notices.

3 2. That the applicant for the permit or contract pay for the publication, mailing,
4 or any other distribution costs of providing one or more of the notices.

5 **SECTION 148.** 30.209 of the statutes is created to read:

6 **30.209 Individual permits; administrative and judicial review. (1)**

7 ADMINISTRATIVE REVIEW. (a) An applicant for or holder of an individual permit, or 5
8 or more persons, may file a petition for administrative review of any of the following
9 decisions given by the department:

10 1. The issuance, denial, or modification of any individual permit issued under
11 this subchapter.

12 2. The imposition of, or failure to impose, a term or condition on any individual
13 permit issued under this subchapter.

14 (b) A petition under this subsection shall be filed with the department within
15 30 days after the date on which the department has given notice of its decision under
16 par. (a) 1. or 2. The petition shall state the interest of each petitioner, the specific
17 issue to be reviewed, and the reasons why an administrative hearing is warranted.

18 (c) Unless the department determines that there are no grounds supporting the
19 position that an administrative hearing is warranted, the department shall provide
20 a notice of the hearing at least 30 days before the date of the hearing to all of the
21 following:

22 1. The applicant for or the holder of the permit.

23 2. Each petitioner, if other than the applicant or holder.

24 3. Any other persons required to receive notice under the rules promulgated
25 under s. 30.208 (5).

BILL

1 (d) The notice under par. (c) shall be in compliance with all of the other
2 applicable rules promulgated under s. 30.208 (5).

3 (e) The administrative hearing shall be conducted as a contested case hearing
4 in accordance with the procedures under ch. 227.

5 **(2) JUDICIAL REVIEW.** (a) Any applicant for or holder of an individual permit or
6 any other person who satisfies the requirements of s. 227.52 may commence an
7 action in circuit court to review any of the decisions given by the department that are
8 specified in sub. (1) (a) 1. and 2.

9 (b) An action filed under par. (a) by an applicant for or holder of an individual
10 permit shall be in lieu of the applicant or holder seeking review under sub. (1).

11 (c) Any administrative review petitioned for under sub. (1) may be removed to
12 the circuit court by the applicant for the permit, the holder of the permit, or the
13 department. The review shall be commenced by filing a motion for removal together
14 with a copy of the petition filed under sub. (1). The motion must be filed within 30
15 days after notice is provided under sub. (1) (c).

16 (d) An action or review commenced under this subsection shall be filed in the
17 circuit court for the county in which the riparian property that is subject to a decision
18 by the department, as specified in sub. (1) (a) 1. and 2., is located.

19 (e) A review under par. (c) or (d) shall include the examination of witnesses and
20 the taking of evidence before the court.

21 **SECTION 149.** 30.28 (3) (b) of the statutes is amended to read:

22 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)

23 (a) ~~2., 2m. or 3.~~ or (4) (c) or (d).

24 **SECTION 150.** 30.29 (3) (d) of the statutes is amended to read:

BILL**SECTION 150**

1 30.29 (3) (d) *Activities for which a permit is issued.* A person or agent of a person
2 who is ~~issued a permit by the department while the person or agent is engaged in~~
3 activities related to the purpose for which the permit is issued as authorized under
4 a general or individual permit issued under this subchapter or as authorized under
5 a contract entered into under this subchapter.

6 **SECTION 151.** 30.298 (3) of the statutes is amended to read:

7 30.298 (3) Any person who violates a general permit under s. 30.206 shall
8 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
9 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
10 subsequent time.

11 **SECTION 152.** 31.39 (2m) (c) of the statutes is amended to read:

12 31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) ~~(a)~~ or 281.22
13 is applicable to a project, the department shall charge only the highest fee of those
14 that are applicable.

15 **SECTION 153.** 66.0628 of the statutes is created to read:

16 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
17 “political subdivision” means a city, village, town, or county.

18 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
19 relationship to the service for which the fee is imposed.

20 (3) With regard to a fee that is first imposed, or an existing fee that is increased,
21 on or after the effective date of this subsection [revisor inserts date], a political
22 subdivision shall issue written findings that demonstrate that the fee meets the
23 standard in sub. (2).

24 **SECTION 154.** 66.1001 (2) (e) of the statutes is amended to read:

BILL

1 66.1001 (2) (e) *Agricultural, natural and cultural resources element.* A
2 compilation of objectives, policies, goals, maps and programs for the conservation,
3 and promotion of the effective management, of natural resources such as
4 groundwater, forests, productive agricultural areas, environmentally sensitive
5 areas, threatened and endangered species, stream corridors, surface water,
6 floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources
7 consistent with zoning limitations under s. 295.20 (2), parks, open spaces, historical
8 and cultural resources, community design, recreational resources and other natural
9 resources.

10 **SECTION 155.** 66.1001 (4) (a) of the statutes is amended to read:

11 66.1001 (4) (a) The governing body of a local governmental unit shall adopt,
12 written procedures that are designed to foster public participation, including open
13 discussion, communication programs, information services, and public meetings for
14 which advance notice has been provided, in every stage of the preparation of a
15 comprehensive plan. The written procedures shall provide for wide distribution of
16 proposed, alternative, or amended elements of a comprehensive plan and shall
17 provide an opportunity for written comments on the plan to be submitted by
18 members of the public to the governing body and for the governing body to respond
19 to such written comments. The written procedures shall describe the methods the
20 governing body of a local governmental unit will use to distribute proposed,
21 alternative, or amended elements of a comprehensive plan to owners of property, or
22 to persons who have a leasehold interest in property pursuant to which the persons
23 may extract nonmetallic mineral resources in or on property, in which the allowable
24 use or intensity of use, of the property, is changed by the comprehensive plan.

25 **SECTION 156.** 66.1001 (4) (e) of the statutes is created to read:

BILL

1 66.1001 (4) (e) At least 30 days before the hearing described in par. (d) is held,
2 a local governmental unit shall provide written notice to all owners of property, and
3 all leaseholders who have an interest in property pursuant to which the persons may
4 extract nonmetallic mineral resources, in which the allowable use or intensity of use,
5 of the property, is changed by the comprehensive plan, including all of the following:

6 1. An operator who has obtained, or made application for, a permit that is
7 described under s. 295.12 (3) (d).

8 2. A person who has registered a marketable nonmetallic mineral deposit
9 under s. 295.20.

10 3. Any other person who the local governmental unit knows has a property
11 interest in nonmetallic mineral resources in the jurisdiction.

12 **SECTION 157.** 84.18 (6) of the statutes is amended to read:

13 84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. ~~30.12 (4)~~ 30.2022 and
14 the control exercised by the United States, the construction under this section of any
15 local bridge project shall be wholly under the supervision and control of the
16 department. The secretary shall make and execute all contracts and have complete
17 supervision over all matters pertaining to such construction and shall have the
18 power to suspend or discontinue proceedings or construction relative to any bridge
19 project at any time in the event any county, city, village or town fails to pay the
20 amount required of it for any project eligible for construction under this section, or
21 if the secretary determines that sufficient funds to pay the state's part of the cost of
22 such bridge project are not available. All moneys provided by counties, cities,
23 villages and towns shall be deposited in the state treasury, when required by the
24 secretary, and paid out on order of the secretary. Any of the moneys deposited for a
25 project eligible for construction under this section which remain in the state treasury

BILL

1 after the completion of the project shall be repaid to the respective county, city, village
2 or town in proportion to the amount each deposited.

3 **SECTION 158.** 106.01 (9) of the statutes is amended to read:

4 106.01 (9) ~~The Subject to s. 106.04, the~~ department may investigate, fix
5 reasonable classifications, ~~issue promulgate rules and, issue~~ general or special
6 orders, and, hold hearings, make findings, and render orders upon its findings as
7 ~~shall be~~ necessary to carry out the intent and purposes of this section. The
8 investigations, classifications, hearings, findings, and orders shall be made as
9 provided in s. 103.005. Except as provided in sub. (8), the penalties specified in s.
10 103.005 (12) apply to violations of this section. Orders issued under this subsection
11 are subject to review under ch. 227.

12 **SECTION 159.** 106.025 (4) of the statutes is amended to read:

13 106.025 (4) In order that the apprentice may qualify at the end of
14 apprenticeship as a skilled mechanic in the art of installing plumbing work, the
15 department, ~~subject to s. 106.04~~, may prescribe the level of supervision of an
16 apprentice and the character of plumbing work that the apprentice may do during
17 the 3rd year of the apprenticeship term. An apprentice in the 4th or 5th year of the
18 apprenticeship term may install plumbing under the direction or supervision of a
19 master or journeyman plumber without either the master or journeyman being
20 physically present, provided that the master plumber in charge shall be responsible
21 for the work.

22 **SECTION 160.** 106.04 of the statutes is created to read:

23 **106.04 Apprentice-to-journeyman job-site ratio regulation**
24 **prohibited.** The department may not prescribe, whether by promulgating a rule,

BILL**SECTION 160**

1 issuing a general or special order, or otherwise, the ratio of apprentices to
2 journeymen that an employer may have at a job site.

3 **SECTION 161.** 146.82 (2) (a) (intro.) of the statutes is amended to read:

4 146.82 (2) (a) (intro.) ~~Notwithstanding~~ It is not a violation of sub. (1), to release
5 patient health care records ~~shall be released upon request~~ without informed consent
6 in the following circumstances:

7 **SECTION 162.** 146.82 (2) (a) 22. of the statutes is created to read:

8 146.82 (2) (a) 22. For purposes of health care operations, as defined in 45 CFR
9 164.501, and as authorized under 45 CFR 164, subpart E.

10 **SECTION 163.** 196.195 (5m) of the statutes is created to read:

11 196.195 (5m) TIME LIMITATION ON COMMISSION ACTION. (a) No later than 120 days
12 after the filing of a petition under sub. (2) (a), the commission shall complete the
13 proceedings under subs. (2), (3), and (4), and, if appropriate, enter an order under
14 sub. (5). If the commission fails to complete the proceedings and, if appropriate, enter
15 an order before that deadline, the petition is considered to be granted without
16 condition by the commission and any provisions of law under sub. (5) that are
17 specified in the petition are considered to be suspended by the commission.

18 (b) No later than 120 days after the commission provides notice of its own
19 motion under sub. (2) (a), the commission shall complete the proceedings under subs.
20 (2), (3), and (4), and, if appropriate, enter an order under sub. (5). If the commission
21 fails to complete the proceedings and, if appropriate, enter an order before that
22 deadline, the motion is considered to be granted without condition by the commission
23 and any provisions of law under sub. (5) that are specified in the motion are
24 considered to be suspended by the commission.

25 **SECTION 164.** 196.195 (10) of the statutes is amended to read:

BILL

1 196.195 (10) REVOCATION OF DEREGULATION. If necessary to protect the public
2 interest, the commission, at any time by order, may revoke its order to suspend the
3 applicability of any provision of law suspended under sub. (5). This subsection does
4 not apply to any provision of law that is considered to be suspended under sub. (5m).

5 **SECTION 165.** 196.24 (3) of the statutes is amended to read:

6 196.24 (3) The commission may conduct any number of investigations
7 contemporaneously through different agents, and may delegate to any agent the
8 authority to take testimony bearing upon any investigation or at any hearing. The
9 decision of the commission shall comply with s. 227.46 and shall be based upon its
10 records and upon the evidence before it, except that, ~~notwithstanding s. 227.46 (4),~~
11 a decision maker may hear a case or read or review the record of a case if the record
12 includes a synopsis or summary of the testimony and other evidence presented at the
13 hearing that is prepared by the commission staff. Parties shall have an opportunity
14 to demonstrate to a decision maker that a synopsis or summary prepared under this
15 subsection is not sufficiently complete or accurate to fairly reflect the relevant and
16 material testimony or other evidence presented at a hearing.

17 **SECTION 166.** 196.374 (3) of the statutes is amended to read:

18 196.374 (3) In 2000, 2001 and 2002, the commission shall require each utility
19 to spend a decreasing portion of the amount determined under sub. (2) on programs
20 specified in sub. (2) and contribute the remaining portion of the amount to the
21 commission for deposit in the fund. ~~In~~ Except as provided in sub. (3m), in each year
22 after 2002, each utility shall contribute the entire amount determined under sub. (2)
23 to the commission for deposit in the fund. The commission shall ensure in
24 rate-making orders that a utility recovers from its ratepayers the amounts spent on
25 programs or contributed to the fund under this subsection or retained under sub.

BILL**SECTION 166**

1 (3m). The commission shall allow each utility the option of continuing to use, until
2 January 1, 2002, the moneys that it has recovered under s. 196.374 (3), 1997 stats.,
3 to administer the programs that it has funded under s. 196.374 (1), 1997 stats. The
4 commission may allow each utility to spend additional moneys on the programs
5 specified in sub. (2) if the utility otherwise complies with the requirements of this
6 section and s. 16.957 (4).

7 **SECTION 167.** 196.374 (3m) of the statutes is created to read:

8 196.374 **(3m)** (a) In each fiscal year, the commission may allow a utility to
9 retain a portion of the amount determined under sub. (2) instead of contributing the
10 entire amount to the commission, if the commission determines that the portion is
11 used by the utility for energy conservation programs for industrial, commercial, and
12 agricultural customers in the utility's service area and that the programs comply
13 with rules promulgated by the commission. The rules shall specify annual energy
14 savings targets that the programs must be designed to achieve. The rules shall also
15 require a utility to demonstrate that, no later than a reasonable period of time, as
16 determined by the commission, after the utility implements a program, the economic
17 value of the benefits resulting from the program will be equal to the portion that the
18 utility is allowed to retain under this paragraph.

19 (b) If the commission allows a utility to retain a portion under par. (a), the
20 utility must contribute 1.75% of the portion to the commission for deposit in the fund
21 for programs for research and development for energy conservation and efficiency
22 and must contribute 4.5% of the portion to the commission for deposit in the fund for
23 renewable resource programs.

BILL

1 (c) A utility may not pay for any expenses related to administration, marketing,
2 or delivery of services for programs specified in par. (a) from any portion of a
3 contribution the utility is allowed to retain under par. (a).

4 **SECTION 168.** 196.491 (1) (d) of the statutes is amended to read:

5 196.491 (1) (d) "Electric utility" means any public utility, as defined in s.
6 196.01, which is involved in the generation, distribution and sale of electric energy,
7 and any corporation, company, individual or association, and any cooperative
8 association, which owns or operates, or plans within the next 3 7 years to construct,
9 own or operate, facilities in the state.

10 **SECTION 169.** 196.491 (2) (a) 3. of the statutes is amended to read:

11 196.491 (2) (a) 3. Identify and describe large electric generating facilities on
12 which an electric utility plans to commence construction within 3 7 years.

13 **SECTION 170.** 196.491 (2) (a) 3m. of the statutes is amended to read:

14 196.491 (2) (a) 3m. Identify and describe high-voltage transmission lines on
15 which an electric utility plans to commence construction within 3 7 years.

16 **SECTION 171.** 196.491 (2) (g) of the statutes is amended to read:

17 196.491 (2) (g) No sooner than 30 and no later than 90 days after copies of the
18 draft are issued under par. (b), the commission shall hold a hearing on the draft
19 which may not be a hearing under s. 227.42 or 227.44. The hearing shall be held in
20 an administrative district, established by executive order 22, issued
21 August 24, 1970, which the commission determines will be significantly affected by
22 facilities on which an electric utility plans to commence construction within 3 7
23 years. The commission may thereafter adjourn the hearing to other locations or may
24 conduct the hearing by interactive video conference or other electronic method.
25 Notice of such hearing shall be given by class 1 notice, under ch. 985, published in

BILL**SECTION 171**

1 the official state newspaper and such other regional papers of general circulation as
2 may be designated by the commission. At such hearing the commission shall briefly
3 describe the strategic energy assessment and give all interested persons an
4 opportunity, subject to reasonable limitations on the presentation of repetitious
5 material, to express their views on any aspect of the strategic energy assessment.
6 A record of the hearing shall be made and considered by the commission as comments
7 on the strategic energy assessment under par. (e).

8 **SECTION 172.** 221.0901 (3) (a) 1. of the statutes is amended to read:

9 221.0901 (3) (a) 1. Merge or consolidate with an in-state bank holding company
10 or in-state bank.

11 **SECTION 173.** 221.0901 (8) (a) and (b) of the statutes are amended to read:

12 221.0901 (8) (a) Except as provided in pars. (b) and (c), the division may not
13 approve an application ~~by an out-of-state bank holding company~~ under sub. (3) (a).
14 other than an application by an in-state bank holding company or in-state bank.
15 unless the in-state bank to be acquired, or all in-state bank subsidiaries of the
16 in-state bank holding company to be acquired, have as of the proposed date of
17 acquisition been in existence and in continuous operation for at least 5 years.

18 (b) The Except as otherwise provided in this paragraph, the division may
19 approve an application under sub. (3) (a) for an acquisition of an in-state bank
20 holding company that owns one or more in-state banks that have been in existence
21 for less than 5 years, if the out-of-state bank holding company applicant divests
22 itself of those in-state banks within 2 years after the date of acquisition of the
23 in-state bank holding company by the out-of-state bank holding company
24 applicant. This paragraph does not apply if the applicant is an in-state bank holding
25 company or in-state bank.

BILL

1 **SECTION 174.** 227.135 (1) (e) and (f) of the statutes are created to read:

2 227.135 (1) (e) A summary of any existing or anticipated federal program that
3 is intended to address the activities to be regulated by the rule and an analysis of the
4 need for the rule if a federal program exists.

5 (f) An assessment of whether the rule is inconsistent, duplicative, or more
6 stringent than the regulations under any federal program summarized in par. (e).

7 **SECTION 175.** 227.137 of the statutes is created to read:

8 **227.137 Economic impact reports of guidelines, policies, and rules. (1)**

9 After an agency publishes a statement of the scope of a proposed rule under s.
10 227.135, and before the agency submits the proposed rule to the legislative council
11 for review under s. 227.15, a municipality, an association that represents a farm,
12 labor, business, or professional group, or 5 or more persons having an interest in the
13 proposed rule may petition the agency to prepare an economic impact report of the
14 proposed rule. If the agency determines that the petitioner may be economically
15 affected by the proposed rule, the agency shall prepare an economic impact report
16 before submitting the proposed rule to the legislative council under s. 227.15.

17 (2) A municipality, an association that represents a farm, labor, business, or
18 professional group, or 5 or more persons affected by an existing or proposed agency
19 guideline or policy, including agency comments and policies in response to federal
20 regulations, may petition the agency to prepare an economic impact report for that
21 existing or proposed agency guideline or policy. If the agency determines that the
22 petitioner may be economically affected by the proposed or existing guideline or
23 policy, the agency shall prepare an economic impact report.

24 (3) An economic impact report shall contain information on the effect of the
25 proposed rule or existing or proposed guideline or policy on specific businesses,

BILL**SECTION 175**

1 business sectors, and the state's economy. When preparing the report, the agency
2 shall solicit information and advice from the department of commerce and
3 governmental units, associations, businesses, and individuals that may be affected
4 by the proposed rule or existing or proposed guideline or policy. The agency may
5 request information that is reasonably necessary for the preparation of an economic
6 impact report from other state agencies, governmental units, associations,
7 businesses, and individuals, but no one is required to respond to that request. The
8 economic impact report shall include all of the following:

9 (a) An analysis and quantification of the problem, including any risks to public
10 health or the environment, that the guideline, policy, or rule is intending to address.

11 (b) An analysis and quantification of the economic impact of the guideline,
12 policy, or rule, including direct, indirect, and consequential costs reasonably
13 expected to be incurred by the state, governmental units, associations, businesses,
14 and affected individuals.

15 (c) An analysis of the guideline's, policy's, or rule's impact on the state's
16 economy, including how the guideline, policy, or rule affects the state's economic
17 development policies.

18 (d) An analysis of benefits of the guideline, policy, or rule, including how the
19 guideline, policy, or rule reduces the risks and addresses the problems that the
20 guideline, policy, or rule is intended to address.

21 (e) An analysis that compares the benefits to the costs of the guideline, policy,
22 or rule.

23 (f) An analysis of existing or anticipated federal programs that are intended to
24 address the risks and problems the agency is intending to address with the guideline,
25 policy, or rule, including a determination of whether the guideline, policy, or rule and

BILL

1 related administrative requirements are consistent with and not duplicative of those
2 existing or anticipated federal programs.

3 (g) An analysis of regulatory alternatives to the guideline, policy, or rule,
4 including the alternative of no regulation, and a determination of whether the
5 guideline, policy, or rule addresses the identified risks and problems the agency is
6 intending to address in the most cost-efficient manner.

7 (h) A comparison of the costs of the guideline, policy, or rule borne by Wisconsin
8 businesses to costs borne by similar businesses located in Indiana, Missouri, and
9 adjacent states.

10 (4) The agency shall submit the economic impact report to the legislative
11 council staff, to the department of administration, and to the petitioner.

12 (5) This section does not apply to emergency rules promulgated under s.
13 227.24.

14 **SECTION 176.** 227.138 of the statutes is created to read:

15 **227.138 Department of administration review of proposed rules. (1)**

16 In this section:

17 (a) "Department" means the department of administration.

18 (b) "Economic impact report" means a report prepared under s. 227.137.

19 (c) "Guideline or policy" includes any agency comments or policies in response
20 to federal regulations.

21 (2) If the department receives an economic impact report under s. 227.137 (4)
22 regarding a proposed rule, the department shall review the proposed rule and issue
23 a report. A municipality, an association that represents a farm, labor, business, or
24 professional group, or 5 or more persons having an interest in a proposed rule may
25 petition the department to review the proposed rule. If the department determines

BILL**SECTION 176**

1 that the petitioner may be economically affected by the proposed rule, the
2 department shall review the proposed rule and issue a report. The department shall
3 notify the agency that a report will be prepared and that the agency shall not submit
4 a proposed rule to the legislative council for review under s. 227.15 (1) until the
5 agency receives a copy of the department's report. The report shall include all of the
6 following findings:

7 (a) If an economic impact report was prepared as required under s. 227.137 (1),
8 that the report and the analysis required under s. 227.137 (3) are supported by
9 related documentation contained in the economic impact report.

10 (b) That the agency has clear statutory authority to promulgate the proposed
11 rule.

12 (c) That the proposed rule, including any administrative requirements, is
13 consistent with and not duplicative of other state rules or federal regulations.

14 (d) That the proposed rule is consistent with the governor's positions and
15 priorities, including those related to economic development.

16 (e) That the agency used data, studies, and other sources of information in
17 developing the proposed rule that is complete, accurate, and derived from accepted
18 scientific methodologies.

19 (3) Before issuing a report under sub. (2), the department may return a
20 proposed rule to the agency for further consideration and revision with a written
21 explanation of why the proposed rule is returned. If the agency head disagrees with
22 the department's reasons for returning the proposed rule, the agency head shall so
23 notify the department in writing. The department secretary shall approve the
24 proposed rule when the agency has adequately addressed the issues raised during
25 the department's review of the rule. The department shall submit a statement to the

BILL

1 governor indicating the department's approval of the proposed rule, the
2 correspondence between the agency and the department related to the proposed rule,
3 and a copy of its report regarding the proposed rule.

4 (4) If the department receives an economic impact report under s. 227.137 (4)
5 regarding a proposed or existing guideline or policy, the department shall review the
6 guideline or policy and issue a report. A municipality, an association that represents
7 a farm, labor, business, or professional group, or 5 or more persons having an interest
8 in a proposed or existing guideline or policy may petition the department to review
9 the guideline or policy. If the department determines that the petitioner may be
10 economically affected by the guideline or policy, the department shall review the
11 guideline or policy and issue a report. The department shall notify the agency that
12 a report will be prepared. The report shall include findings consistent with those
13 under sub. (2) and include the following findings:

14 (a) If an economic impact report was prepared as required under s. 227.137 (4),
15 that the report and the analysis required under s. 227.137 (3) are supported by
16 related documentation contained in the economic impact report.

17 (b) That the guideline or policy is consistent with and does not exceed the
18 agency's statutory authority.

19 (c) That the guideline or policy is consistent with the governor's positions and
20 priorities, including those related to economic development.

21 (d) That the guideline or policy is of the type that is not required to be
22 promulgated as a rule.

23 (5) Before issuing a report under sub. (4), the department may prohibit an
24 agency from implementing a proposed guideline or policy until the department

BILL

1 secretary determines that the proposed guideline or policy meets the criteria under
2 sub. (4) (a) to (d).

3 **SECTION 177.** 227.14 (2) (a) of the statutes is amended to read:

4 227.14 (2) (a) An agency shall prepare in plain language an analysis of each
5 proposed rule, which shall be printed with the proposed rule when it is published or
6 distributed. The analysis shall include a all of the following:

7 1. A reference to each statute that the proposed rule interprets, each statute
8 that authorizes its promulgation, each related statute or related rule ~~and a~~.

9 2. A brief summary of the proposed rule.

10 **SECTION 178.** 227.14 (2) (a) 3. of the statutes is created to read:

11 227.14 (2) (a) 3. A summary of the relevant legal interpretations and policy
12 considerations underlying the proposed rule.

13 **SECTION 179.** 227.14 (2) (a) 4. of the statutes is created to read:

14 227.14 (2) (a) 4. A summary of existing and anticipated federal regulatory
15 programs intended to address similar matters.

16 **SECTION 180.** 227.14 (2) (a) 5. of the statutes is created to read:

17 227.14 (2) (a) 5. A summary of the factual data, studies, and other sources of
18 information on which the proposed rule is based, the methodology used to obtain and
19 analyze the data, studies, and other sources of information, how the data, studies,
20 and other sources of information support the regulatory approach chosen for the rule,
21 and how the data, studies, and other sources of information support any required
22 agency's findings.

23 **SECTION 181.** 227.14 (2) (a) 6. of the statutes is created to read:

BILL

1 227.14 (2) (a) 6. Any analysis and supporting documentation used when the
2 agency considered the rule's effect on small businesses under s. 227.114 or used when
3 preparing an economic impact report under s. 227.137 (3).

4 **SECTION 182.** 227.14 (4) (b) 3. of the statutes is created to read:

5 227.14 (4) (b) 3. For rules that the agency determines may have a significant
6 fiscal effect on the private sector, the anticipated costs that will be incurred by the
7 private sector in complying with the rule.

8 **SECTION 183.** 227.185 of the statutes is created to read:

9 **227.185 Approval by governor.** After a proposed rule is in final draft form
10 and approved by the department of administration under s. 227.138 (3), the agency
11 shall submit the rule to the governor. The governor may approve, modify, or reject
12 the proposed rule. If the governor approves a proposed rule, the governor shall
13 provide the agency with a written notice of that approval. No proposed rule may be
14 submitted to the legislature for review under s. 227.19 (2) or filed with the office of
15 secretary of state or revisor unless the governor has approved the proposed rule in
16 writing. This section does not apply to emergency rules promulgated under s. 227.24.

17 **SECTION 184.** 227.19 (2) of the statutes is amended to read:

18 227.19 (2) NOTIFICATION OF LEGISLATURE. An agency shall submit a notice to the
19 presiding officer of each house of the legislature when a proposed rule is in final draft
20 form and approved by the governor. The notice shall be submitted in triplicate and
21 shall be accompanied by a report in the form specified under sub. (3). A notice
22 received under this subsection on or after September 1 of an even-numbered year
23 shall be considered received on the first day of the next regular session of the
24 legislature. Each presiding officer shall, within 7 working days following the day on
25 which the notice and report are received, refer them to one committee, which may

BILL**SECTION 184**

1 be either a standing committee or a joint legislative committee created by law, except
2 the joint committee for review of administrative rules. The agency shall submit to
3 the revisor for publication in the register a statement that a proposed rule has been
4 submitted to the presiding officer of each house of the legislature. Each presiding
5 officer shall enter a similar statement in the journal of his or her house.

6 **SECTION 185.** 227.19 (3) (intro.) of the statutes is amended to read:

7 227.19 (3) FORM OF REPORT. (intro.) The report required under sub. (2) shall be
8 in writing and shall include the proposed rule in the form specified in s. 227.14 (1),
9 the material specified in s. 227.14 (2) to (4), a copy of any economic impact report
10 prepared by the agency under s. 227.137, a copy of the report prepared by the
11 department of administration under s. 227.138, a copy of the written approval of the
12 governor under s. 227.185, a copy of any recommendations of the legislative council
13 staff, and an analysis. The analysis shall include:

14 **SECTION 186.** 227.19 (3) (a) of the statutes is amended to read:

15 227.19 (3) (a) A detailed statement explaining the ~~need for~~ basis and purpose
16 of the proposed rule, including how the proposed rule advances relevant statutory
17 goals or purposes.

18 **SECTION 187.** 227.19 (3) (am) of the statutes is created to read:

19 227.19 (3) (am) An analysis of policy alternatives to the proposed rule,
20 including reliance on federal regulatory programs, and an explanation for the
21 rejection of those alternatives.

22 **SECTION 188.** 227.19 (3) (b) of the statutes is amended to read:

23 227.19 (3) (b) ~~An~~ A summary of public comments to the proposed rule and the
24 agency's response to those comments, and an explanation of any modification made

BILL

1 in the proposed rule as a result of public comments or testimony received at a public
2 hearing.

3 **SECTION 189.** 227.19 (3) (cm) of the statutes is created to read:

4 227.19 (3) (cm) Any changes to the analysis prepared under s. 227.14 (2) or the
5 fiscal estimate prepared under s. 227.14 (4).

6 **SECTION 190.** 227.40 (4m) of the statutes is created to read:

7 227.40 (4m) (a) In any proceeding under this section for judicial review of a
8 rule, the court shall conduct the review without a jury. The review shall be confined
9 to a substantial inquiry of the agency record, as necessarily and appropriately
10 supplemented by evidence presented to the court. The agency record includes the
11 economic impact report and documentation required under s. 227.137 (3), the
12 analysis and documentation required under ss. 227.14 (2) and 227.19 (3), and public
13 comments on the rule.

14 (b) The court shall treat separately disputed issues of agency procedure,
15 interpretations of law, and determinations of fact or policy within the agency's
16 exercise of delegated discretion.

17 (c) When reviewing whether a rule is invalid as promulgated for failure to
18 comply with statutory rule-making procedures under this chapter, the court shall
19 determine the adequacy of the factual basis to support the rule and the related
20 reasoning employed by the agency to reach its conclusions. When determining the
21 adequacy of the factual basis to support the rule, the court shall consider relevant
22 comments on and alternatives to the rule's approach offered by affected parties
23 during the rule-making process. Based on this review, the court shall find the rule
24 invalid if the agency's decision-making process was arbitrary and capricious.

BILL**SECTION 190**

1 (d) The court shall find a rule invalid if it determines that the adequacy of the
2 rule-making process or that the validity of the regulatory approach was impaired by
3 a material error in agency procedure or a failure of the agency to follow prescribed
4 procedure.

5 (e) When an agency's statutory authority to promulgate a rule is predicated on
6 the rule being comparable to relevant federal programs or standards, including
7 requirements that the rule be similar to, consistent with, or no more restrictive than
8 federal programs or standards, the court shall conduct a de novo review of the agency
9 record to determine if the agency determination that the rule was comparable to the
10 federal program or standards was supported by substantial evidence.

11 (f) When an agency's statutory authority to promulgate a rule exceeding
12 relevant federal programs or standards is predicated on the agency making a finding
13 of need, including a need to protect human health or the environment, the court shall
14 review the agency's record to determine if the agency's findings were supported by
15 substantial evidence.

16 (g) If a court finds that the agency's analysis and determinations under s.
17 227.137 (3) are arbitrary and capricious, the court shall find the rule invalid as
18 without compliance with statutory rule-making procedures set forth in this chapter.

19 **SECTION 191.** 227.43 (1g) of the statutes is created to read:

20 227.43 (1g) The administrator of the division of hearings and appeals shall
21 randomly assign hearing examiners to preside over any hearing under this section.

22 **SECTION 192.** 227.44 (2) (d) of the statutes is created to read:

23 227.44 (2) (d) The name and title of the person who will conduct the hearing.

24 **SECTION 193.** 227.445 of the statutes is created to read:

BILL

1 **227.445 Substitution of hearing examiner.** (1) A person requesting a
2 hearing before a hearing examiner may file a written request for a substitution of a
3 new hearing examiner for the hearing examiner assigned to the matter. The written
4 request shall be filed not later than 10 days after receipt of the notice under s. 227.44.

5 (2) No person may file more than one such written request in any one hearing.

6 (3) Upon receipt of the written request, the original hearing examiner shall
7 have no further jurisdiction in the matter except to determine if the request was
8 made timely and in proper form. If the hearing examiner fails to make a
9 determination as to allowing the substitution within 7 days, the hearing examiner
10 shall refer the matter to the administrator of the division of hearings and appeals for
11 the determination and reassignment of the hearing as necessary. If the written
12 request is determined to be proper, the matter shall be transferred to another
13 hearing examiner. Upon transfer, the hearing examiner shall transmit to the new
14 hearing examiner all the papers in the matter.

15 **SECTION 194.** 227.45 (7) (intro.) of the statutes is renumbered 227.45 (7) and
16 amended to read:

17 227.45 (7) In any class 2 proceeding, each party shall have the right, prior to
18 the date set for hearing, to take and preserve evidence as provided in ch. 804. Upon
19 motion by a party or by the person from whom discovery is sought in any class 2
20 proceeding, and for good cause shown, the hearing examiner may make any order in
21 accordance with s. 804.01 which justice requires to protect a party or person from
22 annoyance, embarrassment, oppression, or undue burden or expense. ~~In any class~~
23 ~~1 or class 3 proceeding, an agency may by rule permit the taking and preservation~~
24 ~~of evidence, but in every such proceeding the taking and preservation of evidence~~
25 ~~shall be permitted with respect to a witness:~~

BILL

1 **SECTION 195.** 227.45 (7) (a) to (d) of the statutes are repealed.

2 **SECTION 196.** 227.46 (1) (intro.) of the statutes is amended to read:

3 227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may
4 designate an official of the agency or an employee on its staff or borrowed from
5 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any
6 contested case. In hearings under s. 19.52, a reserve judge shall be appointed. A
7 hearing examiner does not have authority to address or make decisions regarding
8 possible constitutional issues. Subject to rules of the agency, examiners presiding at
9 hearings may:

10 **SECTION 197.** 227.46 (1) (h) of the statutes is amended to read:

11 227.46 (1) (h) Make ~~or recommend~~ findings of fact, conclusions of law, and
12 decisions to the extent permitted by law.

13 **SECTION 198.** 227.46 (2) of the statutes is repealed.

14 **SECTION 199.** 227.46 (2m) of the statutes is repealed.

15 **SECTION 200.** 227.46 (3) of the statutes is repealed.

16 **SECTION 201.** 227.46 (4) of the statutes is repealed.

17 **SECTION 202.** 227.46 (6) of the statutes is amended to read:

18 227.46 (6) The functions of persons presiding at a hearing or participating in
19 ~~proposed or~~ final decisions shall be performed in an impartial manner. A hearing
20 examiner or agency official may at any time disqualify himself or herself. In class
21 2 and 3 proceedings, on the filing in good faith of a timely and sufficient affidavit of
22 personal bias or other disqualification of a hearing examiner or official, the agency
23 or hearing examiner shall determine the matter as part of the record and decision
24 in the case.

25 **SECTION 203.** 227.47 (1) of the statutes is amended to read:

BILL

1 227.47 (1) Except as provided in sub. (2), every ~~proposed~~ or final decision of an
2 agency or hearing examiner following a hearing and every final decision of an agency
3 shall be in writing accompanied by findings of fact and conclusions of law. The
4 findings of fact shall consist of a concise and separate statement of the ultimate
5 conclusions upon each material issue of fact without recital of evidence. Every
6 ~~proposed~~ or final decision shall include a list of the names and addresses of all
7 persons who appeared before the agency in the proceeding who are considered
8 parties for purposes of review under s. 227.53. The agency shall by rule establish a
9 procedure for determination of parties.

10 **SECTION 204.** 227.483 of the statutes is created to read:

11 **227.483 Costs upon frivolous claims.** (1) If a hearing examiner finds, at
12 any time during the proceeding, that an administrative hearing commenced or
13 continued by a petitioner or a claim or defense used by a party is frivolous, the
14 hearing examiner shall award the successful party his or her costs, as determined
15 under s. 814.04, and reasonable attorney fees.

16 (2) If the costs and fees awarded under sub. (1) are awarded against the party
17 other than a public agency, those costs may be assessed fully against either the party
18 or the attorney representing the party or may be assessed so that the party and the
19 attorney each pay a portion of the costs and fees.

20 (3) To find a petition for a hearing or a claim or defense to be frivolous under
21 sub. (1), the hearing examiner must find at least one of the following:

22 (a) That the petition, claim, or defense was commenced, used, or continued in
23 bad faith, solely for purposes of harassing or maliciously injuring another.

24 (b) That the party or the party's attorney knew, or should have known, that the
25 petition, claim, or defense was without any reasonable basis in law or equity and

BILL

1 could not be supported by a good faith argument for an extension, modification, or
2 reversal of existing law.

3 **SECTION 205.** 227.485 (5) of the statutes is amended to read:

4 227.485 (5) If the hearing examiner awards costs under sub. (3), he or she shall
5 determine the costs under this subsection, except as modified under sub. (4). The
6 decision on the merits of the case shall be placed in a ~~proposed~~ decision and
7 submitted under ss. 227.47 and 227.48. The prevailing party shall submit, within
8 30 days after service of the ~~proposed~~ decision, to the hearing examiner and to the
9 state agency which is the losing party an itemized application for fees and other
10 expenses, including an itemized statement from any attorney or expert witness
11 representing or appearing on behalf of the party stating the actual time expended
12 and the rate at which fees and other expenses were computed. The state agency
13 which is the losing party has 15 working days from the date of receipt of the
14 application to respond in writing to the hearing examiner. The hearing examiner
15 shall determine the amount of costs using the criteria specified in s. 814.245 (5) and
16 include an order for payment of costs in the final decision.

17 **SECTION 206.** 227.53 (1) (a) 3. of the statutes is amended to read:

18 227.53 (1) (a) 3. If the petitioner is a resident, the proceedings shall be held in
19 the circuit court for the county where the petitioner resides, except that if the
20 petitioner is an agency, the proceedings shall be in the circuit court for the county
21 where the respondent resides and except as provided in ss. 73.0301 (2) (b) 2., 77.59
22 (6) (b), 182.70 (6), and 182.71 (5) (g). ~~The proceedings shall be in the circuit court for~~
23 ~~Dane County if~~ If the petitioner is a nonresident, the proceedings shall be held in the
24 county where the property affected by the decision is located or, if no property is
25 affected, in the county where the dispute arose. If all parties stipulate and the court

BILL

1 to which the parties desire to transfer the proceedings agrees, the proceedings may
2 be held in the county designated by the parties. If 2 or more petitions for review of
3 the same decision are filed in different counties, the circuit judge for the county in
4 which a petition for review of the decision was first filed shall determine the venue
5 for judicial review of the decision, and shall order transfer or consolidation where
6 appropriate.

7 **SECTION 207.** 227.57 (11) of the statutes is created to read:

8 227.57 (11) If the decision of the hearing examiner is inconsistent with the
9 position taken at the hearing by the agency, the court shall give no deference to the
10 examiner's decision when conducting its review.

11 **SECTION 208.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

12 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
13 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
14 petition the city, village, town or county that owns the public access to construct
15 shoreline erosion control measures. Subject to par. (e), the city, village, town or
16 county shall construct the requested shoreline erosion control measures or request
17 the department of natural resources to determine the need for shoreline erosion
18 control measures. Upon receipt of a request under this paragraph from a city, village,
19 town or county, the department of natural resources shall follow the notice and
20 hearing procedures in s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5). Subject to par. (e), the city,
21 village, town or county shall construct shoreline erosion control measures as
22 required by the department of natural resources if the department of natural
23 resources determines all of the following:

24 **SECTION 209.** 241.02 (3) of the statutes is created to read:

25 241.02 (3) (a) In this subsection:

BILL

1 1. “Affiliate” of a bank, savings bank, or savings and loan association means
2 a business entity that controls, is controlled by, or is under common control with the
3 bank, savings bank, or savings and loan association.

4 2. “Financial institution” means a bank, savings bank, or savings and loan
5 association organized under the laws of this state, another state, or the United States
6 and any affiliate of such a bank, savings bank, or savings and loan association.

7 (b) Except as provided in par. (d), no action may be commenced against a
8 financial institution on or in connection with any of the following promises or
9 commitments of the financial institution unless the promise or commitment is in
10 writing, sets forth relevant terms and conditions, and is signed by the financial
11 institution:

12 1. A promise or commitment to lend money, grant or extend credit, or make any
13 other financial accommodation.

14 2. A promise or commitment to renew, extend, modify, or permit a delay in
15 repayment or performance of a loan, extension of credit, or other financial
16 accommodation.

17 (c) Except as provided in par. (d), a promise or commitment by a financial
18 institution described in par. (b) may not be enforced under the doctrine of promissory
19 estoppel.

20 (d) Paragraphs (b) and (c) do not apply to credit transactions that are subject
21 to chs. 421 to 427.

22 **SECTION 210.** 281.22 (2) (c) of the statutes is amended to read:

23 281.22 (2) (c) If more than one fee under this section or s. 30.28 (2) ~~(a)~~ or 31.39
24 (2) (a) is applicable to a project, the department shall charge only the highest fee of
25 those that are applicable.