



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1899/2

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2003 ASSEMBLY BILL 486

August 26, 2003 - Introduced by Representatives MONTGOMERY, SUDER, NISCHKE, MUSSER, LADWIG, SERATTI, McCORMICK, OLSEN, F. LASEE, OWENS, AINSWORTH, HINES, JENSEN, PETROWSKI, BIES, WEBER, KESTELL and J. FITZGERALD, cosponsored by Senators STEPP, SCHULTZ, ROESSLER, HARSDFORF and A. LASEE. Referred to Committee on Government Operations and Spending Limitations.

1 **AN ACT** *to amend* 84.063 (5), 84.30 (14), 86.196 (2) (c), 115.28 (7) (a), 218.0114
2 (13) (b), 218.11 (2) (b) 1., 218.12 (2) (b) 2., 218.22 (2) (b) 1., 218.32 (2) (b) 1., 218.41
3 (2m) (a) 1., 218.51 (3) (b) 1., 341.19 (4), 343.02 (1), 343.305 (6) (a), 343.305 (11),
4 440.06, 452.10 (2) (b), 563.15 (1), 601.04 (3), 632.68 (2) (b) (intro.), 632.68 (4) (b),
5 633.14 (1) (intro.) and 633.14 (2) (intro.); **to repeal and recreate** 118.19 (2),
6 299.05 and 440.03 (1m); and **to create** 5.059, 13.48 (36), 13.63 (3), 16.07, 16.61
7 (14), 16.83 (5), 22.21, 29.026, 45.54 (11), 46.284 (3m), 48.66 (2r), 49.481, 50.02
8 (4m), 51.031, 73.303, 85.16 (3), 93.125, 93.13, 101.022, 101.023, 102.17 (1) (cj),
9 103.275 (2m), 103.91 (2m), 103.92 (2m), 104.07 (4m), 105.06 (1r), 108.14 (20),
10 125.04 (3m), 145.025, 146.525, 168.165, 224.50, 224.60, 250.043, 299.06, 562.05
11 (12), 563.15 (4), 563.92 (5), 601.58 and 628.093 of the statutes; **relating to:**

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1 periods in which state agencies will act on certain applications, approval of
2 certain applications, refunds of fees, and granting rule-making authority.

Analysis by the Legislative Reference Bureau***Deadlines for agency action***

This bill requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue. The following state agencies are required to promulgate rules: the Department of Natural Resources (DNR); the Department of Agriculture, Trade and Consumer Protection (DATCP); the Department of Regulation and Licensing (DRL); the Department of Health and Family Services (DHFS); the Department of Commerce; the Department of Workforce Development (DWD); the Department of Public Instruction (DPI); the Department of Financial Institutions (DFI); the Department of Transportation (DOT); the Department of Administration (DOA); the Department of Revenue (DOR); the Department of Corrections; the Department of Electronic Government; the Office of the Commissioner of Insurance (OCI); the Ethics Board; the Elections Board; the Building Commission; the Public Records Board; the Educational Approval Board; and the State Capitol and Executive Residence Board.

Automatic approval upon failure to meet deadlines

Under this bill, there are two possible consequences of failure to act on an application within the period established by rule. For some kinds of approvals, if an agency fails to act within the period established by rule or before the end of an authorized extension of that period, the application is automatically approved. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant, within 30 days of receiving the application, describing the information that must be provided to complete the application. An agency may extend the period by not more than 60 days if the agency provides written notification of the extension before the period expires, except that this provision does not apply to permits and other determinations related to structures and deposits in navigable waters and similar matters. An agency may extend the period by more than 60 days if it finds that there is a substantial likelihood that the activity proposed to be conducted under the application would result in substantial harm to public health or safety or the environment and that the agency cannot adequately review the application within the period. The bill also authorizes agencies to promulgate rules providing for extensions of the period for acting on an application because the applicant makes a material modification to the application or because information that the agency needs to complete its review of an application is unavailable.

A license or permit that is automatically approved is subject to any terms or conditions specified by statute or rule for that kind of license or permit and the agency may suspend or revoke it for failure to comply with those terms or conditions.

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Approvals for which failure to act by a deadline results in automatic approval include: high-capacity well approvals, water pollution and air pollution permits, solid or hazardous waste facility operating licenses, and permits and other determinations related to structures and deposits in navigable waters issued by DNR; nursery dealer, pesticide manufacturer, commercial feed manufacturer, food processing plant, and grain dealer licenses, and farm-raised deer registrations issued by DATCP; approvals of construction site erosion control plans, approvals of exemptions from requirements related to the retention and disclosure of information about toxic substances, and approvals of agencies that inspect manufactured homes issued by the Department of Commerce; certain approvals related to unemployment insurance issued by DWD; approvals of plans for mergers by certain business entities and approvals relating to the operations of state banks, savings banks and savings and loans, and credit unions issued by DFI; approval of subcontractors for state building contracts and of state construction contracts by DOA; approval of ballots and voting devices by the Elections Board; approval of building projects by the Building Commission; approval of the disposition of public records and of public records retention schedules by the Public Records Board; and approval of proposed alterations to the state capitol or executive residence by the State Capitol and Executive Residence Board.

Fee refunds upon failure to meet deadlines

For the kinds of approvals that are not subject to automatic approval under the bill, an agency must refund fees paid by an applicant for an approval if the agency fails to act within the period established by rule. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant within 30 days of receiving the application describing the information that must be provided to complete the application.

Approvals for which the consequence of failure to act on an application within the period established by rule is a refund of fees include: well driller registrations, bait dealer licenses, and commercial fishing licenses issued by DNR; milk producer, buttermaker, and cheesemaker licenses issued by DATCP; all of the occupational credentials issued by DRL and its examining boards and affiliated credentialing boards; licenses for day care centers, group homes, nursing homes, ambulance service providers, and emergency medical technicians, certifications for mental health facilities, and permits for hotels and restaurants issued by DHFS; electrician certifications, plumber licenses, and building plan approvals issued by the Department of Commerce; migrant labor camp and contractor certifications and sheltered workshop and employment agent licenses issued by DWD; teaching licenses issued by DPI; mortgage banker and investment advisor licenses issued by DFI; outdoor advertising permits, motor vehicle dealer licenses, and oversize and overweight vehicle permits issued by DOT; racetrack and bingo licenses issued by DOA; permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR; licenses for secured child caring institutions issued by the Department of Corrections; certificates of authority to transact the business of insurance and benefit plan administrator licenses issued by OCI; and lobbyist licenses issued by the Ethics Board.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 5.059 of the statutes is created to read:

2 **5.059 Automatic approval of certain applications. (1) DEADLINES.** The
3 board, by rule, shall establish periods within which the board intends to approve or
4 disapprove an application for any of the following:

5 (a) Approval of ballots, devices, and voting equipment under s. 5.91.

6 (b) Certification of chief inspectors under s. 7.31.

7 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
8 by the board to provide the applicant for an approval specified in sub. (1) with written
9 notice that the board has approved or disapproved the application, including the
10 specific facts upon which any disapproval is based, before the expiration of the period
11 established under sub. (1) for the approval, constitutes approval of the application.
12 An application approved under this paragraph is subject to any terms or conditions
13 specified by statute or rule for the approval and the board may suspend, limit,
14 revoke, or withdraw the approval for substantial failure to comply with those terms
15 or conditions. Within 30 days after the expiration of the period established under
16 sub. (1) for the approval, the board shall provide the applicant with a statement
17 showing that the application is approved and specifying any terms and conditions
18 that apply to that approval.

19 (b) The board may not disapprove an application for an approval solely because
20 the board is unable to complete its review of the application within the period
21 established under sub. (1).

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1 **(3) NOTICE OF DEADLINE.** Upon receiving an application for an approval specified
2 in sub. (1), the board shall inform the applicant of the period established under sub.
3 (1) for the approval.

4 **(4) OPTIONAL PROVISIONS OF RULES.** The board may include any of the following
5 in the rules required under sub. (1):

6 (a) Methods for determining the commencement of the period established
7 under sub. (1) and for determining when the application for an approval is complete.

8 (b) A longer period under sub. (1) for an application for an approval for which
9 an environmental impact statement is required under s. 1.11 than for other
10 applications.

11 (c) Extensions of the period established under sub. (1) because the applicant
12 makes a material modification to the application if the board notifies the applicant
13 in writing of the extension within 30 days after the applicant makes the modification.

14 (d) Extensions of the period established under sub. (1) because information
15 needed by the board to complete its review of an application for an approval is
16 unknown or cannot be determined with certainty when the board receives the
17 application if the board notifies the applicant in writing of the need for an extension
18 within 30 days after the applicant submits the application.

19 (e) Deadlines for the board to complete intermediate steps in the process of
20 completing its review of an application.

21 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
22 the board and the applicant may jointly agree to a different period for acting on an
23 application than that specified under sub. (1).

24 (b) The board may extend the period established under sub. (1) because an
25 application is incomplete if, within 30 days after receiving the application, the board

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1 provides written notice to the applicant describing specifically the information that
2 must be provided to complete the application.

3 (c) The board may extend the period established under sub. (1) for an
4 application by not more than 60 days if the board provides written notice of the
5 extension to the applicant within the period established under sub. (1).

6 (d) The board may extend the period established under sub. (1) for an
7 application by more than 60 days if, within the period established under sub. (1), the
8 board finds that there is a substantial likelihood that the activity proposed to be
9 conducted under the application would result in substantial harm to public health
10 or safety or the environment and that the board cannot adequately review the
11 application within the period established under sub. (1) and provides written notice
12 to the applicant that states with particularity the facts on which those findings are
13 based.

14 **SECTION 2.** 13.48 (36) of the statutes is created to read:

15 13.48 (36) AUTOMATIC APPROVAL OF CERTAIN APPLICATIONS. (a) *Deadlines.* The
16 building commission, by rule, shall establish periods within which the building
17 commission intends to approve or disapprove an application for any of the following:

18 1. Approval of proposed University of Wisconsin System building projects
19 under s. 13.48 (2) (b) 1m.

20 2. Approval of proposed state building projects under s. 13.48 (10).

21 3. Authorization for privately owned facilities to be constructed on state-owned
22 land under s. 13.48 (12) (a).

23 4. Approval of the sale or lease of University of Wisconsin System residence
24 halls under s. 13.48 (20).

25 5. Approval of assessments against state property under s. 66.0703 (6).

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1 (b) *Failure to meet deadline.* 1. Subject to pars. (d) 3. and 4. and (e), failure by
2 the building commission to provide the applicant for an approval specified in par. (a)
3 with written notice that the building commission has approved or disapproved the
4 application, including the specific facts upon which any disapproval is based, before
5 the expiration of the period established under par. (a) for the approval, constitutes
6 approval of the application. An application approved under this subdivision is
7 subject to any terms or conditions specified by statute or rule for the approval and
8 the building commission may suspend, limit, revoke, or withdraw the approval for
9 substantial failure to comply with those terms or conditions. Within 30 days after
10 the expiration of the period established under par. (a) for the approval, the building
11 commission shall provide the applicant with a statement showing that the
12 application is approved and specifying any terms and conditions that apply to that
13 approval.

14 2. The building commission may not disapprove an application for an approval
15 solely because the building commission is unable to complete its review of the
16 application within the period established under par. (a).

17 (c) *Notice of deadline.* Upon receiving an application for an approval specified
18 in par. (a), the building commission shall inform the applicant of the period
19 established under par. (a) for the approval.

20 (d) *Optional provisions of rules.* The building commission may include any of
21 the following in the rules required under par. (a):

22 1. Methods for determining the commencement of the period established under
23 par. (a) and for determining when the application for an approval is complete.

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1 2. A longer period under par. (a) for an application for an approval for which
2 an environmental impact statement is required under s. 1.11 than for other
3 applications.

4 3. Extensions of the period established under par. (a) because the applicant
5 makes a material modification to the application if the building commission notifies
6 the applicant in writing of the extension within 30 days after the applicant makes
7 the modification.

8 4. Extensions of the period established under par. (a) because information
9 needed by the building commission to complete its review of an application for an
10 approval is unknown or cannot be determined with certainty when the building
11 commission receives the application if the building commission notifies the applicant
12 in writing of the need for an extension within 30 days after the applicant submits the
13 application.

14 5. Deadlines for the building commission to complete intermediate steps in the
15 process of completing its review of an application.

16 (e) *Extensions authorized.* 1. During the period established under par. (a), the
17 building commission and the applicant may jointly agree to a different period for
18 acting on an application than that specified under par. (a).

19 2. The building commission may extend the period established under par. (a)
20 because an application is incomplete if, within 30 days after receiving the
21 application, the building commission provides written notice to the applicant
22 describing specifically the information that must be provided to complete the
23 application.

24 3. The building commission may extend the period established under par. (a)
25 for an application by not more than 60 days if the building commission provides

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1 written notice of the extension to the applicant within the period established under
2 par. (a).

3 4. The building commission may extend the period established under par. (a)
4 for an application by more than 60 days if, within the period established under par.
5 (a), the building commission finds that there is a substantial likelihood that the
6 activity proposed to be conducted under the application would result in substantial
7 harm to public health or safety or the environment and that the building commission
8 cannot adequately review the application within the period established under par.
9 (a) and provides written notice to the applicant that states with particularity the
10 facts on which those findings are based.

11 **SECTION 3.** 13.63 (3) of the statutes is created to read:

12 13.63 (3) DEADLINES FOR ACTION ON OCCUPATIONAL APPLICATIONS. (a) *Deadlines.*
13 The board, by rule, shall establish periods within which the board intends to approve
14 or disapprove an application for granting of licenses to lobbyists under s. 13.63 (1).

15 (b) *Failure to meet deadline.* 1. Subject to par. (d), the board shall refund fees
16 paid by the applicant for a license specified in par. (a) if the board fails to provide the
17 applicant with written notice that the board has approved or disapproved the
18 application for the license, including the specific facts upon which any disapproval
19 is based, before the expiration of the period established under par. (a) for the license.

20 2. The board may not disapprove an application for a license solely because the
21 board is unable to complete its review of the application within the period established
22 under par. (a).

23 (c) *Notice of deadline.* Upon receiving an application for a license specified in
24 par. (a), the board shall inform the applicant of the period established under par. (a)
25 for the license.

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1 (d) *Permitted extension of deadline.* The board may extend the period
2 established under par. (a) because an application is incomplete if, within 30 days
3 after receiving the application, the board provides written notice to the applicant
4 describing specifically the information that must be provided to complete the
5 application.

6 **SECTION 4.** 16.07 of the statutes is created to read:

7 **16.07 Automatic approval of certain applications. (1) DEADLINES.** The
8 department, by rule, shall establish periods within which the department intends to
9 approve or disapprove an application for any of the following:

10 (a) Approval of subcontractors for state building projects under s. 16.855 (13)

11 (b).

12 (b) Approval of state construction contracts under s. 16.87 (3).

13 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
14 by the department to provide the applicant for an approval specified in sub. (1) with
15 written notice that the department has approved or disapproved the application,
16 including the specific facts upon which any disapproval is based, before the
17 expiration of the period established under sub. (1) for the approval, constitutes
18 approval of the application. An application approved under this paragraph is subject
19 to any terms or conditions specified by statute or rule for the approval and the
20 department may suspend, limit, revoke, or withdraw the approval for substantial
21 failure to comply with those terms or conditions. Within 30 days after the expiration
22 of the period established under sub. (1) for the approval, the department shall
23 provide the applicant with a statement showing that the application is approved and
24 specifying any terms and conditions that apply to that approval.

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1 (b) The department may not disapprove an application for an approval solely
2 because the department is unable to complete its review of the application within the
3 period established under sub. (1).

4 **(3) NOTICE OF DEADLINE.** Upon receiving an application for an approval specified
5 in sub. (1), the department shall inform the applicant of the period established under
6 sub. (1) for the approval.

7 **(4) OPTIONAL PROVISIONS OF RULES.** The department may include any of the
8 following in the rules required under sub. (1):

9 (a) Methods for determining the commencement of the period established
10 under sub. (1) and for determining when the application for an approval is complete.

11 (b) A longer period under sub. (1) for an application for an approval for which
12 an environmental impact statement is required under s. 1.11 than for other
13 applications.

14 (c) Extensions of the period established under sub. (1) because the applicant
15 makes a material modification to the application if the department notifies the
16 applicant in writing of the extension within 30 days after the applicant makes the
17 modification.

18 (d) Extensions of the period established under sub. (1) because information
19 needed by the department to complete its review of an application for an approval
20 is unknown or cannot be determined with certainty when the department receives
21 the application if the department notifies the applicant in writing of the need for an
22 extension within 30 days after the applicant submits the application.

23 (e) Deadlines for the department to complete intermediate steps in the process
24 of completing its review of an application.

ASSEMBLY BILL 486**SECTION 4**

1 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
2 the department and the applicant may jointly agree to a different period for acting
3 on an application than that specified under sub. (1).

4 (b) The department may extend the period established under sub. (1) because
5 an application is incomplete if, within 30 days after receiving the application, the
6 department provides written notice to the applicant describing specifically the
7 information that must be provided to complete the application.

8 (c) The department may extend the period established under sub. (1) for an
9 application by not more than 60 days if the department provides written notice of the
10 extension to the applicant within the period established under sub. (1).

11 (d) The department may extend the period established under sub. (1) for an
12 application by more than 60 days if, within the period established under sub. (1), the
13 department finds that there is a substantial likelihood that the activity proposed to
14 be conducted under the application would result in substantial harm to public health
15 or safety or the environment and that the department cannot adequately review the
16 application within the period established under sub. (1) and provides written notice
17 to the applicant that states with particularity the facts on which those findings are
18 based.

19 **SECTION 5.** 16.61 (14) of the statutes is created to read:

20 **16.61 (14) AUTOMATIC APPROVAL OF CERTAIN APPLICATIONS.** (a) *Deadlines.* The
21 board, by rule, shall establish periods within which the board intends to approve or
22 disapprove an application for any of the following:

- 23 1. Disposition of public records under s. 16.61 (4) (a).
- 24 2. Approval of public records retention schedules under s. 16.61 (4) (b).
- 25 3. Approval to microfilm public records under s. 16.61 (6).

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1 4. Approval for release of confidential public records under s. 16.61 (13) (d) 1.

2 (b) *Failure to meet deadline.* 1. Subject to pars. (d) 3. and 4. and (e), failure by
3 the board to provide the applicant for an approval specified in par. (a) with written
4 notice that the board has approved or disapproved the application, including the
5 specific facts upon which any disapproval is based, before the expiration of the period
6 established under par. (a) for the approval, constitutes approval of the application.
7 An application approved under this subdivision is subject to any terms or conditions
8 specified by statute or rule for the approval and the board may suspend, limit,
9 revoke, or withdraw the approval for substantial failure to comply with those terms
10 or conditions. Within 30 days after the expiration of the period established under
11 par. (a) for the approval, the board shall provide the applicant with a statement
12 showing that the application is approved and specifying any terms and conditions
13 that apply to that approval.

14 2. The board may not disapprove an application for an approval solely because
15 the board is unable to complete its review of the application within the period
16 established under par. (a).

17 (c) *Notice of deadline.* Upon receiving an application for an approval specified
18 in par. (a), the board shall inform the applicant of the period established under par.
19 (a) for the approval.

20 (d) *Optional provisions of rules.* The board may include any of the following in
21 the rules required under par. (a):

22 1. Methods for determining the commencement of the period established under
23 par. (a) and for determining when the application for an approval is complete.

ASSEMBLY BILL 486**SECTION 5**

1 2. A longer period under par. (a) for an application for an approval for which
2 an environmental impact statement is required under s. 1.11 than for other
3 applications.

4 3. Extensions of the period established under par. (a) because the applicant
5 makes a material modification to the application if the board notifies the applicant
6 in writing of the extension within 30 days after the applicant makes the modification.

7 4. Extensions of the period established under par. (a) because information
8 needed by the board to complete its review of an application for an approval is
9 unknown or cannot be determined with certainty when the board receives the
10 application if the board notifies the applicant in writing of the need for an extension
11 within 30 days after the applicant submits the application.

12 5. Deadlines for the board to complete intermediate steps in the process of
13 completing its review of an application.

14 (e) *Extensions authorized.* 1. During the period established under par. (a), the
15 board and the applicant may jointly agree to a different period for acting on an
16 application than that specified under par. (a).

17 2. The board may extend the period established under par. (a) because an
18 application is incomplete if, within 30 days after receiving the application, the board
19 provides written notice to the applicant describing specifically the information that
20 must be provided to complete the application.

21 3. The board may extend the period established under par. (a) for an application
22 by not more than 60 days if the board provides written notice of the extension to the
23 applicant within the period established under par. (a).

24 4. The board may extend the period established under par. (a) for an application
25 by more than 60 days if, within the period established under par. (a), the board finds

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1 that there is a substantial likelihood that the activity proposed to be conducted under
2 the application would result in substantial harm to public health or safety or the
3 environment and that the board cannot adequately review the application within the
4 period established under par. (a) and provides written notice to the applicant that
5 states with particularity the facts on which those findings are based.

6 **SECTION 6.** 16.83 (5) of the statutes is created to read:

7 16.83 (5) AUTOMATIC APPROVAL OF CERTAIN APPLICATIONS. (a) *Deadlines.* The
8 board, by rule, shall establish periods within which the board intends to approve or
9 disapprove an application for approval of proposed alterations to the state capitol or
10 executive residence.

11 (b) *Failure to meet deadline.* 1. Subject to pars. (d) 3. and 4. and (e), failure by
12 the board to provide the applicant for an approval specified in par. (a) with written
13 notice that the board has approved or disapproved the application, including the
14 specific facts upon which any disapproval is based, before the expiration of the period
15 established under par. (a) for the approval, constitutes approval of the application.
16 An application approved under this subdivision is subject to any terms or conditions
17 specified by statute or rule for the approval and the board may suspend, limit,
18 revoke, or withdraw the approval for substantial failure to comply with those terms
19 or conditions. Within 30 days after the expiration of the period established under
20 par. (a) for the approval, the board shall provide the applicant with a statement
21 showing that the application is approved and specifying any terms and conditions
22 that apply to that approval.

23 2. The board may not disapprove an application for an approval solely because
24 the board is unable to complete its review of the application within the period
25 established under par. (a).

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1 (c) *Notice of deadline.* Upon receiving an application for an approval specified
2 in par. (a), the board shall inform the applicant of the period established under par.
3 (a) for the approval.

4 (d) *Optional provisions of rules.* The board may include any of the following in
5 the rules required under par. (a):

6 1. Methods for determining the commencement of the period established under
7 par. (a) and for determining when the application for an approval is complete.

8 2. A longer period under par. (a) for an application for an approval for which
9 an environmental impact statement is required under s. 1.11 than for other
10 applications.

11 3. Extensions of the period established under par. (a) because the applicant
12 makes a material modification to the application if the board notifies the applicant
13 in writing of the extension within 30 days after the applicant makes the modification.

14 4. Extensions of the period established under par. (a) because information
15 needed by the board to complete its review of an application for an approval is
16 unknown or cannot be determined with certainty when the board receives the
17 application if the board notifies the applicant in writing of the need for an extension
18 within 30 days after the applicant submits the application.

19 5. Deadlines for the board to complete intermediate steps in the process of
20 completing its review of an application.

21 (e) *Extensions authorized.* 1. During the period established under par. (a), the
22 board and the applicant may jointly agree to a different period for acting on an
23 application than that specified under par. (a).

24 2. The board may extend the period established under par. (a) because an
25 application is incomplete if, within 30 days after receiving the application, the board

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1 provides written notice to the applicant describing specifically the information that
2 must be provided to complete the application.

3 3. The board may extend the period established under par. (a) for an application
4 by not more than 60 days if the board provides written notice of the extension to the
5 applicant within the period established under par. (a).

6 4. The board may extend the period established under par. (a) for an application
7 by more than 60 days if, within the period established under par. (a), the board finds
8 that there is a substantial likelihood that the activity proposed to be conducted under
9 the application would result in substantial harm to public health or safety or the
10 environment and that the board cannot adequately review the application within the
11 period established under par. (a) and provides written notice to the applicant that
12 states with particularity the facts on which those findings are based.

13 **SECTION 7.** 22.21 of the statutes is created to read:

14 **22.21 Automatic approval of certain applications. (1) DEADLINES.** The
15 department, by rule, shall establish periods within which the department intends to
16 approve or disapprove an application for any of the following:

17 (a) Licensing of computer programs under s. 22.03 (4) (a).

18 (b) Proposed purchasing contracts under s. 22.09 (5).

19 (c) Proposed strategic plans of executive branch agencies under s. 22.13 (5).

20 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
21 by the department to provide the applicant for an approval specified in sub. (1) with
22 written notice that the department has approved or disapproved the application,
23 including the specific facts upon which any disapproval is based, before the
24 expiration of the period established under sub. (1) for the approval, constitutes
25 approval of the application. An application approved under this paragraph is subject

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1 to any terms or conditions specified by statute or rule for the approval and the
2 department may suspend, limit, revoke, or withdraw the approval for substantial
3 failure to comply with those terms or conditions. Within 30 days after the expiration
4 of the period established under sub. (1) for the approval, the department shall
5 provide the applicant with a statement showing that the application is approved and
6 specifying any terms and conditions that apply to that approval.

7 (b) The department may not disapprove an application for an approval solely
8 because the department is unable to complete its review of the application within the
9 period established under sub. (1).

10 (3) NOTICE OF DEADLINE. Upon receiving an application for an approval specified
11 in sub. (1), the department shall inform the applicant of the period established under
12 sub. (1) for the approval.

13 (4) OPTIONAL PROVISIONS OF RULES. The department may include any of the
14 following in the rules required under sub. (1):

15 (a) Methods for determining the commencement of the period established
16 under sub. (1) and for determining when the application for an approval is complete.

17 (b) A longer period under sub. (1) for an application for an approval for which
18 an environmental impact statement is required under s. 1.11 than for other
19 applications.

20 (c) Extensions of the period established under sub. (1) because the applicant
21 makes a material modification to the application if the department notifies the
22 applicant in writing of the extension within 30 days after the applicant makes the
23 modification.

24 (d) Extensions of the period established under sub. (1) because information
25 needed by the department to complete its review of an application for an approval

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1 is unknown or cannot be determined with certainty when the department receives
2 the application if the department notifies the applicant in writing of the need for an
3 extension within 30 days after the applicant submits the application.

4 (e) Deadlines for the department to complete intermediate steps in the process
5 of completing its review of an application.

6 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
7 the department and the applicant may jointly agree to a different period for acting
8 on an application than that specified under sub. (1).

9 (b) The department may extend the period established under sub. (1) because
10 an application is incomplete if, within 30 days after receiving the application, the
11 department provides written notice to the applicant describing specifically the
12 information that must be provided to complete the application.

13 (c) The department may extend the period established under sub. (1) for an
14 application by not more than 60 days if the department provides written notice of the
15 extension to the applicant within the period established under sub. (1).

16 (d) The department may extend the period established under sub. (1) for an
17 application by more than 60 days if, within the period established under sub. (1), the
18 department finds that there is a substantial likelihood that the activity proposed to
19 be conducted under the application would result in substantial harm to public health
20 or safety or the environment and that the department cannot adequately review the
21 application within the period established under sub. (1) and provides written notice
22 to the applicant that states with particularity the facts on which those findings are
23 based.

24 **SECTION 8.** 29.026 of the statutes is created to read:

ASSEMBLY BILL 486**SECTION 8****1 29.026 Deadlines for action on certain approval applications. (1)**

2 DEADLINES. The department, by rule, shall establish periods within which the
3 department intends to approve or disapprove an application for any of the approvals
4 specified in s. 29.024 (2r) 1. to 16.

5 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the department shall
6 refund fees paid by the applicant for an approval subject to sub. (1) if the department
7 fails to provide the applicant with written notice that the department has approved
8 or disapproved the application for the approval, including the specific facts upon
9 which any disapproval is based, before the expiration of the period established under
10 sub. (1) for the approval.

11 (b) The department may not disapprove an application for an approval solely
12 because the department is unable to complete its review of the application within the
13 period established under sub. (1).

14 **(3) NOTICE OF DEADLINE.** Upon receiving an application for an approval subject
15 to sub. (1), the department shall inform the applicant of the period established under
16 sub. (1) for the approval.

17 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
18 established under sub. (1) because an application is incomplete if, within 30 days
19 after receiving the application, the department provides written notice to the
20 applicant describing specifically the information that must be provided to complete
21 the application.

22 **SECTION 9.** 45.54 (11) of the statutes is created to read:

23 45.54 **(11) DEADLINES FOR ACTION ON PERMITS AND APPROVALS.** (a) The board, by
24 rule, shall establish periods within which the board intends to approve or disapprove
25 an application for any of the following:

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1 1. A permit under sub. (8) (b).

2 2. An approval under sub. (10).

3 (b) Subject to par. (d), the board shall refund fees paid by the applicant for a
4 permit or approval specified in par. (a) if the board fails to provide the applicant with
5 written notice that the board has approved or disapproved the application for the
6 permit or approval, including the specific facts upon which any disapproval is based,
7 before the expiration of the period established under par. (a) for the permit or
8 approval.

9 (c) The board may not disapprove an application solely because the board is
10 unable to complete its review of the application within the period established under
11 par. (a).

12 (d) Upon receiving an application for a permit or approval specified in par. (a),
13 the board shall inform the applicant of the period established under par. (a) for the
14 permit or approval.

15 (e) The board may extend the period established under par. (a) because an
16 application is incomplete if, within 30 days after receiving the application, the board
17 provides written notice to the applicant describing specifically the information that
18 must be provided to complete the application.

19 **SECTION 10.** 46.284 (3m) of the statutes is created to read:

20 46.284 (3m) DEADLINE FOR ACTION ON CERTIFICATION APPLICATION. (a) *Deadline.*
21 The department, by rule, shall establish a period within which the department
22 intends to approve or disapprove an application for certification under sub. (3).

23 (b) *Failure to meet deadline.* 1. Subject to par. (d), the department shall refund
24 fees paid by the application for certification specified in par. (a) if the department
25 fails to provide the applicant with written notice that the department has approved

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1 or disapproved the application for the certification, including the specific facts upon
2 which any disapproval is based, before the expiration of the period established under
3 par. (a) for the certification.

4 2. The department may not disapprove an application for certification solely
5 because the department is unable to complete its review of the application within the
6 period established under par. (a).

7 (c) *Notice of deadline.* Upon receiving an application for certification specified
8 in par. (a), the department shall inform the applicant of the period established under
9 par. (a) for the certification.

10 (d) *Permitted extension of deadline.* The department may extend the period
11 established under par. (a) because an application is incomplete if, within 30 days
12 after receiving the application, the department provides written notice to the
13 applicant describing specifically the information that must be provided to complete
14 the application.

15 **SECTION 11.** 48.66 (2r) of the statutes is created to read:

16 48.66 (2r) (a) The department of health and family services, by rule, shall
17 establish periods within which the department intends to approve or disapprove an
18 application for a license to operate a child welfare agency, group home, shelter care
19 facility, or day care center. The department of corrections, by rule, shall establish a
20 period within which the department intends to approve or disapprove an application
21 for a license to operate a secured child caring institution.

22 (b) 1. Subject to par. (d), the department of health and family services or the
23 department of corrections shall refund all fees paid by the applicant for a license
24 specified in par. (a) if the department that receives the fee fails to provide the
25 applicant with written notice that it has approved or disapproved the application for

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1 the license, including the specific facts upon which any disapproval is based, before
2 the expiration of the period established under par. (a) for the license.

3 2. The department of health and family services or the department of
4 corrections may not disapprove an application for a license specified in par. (a) solely
5 because the department reviewing the application is unable to complete its review
6 of the application within the period established under par. (a) for the license.

7 (c) Upon receiving an application for a license specified in par. (a), the
8 department of health and family services or the department of corrections shall
9 inform the applicant of the period established under par. (a) for the license.

10 (d) The department of health and family services or the department of
11 corrections may extend the period established under par. (a) because an application
12 is incomplete if, within 30 days after receiving the application, the department
13 receiving the application provides written notice to the applicant describing
14 specifically the information that must be provided to complete the application.

15 **SECTION 12.** 49.481 of the statutes is created to read:

16 **49.481 Deadline for action on certification application. (1) DEADLINE.**
17 The department, by rule, shall establish a period within which the department
18 intends to approve or disapprove an application for certification under s. 49.45 (2) (a)
19 11.

20 **(2) FAILURE TO MEET DEADLINE.** Subject to sub. (4), the department shall refund
21 fees paid by the applicant for a certification specified in sub. (1) if the department
22 fails to provide the applicant with written notice that the department has approved
23 or disapproved the application for the certification, including the specific facts upon
24 which any disapproval is based, before the expiration of the period established under
25 sub. (1) for the certification approval.

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1 **(3) NOTICE OF DEADLINE.** Upon receiving an application for certification
2 specified in sub. (1), the department shall inform the applicant of the period
3 established under sub. (1) for the certification approval.

4 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
5 established under sub. (1) because an application is incomplete if, within 30 days
6 after receiving the application, the department provides written notice to the
7 applicant describing specifically the information that must be provided to complete
8 the application.

9 **SECTION 13.** 50.02 (4m) of the statutes is created to read:

10 **50.02 (4m) DEADLINES FOR ACTION ON APPLICATIONS.** (a) *Deadlines.* The
11 department, by rule, shall establish periods within which the department intends to
12 approve or disapprove an application for any of the following:

13 1. A license for an institution for mental diseases under s. 50.03 (1m).

14 2. A license for a nursing home under s. 50.03 (4) (a) 1. a.

15 3. A license for a community-based residential facility under s. 50.03 (4) (a) 1.

16 b.

17 4. A certification for an adult family home under s. 50.032 (1m) (a).

18 5. A license for an adult family home under s. 50.033 (1m) (a).

19 6. A certification for a residential care apartment complex under s. 50.034 (1)
20 (a).

21 7. A registration for a residential care apartment complex under s. 50.034 (1)
22 (b).

23 8. A certificate of approval for a hospital under s. 50.35.

24 9. A license for a home health agency under s. 50.49 (6) (a).

25 10. A provisional license for a home health agency under s. 50.49 (10).

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1 11. A license or provisional license for a rural medical center under s. 50.52 (2).

2 12. A license for a hospice under s. 50.92 (2).

3 13. A provisional license for a hospice under s. 50.93 (3).

4 (b) *Failure to meet deadlines.* 1. Subject to par. (d), the department shall refund
5 fees paid by the applicant for a license, provisional license, certificate of approval,
6 registration, or certification specified in par. (a) if the department fails to provide the
7 applicant with written notice that the department has approved or disapproved the
8 application for the license, provisional license, certificate of approval, registration,
9 or certification, including the specific facts upon which any disapproval is based,
10 before the expiration of the period established under par. (a) for the license,
11 provisional license, certificate of approval, registration, or certification.

12 2. The department may not disapprove an application for a license, provisional
13 license, certificate of approval, registration, or certification solely because the
14 department is unable to complete its review of the application within the period
15 established under par. (a).

16 (c) *Notice of deadline.* Upon receiving an application for a license, provisional
17 license, certificate of approval, registration, or certification specified in par. (a), the
18 department shall inform the applicant of the period established under par. (a) for the
19 license, provisional license, certificate of approval, registration, or certification.

20 (d) *Permitted extension of deadline.* The department may extend the period
21 established under par. (a) because an application is incomplete if, within 30 days
22 after receiving the application, the department provides written notice to the
23 applicant describing specifically the information that must be provided to complete
24 the application.

25 **SECTION 14.** 51.031 of the statutes is created to read:

ASSEMBLY BILL 486**SECTION 14**

1 **51.031 Deadlines for action on applications.** (1) DEADLINES. The
2 department, by rule, shall establish periods within which the department intends to
3 approve or disapprove an application for any of the following:

4 (a) Certification for an outpatient mental health clinic under s. 51.038.

5 (b) Certification for a treatment facility under s. 51.04.

6 (c) Certification of community mental health programs under rules required
7 under s. 51.42 (7) (b) 11.

8 (d) Certification of providers of community support programs under rules
9 required under s. 51.421 (3) (a).

10 (e) Approval for a treatment facility under s. 51.45 (8).

11 **(2) FAILURE TO MEET DEADLINES.** (a) Subject to sub. (4), the department shall
12 refund fees paid by the applicant for a certification or approval specified in sub. (1)
13 if the department fails to provide the applicant with written notice that the
14 department has approved or disapproved the application for the certification or
15 approval, including the specific facts upon which any disapproval is based, before the
16 expiration of the period established under sub. (1) for the certification or approval.

17 (b) The department may not disapprove an application for a certification or
18 approval solely because the department is unable to complete its review of the
19 application within the period established under sub. (1)

20 **(3) NOTICE OF DEADLINE.** Upon receiving an application for a certification or
21 approval specified in sub. (1), the department shall inform the applicant of the period
22 established under sub. (1) for the certification or approval.

23 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
24 established under sub. (1) because an application is incomplete if, within 30 days
25 after receiving the application, the department provides written notice to the

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1 applicant describing specifically the information that must be provided to complete
2 the application.

3 **SECTION 15.** 73.303 of the statutes is created to read:

4 **73.303 Deadlines for action on permit applications. (1)** In this section,
5 “department” means the department of revenue.

6 **(2)** The department, by rule, shall establish periods within which the
7 department intends to approve or disapprove an application for any of the following:

8 (a) A permit under s. 139.34.

9 (b) A cigarette salesperson permit under s. 139.37.

10 (c) A tobacco product salesperson permit under s. 139.81.

11 **(3)** (a) Subject to sub. (5), the department shall refund fees paid by the
12 applicant for a permit specified in sub. (2) if the department fails to provide the
13 applicant with written notice that the department has approved or disapproved the
14 application for the permit, including the specific facts upon which any disapproval
15 is based, before the expiration of the period established under sub. (2) for the permit.

16 (b) The department may not disapprove an application for a permit solely
17 because the department is unable to complete its review of the application within the
18 period established under sub. (2).

19 **(4)** Upon receiving an application for a permit specified in sub. (2), the
20 department shall inform the applicant of the period established under sub. (2) for the
21 permit.

22 **(5)** The department may extend the period established under sub. (2) because
23 an application is incomplete if, within 30 days after receiving the application, the
24 department provides written notice to the applicant describing specifically the
25 information that must be provided to complete the application.

ASSEMBLY BILL 486**SECTION 16**

1 **SECTION 16.** 84.063 (5) of the statutes is amended to read:

2 84.063 (5) RULES. The department shall promulgate rules, including any rule
3 required under s. 85.16 (3), to implement and administer this section.

4 **SECTION 17.** 84.30 (14) of the statutes is amended to read:

5 84.30 (14) DEPARTMENT RULES. The department may promulgate rules deemed
6 necessary to implement and enforce this section. The department shall promulgate
7 rules to restrict the erection and maintenance of signs as to their lighting, size,
8 number and spacing when such signs are visible from the highway but outside the
9 adjacent area. The department shall by rule establish a priority system for the
10 removal or relocation of all signs not specified in sub. (5) (d) which fail to conform to
11 the requirements of sub. (5). The department's rules shall include any rule required
12 under s. 85.16 (3).

13 **SECTION 18.** 85.16 (3) of the statutes is created to read:

14 85.16 (3) (a) The department, by rule, shall establish periods within which the
15 department intends to approve or disapprove an application for any of the following:

16 1. An approval related to a utility facilities work plan under s. 84.063 (3) (c).

17 2. An approval or permit related to a controlled-access highway under s. 84.25
18 (4) or (7).

19 3. An approval of a franchise or permit granted by a municipality as specified
20 in s. 84.08.

21 4. An outdoor advertising business license under s. 84.30 (10).

22 5. An outdoor advertising sign permit under s. 84.30 (10m).

23 6. An approval related to highway vegetation under s. 86.03 (3).

24 7. A permit related to excavating, filling, altering, or disturbing a highway or
25 bridge under s. 86.07 (2).

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1 8. A permit for the erection and maintenance of a specific information sign
2 under s. 86.195 (2) (a) or a business sign under s. 86.195 (2) (b).

3 9. A permit for the erection and maintenance of a tourist-oriented directional
4 sign under s. 86.196 (2).

5 10. An unairworthy aircraft certificate under s. 114.20 (5).

6 11. A recreational vehicle dealer's license under s. 218.11.

7 12. A recreational vehicle salesperson's license under s. 218.12.

8 13. A motor vehicle salvage dealer's license under s. 218.22.

9 14. A motor vehicle auction dealer's license under s. 218.32.

10 15. A moped dealer's license under s. 218.41.

11 16. A buyer identification card under s. 218.51.

12 17. An approval related to quarterly or consecutive monthly registration under
13 s. 341.185 or 341.19.

14 18. A registration of a dealer, distributor, manufacturer, or transporter under
15 s. 341.51.

16 19. A registration of a finance company or a financial institution under s.
17 341.57.

18 20. A certificate of title under s. 342.18.

19 21. A permit to perform chemical analysis of the breath under s. 343.305 (6).

20 22. A license to conduct a driver school under s. 343.61.

21 23. A license to act as a driving instructor under s. 343.62.

22 24. A permit related to oversize and overweight vehicles and loads under ss.
23 348.26 or 348.27.

24 (b) Subject to par. (f), the department shall refund any applicable fee paid by
25 the applicant for any license, permit, or other approval specified in par. (a) 1. to 5.,

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1 7. to 16., and 21. to 23. if the department fails to provide the applicant with written
2 notice that the department has approved or disapproved the application for the
3 license, permit, or other approval, including the specific facts upon which any
4 disapproval is based, before the expiration of the period established under par. (a)
5 for the license, permit, or other approval.

6 (c) Subject to par. (f), failure by the department to provide the applicant for a
7 license, permit, or other approval specified in par. (a) 6. and 17. to 20. with written
8 notice that the department has approved or disapproved the application for the
9 license, permit, or other approval, including the specific facts upon which any
10 disapproval is based, before the expiration of the period established under par. (a)
11 for the license, permit, or other approval, constitutes approval of the application. A
12 license, permit, or other approval approved under this paragraph is subject to any
13 terms or conditions specified by statute or rule for the license, permit, or other
14 approval and the department may suspend, limit, revoke, or withdraw the license,
15 permit, or other approval for substantial failure to comply with those terms or
16 conditions. Within 30 days after the expiration of the period established under par.
17 (a) for the license, permit, or other approval, the department shall provide the
18 applicant with a statement showing that the license, permit, or other approval is
19 approved and specifying any terms and conditions that apply to that license, permit,
20 or other approval.

21 (d) The department may not disapprove an application for a license, permit, or
22 other approval solely because the department is unable to complete its review of the
23 application within the period established under par. (a).

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1 (e) Upon receiving an application for a license, permit, or other approval
2 specified in par. (a), the department shall inform the applicant of the period
3 established under par. (a) for the license, permit, or other approval.

4 (f) The department may include any of the following in the rules required under
5 par. (a):

6 1. Methods for determining the commencement of the period established under
7 par. (a) and for determining when the application for a license, permit, or other
8 approval is complete.

9 2. Extensions of the period established under par. (a) because the applicant
10 makes a material modification to the application if the department notifies the
11 applicant in writing of the extension within 30 days after the applicant makes the
12 modification.

13 3. Extensions of the period established under par. (a) because the application
14 is incomplete or information needed by the department to complete its review of an
15 application for a license, permit, or other approval is unknown or cannot be
16 determined with certainty when the department receives the application if the
17 department notifies the applicant in writing of the need for an extension within 30
18 days after the applicant submits the application and the notice specifically describes
19 the information that must be provided to complete the application or the information
20 needed to complete the department's review of the application.

21 4. Extensions of the period established under par. (a) if, during the period
22 established under par. (a), the department and the applicant jointly agree to a
23 different period for acting on an application for a license, permit, or other approval
24 than that specified under par. (a).

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1 5. Deadlines for the department to complete intermediate steps in the process
2 of completing its review of an application.

3 6. With respect to any application for a license, permit, or other approval for
4 which failure by the department to approve or disapprove the application before the
5 expiration of the period established under par. (a) constitutes approval of the
6 application under par. (c), extensions of the period established under par. (a) for the
7 application by not more than 60 days if the department provides written notice of the
8 extension to the applicant within the period established under par. (a).

9 **SECTION 19.** 86.196 (2) (c) of the statutes is amended to read:

10 86.196 (2) (c) Provisions for fees to cover costs of sign manufacture, erection and
11 maintenance to be collected through a permit system and deadlines for acting on
12 permit applications as required under s. 85.16 (3).

13 **SECTION 20.** 93.125 of the statutes is created to read:

14 **93.125 Deadlines for action on occupational applications. (1)**
15 **DEADLINES.** The department, by rule, shall establish periods within which the
16 department intends to approve or disapprove an application for any of the following:

17 (a) A food inspector license under s. 93.11.

18 (b) A professional weather modification license under s. 93.35 (4).

19 (c) An individual commercial pesticide applicator license under s. 94.704.

20 (d) A pesticide applicator certification under s. 94.705.

21 (f) A buttermaker or cheesemaker license under s. 97.17.

22 (g) A butter grader or cheese grader license under s. 97.175.

23 (h) A milk producer license under s. 97.22 (2).

24 (i) A grade A dairy farm permit under s. 97.22 (3).

25 (j) A milk and cream tester license under s. 98.145.

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1 (k) A milk weigher and sampler license under s. 98.146.

2 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the department shall
3 refund fees paid by the applicant for a license or other approval specified in sub. (1)
4 if the department fails to provide the applicant with written notice that the
5 department has approved or disapproved the application for the license or other
6 approval, including the specific facts upon which any disapproval is based, before the
7 expiration of the period established under sub. (1) for the license or other approval.

8 (b) The department may not disapprove an application for a license or other
9 approval solely because the department is unable to complete its review of the
10 application within the period established under sub. (1).

11 **(3) NOTICE OF DEADLINE.** Upon receiving an application for a license or other
12 approval specified in sub. (1), the department shall inform the applicant of the period
13 established under sub. (1) for the license or other approval.

14 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
15 established under sub. (1) because an application is incomplete if, within 30 days
16 after receiving the application, the department provides written notice to the
17 applicant describing specifically the information that must be provided to complete
18 the application.

19 **SECTION 21.** 93.13 of the statutes is created to read:

20 **93.13 Automatic approval of certain applications.** (1) **DEADLINES.** The
21 department, by rule, shall establish periods within which the department intends to
22 approve or disapprove an application for any of the following:

23 (a) A weather modification permit under s. 93.35 (6).

24 (am) A nursery dealer license under s. 94.10 (2).

25 (b) A nursery grower license under s. 94.10 (3).

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- 1 (c) A Christmas tree grower license under s. 94.10 (3g).
- 2 (cm) A seed labeler's license under s. 94.43.
- 3 (d) A ginseng grower or dealer registration under s. 94.50 (2).
- 4 (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).
- 5 (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).
- 6 (f) A soil or plant additive manufacturer or distributor license under s. 94.65
- 7 (2).
- 8 (g) A soil or plant additive permit under s. 94.65 (3).
- 9 (gm) A license for the sale or distribution of liming material under s. 94.66 (2).
- 10 (h) A pesticide manufacturer or labeler license under s. 94.68 (1).
- 11 (i) A restricted-use pesticide dealer or distributor license under s. 94.685.
- 12 (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.
- 13 (j) A commercial pesticide application business license under s. 94.703.
- 14 (k) A commercial feed manufacturer or distributor license under s. 94.72 (5).
- 15 (km) A farm-raised deer registration under s. 95.55.
- 16 (L) A fish farm registration under s. 95.60 (3m).
- 17 (m) An animal market license under s. 95.68 (2).
- 18 (mm) An animal dealer license under s. 95.69 (2).
- 19 (n) An animal trucker license under s. 95.71 (2).
- 20 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 21 (pm) A license for transporting dead animals under s. 95.72 (7).
- 22 (q) A dairy plant license under s. 97.20 (2).
- 23 (r) A bulk milk tanker license under s. 97.21 (2).
- 24 (rm) A milk distributor license under s. 97.21 (3).
- 25 (s) A food warehouse license under s. 97.27 (2).

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- 1 (t) A food processing plant license under s. 97.29 (2).
- 2 (tm) A retail food establishment license under s. 97.30 (2).
- 3 (u) A meat or poultry commercial slaughtering or processing license or a meat
4 or poultry custom slaughtering or processing registration certificate under s. 97.42
5 (2).
- 6 (v) A vehicle scale license under s. 98.16.
- 7 (vm) A weights and measures servicing license under s. 98.18 (1) (a).
- 8 (w) A liquid petroleum gas meter registration under s. 98.245 (7).
- 9 (wm) A public warehouse keeper license under s. 99.02 (1).
- 10 (x) A mobile air conditioner servicing registration certificate under s. 100.45
11 (5) (c).
- 12 (xm) A grain dealer license under s. 126.11.
- 13 (y) A grain warehouse keeper license under s. 126.26.
- 14 (ym) A milk contractor license under s. 126.41.
- 15 (z) A vegetable contractor license under s. 126.56.
- 16 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
17 by the department to provide the applicant for a license, permit, or other approval
18 specified in sub. (1) with written notice that the department has approved or
19 disapproved the application for the license, permit, or other approval, including the
20 specific facts upon which any disapproval is based, before the expiration of the period
21 established under sub. (1) for the license, permit, or other approval, constitutes
22 approval of the application. A license, permit, or other approval approved under this
23 paragraph is subject to any terms or conditions specified by statute or rule for the
24 license, permit, or other approval and the department may suspend, limit, revoke,
25 or withdraw the license, permit, or other approval for substantial failure to comply

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1 with those terms or conditions. Within 30 days after the expiration of the period
2 established under sub. (1) for the license, permit, or other approval, the department
3 shall provide the applicant with a statement showing that the license, permit, or
4 other approval is approved and specifying any terms and conditions that apply to
5 that license, permit, or other approval.

6 (b) The department may not disapprove an application for a license, permit, or
7 other approval solely because the department is unable to complete its review of the
8 application within the period established under sub. (1).

9 (3) NOTICE OF DEADLINE. Upon receiving an application for a license, permit, or
10 other approval specified in sub. (1), the department shall inform the applicant of the
11 period established under sub. (1) for the license, permit, or other approval.

12 (4) OPTIONAL PROVISIONS OF RULES. The department may include any of the
13 following in the rules required under sub. (1):

14 (a) Methods for determining the commencement of the period established
15 under sub. (1) and for determining when the application for a license, permit, or other
16 approval is complete.

17 (b) A longer period under sub. (1) for an application for a permit, approval, or
18 other determination for which an environmental impact statement is required under
19 s. 1.11 than for other applications.

20 (c) Extensions of the period established under sub. (1) because the applicant
21 makes a material modification to the application if the department notifies the
22 applicant in writing of the extension within 30 days after the applicant makes the
23 modification.

24 (d) Extensions of the period established under sub. (1) because information
25 needed by the department to complete its review of an application for a license,

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1 permit, or other approval is unknown or cannot be determined with certainty when
2 the department receives the application if the department notifies the applicant in
3 writing of the need for an extension within 30 days after the applicant submits the
4 application.

5 (e) Deadlines for the department to complete intermediate steps in the process
6 of completing its review of an application.

7 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
8 the department and the applicant may jointly agree to a different period for acting
9 on an application for a license, permit, or other approval than that specified under
10 sub. (1).

11 (b) The department may extend the period established under sub. (1) because
12 an application is incomplete if, within 30 days after receiving the application, the
13 department provides written notice to the applicant describing specifically the
14 information that must be provided to complete the application.

15 (c) The department may extend the period established under sub. (1) for an
16 application by not more than 60 days if the department provides written notice of the
17 extension to the applicant within the period established under sub. (1).

18 (d) The department may extend the period established under sub. (1) for an
19 application by more than 60 days if, within the period established under sub. (1), the
20 department finds that there is a substantial likelihood that the activity proposed to
21 be conducted under the application would result in substantial harm to public health
22 or safety or the environment and that the department cannot adequately review the
23 application within the period established under sub. (1) and provides written notice
24 to the applicant that states with particularity the facts on which those findings are
25 based.

ASSEMBLY BILL 486**SECTION 22**

1 **SECTION 22.** 101.022 of the statutes is created to read:

2 **101.022 Deadlines for action on certain applications. (1) DEFINITIONS.**

3 In this section, “license or building plan application” means any of the following:

4 (a) An application for a license, permit, or certificate of certification or
5 registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143
6 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m),
7 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952,
8 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
9 167.10 (6m).

10 (b) Forms, plans, and other information submitted to the department under s.
11 101.12 or 145.26.

12 **(2) DEADLINES.** The department, by rule, shall establish periods within which
13 the department, or any subunit of the department, intends to approve or disapprove
14 any license or building plan application. Any period established under this
15 subsection shall be consistent with any applicable period specified by statute.

16 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (5), the department shall
17 refund fees paid by a person submitting a license or building plan application if the
18 department fails to provide the person with written notice that the department has
19 approved or disapproved the application, including the specific facts upon which any
20 disapproval is based, before the expiration of the period established under sub. (2)
21 for the license or building plan application.

22 (b) The department may not disapprove a license or building plan application
23 solely because the department is unable to complete its review of the application
24 within the period established under sub. (2).

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1 (4) NOTICE OF DEADLINE. Upon receiving a license or building plan application,
2 the department shall inform the applicant of the period established under sub. (2)
3 for the license or building plan application.

4 (5) PERMITTED EXTENSION OF DEADLINE. The department may extend the period
5 established under sub. (2) because a license or building plan application is
6 incomplete if, within 30 days after receiving the license or building plan application,
7 the department provides written notice to the applicant describing specifically the
8 information that must be provided to complete the license or building plan
9 application.

10 **SECTION 23.** 101.023 of the statutes is created to read:

11 **101.023 Automatic approval of certain applications.** (1) DEFINITIONS. In
12 this section, “application” means any form or other writing that is submitted to the
13 department under this chapter or ch. 145 or 168 for the purpose of obtaining any
14 approval of the department that is required by law as a prerequisite to the applicant
15 taking certain actions, except that “application” does not include a license or building
16 plan application, as defined under s. 101.022 (1).

17 (2) DEADLINES. The department, by rule, shall establish periods within which
18 the department, or any subunit of the department, intends to approve or disapprove
19 an application. Any period established under this subsection shall be consistent with
20 any applicable period specified by statute.

21 (3) FAILURE TO MEET DEADLINE. (a) Subject to subs. (5) (b) and (c) and (6), failure
22 by the department to provide an applicant with written notice that the department
23 has approved or disapproved the application, including specific facts upon which any
24 disapproval is based, before the expiration of the period established under sub. (2)
25 applicable to the application constitutes approval of the application by the

ASSEMBLY BILL 486**SECTION 23**

1 department. An application approved under this paragraph is subject to any terms
2 or conditions specified by law for the approval and the department may suspend,
3 limit, revoke, or withdraw the approval for substantial failure to comply with those
4 terms or conditions. Within 30 days after an application is approved under this
5 paragraph, the department shall provide the applicant with a statement showing
6 that the application is approved and specifying any terms and conditions that apply
7 to the approval.

8 (b) The department may not disapprove an application solely because the
9 department is unable to complete its review of the application within the period
10 established under sub. (2).

11 (4) NOTICE OF DEADLINE. Upon receiving an application, the department shall
12 inform the applicant of the period established under sub. (2) applicable to the
13 application.

14 (5) OPTIONAL PROVISIONS OF RULES. The department may include any of the
15 following in the rules required under sub. (2):

16 (a) Methods for determining the commencement of the period established
17 under sub. (2) and for determining when an application is complete.

18 (b) Extensions of the period established under sub. (2) because the applicant
19 makes a material modification to the application if the department notifies the
20 applicant in writing of the extension within 30 days after the applicant makes the
21 modification.

22 (c) Extensions of the period established under sub. (2) because information
23 needed by the department to complete its review of an application is unknown or
24 cannot be determined with certainty when the department receives the application

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1 if the department notifies the applicant in writing of the need for an extension within
2 30 days after the applicant submits the application.

3 (d) Deadlines for the department to complete intermediate steps in the process
4 of completing its review of an application.

5 **(6) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (2),
6 the department and the applicant may jointly agree to a different period for acting
7 on an application than that specified under sub. (2).

8 (b) The department may extend the period established under sub. (2) because
9 an application is incomplete if, within 30 days after receiving the application, the
10 department provides written notice to the applicant describing specifically the
11 information that must be provided to complete the application.

12 (c) The department may extend the period established under sub. (2) for an
13 application by not more than 60 days if the department provides written notice of the
14 extension to the applicant within the period established under sub. (2).

15 (d) The department may extend the period established under sub. (2) for an
16 application by more than 60 days if, within the period established under sub. (2), the
17 department finds that there is a substantial likelihood that the activity proposed to
18 be conducted under the application would result in substantial harm to public health
19 or safety or the environment and that the department cannot adequately review the
20 application within the period established under sub. (2) and provides written notice
21 to the applicant that states with particularity the facts on which those findings are
22 based.

23 **SECTION 24.** 102.17 (1) (cj) of the statutes is created to read:

ASSEMBLY BILL 486**SECTION 24**

1 102.17 (1) (cj) 1. The department, by rule, shall establish a period within which
2 the department intends to approve or disapprove an application for a license under
3 par. (c).

4 2. a. Subject to subd. 4., the department shall refund all fees paid by the
5 applicant for a license under par. (c) if the department fails to provide the applicant
6 with written notice that the department has approved or disapproved the application
7 for the license, including the specific facts upon which any disapproval is based,
8 before the expiration of the period established under subd. 1.

9 b. The department may not disapprove an application for a license under par.
10 (c) solely because the department is unable to complete its review of the application
11 within the period established under subd. 1.

12 3. Upon receiving an application for a license under par. (c), the department
13 shall inform the applicant of the period established under subd. 1. for approval or
14 disapproval of the application.

15 4. The department may extend the period established under subd. 1. because
16 an application is incomplete if, within 30 days after receiving the application, the
17 department provides written notice to the applicant describing specifically the
18 information that must be provided to complete the application.

19 **SECTION 25.** 103.275 (2m) of the statutes is created to read:

20 103.275 (2m) DEADLINE FOR ACTION ON CERTIFICATE APPLICATIONS. (a) The
21 department, by rule, shall establish a period within which the department intends
22 to approve or disapprove an application for a house-to-house employer certificate
23 under sub. (2).

24 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
25 applicant for a house-to-house employer certificate under sub. (2) if the department

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1 fails to provide the applicant with written notice that the department has approved
2 or disapproved the application for the certificate, including the specific facts upon
3 which any disapproval is based, before the expiration of the period established under
4 par. (a).

5 2. The department may not disapprove an application for a house-to-house
6 employer certificate under sub. (2) solely because the department is unable to
7 complete its review of the application within the period established under par. (a).

8 (c) Upon receiving an application for a house-to-house employer certificate
9 under sub. (2), the department shall inform the applicant of the period established
10 under par. (a) for approval or disapproval of the application.

11 (d) The department may extend the period established under par. (a) because
12 an application is incomplete if, within 30 days after receiving the application, the
13 department provides written notice to the applicant describing specifically the
14 information that must be provided to complete the application.

15 **SECTION 26.** 103.91 (2m) of the statutes is created to read:

16 103.91 **(2m)** DEADLINE FOR ACTION ON CERTIFICATE APPLICATIONS. (a) The
17 department, by rule, shall establish a period within which the department intends
18 to approve or disapprove an application for a certificate under sub. (2) (a).

19 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
20 applicant for a certificate under sub. (2) (a) if the department fails to provide the
21 applicant with written notice that the department has approved or disapproved the
22 application for the certificate, including the specific facts upon which any
23 disapproval is based, before the expiration of the period established under par. (a).

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1 2. The department may not disapprove an application for a certificate under
2 sub. (2) (a) solely because the department is unable to complete its review of the
3 application within the period established under par. (a).

4 (c) Upon receiving an application for a certificate under sub. (2) (a), the
5 department shall inform the applicant of the period established under par. (a) for
6 approval or disapproval of the application.

7 (d) The department may extend the period established under par. (a) because
8 an application is incomplete if, within 30 days after receiving the application, the
9 department provides written notice to the applicant describing specifically the
10 information that must be provided to complete the application.

11 **SECTION 27.** 103.92 (2m) of the statutes is created to read:

12 103.92 **(2m)** DEADLINE FOR ACTION ON CERTIFICATE APPLICATIONS. (a) The
13 department, by rule, shall establish a period within which the department intends
14 to approve or disapprove an application for a certificate under sub. (1) (a).

15 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
16 applicant for a certificate under sub. (1) (a) if the department fails to provide the
17 applicant with written notice that the department has approved or disapproved the
18 application for the certificate, including the specific facts upon which any
19 disapproval is based, before the expiration of the period established under par. (a).

20 2. The department may not disapprove an application for a certificate under
21 sub. (1) (a) solely because the department is unable to complete its review of the
22 application within the period established under par. (a).

23 (c) Upon receiving an application for a certificate under sub. (1) (a), the
24 department shall inform the applicant of the period established under par. (a) for
25 approval or disapproval of the application.

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1 (d) The department may extend the period established under par. (a) because
2 an application is incomplete if, within 30 days after receiving the application, the
3 department provides written notice to the applicant describing specifically the
4 information that must be provided to complete the application.

5 **SECTION 28.** 104.07 (4m) of the statutes is created to read:

6 104.07 (4m) (a) The department, by rule, shall establish periods within which
7 the department intends to approve or disapprove an application for a license under
8 sub. (1) or (2).

9 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
10 applicant for a license under sub. (1) or (2) if the department fails to provide the
11 applicant with written notice that the department has approved or disapproved the
12 application for the license, including the specific facts upon which any disapproval
13 is based, before the expiration of the period established under par. (a) for the license.

14 2. The department may not disapprove an application for a license under sub.
15 (1) or (2) solely because the department is unable to complete its review of the
16 application within the period established under par. (a) for the license.

17 (c) Upon receiving an application for a license under sub. (1) or (2), the
18 department shall inform the applicant of the period established under par. (a) for
19 approval or disapproval of the application.

20 (d) The department may extend the period established under par. (a) because
21 an application is incomplete if, within 30 days after receiving the application, the
22 department provides written notice to the applicant describing specifically the
23 information that must be provided to complete the application.

24 **SECTION 29.** 105.06 (1r) of the statutes is created to read:

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1 105.06 (1r) (a) The department, by rule, shall establish a period within which
2 the department intends to approve or disapprove an application for a license under
3 sub. (1).

4 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
5 applicant for a license under sub. (1) if the department fails to provide the applicant
6 with written notice that the department has approved or disapproved the application
7 for the license, including the specific facts upon which any disapproval is based,
8 before the expiration of the period established under par. (a).

9 2. The department may not disapprove an application for a license under sub.
10 (1) solely because the department is unable to complete its review of the application
11 within the period established under par. (a).

12 (c) Upon receiving an application for a license under sub. (1), the department
13 shall inform the applicant of the period established under par. (a) for approval or
14 disapproval of the application.

15 (d) The department may extend the period established under par. (a) because
16 an application is incomplete if, within 30 days after receiving the application, the
17 department provides written notice to the applicant describing specifically the
18 information that must be provided to complete the application.

19 **SECTION 30.** 108.14 (20) of the statutes is created to read:

20 108.14 (20) AUTOMATIC APPROVAL OF CERTAIN APPLICATIONS. (a) *Deadlines.* The
21 department, by rule, shall establish periods within which the department intends to
22 approve or disapprove an application for any of the following:

23 1. Election of coverage under s. 108.02 (13) (h) or (15) (f), (g), (h), (i) or (k).

24 2. Approval to separate limited liability companies or partnerships under s.
25 108.02 (13) (kL) or (L).

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- 1 3. Treatment of out-of-state service as employment under s. 108.02 (15) (c).
 - 2 4. Approval of training institutions under s. 108.04 (16) (a) 2.
 - 3 5. Approval of attorney fees under s. 108.09 (8) (b).
 - 4 6. Approval of income tax withholding under s. 108.135 (3).
 - 5 7. Approval of electronic interchanges under s. 108.14 (2e).
 - 6 8. Approval of assurances of reimbursement under s. 108.151 (4) or 108.152 (3).
 - 7 9. Approval of group reimbursement accounts under s. 108.152 (5).
 - 8 10. Approval of electronic media and formats under s. 108.17 (2g).
 - 9 11. Approval of combined wage treatments under s. 108.17 (5).
- 10 (b) *Failure to meet deadline.* 1. Subject to pars. (d) 3. and 4. and (e), failure by
- 11 the department to provide the applicant for an approval specified in par. (a) with
- 12 written notice that the department has approved or disapproved the application,
- 13 including the specific facts upon which any disapproval is based, before the
- 14 expiration of the period established under par. (a) for the approval, constitutes
- 15 approval of the application. An application approved under this subdivision is
- 16 subject to any terms or conditions specified by statute or rule for the approval and
- 17 the department may suspend, limit, revoke, or withdraw the approval for substantial
- 18 failure to comply with those terms or conditions. Within 30 days after the expiration
- 19 of the period established under par. (a) for the approval, the department shall provide
- 20 the applicant with a statement showing that the application is approved and
- 21 specifying any terms and conditions that apply to that approval.
- 22 2. The department may not disapprove an application for an approval solely
- 23 because the department is unable to complete its review of the application within the
- 24 period established under par. (a).

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1 (c) *Notice of deadline.* Upon receiving an application for an approval specified
2 in par. (a), the department shall inform the applicant of the period established under
3 par. (a) for the approval.

4 (d) *Optional provisions of rules.* The department may include any of the
5 following in the rules required under par. (a):

6 1. Methods for determining the commencement of the period established under
7 par. (a) and for determining when the application for an approval is complete.

8 2. A longer period under par. (a) for an application for an approval for which
9 an environmental impact statement is required under s. 1.11 than for other
10 applications.

11 3. Extensions of the period established under par. (a) because the applicant
12 makes a material modification to the application if the department notifies the
13 applicant in writing of the extension within 30 days after the applicant makes the
14 modification.

15 4. Extensions of the period established under par. (a) because information
16 needed by the department to complete its review of an application for an approval
17 is unknown or cannot be determined with certainty when the department receives
18 the application if the department notifies the applicant in writing of the need for an
19 extension within 30 days after the applicant submits the application.

20 5. Deadlines for the department to complete intermediate steps in the process
21 of completing its review of an application.

22 (e) *Extensions authorized.* 1. During the period established under par. (a), the
23 department and the applicant may jointly agree to a different period for acting on an
24 application than that specified under par. (a).

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1 2. The department may extend the period established under par. (a) because
2 an application is incomplete if, within 30 days after receiving the application, the
3 department provides written notice to the applicant describing specifically the
4 information that must be provided to complete the application.

5 3. The department may extend the period established under par. (a) for an
6 application by not more than 60 days if the department provides written notice of the
7 extension to the applicant within the period established under par. (a).

8 4. The department may extend the period established under par. (a) for an
9 application by more than 60 days if, within the period established under par. (a), the
10 department finds that there is a substantial likelihood that the activity proposed to
11 be conducted under the application would result in substantial harm to public health
12 or safety or the environment and that the department cannot adequately review the
13 application within the period established under par. (a) and provides written notice
14 to the applicant that states with particularity the facts on which those findings are
15 based.

16 **SECTION 31.** 115.28 (7) (a) of the statutes is amended to read:

17 115.28 (7) (a) License all teachers for the public schools of the state, make rules
18 establishing standards of attainment and procedures for the examination and
19 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and
20 118.195, prescribe by rule standards and procedures for the approval of teacher
21 preparatory programs leading to licensure, file in the state superintendent's office
22 all papers relating to state teachers' licenses and register each such license.

23 **SECTION 32.** 118.19 (2) of the statutes is repealed and recreated to read:

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1 118.19 (2) (a) The department, by rule, shall establish periods within which the
2 department intends to approve or disapprove an application for any license or permit
3 authorized to be granted by the department.

4 (b) 1. Subject to par. (d), the department shall refund fees paid by the applicant
5 for a license or permit if the department fails to provide the applicant with written
6 notice that the department has approved or disapproved the application for the
7 license or permit, including the specific facts upon which any disapproval is based,
8 before the expiration of the period established under par. (a) for the license or permit.

9 2. The department may not disapprove an application for a license or permit
10 solely because the department is unable to complete its review of the application
11 within the period established under par. (a).

12 (c) Upon receiving an application for a license or permit, the department shall
13 inform the applicant of the period established under par. (a) for the license or permit.

14 (d) The department may extend the period established under par. (a) because
15 an application is incomplete if, within 30 days after receiving the application, the
16 department provides written notice to the applicant describing specifically the
17 information that must be provided to complete the application.

18 **SECTION 33.** 125.04 (3m) of the statutes is created to read:

19 125.04 (3m) DEADLINES FOR ACTION ON PERMIT APPLICATIONS. (a) The
20 department, by rule, shall establish periods within which the department intends to
21 approve or disapprove an application for any permit issued by the department under
22 this chapter.

23 (b) Subject to par. (e), the department shall refund any fee paid by the applicant
24 for any permit under this chapter if the department fails to provide the applicant
25 with written notice that the department has approved or disapproved the application

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1 for the permit, including the specific facts upon which any disapproval is based,
2 before the expiration of the period established under par. (a) for the permit.

3 (c) The department may not disapprove an application for a permit under this
4 chapter solely because the department is unable to complete its review of the
5 application within the period established under par. (a).

6 (d) Upon receiving an application for a permit under this chapter, the
7 department shall inform the applicant of the period established under par. (a) for the
8 permit.

9 (e) The department may include any of the following in the rules required under
10 par. (a):

11 1. Methods for determining the commencement of the period established under
12 par. (a) and for determining when the application for a permit is complete.

13 2. Extensions of the period established under par. (a) because the applicant
14 makes a material modification to the application if the department notifies the
15 applicant in writing of the extension within 30 days after the applicant makes the
16 modification.

17 3. Extensions of the period established under par. (a) because the application
18 is incomplete or information needed by the department to complete its review of an
19 application for a permit is unknown or cannot be determined with certainty when the
20 department receives the application if the department notifies the applicant in
21 writing of the need for an extension within 30 days after the applicant submits the
22 application and the notice specifically describes the information that must be
23 provided to complete the application or the information needed to complete the
24 department's review of the application.

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1 4. Extensions of the period established under par. (a) if, during the period
2 established under par. (a), the department and the applicant jointly agree to a
3 different period for acting on an application for a permit than that specified under
4 par. (a).

5 **SECTION 34.** 145.025 of the statutes is created to read:

6 **145.025 Automatic approval of certain applications.** Except as otherwise
7 provided in this section, any form or other writing that is submitted to the
8 department under this chapter for the purpose of obtaining any approval of the
9 department that is required by law as a prerequisite to the applicant taking certain
10 actions is subject to s. 101.023. This section does not apply to an application for a
11 license, registration, or certification under s. 145.02 (4), 145.035, 145.045, 145.15,
12 145.16, 145.165, 145.17, 145.175, or 145.18, or to any form or other writing submitted
13 to the department under s. 145.26.

14 **SECTION 35.** 146.525 of the statutes is created to read:

15 **146.525 Deadlines for action on applications.** (1) DEADLINES. The
16 department, by rule, shall establish periods within which the department intends to
17 approve or disapprove an application for any of the following:

18 (a) Certification of an instructional and competency evaluation program under
19 s. 146.40 (3).

20 (b) Approval of a competency evaluation program under s. 146.40 (3m).

21 (c) An ambulance service provider license under s. 146.50 (5) (a).

22 (d) An emergency medical technician license under s. 146.50 (5) (a) and (7).

23 (e) An emergency medical technician training permit under s. 146.50 (5) (b).

24 (f) Certification for the performance of defibrillation under s. 146.50 (6g) (a).

25 (g) Certification as a first responder under s. 146.50 (8) (a) and (f).

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1 (h) Approval of training courses for the use of a semiautomatic defibrillator
2 under s. 146.50 (8g) (d).

3 (i) Approval of courses of emergency medical services instructional programs
4 under s. 146.50 (9).

5 (j) Approval of emergency medical services program plans under s. 146.55 (2)
6 (b).

7 **(2) FAILURE TO MEET DEADLINES.** Subject to sub. (4), the department shall refund
8 fees paid by the applicant for a license, certification, permit, or approval specified in
9 sub. (1) if the department fails to provide the applicant with written notice that the
10 department has approved or disapproved the application for the license,
11 certification, permit, or approval, including the specific facts upon which any
12 disapproval is based, before the expiration of the period established under sub. (1)
13 for the license, certification, permit, or approval.

14 **(3) NOTICE OF DEADLINE.** Upon receiving an application for a license,
15 certification, permit, or approval specified in sub. (1), the department shall inform
16 the applicant of the period established under sub. (1) for the license, certification,
17 permit, or approval.

18 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
19 established under sub. (1) because an application is incomplete if, within 30 days
20 after receiving the application, the department provides written notice to the
21 applicant describing specifically the information that must be provided to complete
22 the application.

23 **SECTION 36.** 168.165 of the statutes is created to read:

24 **168.165 Automatic approval of certain applications.** Any form or other
25 writing that is submitted to the department under this chapter for the purpose of

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1 obtaining any approval of the department that is required by law as a prerequisite
2 to the applicant taking certain actions is subject to s. 101.023.

3 **SECTION 37.** 218.0114 (13) (b) of the statutes is amended to read:

4 218.0114 **(13)** (b) The department of transportation shall promulgate rules
5 establishing the license period for each type of license described in sub. (14) (a) to (f)
6 and shall promulgate any rule required under s. 85.16 (3).

7 **SECTION 38.** 218.11 (2) (b) 1. of the statutes is amended to read:

8 218.11 **(2)** (b) 1. The department shall promulgate rules establishing the
9 license period under this section and shall promulgate any rule required under s.
10 85.16 (3).

11 **SECTION 39.** 218.12 (2) (b) 2. of the statutes is amended to read:

12 218.12 **(2)** (b) 2. The department may promulgate rules establishing a uniform
13 expiration date for all licenses issued under this section and shall promulgate any
14 rule required under s. 85.16 (3).

15 **SECTION 40.** 218.22 (2) (b) 1. of the statutes is amended to read:

16 218.22 **(2)** (b) 1. The department shall promulgate rules establishing a license
17 period and shall promulgate any rule required under s. 85.16 (3).

18 **SECTION 41.** 218.32 (2) (b) 1. of the statutes is amended to read:

19 218.32 **(2)** (b) 1. The department shall promulgate rules establishing a license
20 period and shall promulgate any rule required under s. 85.16 (3).

21 **SECTION 42.** 218.41 (2m) (a) 1. of the statutes is amended to read:

22 218.41 **(2m)** (a) 1. The department shall promulgate rules establishing a
23 license period and shall promulgate any rule required under s. 85.16 (3).

24 **SECTION 43.** 218.51 (3) (b) 1. of the statutes is amended to read:

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1 218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer
2 identification card period and shall promulgate any rule required under s. 85.16 (3).

3 **SECTION 44.** 224.50 of the statutes is created to read:

4 **224.50 Deadlines for action on certain applications. (1) DEFINITION.** In
5 this section, “department” means the department of financial institutions and any
6 subunit of the department of financial institutions.

7 **(2) DEADLINES.** (a) The department, by rule, shall establish periods within
8 which the department, or any subunit of the department, intends to approve or
9 disapprove an application for any of the following:

- 10 1. A lender license under s. 138.09 (1m) (a).
- 11 2. An insurance premium finance company license under s. 138.12 (3).
- 12 3. A seller of checks license under s. 217.03.
- 13 4. An adjustment service company license under s. 218.02.
- 14 5. A collection agency license under s. 218.04.
- 15 6. A community currency exchange license under s. 218.05.
- 16 7. A mortgage banker, loan originator, or mortgage broker registration under
17 s. 224.72.
- 18 8. A nondepository small business lender license under s. 224.92.
- 19 9. A broker-dealer, agent, investment adviser, or investment adviser
20 representative license under s. 551.32.

21 (b) Any period established under par. (a) shall be consistent with any applicable
22 period specified by statute.

23 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (5), the department shall
24 refund fees paid by the applicant for a license or registration specified in sub. (2) if
25 the department fails to provide the applicant with written notice that the

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1 department has approved or disapproved the application, including the specific facts
2 upon which any disapproval is based, before the expiration of the period established
3 under sub. (2) for the license or other approval.

4 (b) The department may not disapprove an application for a license or
5 registration specified in sub. (2) solely because the department is unable to complete
6 its review of the application within the period established under sub. (2).

7 (4) NOTICE OF DEADLINE. Upon receiving an application for a license or
8 registration specified in sub. (2), the department shall inform the applicant of the
9 period established under sub. (2) for the license or registration.

10 (5) PERMITTED EXTENSION OF DEADLINE. The department may extend the period
11 established under sub. (2) because an application is incomplete if, within 30 days
12 after receiving the application, the department provides written notice to the
13 applicant describing specifically the information that must be provided to complete
14 the application.

15 **SECTION 45.** 224.60 of the statutes is created to read:

16 **224.60 Automatic approval of certain applications.** (1) DEFINITIONS. In
17 this section:

18 (a) "Application" means any form or other writing that is submitted to the
19 department for the purpose of obtaining any approval of the department that is
20 required by law as a prerequisite to the applicant taking certain actions, except that
21 "application" does not include any application for a license or registration described
22 in s. 224.50 (2) (a) 1. to 9.

23 (b) "Department" means the department of financial institutions and any
24 subunit of the department of financial institutions.

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1 **(2) DEADLINES.** The department, by rule, shall establish periods within which
2 the department, or any subunit of the department, intends to approve or disapprove
3 an application. Any period established under this subsection shall be consistent with
4 any applicable period specified by statute.

5 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (5) (b) and (c) and (6), failure
6 by the department to provide an applicant with written notice that the department
7 has approved or disapproved the application, including specific facts upon which any
8 disapproval is based, before the expiration of the period established under sub. (2)
9 applicable to the application constitutes approval of the application by the
10 department. An application approved under this paragraph is subject to any terms
11 or conditions specified by law for the approval and the department may suspend,
12 limit, revoke, or withdraw the approval for substantial failure to comply with those
13 terms or conditions. Within 30 days after an application is approved under this
14 paragraph, the department shall provide the applicant with a statement showing
15 that the application is approved and specifying any terms and conditions that apply
16 to the approval.

17 (b) The department may not disapprove an application solely because the
18 department is unable to complete its review of the application within the period
19 established under sub. (2).

20 **(4) NOTICE OF DEADLINE.** Upon receiving an application, the department shall
21 inform the applicant of the period established under sub. (2) applicable to the
22 application.

23 **(5) OPTIONAL PROVISIONS OF RULES.** The department may include any of the
24 following in the rules required under sub. (2):

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1 (a) Methods for determining the commencement of the period established
2 under sub. (2) and for determining when an application is complete.

3 (b) Extensions of the period established under sub. (2) because the applicant
4 makes a material modification to the application if the department notifies the
5 applicant in writing of the extension within 30 days after the applicant makes the
6 modification.

7 (c) Extensions of the period established under sub. (2) because information
8 needed by the department to complete its review of an application is unknown or
9 cannot be determined with certainty when the department receives the application
10 if the department notifies the applicant in writing of the need for an extension within
11 30 days after the applicant submits the application.

12 (d) Deadlines for the department to complete intermediate steps in the process
13 of completing its review of an application.

14 **(6) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (2),
15 the department and the applicant may jointly agree to a different period for acting
16 on an application than that specified under sub. (2).

17 (b) The department may extend the period established under sub. (2) because
18 an application is incomplete if, within 30 days after receiving the application, the
19 department provides written notice to the applicant describing specifically the
20 information that must be provided to complete the application.

21 (c) The department may extend the period established under sub. (2) for an
22 application by not more than 60 days if the department provides written notice of the
23 extension to the applicant within the period established under sub. (2).

24 (d) The department may extend the period established under sub. (2) for an
25 application by more than 60 days if, within the period established under sub. (2), the

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1 department finds that there is a substantial likelihood that the activity proposed to
2 be conducted under the application would result in substantial harm to public health
3 or safety or the environment and that the department cannot adequately review the
4 application within the period established under sub. (2) and provides written notice
5 to the applicant that states with particularity the facts on which those findings are
6 based.

7 **SECTION 46.** 250.043 of the statutes is created to read:

8 **250.043 Deadlines for action on applications.** (1) DEADLINES. The
9 department, by rule, shall establish periods within which the department intends to
10 approve or disapprove an application for any of the following:

11 (a) A registration for a sanitarian under s. 250.05 (5).

12 (b) Certification for a public health dispensary under s. 252.10 (1).

13 (c) Approval for the sale of tests or test kits to detect the presence of HIV, an
14 antigen or nonantigenic products of HIV, or an antibody to HIV under s. 252.15 (5r).

15 (d) A license for a tattooist or a tattoo establishment under s. 252.23 (2).

16 (e) A license for a body piercer or a body-piercing establishment under s. 252.24
17 (2).

18 (f) Certification for performance or supervision of lead hazard reduction or a
19 lead management activity under rules promulgated under s. 254.176 (3).

20 (g) Approval of an instructor of a lead training course under rules promulgated
21 under s. 254.178 (2).

22 (h) Accreditation of a lead training course under rules promulgated under s.
23 254.178 (2).

24 (i) A certificate of lead-free status or a certificate of lead-safe status under
25 rules promulgated under s. 254.179 (1) (a).

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1 (j) Certification for performance of asbestos abatement activity or asbestos
2 management activity under rules promulgated under s. 254.20 (3).

3 (k) Renewal of a certification for performance of asbestos abatement activity
4 or asbestos management activity under s. 254.20 (4).

5 (L) Registration and licensing of a source of ionizing radiation under rules
6 promulgated under s. 254.34 (1) (a).

7 (m) Approval of plans and specifications for radiation sources under s. 254.34
8 (1) (g).

9 (n) A registration of a site with an ionizing radiation installation under s.
10 254.35 (1).

11 (p) A license for radioactive material under s. 254.365 (1).

12 (q) A permit to operate a campground, camping resort, recreational or
13 educational camp, or public swimming pool under s. 254.47 (1) or (2m).

14 (r) A certification for a food sanitarian under rules promulgated under s. 254.62
15 (2).

16 (s) A permit to conduct, maintain, manage, or operate a hotel, restaurant,
17 temporary restaurant, tourist rooming house, vending machine commissary, or
18 vending machine under s. 254.64 (1) (a).

19 (t) A permit to maintain, manage, or operate a bed and breakfast establishment
20 under s. 254.64 (1) (b).

21 (u) A certificate for food protection practices under s. 254.71 (2).

22 (v) An approval of a training course for recertification of food protection
23 practices under rules promulgated under s. 254.71 (6).

24 (w) A certification of Grade A dairy operations under s. 254.89.

25 (x) A permit to operate a tanning facility under s. 255.08 (2) (a).

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1 (y) An approval of a laboratory for performing chemical analyses of blood or
2 urine for alcohol, controlled substances, or controlled substance analogs under s.
3 343.305 (6) (a).

4 (2) FAILURE TO MEET DEADLINE. Subject to sub. (4), the department shall refund
5 fees paid by the applicant for a license, certification, certificate, permit, registration,
6 or approval specified in sub. (1) if the department fails to provide the applicant with
7 written notice that the department has approved or disapproved the application for
8 the license, certification, certificate, permit, registration, or approval, including the
9 specific facts upon which any disapproval is based, before the expiration of the period
10 established under sub. (1) for approval of the license, certification, certificate,
11 permit, registration, or approval.

12 (3) NOTICE OF DEADLINE. Upon receiving an application for a license,
13 certification, certificate, permit, registration, or approval specified in sub. (1), the
14 department shall inform the applicant of the period established under sub. (1) for
15 approval of the license, certification, certificate, permit, registration, or approval.

16 (4) PERMITTED EXTENSION OF DEADLINE. The department may extend the period
17 established under sub. (1) because an application is incomplete if, within 30 days
18 after receiving the application, the department provides written notice to the
19 applicant describing specifically the information that must be provided to complete
20 the application.

21 **SECTION 47.** 299.05 of the statutes is repealed and recreated to read:

22 **299.05 Deadlines for action on occupational applications. (1)**

23 **DEADLINES.** The department, by rule, shall establish periods within which the
24 department intends to approve or disapprove an application for any of the following:

25 (a) A well driller or pump installer registration under s. 280.15.

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1 (b) A water system, wastewater treatment plant, or septage servicing vehicle
2 operator certification under s. 281.17 (3).

3 (c) A license for servicing septic tanks and similar facilities under s. 281.48 (3).

4 (d) A solid waste incinerator operator certification under s. 285.51 (2).

5 (e) An ozone-depleting refrigerant removal approval under s. 285.59.

6 (f) A solid waste disposal facility operator certification under s. 289.42 (1).

7 (g) A hazardous waste transportation service license under s. 291.23.

8 (h) A metallic mining exploration license under s. 293.21.

9 (i) An oil or gas exploration license under s. 295.33 (1).

10 (j) A laboratory certification or registration under s. 299.11.

11 (k) A medical waste transportation license under s. 299.51 (3) (c).

12 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the department shall
13 refund fees paid by the applicant for a license or other approval specified in sub. (1)
14 if the department fails to provide the applicant with written notice that the
15 department has approved or disapproved the application for the license or other
16 approval, including the specific facts upon which any disapproval is based, before the
17 expiration of the period established under sub. (1) for the license or other approval.

18 (b) The department may not disapprove an application for a license or other
19 approval solely because the department is unable to complete its review of the
20 application within the period established under sub. (1).

21 **(3) NOTICE OF DEADLINE.** Upon receiving an application for a license or other
22 approval specified in sub. (1), the department shall inform the applicant of the period
23 established under sub. (1) for the license or other approval.

24 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
25 established under sub. (1) because an application is incomplete if, within 30 days

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1 after receiving the application, the department provides written notice to the
2 applicant describing specifically the information that must be provided to complete
3 the application.

4 **SECTION 48.** 299.06 of the statutes is created to read:

5 **299.06 Automatic approval of certain applications.** (1) DEADLINES. The
6 department, by rule, shall establish periods within which the department intends to
7 approve or disapprove an application for any of the following:

- 8 (a) A high-capacity well approval under s. 281.17 (1).
9 (b) A water pollution discharge permit under s. 283.31 or 283.33.
10 (c) An air pollution control permit under s. 285.60.
11 (d) A solid waste facility determination of feasibility under s. 289.29.
12 (e) A solid waste facility operating license under s. 289.31.
13 (f) A hazardous waste facility operating license under s. 291.25.
14 (g) A prospecting permit under s. 293.45.
15 (h) An oil or gas production license under s. 295.33 (2).
16 (i) Permits and other determinations under ss. 30.10, 30.12, 30.123, 30.18,
17 30.19, and 30.20.

18 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (c) and (d) and (5), failure
19 by the department to provide the applicant for a permit, approval, or other
20 determination specified in sub. (1) with written notice that the department has
21 approved or disapproved the application for the permit, approval, or other
22 determination, including the specific facts upon which any disapproval is based,
23 before the expiration of the period established under sub. (1) for the permit, approval,
24 or other determination, constitutes approval of the application. A permit, approval,
25 or other determination approved under this paragraph is subject to any terms or

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1 conditions specified by statute or rule for the permit, approval, or other
2 determination and the department may suspend, limit, revoke, or withdraw the
3 permit, approval, or other determination for substantial failure to comply with those
4 terms or conditions. Within 30 days after the expiration of the period established
5 under sub. (1) for the permit, approval, or other determination, the department shall
6 provide the applicant with a statement showing that the permit, approval, or other
7 determination is approved and specifying any terms and conditions that apply to
8 that permit, approval, or other determination.

9 (b) The department may not disapprove an application for a permit, approval,
10 or other determination solely because the department is unable to complete its
11 review of the application within the period established under sub. (1).

12 (3) NOTICE OF DEADLINE. Upon receiving an application for a permit, approval,
13 or other determination specified in sub. (1), the department shall inform the
14 applicant of the period established under sub. (1) for the permit, approval, or other
15 determination.

16 (4) OPTIONAL PROVISIONS OF RULES. The department may include any of the
17 following in the rules required under sub. (1):

18 (a) Methods for determining the commencement of the period established
19 under sub. (1) and for determining when the application for a permit, approval, or
20 other determination is complete.

21 (b) A longer period under sub. (1) for an application for a permit, approval, or
22 other determination for which an environmental impact statement is required under
23 s. 1.11 than for other applications.

24 (c) Extensions of the period established under sub. (1) because the applicant
25 makes a material modification to the application if the department notifies the

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1 applicant in writing of the extension within 30 days after the applicant makes the
2 modification.

3 (d) Extensions of the period established under sub. (1) because information
4 needed by the department to complete its review of an application for a permit,
5 approval, or other determination is unknown or cannot be determined with certainty
6 when the department receives the application if the department notifies the
7 applicant in writing of the need for an extension within 30 days after the applicant
8 submits the application.

9 (e) Deadlines for the department to complete intermediate steps in the process
10 of completing its review of an application.

11 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
12 the department and the applicant may jointly agree to a different period for acting
13 on an application for a permit, approval, or other determination than that specified
14 under sub. (1).

15 (b) The department may extend the period established under sub. (1) because
16 an application is incomplete if, within 30 days after receiving the application, the
17 department provides written notice to the applicant describing specifically the
18 information that must be provided to complete the application.

19 (c) The department may extend the period established under sub. (1) for an
20 application other than for a permit or other approval described in sub. (1) (i), by not
21 more than 60 days if the department provides written notice of the extension to the
22 applicant within the period established under sub. (1).

23 (d) The department may extend the period established under sub. (1) for an
24 application by more than 60 days if, within the period established under sub. (1), the
25 department finds that there is a substantial likelihood that the activity proposed to

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1 be conducted under the application would result in substantial harm to public health
2 or safety or the environment and that the department cannot adequately review the
3 application within the period established under sub. (1) and provides written notice
4 to the applicant that states with particularity the facts on which those findings are
5 based.

6 **SECTION 49.** 341.19 (4) of the statutes is amended to read:

7 341.19 (4) The department shall promulgate rules to implement this section
8 and shall promulgate any rule required under s. 85.16 (3).

9 **SECTION 50.** 343.02 (1) of the statutes is amended to read:

10 343.02 (1) The department shall administer and enforce this chapter and may
11 promulgate for that purpose such rules as the secretary considers necessary and
12 shall promulgate any rule required under s. 85.16 (3). Rules promulgated under this
13 chapter may not conflict with and shall be at least as stringent as standards set by
14 the federal commercial motor vehicle safety act, 49 USC 31301 to 31317 and the
15 regulations adopted under that act.

16 **SECTION 51.** 343.305 (6) (a) of the statutes is amended to read:

17 343.305 (6) (a) Chemical analyses of blood or urine to be considered valid under
18 this section shall have been performed substantially according to methods approved
19 by the laboratory of hygiene and by an individual possessing a valid permit to
20 perform the analyses issued by the department of health and family services. The
21 department of health and family services shall, subject to s. 250.043, approve
22 laboratories for the purpose of performing chemical analyses of blood or urine for
23 alcohol, controlled substances or controlled substance analogs and shall develop and
24 administer a program for regular monitoring of the laboratories. A list of approved
25 laboratories shall be provided to all law enforcement agencies in the state. Urine

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1 specimens are to be collected by methods specified by the laboratory of hygiene. The
2 laboratory of hygiene shall furnish an ample supply of urine and blood specimen
3 containers to permit all law enforcement officers to comply with the requirements of
4 this section.

5 **SECTION 52.** 343.305 (11) of the statutes is amended to read:

6 343.305 **(11) RULES.** The department shall promulgate rules under ch. 227
7 necessary to administer this section and shall promulgate any rule required under
8 s. 85.16 (3). The rules shall include provisions relating to the expeditious exchange
9 of information under this section between the department and law enforcement
10 agencies, circuit courts and district attorneys. The rules may not affect any
11 provisions relating to court procedure.

12 **SECTION 53.** 440.03 (1m) of the statutes is repealed and recreated to read:

13 440.03 **(1m)** (a) The department shall, by rule, establish periods within which
14 the department and credentialing boards intend to grant, or determine not to grant,
15 an application for an initial, reciprocal, or temporary credential and to renew, or
16 determine not to renew, a credential. Any period established under rules
17 promulgated under this paragraph shall be consistent with any applicable period
18 specified by statute.

19 (b) 1. Subject to par. (d), the department shall refund any fees paid by a person
20 submitting an application specified in par. (a) if the department or a credentialing
21 board fails to provide the person with written notice that the department or
22 credentialing board has granted or renewed, or determined not to grant or renew, the
23 credential, including the specific facts upon which any determination not to grant or
24 renew a credential is based, before the expiration of the period established under the
25 rules promulgated under par. (a).

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1 2. The department or a credentialing board may not determine not to grant an
2 initial, reciprocal, or temporary credential, or to renew a credential, solely because
3 the department or credentialing board is unable to complete its review of the
4 application within the period established under the rules promulgated under par.
5 (a).

6 (c) Upon receiving an application specified in par. (a), the department shall
7 inform the applicant of the period established under the rules promulgated under
8 par. (a) for the application.

9 (d) The department may extend the period established under the rules
10 promulgated under par. (a) because an application is incomplete if, within 30 days
11 after receiving the application, the department provides written notice to the
12 applicant describing specifically the information that must be provided to complete
13 the application.

14 **SECTION 54.** 440.06 of the statutes is amended to read:

15 **440.06 Refunds and reexaminations.** The Except as provided in s. 440.03
16 (1m), the secretary may establish uniform procedures for refunds of fees paid under
17 s. 440.05 or 440.08 and uniform procedures and fees for reexaminations under chs.
18 440 to 480.

19 **SECTION 55.** 452.10 (2) (b) of the statutes is amended to read:

20 452.10 (2) (b) ~~Unless~~ Except as provided in s. 440.03 (1m), unless an application
21 is withdrawn in writing before the department has made any investigation, no part
22 of the fee shall be returned.

23 **SECTION 56.** 562.05 (12) of the statutes is created to read:

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1 562.05 (12) (a) The department, by rule, shall establish periods within which
2 the department intends to approve or disapprove an application for any license
3 issued under this section.

4 (b) 1. Subject to par. (d), the department shall refund fees paid by the applicant
5 for a license under this section if the department fails to provide the applicant with
6 written notice that the department has approved or disapproved the application for
7 the license, including the specific facts upon which any disapproval is based, before
8 the expiration of the period established under par. (a) for the license.

9 2. The department may not disapprove an application for a license solely
10 because the department is unable to complete its review of the application within the
11 period established under par. (a).

12 (c) Upon receiving an application for a license under this section, the
13 department shall inform the applicant of the period established under par. (a) for the
14 license.

15 (d) The department may extend the period established under par. (a) because
16 an application is incomplete if, within 30 days after receiving the application, the
17 department provides written notice to the applicant describing specifically the
18 information that must be provided to complete the application.

19 **SECTION 57.** 563.15 (1) of the statutes is amended to read:

20 563.15 (1) ~~After~~ Subject to sub. (4), after making the determinations under s.
21 563.14, the department shall either notify the applicant organization in writing why
22 a license is not being issued or issue a license to such applicant organization
23 authorizing it to conduct bingo at the times and places set forth in the license. Except
24 as provided in sub. (1m), a license issued under this subsection shall be effective for
25 one year from the first day of the month of the first occasion listed on the license and

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1 may be renewed annually, except that an applicant organization may request that
2 the license expire on the first day of any month within the one-year licensure period.

3 **SECTION 58.** 563.15 (4) of the statutes is created to read:

4 563.15 (4) (a) The department, by rule, shall establish periods within which the
5 department intends to approve or disapprove an application for any license issued
6 under sub. (1).

7 (b) 1. Subject to par. (d), the department shall refund fees paid by the applicant
8 for a license under sub. (1) if the department fails to provide the applicant with
9 written notice that the department has approved or disapproved the application for
10 the license, including the specific facts upon which any disapproval is based, before
11 the expiration of the period established under par. (a) for the license.

12 2. The department may not disapprove an application for a license solely
13 because the department is unable to complete its review of the application within the
14 period established under par. (a).

15 (c) Upon receiving an application for a license under sub. (1), the department
16 shall inform the applicant of the period established under par. (a) for the license.

17 (d) The department may extend the period established under par. (a) because
18 an application is incomplete if, within 30 days after receiving the application, the
19 department provides written notice to the applicant describing specifically the
20 information that must be provided to complete the application.

21 **SECTION 59.** 563.92 (5) of the statutes is created to read:

22 563.92 (5) (a) The department, by rule, shall establish periods within which the
23 department intends to approve or disapprove an application for any license issued
24 under sub. (1m).

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1 (b) 1. Subject to par. (d), the department shall refund fees paid by the applicant
2 for a license under sub. (1m) if the department fails to provide the applicant with
3 written notice that the department has approved or disapproved the application for
4 the license, including the specific facts upon which any disapproval is based, before
5 the expiration of the period established under par. (a) for the license.

6 2. The department may not disapprove an application for a license solely
7 because the department is unable to complete its review of the application within the
8 period established under par. (a).

9 (c) Upon receiving an application for a license under sub. (1m), the department
10 shall inform the applicant of the period established under par. (a) for the license.

11 (d) The department may extend the period established under par. (a) because
12 an application is incomplete if, within 30 days after receiving the application, the
13 department provides written notice to the applicant describing specifically the
14 information that must be provided to complete the application.

15 **SECTION 60.** 601.04 (3) of the statutes is amended to read:

16 601.04 (3) LICENSING. The Subject to s. 601.58, the commissioner shall issue
17 to any insurer or plan subject to this section a certificate of authority authorizing it
18 to transact the business of insurance in this state if the commissioner is satisfied that
19 it has met all requirements of law and that its methods and practices and the
20 character and value of its assets will adequately safeguard the interests of its
21 insureds and the public in this state. Each certificate shall be issued for a period of
22 no longer than one year and shall expire on May 1. It may be renewed from year to
23 year.

24 **SECTION 61.** 601.58 of the statutes is created to read:

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1 **601.58 Deadlines for action on license applications. (1) DEADLINES.** The
2 commissioner, by rule, shall establish periods within which the commissioner
3 intends to approve or disapprove an application for any of the following:

4 (a) A certificate of authority under s. 601.04 to transact the business of
5 insurance.

6 (b) An insurance intermediary license under subch. II of ch. 628, including a
7 temporary license under s. 628.09.

8 (c) A viatical settlement provider license under s. 632.68 (2).

9 (d) A viatical settlement broker license under s. 632.68 (4).

10 (e) A benefit plan administrator license under s. 633.14.

11 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (4), the commissioner shall
12 refund fees paid by the applicant for a certificate of authority or license specified in
13 sub. (1) if the commissioner fails to provide the applicant with written notice that the
14 commissioner has approved or disapproved the application for the certificate of
15 authority or license, including the specific facts upon which any disapproval is based,
16 before the expiration of the period established under sub. (1) for the certificate of
17 authority or license.

18 (b) The commissioner may not disapprove an application for a certificate of
19 authority or license solely because the commissioner is unable to complete the review
20 of the application within the period established under sub. (1).

21 **(3) NOTICE OF DEADLINE.** Upon receiving an application for a certificate of
22 authority or license specified in sub. (1), the commissioner shall inform the applicant
23 of the period established under sub. (1) for approving or disapproving the certificate
24 of authority or license.

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1 **(4) PERMITTED EXTENSION OF DEADLINE.** The commissioner may extend the
2 period established under sub. (1) because an application is incomplete if, within 30
3 days after receiving an incomplete application, the commissioner provides written
4 notice to the applicant describing specifically the information that must be provided
5 to complete the application.

6 **SECTION 62.** 628.093 of the statutes is created to read:

7 **628.093 Deadline for acting on application.** Approval or disapproval of an
8 application for a license under this subchapter is subject to s. 601.58.

9 **SECTION 63.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

10 632.68 **(2)** (b) (intro.) A person may apply to the commissioner for a viatical
11 settlement provider license on a form prescribed by the commissioner for that
12 purpose. The application form shall require the applicant to provide the applicant's
13 social security number, if the applicant is a natural person unless the applicant does
14 not have a social security number, or the applicant's federal employer identification
15 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
16 (mm) shall accompany the application. ~~After Subject to s. 601.58, after~~ any
17 investigation of the applicant that the commissioner determines is sufficient, the
18 commissioner shall issue a viatical settlement provider license to an applicant that
19 satisfies all of the following:

20 **SECTION 64.** 632.68 (4) (b) of the statutes is amended to read:

21 632.68 **(4)** (b) A person may apply to the commissioner for a viatical settlement
22 broker license on a form prescribed by the commissioner for that purpose. The
23 application form shall require the applicant to provide the applicant's social security
24 number, if the applicant is a natural person unless the applicant does not have a
25 social security number, or the applicant's federal employer identification number, if

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1 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall
2 accompany the application. The commissioner may not issue a license under this
3 subsection unless the applicant provides his or her social security number, unless the
4 applicant does not have a social security number, or its federal employer
5 identification number, whichever is applicable. If the applicant is a natural person
6 who does not have a social security number, the commissioner may not issue a license
7 under this subsection unless the applicant provides, on a form prescribed by the
8 department of workforce development, a statement made or subscribed under oath
9 or affirmation that the applicant does not have a social security number. Approval
10 or disapproval of an application for a license under this subsection is subject to s.
11 601.58.

12 **SECTION 65.** 633.14 (1) (intro.) of the statutes is amended to read:

13 633.14 (1) (intro.) The Subject to s. 601.58, the commissioner shall issue a
14 license to act as an administrator to an individual who does all of the following:

15 **SECTION 66.** 633.14 (2) (intro.) of the statutes is amended to read:

16 633.14 (2) (intro.) The Subject to s. 601.58, the commissioner shall issue a
17 license to act as an administrator to a corporation, limited liability company, or
18 partnership that does all of the following:

19 **SECTION 67. Initial applicability.**

20 (1) This act first applies to applications that are received on the effective date
21 of this subsection.

22 **SECTION 68. Effective date.**

23 (1) This act takes effect on the first day of the 13th month beginning after
24 publication.

25 (END)