

2003 SENATE BILL 246

September 12, 2003 – Introduced by Senators STEPP, HARSDORF, KANAVAS, LEIBHAM, KEDZIE, RISSER, DARLING, ZIEN, BROWN, REYNOLDS and LAZICH, cosponsored by Representatives MONTGOMERY, JENSEN, LADWIG, McCORMICK, NISCHKE, GUNDERSON, SUDER, KAUFERT, HUEBSCH, HUNDERTMARK, J. WOOD, GROTHMAN, M. WILLIAMS, ALBERS, AINSWORTH, OLSEN, OWENS, HAHN and MUSSER. Referred to Select Committee on Job Creation.

1 **AN ACT** *to amend* 84.063 (5), 84.30 (14), 86.196 (2) (c), 218.0114 (13) (b), 218.11
 2 (2) (b) 1., 218.12 (2) (b) 2., 218.22 (2) (b) 1., 218.32 (2) (b) 1., 218.41 (2m) (a) 1.,
 3 218.51 (3) (b) 1., 281.36 (2) (b), 341.19 (4), 343.02 (1) and 343.305 (11); *to repeal*
 4 *and recreate* 299.05; and *to create* 29.026, 73.303, 85.16 (3), 93.125, 93.13,
 5 101.022, 101.023, 125.04 (3m), 145.025, 168.165, 224.50, 224.60 and 299.06 of
 6 the statutes; **relating to:** periods in which state agencies will act on certain
 7 applications, approval of certain applications, refunds of fees, and granting
 8 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 Commerce; the Department of Financial Institutions (DFI); the Department of Transportation (DOT); and the Department of Revenue (DOR).

SENATE BILL 246***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 14 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 30 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 human health or safety 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.

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.

Approvals for which failure to act by a deadline results in automatic approval include: high-capacity well approvals, water 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; 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; and approvals by DOT relating to maintenance of highway vegetation and certain types of business and vehicle registration.

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. Also, an applicant may choose to treat the application as though it had been denied and obtain administrative and, if necessary, judicial review of the denial. 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 14 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: air pollution permits, well driller registrations, bait dealer licenses, and commercial fishing licenses issued by DNR; milk producer, buttermaker, and cheesemaker licenses issued by DATCP;

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electrician certifications, plumber licenses, and building plan approvals issued by the Department of Commerce; 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; and permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR.

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.** 29.026 of the statutes is created to read:

2 **29.026 Deadlines for action on certain approval applications. (1)**

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

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

12 (b) Subject to sub. (4), if the department fails to provide the applicant for an
13 approval subject to sub. (1) with written notice that the department has approved or
14 disapproved the application before the expiration of the period established under
15 sub. (1) for the approval, the applicant may choose to proceed under ch. 227 as though
16 the department had disapproved the application by providing the department with
17 written notice of that choice no later than 45 days after the expiration of the period
18 established under sub. (1).

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1 (c) 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 subject
5 to sub. (1), the department shall inform the applicant of the period established under
6 sub. (1) for the approval.

7 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
8 established under sub. (1) because an application is incomplete if all of the following
9 apply:

10 (a) Within 14 days after receiving the application, the department provides
11 written notice to the applicant describing specifically the information that must be
12 provided to complete the application.

13 (b) The information under par. (a) is directly related to eligibility for the
14 approval or to terms or conditions of the approval.

15 (c) The information under par. (a) is necessary to determine whether to approve
16 the application or is necessary to determine the terms or conditions of the approval.

17 (d) The extension is not longer than the number of days from the day on which
18 the department provides the notice under par. (a) to the day on which the department
19 receives the information.

20 **SECTION 2.** 73.303 of the statutes is created to read:

21 **73.303 Deadlines for action on permit applications. (1)** In this section,
22 “department” means the department of revenue.

23 **(2)** 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 permit under s. 139.34.

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

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

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

8 (b) Subject to sub. (5), if the department fails to provide the applicant for a
9 permit specified in sub. (2) with written notice that the department has approved or
10 disapproved the application before the expiration of the period established under
11 sub. (2) for the permit, the applicant may choose to proceed under ch. 227 as though
12 the department had disapproved the application by providing the department with
13 written notice of that choice no later than 45 days after the expiration of the period
14 established under sub. (2).

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

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

21 **(5)** The department may extend the period established under sub. (2) because
22 an application is incomplete if all of the following apply:

23 (a) Within 14 days after receiving the application, the department provides
24 written notice to the applicant describing specifically the information that must be
25 provided to complete the application.

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1 (b) The information under par. (a) is directly related to eligibility for the
2 approval or to terms or conditions of the permit.

3 (c) The information under par. (a) is necessary to determine whether to approve
4 the application or is necessary to determine the terms or conditions of the permit.

5 (d) The extension is not longer than the number of days from the day on which
6 the department provides the notice under par. (a) to the day on which the department
7 receives the information.

8 **SECTION 3.** 84.063 (5) of the statutes is amended to read:

9 84.063 (5) RULES. The department shall promulgate rules, including any rule
10 required under s. 85.16 (3), to implement and administer this section.

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

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

20 **SECTION 5.** 85.16 (3) of the statutes is created to read:

21 85.16 (3) (a) The department, by rule, shall establish periods within which the
22 department intends to approve or disapprove an application for any of the following:

- 23 1. An approval related to a utility facilities work plan under s. 84.063 (3) (c).
24 2. An approval or permit related to a controlled-access highway under s. 84.25
25 (4) or (7).

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- 1 3. An approval of a franchise or permit granted by a municipality as specified
2 in s. 84.08.
- 3 4. An outdoor advertising business license under s. 84.30 (10).
- 4 5. An outdoor advertising sign permit under s. 84.30 (10m).
- 5 6. An approval related to highway vegetation under s. 86.03 (3).
- 6 7. A permit related to excavating, filling, altering, or disturbing a highway or
7 bridge under s. 86.07 (2).
- 8 8. A permit for the erection and maintenance of a specific information sign
9 under s. 86.195 (2) (a) or a business sign under s. 86.195 (2) (b).
- 10 9. A permit for the erection and maintenance of a tourist-oriented directional
11 sign under s. 86.196 (2).
- 12 10. An unairworthy aircraft certificate under s. 114.20 (5).
- 13 11. A recreational vehicle dealer's license under s. 218.11.
- 14 12. A recreational vehicle salesperson's license under s. 218.12.
- 15 13. A motor vehicle salvage dealer's license under s. 218.22.
- 16 14. A motor vehicle auction dealer's license under s. 218.32.
- 17 15. A moped dealer's license under s. 218.41.
- 18 16. A buyer identification card under s. 218.51.
- 19 17. An approval related to quarterly or consecutive monthly registration under
20 s. 341.185 or 341.19.
- 21 18. A registration of a dealer, distributor, manufacturer, or transporter under
22 s. 341.51.
- 23 19. A registration of a finance company or a financial institution under s.
24 341.57.
- 25 20. A certificate of title under s. 342.18.

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

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

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

4 24. A permit related to oversize and overweight vehicles and loads under ss.
5 348.26 or 348.27.

6 (b) Subject to pars. (g) and (h), the department shall refund any applicable fee
7 paid by the applicant for any license, permit, or other approval specified in par. (a)
8 1. to 5., 7. to 16., or 21. to 24. 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, permit, or other approval, including the specific facts upon which any
11 disapproval is based, before the expiration of the period established under par. (a)
12 for the license, permit, or other approval.

13 (c) Subject to pars. (g) and (h), if the department fails to provide the applicant
14 for a license, permit, or other approval specified in par. (a) 1. to 5., 7. to 16., or 21. to
15 24. with written notice that the department has approved or disapproved the
16 application before the expiration of the period established under par. (a) for the
17 license, permit, or other approval, the applicant may choose to proceed under ch. 227
18 as though the department had disapproved the application by providing the
19 department with written notice of that choice no later than 45 days after the
20 expiration of the period established under par. (a).

21 (d) Subject to pars. (g) to (j), failure by the department to provide the applicant
22 for a license, permit, or other approval specified in par. (a) 6. or 17. to 20. with written
23 notice that the department has approved or disapproved the application for the
24 license, permit, or other approval, including the specific facts upon which any
25 disapproval is based, before the expiration of the period established under par. (a)

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1 for the license, permit, or other approval, constitutes approval of the application. A
2 license, permit, or other approval approved under this paragraph is subject to any
3 terms or conditions specified by statute or rule for the license, permit, or other
4 approval and the department may suspend, limit, revoke, or withdraw the license,
5 permit, or other approval for substantial failure to comply with those terms or
6 conditions. The department may not make the license, permit, or other approval
7 subject to any term or condition that is not specified by statute or rule. Within 30
8 days after the expiration of the period established under par. (a) for the license,
9 permit, or other approval, the department shall provide the applicant with a
10 statement showing that the license, permit, or other approval is approved and
11 specifying any terms and conditions that apply to that license, permit, or other
12 approval.

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

16 (f) Upon receiving an application for a license, permit, or other approval
17 specified in par. (a), the department shall inform the applicant of the period
18 established under par. (a) for the license, permit, or other approval.

19 (g) The department may include any of the following in the rules required
20 under par. (a):

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

24 2. With respect to a license, permit, or other approval specified in par. (a) 6. or
25 17. to 20., extensions of the period established under par. (a) because the applicant

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1 makes a material modification to the application if the department notifies the
2 applicant in writing of the extension within 30 days after the applicant makes the
3 modification.

4 3. With respect to a license, permit, or other approval specified in par. (a) 6. or
5 17. to 20., deadlines for the department to complete intermediate steps in the process
6 of completing its review of an application.

7 (h) The department may extend the period established under par. (a) because
8 the application is incomplete if all of the following apply:

9 1. The department notifies the applicant in writing of the need for an extension
10 within 14 days after the applicant submits the application and the notice specifically
11 describes the information that must be provided to complete the application or the
12 information needed to complete the department's review of the application.

13 2. The information under subd. 1. is directly related to eligibility for the license,
14 permit, or other approval or to terms or conditions of the license, permit, or other
15 approval.

16 3. The information under subd. 1. is necessary to determine whether to approve
17 the application or is necessary to determine the terms or conditions of the license,
18 permit, or other approval.

19 4. The extension is not longer than the number of days from the day on which
20 the department provides the notice under subd. 1. to the day on which the
21 department receives the information.

22 (i) During the period established under par. (a) for a license, permit, or other
23 approval specified in par. (a) 6. or 17. to 20., the department and the applicant may
24 jointly agree to a different period for acting on an application for a license, permit,
25 or other approval than that specified under par. (a). The department may not make

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1 the license, permit, or other approval subject to any term or condition that is not
2 specified by statute or rule.

3 (j) The department may extend the period established under par. (a) for a
4 license, permit, or other approval specified in par. (a) 6. or 17. to 20. by not more than
5 30 days if, within the period established under par. (a), the department finds that
6 there is a substantial likelihood that the activity proposed to be conducted under the
7 application would result in substantial harm to human health or human safety and
8 that the department cannot adequately review the application within the period
9 established under par. (a) and, upon making those findings, provides written notice
10 to the applicant that states with particularity the facts on which those findings are
11 based.

12 **SECTION 6.** 86.196 (2) (c) of the statutes is amended to read:

13 86.196 (2) (c) Provisions for fees to cover costs of sign manufacture, erection and
14 maintenance to be collected through a permit system and deadlines for acting on
15 permit applications as required under s. 85.16 (3).

16 **SECTION 7.** 93.125 of the statutes is created to read:

17 **93.125 Deadlines for action on occupational applications. (1)**

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

- 20 (a) A food inspector license under s. 93.11.
21 (b) A professional weather modification license under s. 93.35 (4).
22 (c) An individual commercial pesticide applicator license under s. 94.704.
23 (d) A pesticide applicator certification under s. 94.705.
24 (f) A buttermaker or cheesemaker license under s. 97.17.
25 (g) A butter grader or cheese grader license under s. 97.175.

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

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

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

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

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

11 (b) Subject to sub. (4), if the department fails to provide the applicant for a
12 license or other approval specified in sub. (1) with written notice that the department
13 has approved or disapproved the application before the expiration of the period
14 established under sub. (1) for the approval, the applicant may choose to proceed
15 under ch. 227 as though the department had disapproved the application by
16 providing the department with written notice of that choice no later than 45 days
17 after the expiration of the period established under sub. (1).

18 (c) 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.

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1 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
2 established under sub. (1) because an application is incomplete if all of the following
3 apply:

4 1. Within 14 days after receiving the application, the department provides
5 written notice to the applicant describing specifically the information that must be
6 provided to complete the application.

7 2. The information under subd. 1. is directly related to eligibility for the license
8 or other approval or to terms or conditions of the license or other approval.

9 3. The information under subd. 1. is necessary to determine whether to approve
10 the application or is necessary to determine the terms or conditions of the license or
11 other approval.

12 4. The extension is not longer than the number of days from the day on which
13 the department provides the notice under subd. 1. to the day on which the
14 department receives the information.

15 **SECTION 8.** 93.13 of the statutes is created to read:

16 **93.13 Automatic approval of certain applications. (1) DEADLINES.** The
17 department, by rule, shall establish periods within which the department intends to
18 approve or disapprove an application for any of the following:

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

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

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

22 (c) A Christmas tree grower license under s. 94.10 (3g).

23 (cm) A seed labeler's license under s. 94.43.

24 (d) A ginseng grower or dealer registration under s. 94.50 (2).

25 (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).

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- 1 (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).
- 2 (f) A soil or plant additive manufacturer or distributor license under s. 94.65
- 3 (2).
- 4 (g) A soil or plant additive permit under s. 94.65 (3).
- 5 (gm) A license for the sale or distribution of liming material under s. 94.66 (2).
- 6 (h) A pesticide manufacturer or labeler license under s. 94.68 (1).
- 7 (i) A restricted-use pesticide dealer or distributor license under s. 94.685.
- 8 (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.
- 9 (j) A commercial pesticide application business license under s. 94.703.
- 10 (k) A commercial feed manufacturer or distributor license under s. 94.72 (5).
- 11 (km) A farm-raised deer registration under s. 95.55.
- 12 (L) A fish farm registration under s. 95.60 (3m).
- 13 (m) An animal market license under s. 95.68 (2).
- 14 (mm) An animal dealer license under s. 95.69 (2).
- 15 (n) An animal trucker license under s. 95.71 (2).
- 16 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 17 (pm) A license for transporting dead animals under s. 95.72 (7).
- 18 (q) A dairy plant license under s. 97.20 (2).
- 19 (r) A bulk milk tanker license under s. 97.21 (2).
- 20 (rm) A milk distributor license under s. 97.21 (3).
- 21 (s) A food warehouse license under s. 97.27 (2).
- 22 (t) A food processing plant license under s. 97.29 (2).
- 23 (tm) A retail food establishment license under s. 97.30 (2).

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1 (u) A meat or poultry commercial slaughtering or processing license or a meat
2 or poultry custom slaughtering or processing registration certificate under s. 97.42
3 (2).

4 (v) A vehicle scale license under s. 98.16.

5 (vm) A weights and measures servicing license under s. 98.18 (1) (a).

6 (w) A liquid petroleum gas meter registration under s. 98.245 (7).

7 (wm) A public warehouse keeper license under s. 99.02 (1).

8 (x) A mobile air conditioner servicing registration certificate under s. 100.45
9 (5) (c).

10 (xm) A grain dealer license under s. 126.11.

11 (y) A grain warehouse keeper license under s. 126.26.

12 (ym) A milk contractor license under s. 126.41.

13 (z) A vegetable contractor license under s. 126.56.

14 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (b) and (5), failure by the
15 department to provide the applicant for a license, permit, or other approval specified
16 in sub. (1) with written notice that the department has approved or disapproved the
17 application for the license, permit, or other approval, including the specific facts
18 upon which any disapproval is based, before the expiration of the period established
19 under sub. (1) for the license, permit, or other approval, constitutes approval of the
20 application. A license, permit, or other approval approved under this paragraph is
21 subject to any terms or conditions specified by statute or rule for the license, permit,
22 or other approval and the department may suspend, limit, revoke, or withdraw the
23 license, permit, or other approval for substantial failure to comply with those terms
24 or conditions. The department may not make the license, permit, or other approval
25 subject to any term or condition that is not specified by statute or rule. Within 30

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1 days after the expiration of the period established under sub. (1) for the license,
2 permit, or other approval, the department shall provide the applicant with a
3 statement showing that the license, permit, or other approval is approved and
4 specifying any terms and conditions that apply to that license, permit, or other
5 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) A longer period under sub. (1) for an application for a license, permit, or
15 other approval for which an environmental impact statement is required under s.
16 1.11 than for other applications.

17 (b) Extensions of the period established under sub. (1) because the applicant
18 makes a material modification to the application if the department notifies the
19 applicant in writing of the extension within 30 days after the applicant makes the
20 modification.

21 (c) Deadlines for the department to complete intermediate steps in the process
22 of completing its review of an application.

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

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1 sub. (1). The department may not require an applicant to agree to a different period
2 as a condition of approving an application.

3 (b) The department may extend the period established under sub. (1) because
4 an application is incomplete if all of the following apply:

5 1. Within 14 days after receiving the application, the department provides
6 written notice to the applicant describing specifically the information that must be
7 provided to complete the application.

8 2. The information under subd. 1. is directly related to eligibility for the license,
9 permit, or other approval or to terms or conditions of the license, permit, or other
10 approval.

11 3. The information under subd. 1. is necessary to determine whether to approve
12 the application or is necessary to determine the terms or conditions of the license,
13 permit, or other approval.

14 4. The extension is not longer than the number of days from the day on which
15 the department provides the notice under subd. 1. to the day on which the
16 department receives the information.

17 (c) The department may extend the period established under sub. (1) for an
18 application by not more than 30 days if, within the period established under sub. (1),
19 the department finds that there is a substantial likelihood that the activity proposed
20 to be conducted under the application would result in substantial harm to human
21 health or human safety and that the department cannot adequately review the
22 application within the period established under sub. (1) and, upon making those
23 findings, provides written notice to the applicant that states with particularity the
24 facts on which those findings are based.

25 **SECTION 9.** 101.022 of the statutes is created to read:

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

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

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

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

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

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

21 (b) Subject to sub. (5), if the department fails to provide a person submitting
22 a license or building plan application with written notice that the department has
23 approved or disapproved the license or building plan application before the
24 expiration of the period established under sub. (2) for the license or building plan
25 application, the applicant may choose to proceed under ch. 227 as though the

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1 department had disapproved the license or building plan application by providing
2 the department with written notice of that choice no later than 45 days after the
3 expiration of the period established under sub. (2).

4 (c) The department may not disapprove a license or building plan application
5 solely because the department is unable to complete its review of the application
6 within the period established under sub. (2).

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

10 **(5) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
11 established under sub. (2) because a license or building plan application is
12 incomplete if all of the following apply:

13 (a) Within 14 days after receiving the license or building plan application, the
14 department provides written notice to the applicant describing specifically the
15 information that must be provided to complete the license or building plan
16 application.

17 (b) The information under par. (a) is directly related to eligibility for approval
18 of the license or building plan application or to terms or conditions of the approval.

19 (c) The information under par. (a) is necessary to determine whether to approve
20 the license or building plan application or is necessary to determine the terms or
21 conditions of the approval.

22 (d) The extension is not longer than the number of days from the day on which
23 the department provides the notice under par. (a) to the day on which the department
24 receives the information.

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

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

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

11 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (5) (a) and (b) and (6), failure
12 by the department to provide an applicant with written notice that the department
13 has approved or disapproved the application, including specific facts upon which any
14 disapproval is based, before the expiration of the period established under sub. (2)
15 applicable to the application constitutes approval of the application by the
16 department. An application approved under this paragraph is subject to any terms
17 or conditions specified by law for the approval and the department may suspend,
18 limit, revoke, or withdraw the approval for substantial failure to comply with those
19 terms or conditions. The department may not make the approval subject to any term
20 or condition that is not specified by statute or rule. Within 30 days after an
21 application is approved under this paragraph, the department shall provide the
22 applicant with a statement showing that the application is approved and specifying
23 any terms and conditions that apply to the approval.

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

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

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

9 (a) Extensions of the period established under sub. (2) 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 (b) A longer period under sub. (2) for an application for which an environmental
14 impact statement is required under s. 1.11 than for other applications.

15 (c) Deadlines for the department to complete intermediate steps in the process
16 of completing its review of an application.

17 **(6) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (2),
18 the department and the applicant may jointly agree to a different period for acting
19 on an application than that specified under sub. (2). The department may not require
20 an applicant to agree to a different period as a condition of approving an application.

21 (b) The department may extend the period established under sub. (2) because
22 an application is incomplete if all of the following apply:

23 1. Within 14 days after receiving the application, the department provides
24 written notice to the applicant describing specifically the information that must be
25 provided to complete the application.

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1 2. The information under subd. 1. is directly related to eligibility for approval
2 of the application or to terms or conditions of the approval.

3 3. The information under subd.1. is necessary to determine whether to approve
4 the application or is necessary to determine the terms or conditions of the approval.

5 4. The extension is not longer than the number of days from the day on which
6 the department provides the notice under subd. 1. to the day on which the
7 department receives the information.

8 (c) The department may extend the period established under sub. (2) for an
9 application by not more than 30 days if, within the period established under sub. (2),
10 the department finds that there is a substantial likelihood that the activity proposed
11 to be conducted under the application would result in substantial harm to human
12 health or human safety and that the department cannot adequately review the
13 application within the period established under sub. (2) and, upon making those
14 findings, provides written notice to the applicant that states with particularity the
15 facts on which those findings are based.

16 **SECTION 11.** 125.04 (3m) of the statutes is created to read:

17 125.04 **(3m)** DEADLINES FOR ACTION ON PERMIT APPLICATIONS. (a) The
18 department, by rule, shall establish periods within which the department intends to
19 approve or disapprove an application for any permit issued by the department under
20 this chapter.

21 (b) Subject to par. (f), the department shall refund any fee paid by the applicant
22 for any permit under this chapter if the department fails to provide the applicant
23 with written notice that the department has approved or disapproved the application
24 for the permit, including the specific facts upon which any disapproval is based,
25 before the expiration of the period established under par. (a) for the permit.

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1 (c) Subject to par. (f), if the department fails to provide the applicant for a
2 permit under this chapter with written notice that the department has approved or
3 disapproved the application before the expiration of the period established under
4 par. (a) for the permit, the applicant may choose to proceed under ch. 227 as though
5 the department had disapproved the application by providing the department with
6 written notice of that choice no later than 45 days after the expiration of the period
7 established under par. (a).

8 (d) The department may not disapprove an application for a permit under this
9 chapter solely because the department is unable to complete its review of the
10 application within the period established under par. (a).

11 (e) Upon receiving an application for a permit under this chapter, the
12 department shall inform the applicant of the period established under par. (a) for the
13 permit.

14 (f) The department may extend the period established under par. (a) because
15 the application is incomplete if all of the following apply:

16 1. The department notifies the applicant in writing of the need for an extension
17 within 14 days after the applicant submits the application and the notice specifically
18 describes the information that must be provided to complete the application.

19 2. The information under subd. 1. is directly related to eligibility for the permit
20 or to terms or conditions of the permit.

21 3. The information under subd. 1. is necessary to determine whether to approve
22 the application or is necessary to determine the terms or conditions of the permit.

23 4. The extension is not longer than the number of days from the day on which
24 the department provides the notice under subd. 1. to the day on which the
25 department receives the information.

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1 **SECTION 12.** 145.025 of the statutes is created to read:

2 **145.025 Automatic approval of certain applications.** Except as otherwise
3 provided in this section, any form or other writing that is submitted to the
4 department under this chapter for the purpose of obtaining any approval of the
5 department that is required by law as a prerequisite to the applicant taking certain
6 actions is subject to s. 101.023. This section does not apply to an application for a
7 license, registration, or certification under s. 145.02 (4), 145.035, 145.045, 145.15,
8 145.16, 145.165, 145.17, 145.175, or 145.18, or to any form or other writing submitted
9 to the department under s. 145.26.

10 **SECTION 13.** 168.165 of the statutes is created to read:

11 **168.165 Automatic approval of certain applications.** Any form or other
12 writing that is submitted to the department under this chapter for the purpose of
13 obtaining any approval of the department that is required by law as a prerequisite
14 to the applicant taking certain actions is subject to s. 101.023.

15 **SECTION 14.** 218.0114 (13) (b) of the statutes is amended to read:

16 218.0114 **(13)** (b) The department of transportation shall promulgate rules
17 establishing the license period for each type of license described in sub. (14) (a) to (f)
18 and shall promulgate any rule required under s. 85.16 (3).

19 **SECTION 15.** 218.11 (2) (b) 1. of the statutes is amended to read:

20 218.11 **(2)** (b) 1. The department shall promulgate rules establishing the
21 license period under this section and shall promulgate any rule required under s.
22 85.16 (3).

23 **SECTION 16.** 218.12 (2) (b) 2. of the statutes is amended to read:

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1 218.12 (2) (b) 2. The department may promulgate rules establishing a uniform
2 expiration date for all licenses issued under this section and shall promulgate any
3 rule required under s. 85.16 (3).

4 **SECTION 17.** 218.22 (2) (b) 1. of the statutes is amended to read:

5 218.22 (2) (b) 1. The department shall promulgate rules establishing a license
6 period and shall promulgate any rule required under s. 85.16 (3).

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

8 218.32 (2) (b) 1. The department shall promulgate rules establishing a license
9 period and shall promulgate any rule required under s. 85.16 (3).

10 **SECTION 19.** 218.41 (2m) (a) 1. of the statutes is amended to read:

11 218.41 (2m) (a) 1. The department shall promulgate rules establishing a
12 license period and shall promulgate any rule required under s. 85.16 (3).

13 **SECTION 20.** 218.51 (3) (b) 1. of the statutes is amended to read:

14 218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer
15 identification card period and shall promulgate any rule required under s. 85.16 (3).

16 **SECTION 21.** 224.50 of the statutes is created to read:

17 **224.50 Deadlines for action on certain applications. (1) DEFINITION.** In
18 this section, “department” means the department of financial institutions and any
19 subunit of the department of financial institutions.

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

23 1. A lender license under s. 138.09 (1m) (a).

24 2. An insurance premium finance company license under s. 138.12 (3).

25 3. A seller of checks license under s. 217.03.

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1 4. An adjustment service company license under s. 218.02.

2 5. A collection agency license under s. 218.04.

3 6. A community currency exchange license under s. 218.05.

4 7. A mortgage banker, loan originator, or mortgage broker registration under
5 s. 224.72.

6 8. A nondepository small business lender license under s. 224.92.

7 9. A broker–dealer, agent, investment adviser, or investment adviser
8 representative license under s. 551.32.

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

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

17 (b) Subject to sub. (5), if the department fails to provide the applicant for a
18 license or registration specified in sub. (2) with written notice that the department
19 has approved or disapproved the application before the expiration of the period
20 established under sub. (2) for the license or registration, the applicant may choose
21 to proceed under ch. 227 as though the department had disapproved the application
22 by providing the department with written notice of that choice no later than 45 days
23 after the expiration of the period established under sub. (2).

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

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

7 **(5) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
8 established under sub. (2) because an application is incomplete if all of the following
9 apply:

10 (a) Within 14 days after receiving the application, the department provides
11 written notice to the applicant describing specifically the information that must be
12 provided to complete the application.

13 (b) The information under par. (a) is directly related to eligibility for the
14 approval or to terms or conditions of the license or registration.

15 (c) The information under par. (a) is necessary to determine whether to approve
16 the application or is necessary to determine the terms or conditions of the license or
17 registration.

18 (d) The extension is not longer than the number of days from the day on which
19 the department provides the notice under par. (a) to the day on which the department
20 receives the information.

21 **SECTION 22.** 224.60 of the statutes is created to read:

22 **224.60 Automatic approval of certain applications. (1) DEFINITIONS.** In
23 this section:

24 (a) “Application” means any form or other writing that is submitted to the
25 department for the purpose of obtaining any approval of the department that is

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1 required by law as a prerequisite to the applicant taking certain actions, except that
2 “application” does not include any application for a license or registration described
3 in s. 224.50 (2) (a) 1. to 9.

4 (b) “Department” means the department of financial institutions and any
5 subunit of the department of financial institutions.

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

10 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (5) (a) and (6), failure by the
11 department to provide an applicant with written notice that the department has
12 approved or disapproved the application, including specific facts upon which any
13 disapproval is based, before the expiration of the period established under sub. (2)
14 applicable to the application constitutes approval of the application by the
15 department. An application approved under this paragraph is subject to any terms
16 or conditions specified by law for the approval and the department may suspend,
17 limit, revoke, or withdraw the approval for substantial failure to comply with those
18 terms or conditions. The department may not make an application approved under
19 this paragraph subject to any term or condition that is not specified by statute or rule.
20 Within 30 days after an application is approved under this paragraph, the
21 department shall provide the applicant with a statement showing that the
22 application is approved and specifying any terms and conditions that apply to the
23 approval.

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

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

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

9 (a) Extensions of the period established under sub. (2) 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 (b) Deadlines for the department to complete intermediate steps in the process
14 of completing its review of an application.

15 **(6) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (2),
16 the department and the applicant may jointly agree to a different period for acting
17 on an application than that specified under sub. (2). The department may not require
18 an applicant to agree to a different period as a condition of approving an application.

19 (b) The department may extend the period established under sub. (2) because
20 an application is incomplete if all of the following apply:

21 1. Within 14 days after receiving the application, the department provides
22 written notice to the applicant describing specifically the information that must be
23 provided to complete the application.

24 2. The information under subd. 1. is directly related to eligibility for approval
25 of the application or to terms or conditions of the approval.

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1 3. The information under subd. 1. is necessary to determine whether to approve
2 the application or is necessary to determine the terms or conditions of the approval.

3 4. The extension is not longer than the number of days from the day on which
4 the department provides the notice under subd. 1. to the day on which the
5 department receives the information.

6 (c) The department may extend the period established under sub. (2) for an
7 application by not more than 30 days if, within the period established under sub. (2),
8 the department finds that there is a substantial likelihood that the activity proposed
9 to be conducted under the application would result in substantial harm to human
10 health or human safety and that the department cannot adequately review the
11 application within the period established under sub. (2) and, upon making those
12 findings, provides written notice to the applicant that states with particularity the
13 facts on which those findings are based.

14 **SECTION 23.** 281.36 (2) (b) of the statutes is amended to read:

15 281.36 **(2)** (b) 1. The department shall approve or deny a complete application
16 for a water quality certification under this section within ~~120~~ 21 days after the date
17 the department determines that a complete application for the certification has been
18 submitted unless the applicant and the department agree to extend the time period.
19 The department may not determine an application to be complete until the
20 requirements under s. 1.11 have been met and until all of the items of information
21 for the water quality certification and for any associated permits or other approvals
22 have been submitted to the department. If the department fails to approve or deny
23 the complete application within the applicable time period, the applicant may bring
24 an action for mandamus to compel the department to approve or deny the
25 application. If the court grants the mandamus, the department shall approve or

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1 deny the application within 30 days after the mandamus is granted and the court
2 shall award the applicant reasonable attorney fees and court costs incurred in
3 bringing the action.

4 2. For purposes of subd. 1., the department shall initially determine whether
5 a complete application has been submitted and, no later than ~~30~~ 14 days after the
6 application is submitted, notify the applicant in writing about the initial
7 determination of completeness. If the department determines that the application
8 is incomplete, the notice shall state the reason for the determination and the specific
9 items of information necessary to make the application complete. An applicant may
10 supplement and resubmit an application that the department has determined to be
11 incomplete. There is no limit on the number of times that an applicant may resubmit
12 an application that the department has determined to be incomplete under this
13 subdivision. The department may not demand items of information that are not
14 specified in the notice as a condition for determining whether the application is
15 complete unless both the department and the applicant agree or unless the applicant
16 makes material additions or alterations to the project for which the the application
17 has been submitted.

18 **SECTION 24.** 299.05 of the statutes is repealed and recreated to read:

19 **299.05 Deadlines for action on certain applications. (1) DEADLINES.** The
20 department, by rule, shall establish periods within which the department intends to
21 approve or disapprove an application for any of the following:

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

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

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

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

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

3 (em) An air pollution control permit under s. 285.60.

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

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

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

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

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

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

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

16 (b) Subject to sub. (4), if the department fails to provide the applicant for a
17 license or other approval specified in sub. (1) with written notice that the department
18 has approved or disapproved the application before the expiration of the period
19 established under sub. (1) for the license or other approval, the applicant may choose
20 to proceed under ch. 227 as though the department had disapproved the application
21 by providing the department with written notice of that choice no later than 45 days
22 after the expiration of the period established under sub. (1).

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

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

4 **(4) PERMITTED EXTENSION OF DEADLINE.** The department may extend the period
5 established under sub. (1) because an application is incomplete if all of the following
6 apply:

7 (a) Within 14 days after receiving the application, the department provides
8 written notice to the applicant describing specifically the information that must be
9 provided to complete the application.

10 (b) The information under par. (a) is directly related to eligibility for the license
11 or other approval or to terms or conditions of the license or other approval.

12 (c) The information under par. (a) is necessary to determine whether to approve
13 the application or is necessary to determine the terms or conditions of the license or
14 other approval.

15 (d) The extension is not longer than the number of days from the day on which
16 the department provides the notice under par. (a) to the day on which the department
17 receives the information.

18 **SECTION 25.** 299.06 of the statutes is created to read:

19 **299.06 Automatic approval of certain applications. (1) DEADLINES.** The
20 department, by rule, shall establish periods within which the department intends to
21 approve or disapprove an application for any of the following:

22 (a) A high-capacity well approval under s. 281.17 (1).

23 (b) A water pollution discharge permit under s. 283.31 or 283.33.

24 (d) A solid waste facility determination of feasibility under s. 289.29.

25 (e) A solid waste facility operating license under s. 289.31.

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1 (f) A hazardous waste facility operating license under s. 291.25.

2 (g) A prospecting permit under s. 293.45.

3 (h) An oil or gas production license under s. 295.33 (2).

4 (i) Permits and other determinations under ss. 30.10, 30.12, 30.123, 30.18,
5 30.19, and 30.20.

6 **(2) FAILURE TO MEET DEADLINE.** (a) Subject to subs. (4) (b) and (5), failure by the
7 department to provide the applicant for a permit, approval, or other determination
8 specified in sub. (1) with written notice that the department has approved or
9 disapproved the application for the permit, approval, or other determination,
10 including the specific facts upon which any disapproval is based, before the
11 expiration of the period established under sub. (1) for the permit, approval, or other
12 determination, constitutes approval of the application. A permit, approval, or other
13 determination approved under this paragraph is subject to any terms or conditions
14 specified by statute or rule for the permit, approval, or other determination and the
15 department may suspend, limit, revoke, or withdraw the permit, approval, or other
16 determination for substantial failure to comply with those terms or conditions. The
17 department may not make the permit, approval, or other determination subject to
18 any term or condition that is not specified by statute or rule. Within 30 days after
19 the expiration of the period established under sub. (1) for the permit, approval, or
20 other determination, the department shall provide the applicant with a statement
21 showing that the permit, approval, or other determination is approved and
22 specifying any terms and conditions that apply to that permit, approval, or other
23 determination.

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

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

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

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

13 (b) Extensions of the period established under sub. (1) 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 (c) Deadlines for the department to complete intermediate steps in the process
18 of completing its review of an application.

19 **(5) EXTENSIONS AUTHORIZED.** (a) During the period established under sub. (1),
20 the department and the applicant may jointly agree to a different period for acting
21 on an application for a permit, approval, or other determination than that specified
22 under sub. (1). The department may not require an applicant to agree to a different
23 period as a condition of approving an application.

24 (b) The department may extend the period established under sub. (1) because
25 an application is incomplete if all of the following apply:

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1 1. Within 14 days after receiving the application, the department provides
2 written notice to the applicant describing specifically the information that must be
3 provided to complete the application.

4 2. The information under subd. 1. is directly related to eligibility for the permit,
5 approval, or other determination or to terms or conditions of the permit, approval,
6 or other determination.

7 3. The information under subd. 1. is necessary to determine whether to approve
8 the application or is necessary to determine the terms or conditions of the permit,
9 approval, or other determination.

10 4. The extension is not longer than the number of days from the day on which
11 the department provides the notice under subd. 1. to the day on which the
12 department receives the information.

13 (c) The department may extend the period established under sub. (1) for an
14 application by not more than 30 days if, within the period established under sub. (1),
15 the department finds that there is a substantial likelihood that the activity proposed
16 to be conducted under the application would result in substantial harm to human
17 health or human safety and that the department cannot adequately review the
18 application within the period established under sub. (1) and, upon making those
19 findings, provides written notice to the applicant that states with particularity the
20 facts on which those findings are based.

21 **SECTION 26.** 341.19 (4) of the statutes is amended to read:

22 341.19 (4) The department shall promulgate rules to implement this section
23 and shall promulgate any rule required under s. 85.16 (3).

24 **SECTION 27.** 343.02 (1) of the statutes is amended to read:

