

2003 DRAFTING REQUEST

Bill

Received: 08/26/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Cathy Stepp (608) 266-1832

By/Representing: Scott Manley

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous**
Environment - miscellaneous
Nat. Res. - miscellaneous
Transportation - miscellaneous
Fin. Inst. - miscellaneous
Tax - miscellaneous
Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Sen.Stepp@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Deadlines for certain agencies to issue permits

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 09/04/2003	kfollett 09/04/2003		_____			State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		kfollett 09/05/2003		_____			
/1			jfrantze 09/08/2003	_____	sbasford 09/08/2003	mbarman 09/12/2003	

FE Sent For: 09/10/2003, ~~09/10/2003, 09/10/2003, 09/10/2003, 09/10/2003~~

↳ ("1")

<END>

2003 DRAFTING REQUEST

Bill

Received: 08/26/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Cathy Stepp (608) 266-1832

By/Representing: Scott Manley

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - miscellaneous
Environment - miscellaneous
Nat. Res. - miscellaneous
Transportation - miscellaneous
Fin. Inst. - miscellaneous
Tax - miscellaneous
Buildings/Safety - misc.

Extra Copies:

Submit via email: YES

Requester's email: Sen.Stepp@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Deadlines for certain agencies to issue permits

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 09/04/2003	kfollett 09/04/2003		_____			State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		kfollett 09/05/2003		_____ _____			
/1			jfrantze 09/08/2003	_____ _____	sbasford 09/08/2003		

FE Sent For:

<END>

09-10-2003
("/1")

Requested
by Jay Risch

2003 DRAFTING REQUEST

Bill

Received: **08/26/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Scott Manley**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Agriculture - miscellaneous
Environment - miscellaneous
Nat. Res. - miscellaneous
Transportation - miscellaneous
Fin. Inst. - miscellaneous
Tax - miscellaneous
Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Deadlines for certain agencies to issue permits

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe	L 11/1 9/5	269/8	26/AS 9/8			

FE Sent For:

Tradewell, Becky

From: Manley, Scott
Sent: Wednesday, August 20, 2003 3:25 PM
To: Tradewell, Becky
Cc: Risch, Jay
Subject: Permit Deadline Draft

Becky,

I understand you are out of the office until next Tuesday, so I thought I would send you an email with guidance on how to proceed with our permit deadline draft. This is something that leadership has asked us to work on as a top priority for the fall floor period, so it is my hope that we can give you instructions that are straightforward in order to speed the drafting process.

For the sake of expediency, we will use Rep. Montgomery's draft LRB 1899/2 as a basis for the concept of what we want to do. Like his bill, we would like to require agencies to promulgate rules that set deadlines for the processing of permits they are responsible for issuing. However, we would like this requirement to apply only to the following agencies: DATCP, Commerce, DFI, DNR, DOR and DOT. This bill would not apply to other agencies.

We would also like to follow a similar model for sanctions if the agency does not meet the deadline. Of the six agencies listed above, we would like to have presumptive approval for the same universe of permits under LRB 1899/2, and a forfeiture of permit fees for all the other permits. There is one important exception to this however. Unlike LRB 1899/2 we do not want presumptive approval for DNR air permits. We simply want the forfeiture of permit fees.

The six agencies affected by our bill must make a determination on the completeness of a permit application and notify the applicant within 14 days of receipt of the application if the application is deemed incomplete. This notification must include a detailed explanation of the additional information needed to make the application complete, and the "deadline clock" stops ticking until the applicant provides the information requested. However, the agency may not request that the applicant provide information unless (1) it is directly related to the terms of the permit, and (2) it would be impossible for the agency to make a decision without the information.

An agency may extend the deadline by up to 30 days if it provides a written finding 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 the safety of humans. Any such finding must provide a detailed accounting of why the agency believes the proposed activity meets the standard of substantial harm to public health or the safety of humans, and must be mailed immediately to the applicant.

✓ We would include the same language in LRB 1899 that allows the agencies to promulgate rules that extend the deadline if the applicant makes a material modification to the application. Also, we would include the language specifying that that approval is subject to the terms and conditions specified by law or rule for that type of permit, and the agency may suspend or revoke it for failure to comply with those terms and conditions. However, we would like to specify that an agency may not make approval of an application contingent upon any terms and conditions that do not exist in the statutes or administrative code.

Just for ch. 30
A denial issued under the provisions of this bill may be appealed directly to circuit court without having to go through a contested case hearing. If a denial is overturned under circuit court review, the agency shall forfeit an amount of revenue equal to the permit fee in question to the common school fund. In addition, the court would be allowed to order the state to pay the plaintiff attorneys fees if the judge found that the decision to deny the permit was made in bad faith, or solely for the purpose of harassing the applicant. [At the same time, the judge would be allowed to order the plaintiff to pay attorney fees if the judge found that the plaintiff filed the appeal in bad faith, or solely for the purpose of harassing the agency.]

In your previous memo, you identified a number of permits under Chapter 30. Mary Gibson-Glass is currently working on an omnibus reform of the Chapter 30 permit process for us, and I think it might make sense to incorporate that language into this bill.



We would also like to treat the water quality certification under 281.36(2) for non-federal wetlands differently, in that the DNR would have 21 days to act on a complete application instead of 100 days. The determination of whether an application is complete would be the same under the terms of the bill listed above.

I hope these instructions are workable for you, and I would be happy to answer and questions and try to "fill in the blanks" if I made anything unclear or omitted something.

Thank you!

Scott Manley
Chief of Staff
Senator Cathy Stepp
State Capitol, Room 7 South
(608) 266-1832

*Per Scott,
For the fee rebate permits, allow applicant to treat application as
though denied so that they may appeal.*

Wanted by 9/11

RCF/RJM/ARG/MGG/ALL:kjf/

2003 ASSEMBLY BILL 486

DNote

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.

regenerate

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:**

ASSEMBLY BILL 486

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.~~ and

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.

ASSEMBLY BILL 486

and approvals relating to maintenance of highway vegetation and certain types of business and vehicle registration

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

(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.

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 ~~10~~ 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 DPE; 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.~~

air pollution permits

and

ASSEMBLY BILL 486

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).

ASSEMBLY BILL 486

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

ASSEMBLY BILL 486**SECTION 1**

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).

ASSEMBLY BILL 486

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.

ASSEMBLY BILL 486**SECTION 2**

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

ASSEMBLY BILL 486

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.

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.

ASSEMBLY BILL 486

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).

ASSEMBLY BILL 486

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

ASSEMBLY BILL 486

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).

ASSEMBLY BILL 486**SECTION 6**

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

ASSEMBLY BILL 486

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

ASSEMBLY BILL 486**SECTION 7**

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

ASSEMBLY BILL 486

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 3.** 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.

*Insert
11
20-10*

11 (4) 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.

all of the following apply!

17 (4) PERMITTED EXTENSION OF DEADLINE. The department may extend the period
18 established under sub. (1) because an application is incomplete if, within 30¹⁴ 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.

*Insert
22
20-21*

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:

ASSEMBLY BILL 486

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

ASSEMBLY BILL 486

SECTION 10

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

ASSEMBLY BILL 486

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.

ASSEMBLY BILL 486

SECTION 12

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).

ASSEMBLY BILL 486

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

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

ASSEMBLY BILL 486

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.

Insert
27-15

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.

all of the following apply: # (a)

22 (5) The department may extend the period established under sub. (2) because
23 an application is incomplete if, within ~~30~~¹⁴ 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.

Insert
27-25

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).

ASSEMBLY BILL 486

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. ^s(~~d~~) ^{(g) and (h)}, 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.,

ASSEMBLY BILL 486

SECTION 18

1 7. to 16., ^{or} and ^{24.} 21. to ~~24.~~ 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.

Insert
 30-5
 6
 7

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

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

ASSEMBLY BILL 486

1 (f)(6) 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 (g)(h) The department may include any of the following in the rules required under
 5 par. (a): *P 1. A longer period under par. (a) for an application for a license, permit, or
 other approval for which an environmental impact statement is required
 under s. 1.11 than for other applications.*

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~~ *with respect to a license, permit, or other approval specified in par. (a) 6. or
 17. to 20.* 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.

Insert from 13 *p. 32* ~~3. Extensions of the~~ *(h) The department may extend* 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~~ *all of the following apply:*

17 ~~department notifies the applicant in writing of the need for an extension within~~ *14 #1,*
 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.~~

Insert 21 ~~(i) Extensions of the period established under par. (a) if, during the period~~ *for a license, permit, or other approval specified in par. (a)*

22 established under par. (a) ~~the department and the applicant jointly agree to a~~ *may*
 23 ~~different period for acting on an application for a license, permit, or other approval~~
 24 ~~than that specified under par. (a).~~ *Insert 31-24*

OP 17 to 20.

ASSEMBLY BILL 486

SECTION 18

move to p. 31, after line 12

with respect to a license, permit, or other approval specified in par. (a) 6. or 17. to 20.,

1 3. ~~3.~~ 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).

*Insert
32-8*

~~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.

ASSEMBLY BILL 486

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

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

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

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

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

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

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

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

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

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

*Insert 7
33-78*

*all of the following apply:
7.*

*Insert
33-18*

ASSEMBLY BILL 486

- 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).

ASSEMBLY BILL 486

- 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. ✓ **b**
- 16 (2) FAILURE TO MEET DEADLINE. (a) Subject to subs. (4) ~~(b) 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

ASSEMBLY BILL 486

SECTION 21

Insert 36-1

1

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

2

3

4

5

6

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

7

8

9

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

10

11

12

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

13

14

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

15

16

17

(b) A longer period under sub. (1) for an application for a ^{license,} permit, ~~approval,~~ or other ^{approval} determination for which an environmental impact statement is required under s. 1.11 than for other applications.

18

19

20

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

21

22

23

24

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

25

ASSEMBLY BILL 486

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 (4) 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). *Insert 37-10*

all of the following apply! #1.

11 (b) The department may extend the period established under sub. (1) because
12 an application is incomplete if, ~~within 30~~ ¹⁴ 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.

Insert 37-14

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~~ ^{not 30} 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 ^{human} public health
22 or ^{human} safety ~~of the environment~~ and that the department cannot adequately review the
23 application within the period established under sub. (1) and ^{upon making those findings,} 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 submit 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.

Insert
22 38-21

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).

The rules may provide a longer period for an application for which an environmental impact statement is required under s. 1.11 than for other applications.

ASSEMBLY BILL 486

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 *all of the following apply: A (a)*
 (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 ~~it~~ ¹⁴ within ~~20~~ 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.

Insert 39-9 → 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 submitter 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) ^{(a) and} ~~(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

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. ^{Insert A 40-4} 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 ^{encl.} (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 ^{A longer} (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~~

for which an environmental impact statement is required under s. 1.11 than for other applications.

ASSEMBLY BILL 486

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). *Insert 41-7*

8 (b) The department may extend the period established under sub. (2) because
9 an application is incomplete if, *all of the following apply: #1* within ¹⁴~~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.

Insert 41-11
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 ^{not} more than ³⁰~~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 ^{human}public health
19 or ^{human}safety or the environment and that the department cannot adequately review the
20 application within the period established under sub. (2) and ^{upon making those findings,} 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

ASSEMBLY BILL 486

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).

ASSEMBLY BILL 486**SECTION 26**

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.

ASSEMBLY BILL 486

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 (4^m) of the statutes is created to read:

6 104.07 (4^m) (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 (1^r) of the statutes is created to read:

ASSEMBLY BILL 486

SECTION 29

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).

ASSEMBLY BILL 486

- 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).

ASSEMBLY BILL 486**SECTION 30**

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).

ASSEMBLY BILL 486**SECTION 30**

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:

ASSEMBLY BILL 486

SECTION 32

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~~^{3m} 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. (d), 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