

2003 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB246)

Received: 09/19/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing: Carrie

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Agriculture - miscellaneous
Econ. Development - misc.
Environment - miscellaneous
Fin. Inst. - miscellaneous
Transportation - miscellaneous
Tax - miscellaneous
Beverages

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to: robert.marchant@legis.state.wi.us
joseph.kreye@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Eliminate automatic approval of permits and make other changes

Instructions:

See Attached

Drafting History:

Table with 8 columns: Vers., Drafted, Reviewed, Typed, Proofed, Submitted, Jacketed, Required. Row 1: /?, btradewe, csicilia, \_\_\_\_\_

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/19/2003	09/21/2003		_____			
/1			jfrantze 09/22/2003	_____ _____	sbasford 09/22/2003	sbasford 09/22/2003	
/2	btradewe 09/22/2003	csicilia 09/22/2003	rschluet 09/22/2003	_____ _____	lemery 09/22/2003	lemery 09/22/2003	

FE Sent For:

<END>

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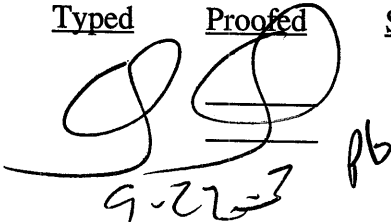
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**Instructions:**

See Attached

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/?	btradewe 09/19/2003	csicilia 09/21/2003					

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/1			jfrantze _____ 09/22/2003 _____		sbasford 09/22/2003	sbasford 09/22/2003	
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FE Sent For:

<END>

**Tradewell, Becky**

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**From:** Templeton, Carrie  
**Sent:** Friday, September 19, 2003 10:59 AM  
**To:** Tradewell, Becky  
**Cc:** Marchant, Robert; Gary, Aaron; Kreye, Joseph; Gibson-Glass, Mary  
**Subject:** Amendment request to SB246

Senator Erpenbach would like a substitute amendment drafted to SB246 for this Tuesday's Senate floor period which would do the following:

- retain requirement that the agencies specified must promulgate rules establishing time periods for the approval or disapproval of permits
- remove presumptive approval of permits
- add "or adverse effect to the environment" to all instances of "human health or safety"
- permit deadlines can only be extended if there is a mutual agreement between agency and applicant to extend the deadline

Please contact me with any questions - 6-6670. Thanks  
Carrie

*Carrie Templeton  
Office of Senator Jon Erpenbach  
27th District*

*Per Carrie - eliminate the provisions about proceeding under  
ch. 227 as though disapproved  
Don't worry about the "human health and safety" language.  
Don't change deadline for wetland water quality determinations*

Monday (9/22) a.m.

Senate Substitute Amendment

& cs

to **2003 SENATE BILL 246**

TODAY AM

DNW

bill hist ✓  
SA ✓  
internal x-refs

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

regenerate

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

**Analysis by the Legislative Reference Bureau**

**Deadlines for agency action** *substitute amendment*

This bill requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue. The following state agencies are required to promulgate rules: the Department of Natural Resources (DNR); the Department of Agriculture, Trade and Consumer Protection (DATCP); the Department of Commerce; the Department of Financial Institutions (DFI); the Department of Transportation (DOT); and the Department of Revenue (DOR).



**SENATE BILL 246**

**Automatic approval upon failure to meet deadlines**

Under this bill, there are two possible consequences of failure to act on an application within the period established by rule. For some kinds of approvals, if an agency fails to act within the period established by rule or before the end of an authorized extension of that period, the application is automatically approved. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant, within 14 days of receiving the application, describing the information that must be provided to complete the application. An agency may extend the period by not more than 30 days if it finds that there is a substantial likelihood that the activity proposed to be conducted under the application would result in substantial harm to human health or safety and that the agency cannot adequately review the application within the period. The bill also authorizes agencies to promulgate rules providing for extensions of the period for acting on an application because the applicant makes a material modification to the application.

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

Approvals for which failure to act by a deadline results in automatic approval include: high-capacity well approvals, water pollution permits, solid or hazardous waste facility operating licenses, and permits and other determinations related to structures and deposits in navigable waters ~~issued by DNR~~, nursery dealer, pesticide manufacturer, commercial feed manufacturer, food processing plant, and grain dealer licenses, and farm-raised deer registrations ~~issued by DNR~~, 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 Community~~ 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 DNR~~ and approvals ~~issued by DNR~~ relating to maintenance of highway vegetation, and certain types of business and vehicle registrations ~~e~~

Insert A  
Insert B  
Insert C  
Insert D  
Insert E

**Fee refunds upon failure to meet deadlines**

~~For the kinds of approvals that are not subject to automatic approval under this bill,~~ agency must refund fees paid by an applicant for an approval <sup>and an applicant</sup> if the agency fails to act within the period established by rule. <sup>agree to</sup> ~~Also, an applicant may choose to treat the application as though it had been denied and obtain administrative and, if necessary, judicial review of the denial.~~ An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant within 14 days of receiving the application describing the information that must be provided to complete the application.

Approvals for which the consequence of failure to act on an application within the period established by rule is a refund of fees include: air pollution permits, well driller registrations, bait dealer licenses, ~~and~~ commercial fishing licenses issued by DNR; milk producer, buttermaker, ~~and~~ cheesemaker licenses issued by DATCP;

Covered by this substitute amendment

Insert A  
Insert B

Under this substitute amendment, if an agency fails to act within the period established by rule, the

**SENATE BILL 246**

<sup>5</sup>Insert E electrician certifications, plumber licenses, ~~and~~ building plan approvals<sup>3</sup> issued by the Department of Commerce; mortgage banker and investment advisor licenses<sup>Insert C</sup> issued by DFI; outdoor advertising permits, motor vehicle dealer licenses, ~~and~~ <sup>Insert D</sup> oversize and overweight vehicle permits issued by DOT; and permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR.

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

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

1           **SECTION 1.** 29.026 of the statutes is created to read:

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

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

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

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

**SENATE BILL 246****SECTION 1**

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

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

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

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

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

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

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

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

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

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

25 (a) A permit under s. 139.34.

**SENATE BILL 246**

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

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

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

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

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

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

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

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

*Insert  
5-2/22  
(electronic)*

**SENATE BILL 246**

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

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

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

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

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

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

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

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

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

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

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

**SENATE BILL 246**

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

## SENATE BILL 246

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

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

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

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

6 (b) Subject to <sup>g par.</sup> ~~par. (g) and (h)~~ <sup>(i) ✓</sup>, the department shall refund any applicable fee  
7 paid by the applicant for any license, permit, or other approval specified in par. (a)

8 ~~1. to 5., 7. to 16., or 21. to 24.~~ if the department fails to provide the applicant with  
9 written notice that the department has approved or disapproved the application for  
10 the license, permit, or other approval, including the specific facts upon which any  
11 disapproval is based, before the expiration of the period established under par. (a)  
12 for the license, permit, or other approval.

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

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

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

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

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

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

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

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



## SENATE BILL 246

SECTION 5

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 <sup>ad</sup> (b) A professional weather modification license under s. 93.35 (4).

22 <sup>jr</sup> (c) An individual commercial pesticide applicator license under s. 94.704.

23 <sup>jr</sup> (d) A pesticide applicator certification under s. 94.705.

24 <sup>pr</sup> (e) A buttermaker or cheesemaker license under s. 97.17.

25 <sup>pw</sup> (f) A butter grader or cheese grader license under s. 97.175.

Insert 11-21  
(From pp. 13 & 14)  
Insert 11-23  
(p. 14)  
Insert  
11-25  
(p. 14)

SENATE BILL 246

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

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

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

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

*rr*  
*rw*  
*ur*  
*uw*  
Insert 12-2  
pp. 144(s)  
Insert 12-4  
pp. 15(s)

(2) FAILURE TO MEET DEADLINE. ~~(a)~~ Subject to sub. (4), the department shall

6 refund fees paid by the applicant for a license<sup>, permit</sup> or other approval specified in sub. (1)  
7 if the department fails to provide the applicant with written notice that the  
8 department has approved or disapproved the application for the license<sup>, permit</sup> or other  
9 approval, including the specific facts upon which any disapproval is based, before the  
10 expiration of the period established under sub. (1) for the license<sup>, permit</sup> or other approval.

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

(c) The department may not disapprove an application for a license<sup>, permit</sup> 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<sup>, permit</sup> or other approval specified in sub. (1), the department shall inform the applicant of the period established under sub. (1) for the license<sup>, permit</sup> or other approval.

SENATE BILL 246

Insert 13-1 (pp 16-17)

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

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

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

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

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

15 ~~SECTION 8. 93.13 of the statutes is created to read:~~  
16 ~~**93.13 Automatic approval of certain applications.** (1) DEADLINES. The~~  
17 ~~department, by rule, shall establish periods within which the department intends to~~  
18 ~~approve or disapprove an application for any of the following:~~

- 19 (ah) A weather modification permit under s. 93.35 (6).
- 20 (am) A nursery dealer license under s. 94.10 (2).
- 21 (b) A nursery grower license under s. 94.10 (3).
- 22 (c) A Christmas tree grower license under s. 94.10 (3g).
- 23 (cm) A seed labeler's license under s. 94.43.
- 24 (d) A ginseng grower or dealer registration under s. 94.50 (2).
- 25 (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).

Insert  
11-21



**SENATE BILL 246**

**SECTION 8**

1  
Insert  
2  
11-21  
3  
Continued

(em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).

(f) A soil or plant additive manufacturer or distributor license under s. 94.65

(2).

(g) A soil or plant additive permit under s. 94.65 (3).

(gm) A license for the sale or distribution of liming material under s. 94.66 (2).

(h) A pesticide manufacturer or labeler license under s. 94.68 (1).

(i) A restricted-use pesticide dealer or distributor license under s. 94.685.

(im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.

(j) A commercial pesticide application business license under s. 94.703.

(k) A commercial feed manufacturer or distributor license under s. 94.72 (5).

(km) A farm-raised deer registration under s. 95.55.

(L) A fish farm registration under s. 95.60 (3m).

(m) An animal market license under s. 95.68 (2).

13  
Insert  
14  
11-23

(mm) An animal dealer license under s. 95.69 (2).

(n) An animal trucker license under s. 95.71 (2).

(p) A license for collecting or processing dead animals under s. 95.72 (2).

(pm) A license for transporting dead animals under s. 95.72 (7).

(q) A dairy plant license under s. 97.20 (2).

18  
Insert  
19  
11-25

(r) A bulk milk tanker license under s. 97.21 (2).

(rm) A milk distributor license under s. 97.21 (3).

(s) A food warehouse license under s. 97.27 (2).

21  
Insert  
22  
12-2

(t) A food processing plant license under s. 97.29 (2).

(tm) A retail food establishment license under s. 97.30 (2).



**SENATE BILL 246***Insert 12-2, continued*

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

3 (2).

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

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

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

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

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

9 (5) (c).

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

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

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

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

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

**SENATE BILL 246**

**SECTION 8**

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

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

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

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

14 (a) A longer period under sub. (1) for an application for a license, permit, or  
15 other approval for which an environmental impact statement is required under s.  
16 1.11 than for other applications.

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

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

23 ~~(5) EXTENSIONS AUTHORIZED. (a) During the period established under sub. (1),~~

24 the department and the applicant may jointly agree to a different period for acting  
25 on an application for a license, permit, or other approval than that specified under

\*Insert  
13-1



**SENATE BILL 246***end of insert 13-1*

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

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

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

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

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

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

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

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



SENATE BILL 246

SECTION 9

Insert 18-1  
(p. 20)

1 101.022 Deadlines for action on certain applications. (1) DEFINITION.

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

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

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

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

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

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

## SENATE BILL 246

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

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

7 (4) NOTICE OF DEADLINE. Upon receiving ~~a license or building plan~~<sup>an</sup> application,  
8 the department shall inform the applicant of the period established under sub. (2)  
9 for the ~~license or building plan~~ application. *Insert (9-10 (p. 21))*

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

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

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

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

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

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

SENATE BILL 246

SECTION 10

Insert 18-1

~~101.023 Automatic approval of certain applications. (1) DEFINITIONS.~~ In

2 this section, "application" means any form or other writing that is submitted to the  
 3 department under this chapter ~~ch.~~ <sup>or s. 167.10(6m) ✓</sup> 145 or 168 for the purpose of obtaining any  
 4 approval of the department that is required by law as a prerequisite to the applicant  
 5 taking certain actions, ~~except that "application" does not include a license or building~~  
 6 ~~plan application, as defined under s. 101.022 (1).~~

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

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

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

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

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

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

13 (b) A longer period under sub. (2) for an application for which an environmental  
14 impact statement is required under s. 1.11 than for other applications.

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

*Insert  
19-10*

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

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

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

**SENATE BILL 246****SECTION 10**

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

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

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

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

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

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

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

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

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

11           (e) Upon receiving an application for a permit under this chapter, the  
 12 department shall inform the applicant of the period established under par. (a) for the  
 13 permit. *Insert 23-14*

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

- 16           1. The department notifies the applicant in writing of the need for an extension  
 17 within 14 days after the applicant submits the application and the notice specifically  
 18 describes the information that must be provided to complete the application.
- 19           2. The information under subd. 1. is directly related to eligibility for the permit  
 20 or to terms or conditions of the permit.
- 21           3. The information under subd. 1. is necessary to determine whether to approve  
 22 the application or is necessary to determine the terms or conditions of the permit.
- 23           4. The extension is not longer than the number of days from the day on which  
 24 the department provides the notice under subd. 1. to the day on which the  
 25 department receives the information.

## SENATE BILL 246

## SECTION 12

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

2 **145.025 Automatic approval of certain applications.** ~~Except as otherwise~~

3 ~~provided in this section,~~ any form or other writing that is submitted to the

4 department under this chapter for the purpose of obtaining any approval of the

5 department that is required by law as a prerequisite to the applicant taking certain

6 actions is subject to s. 101.022<sup>022</sup>. This section does not apply to an application for a

7 license, registration, or certification under s. 145.02 (4), 145.035, 145.045, 145.15,

8 145.16, 145.165, 145.17, 145.175, or 145.18, or to any form or other writing submitted

9 to the department under s. 145.26.

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

11 **168.165 Automatic approval of certain applications.** Any form or other

12 writing that is submitted to the department under this chapter for the purpose of

13 obtaining any approval of the department that is required by law as a prerequisite

14 to the applicant taking certain actions is subject to s. 101.022<sup>022</sup>.

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

16 218.0114 (13) (b) The department of transportation shall promulgate rules

17 establishing the license period for each type of license described in sub. (14) (a) to (f)

18 and shall promulgate any rule required under s. 85.16 (3).

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

20 218.11 (2) (b) 1. The department shall promulgate rules establishing the

21 license period under this section and shall promulgate any rule required under s.

22 85.16 (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23           1. A lender license under s. 138.09 (1m) (a).
- 24           2. An insurance premium finance company license under s. 138.12 (3).
- 25           3. A seller of checks license under s. 217.03.

✓  
Insert  
25-19  
(pp 27-28)



**SENATE BILL 246**

**SECTION 21**

- 1 4. An adjustment service company license under s. 218.02.
- 2 5. A collection agency license under s. 218.04.
- 3 6. A community currency exchange license under s. 218.05.
- 4 7. A mortgage banker, loan originator, or mortgage broker registration under
- 5 s. 224.72.
- 6 8. A nondepository small business lender license under s. 224.92.
- 7 9. A broker-dealer, agent, investment adviser, or investment adviser
- 8 representative license under s. 551.32.

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

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

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

SENATE BILL 246

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

4 (4) NOTICE OF DEADLINE. Upon receiving an application for a license or  
5 registration specified in sub. (2), the department shall inform the applicant of the  
6 period established under sub. (2) <sup>applicable to the application</sup> ~~for the license or registration.~~ ✓  
*Insert 27-2 (p. 29)*

7 (5) PERMITTED EXTENSION OF DEADLINE. <sup>Insert 27-2 (p. 29)</sup> The department may extend the period  
8 established under sub. (2) because an application is incomplete if all of the following  
9 apply:

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

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

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

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

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

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

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

\*  
Insert  
25-18

**SENATE BILL 246***insert 25-19, continued*

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

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

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

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

SENATE BILL 246

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

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

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

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

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

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

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

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

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

\*  
Insert  
27-716

## SENATE BILL 246

## SECTION 22

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

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

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

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

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

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

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

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

19 **299.05 Deadlines for action on certain applications.** (1) DEADLINES. The

20 department, by rule, shall establish periods within which the department intends to

approve or disapprove an application for any of the following:

Insert 21  
31-21 (p. 34) →

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

Insert 22  
31-22 23

(b) A water system, wastewater treatment plant, or septage servicing vehicle

(p. 33) 24

operator certification under s. 281.17 (3).

25

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

Insert  
31-25  
(p. 33) →

## SENATE BILL 246

## SECTION 24

- 1 (d) A solid waste incinerator operator certification under s. 285.51 (2).
- 2 (e) An ozone-depleting refrigerant removal approval under s. 285.59.
- 3 (em) An air pollution control permit under s. 285.60.
- 4 (f) A solid waste disposal facility operator certification under s. 289.42 (1).  
*Insert 32-3 (p.33)*
- 5 (g) A hazardous waste transportation service license under s. 291.23.
- 6 (h) A metallic mining exploration license under s. 293.21.  
*Insert 32-5 (p.34)*
- 7 (i) An oil or gas exploration license under s. 295.33 (1).  
*Insert*
- 8 (j) A laboratory certification or registration under s. 299.11.  
*32-8 (p.34)*
- 9 (k) A medical waste transportation license under s. 299.51 (3) (c).
- 10 (2) FAILURE TO MEET DEADLINE. (a) Subject to sub. (4), the department shall
- 11 refund fees paid by the applicant for a license<sup>, permit,</sup> or other approval specified in sub. (1)
- 12 if the department fails to provide the applicant with written notice that the
- 13 department has approved or disapproved the application for the license<sup>, permit,</sup> or other
- 14 approval, including the specific facts upon which any disapproval is based, before the
- 15 expiration of the period established under sub. (1) for the license<sup>, permit,</sup> or other approval.
- 16 (b) Subject to sub. (4), if the department fails to provide the applicant for a
- 17 license or other approval specified in sub. (1) with written notice that the department
- 18 has approved or disapproved the application before the expiration of the period
- 19 established under sub. (1) for the license or other approval, the applicant may choose
- 20 to proceed under ch. 227 as though the department had disapproved the application
- 21 by providing the department with written notice of that choice no later than 45 days
- 22 after the expiration of the period established under sub. (1).
- 23 (c) The department may not disapprove an application for a license or other
- 24 approval solely because the department is unable to complete its review of the
- 25 application within the period established under sub. (1).

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

Insert  
33-3  
(p.35)

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

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

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

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

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

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

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

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

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

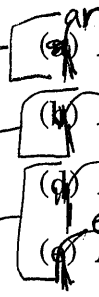
24 ~~(c) A solid waste facility determination of feasibility under s. 289.29.~~

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

Insert  
31-22

Insert  
31-25

Insert  
32-3





SENATE BILL 246

SECTION 25

- 1 *Insert* (f) <sup>gm</sup> A hazardous waste facility operating license under s. 291.25.
- 2 *32-5* (g) <sup>ig</sup> A prospecting permit under s. 293.45.
- 3 *Insert* (h) <sup>ir</sup> An oil or gas production license under s. 295.33 (2).
- 4 *32-7* (i) <sup>a</sup> Permits and other determinations <sup>related to navigable waters</sup> under ss. 30.10, 30.12, 30.123, 30.18, 30.19, and 30.20.

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

SENATE BILL 246

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

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

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

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

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

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

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

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

Inset  
33-3

**SENATE BILL 246****SECTION 25**

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

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

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

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

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

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

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

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



2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0181/1ins  
RCT.....

**Insert 4-7**

NO 9 During the period established under sub. (1), the department and the applicant may jointly agree to a different period for acting on an application for an approval than that specified under sub. (1).

**Insert 5-21**

NO 9 During the period established under sub. (2), the department and the applicant may jointly agree to a different period for acting on an application for a permit than that specified under sub. (2).

**Insert 23-14**

NO 9 During the period established under par. (a), the department and the applicant may jointly agree to a different period for acting on an application for a permit than that specified under par. (a).

5/18/11 dn  
RET:gs

DN

Carrie Templeton:

Please review this draft carefully to ensure  
that it carries out your intent.

RET

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0181/1dn  
RCT:cjs:jf

September 22, 2003

Carrie Templeton:

Please review this draft carefully to ensure that it carries out your intent.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)

-5018/11

9/22 Per Carrie: 1. Fix titles on p. 11.  
2. Remove requirement for notice of deadlines.

RET





State of Wisconsin  
2003 - 2004 LEGISLATURE

Today

LRBs0181~~4~~ 2  
RT/RM/AG/MG/JK:kjf&cs:jf  
Stays YMY

SENATE SUBSTITUTE AMENDMENT,  
TO 2003 SENATE BILL 246

Repeal

1 AN ACT to amend 84.063 (5), 84.30 (14), 86.196 (2) (c), 218.0114 (13) (b), 218.11  
2 (2) (b) 1., 218.12 (2) (b) 2., 218.22 (2) (b) 1., 218.32 (2) (b) 1., 218.41 (2m) (a) 1.,  
3 218.51 (3) (b) 1., 341.19 (4), 343.02 (1) and 343.305 (11); to repeal and recreate  
4 299.05; and to create 29.026, 73.303, 85.16 (3), 93.125, 101.022, 125.04 (3m),  
5 145.025, 168.165 and 224.50 of the statutes; relating to: periods in which state  
6 agencies will act on certain applications, refunds of fees, and granting  
7 rule-making authority.

*Analysis by the Legislative Reference Bureau*

***Deadlines for agency action***

This substitute amendment requires state agencies to promulgate rules establishing periods within which the agencies intend to approve or disapprove applications for specified licenses, permits, and other approvals that the agencies issue. The following state agencies are required to promulgate rules: the Department of Natural Resources (DNR); the Department of Agriculture, Trade and Consumer Protection (DATCP); the Department of Commerce; the Department of Financial Institutions (DFI); the Department of Transportation (DOT); and the Department of Revenue (DOR).

***Fee refunds upon failure to meet deadlines***

Under this substitute amendment, if an agency fails to act within the period established by rule, the agency must refund fees paid by an applicant for an approval. An agency and an applicant may agree to extend the period for these specified approvals.

Approvals covered by this substitute amendment (fees) include: air pollution permits, well driller registrations, bait dealer licenses, commercial fishing licenses, high-capacity well approvals, water pollution permits, solid or hazardous waste facility operating licenses, and permits and other determinations related to structures and deposits in navigable waters issued by DNR; milk producer, buttermaker, cheesemaker, nursery dealer, pesticide manufacturer, commercial feed manufacturer, food processing plant, and grain dealer licenses and farm-raised deer registrations issued by DATCP; electrician certifications, plumber licenses, building plan approvals, 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; mortgage banker and investment advisor licenses, 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; outdoor advertising permits, motor vehicle dealer licenses, oversize and overweight vehicle permits, approvals relating to maintenance of highway vegetation, and certain types of business and vehicle registrations issued by DOT; and permits related to the sale of cigarettes, tobacco products, and alcohol beverages issued by DOR.

---

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

1           **SECTION 1.** 29.026 of the statutes is created to read:

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

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

6           **(2) FAILURE TO MEET DEADLINE.** Subject to sub. (4), the department shall refund  
7           fees paid by the applicant for an approval subject to sub. (1) if the department fails  
8           to provide the applicant with written notice that the department has approved or  
9           disapproved the application for the approval, including the specific facts upon which

1 any disapproval is based, before the expiration of the period established under sub.  
2 (1) for the approval.

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

6 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under  
7 sub. (1), the department and the applicant may jointly agree to a different period for  
8 acting on an application for an approval than that specified under sub. (1).

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

10 **73.303 Deadlines for action on permit applications.** (1) In this section,  
11 “department” means the department of revenue.

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

14 (a) A permit under s. 139.34.

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

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

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

22 (4) Upon receiving an application for a permit specified in sub. (2), the  
23 department shall inform the applicant of the period established under sub. (2) for the  
24 permit.

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

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

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

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

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

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

17           85.16 (3) (a) The department, by rule, shall establish periods within which the  
18 department intends to approve or disapprove an application for any of the following:

- 19           1. An approval related to a utility facilities work plan under s. 84.063 (3) (c).
- 20           2. An approval or permit related to a controlled-access highway under s. 84.25  
21 (4) or (7).
- 22           3. An approval of a franchise or permit granted by a municipality as specified  
23 in s. 84.08.
- 24           4. An outdoor advertising business license under s. 84.30 (10).
- 25           5. An outdoor advertising sign permit under s. 84.30 (10m).

- 1           6. An approval related to highway vegetation under s. 86.03 (3).
- 2           7. A permit related to excavating, filling, altering, or disturbing a highway or  
3 bridge under s. 86.07 (2).
- 4           8. A permit for the erection and maintenance of a specific information sign  
5 under s. 86.195 (2) (a) or a business sign under s. 86.195 (2) (b).
- 6           9. A permit for the erection and maintenance of a tourist-oriented directional  
7 sign under s. 86.196 (2).
- 8           10. An unairworthy aircraft certificate under s. 114.20 (5).
- 9           11. A recreational vehicle dealer's license under s. 218.11.
- 10          12. A recreational vehicle salesperson's license under s. 218.12.
- 11          13. A motor vehicle salvage dealer's license under s. 218.22.
- 12          14. A motor vehicle auction dealer's license under s. 218.32.
- 13          15. A moped dealer's license under s. 218.41.
- 14          16. A buyer identification card under s. 218.51.
- 15          17. An approval related to quarterly or consecutive monthly registration under  
16 s. 341.185 or 341.19.
- 17          18. A registration of a dealer, distributor, manufacturer, or transporter under  
18 s. 341.51.
- 19          19. A registration of a finance company or a financial institution under s.  
20 341.57.
- 21          20. A certificate of title under s. 342.18.
- 22          21. A permit to perform chemical analysis of the breath under s. 343.305 (6).
- 23          22. A license to conduct a driver school under s. 343.61.
- 24          23. A license to act as a driving instructor under s. 343.62.

1           24. A permit related to oversize and overweight vehicles and loads under ss.  
2 348.26 or 348.27.

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

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

13           (i) During the period established under par. (a) for a license, permit, or other  
14 approval specified in par. (a), the department and the applicant may jointly agree to  
15 a different period for acting on an application for a license, permit, or other approval  
16 than that specified under par. (a).

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

18           86.196 (2) (c) Provisions for fees to cover costs of sign manufacture, erection and  
19 maintenance to be collected through a permit system and deadlines for acting on  
20 permit applications as required under s. 85.16 (3).

21           **SECTION 7.** 93.125 of the statutes is created to read: <sup>③</sup>

22           **93.125 Deadlines for action on ~~occupational~~ applications.** (1)

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

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

- 1 (ad) A professional weather modification license under s. 93.35 (4).
- 2 (ah) A weather modification permit under s. 93.35 (6).
- 3 (am) A nursery dealer license under s. 94.10 (2).
- 4 (b) A nursery grower license under s. 94.10 (3).
- 5 (c) A Christmas tree grower license under s. 94.10 (3g).
- 6 (cm) A seed labeler's license under s. 94.43.
- 7 (d) A ginseng grower or dealer registration under s. 94.50 (2).
- 8 (e) A fertilizer manufacturer or distributor license under s. 94.64 (3).
- 9 (em) A nonagricultural or special-use fertilizer permit under s. 94.64 (3m).
- 10 (f) A soil or plant additive manufacturer or distributor license under s. 94.65
- 11 (2).
- 12 (g) A soil or plant additive permit under s. 94.65 (3).
- 13 (gm) A license for the sale or distribution of liming material under s. 94.66 (2).
- 14 (h) A pesticide manufacturer or labeler license under s. 94.68 (1).
- 15 (i) A restricted-use pesticide dealer or distributor license under s. 94.685.
- 16 (im) A veterinary clinic pesticide use and repackaging permit under s. 94.702.
- 17 (j) A commercial pesticide application business license under s. 94.703.
- 18 (jg) An individual commercial pesticide applicator license under s. 94.704.
- 19 (jr) A pesticide applicator certification under s. 94.705.
- 20 (k) A commercial feed manufacturer or distributor license under s. 94.72 (5).
- 21 (km) A farm-raised deer registration under s. 95.55.
- 22 (L) A fish farm registration under s. 95.60 (3m).
- 23 (m) An animal market license under s. 95.68 (2).
- 24 (mm) An animal dealer license under s. 95.69 (2).
- 25 (n) An animal trucker license under s. 95.71 (2).

- 1 (p) A license for collecting or processing dead animals under s. 95.72 (2).
- 2 (pm) A license for transporting dead animals under s. 95.72 (7).
- 3 (pr) A buttermaker or cheesemaker license under s. 97.17.
- 4 (pw) A butter grader or cheese grader license under s. 97.175.
- 5 (q) A dairy plant license under s. 97.20 (2).
- 6 (r) A bulk milk tanker license under s. 97.21 (2).
- 7 (rm) A milk distributor license under s. 97.21 (3).
- 8 (rr) A milk producer license under s. 97.22 (2).
- 9 (rw) A grade A dairy farm permit under s. 97.22 (3).
- 10 (s) A food warehouse license under s. 97.27 (2).
- 11 (t) A food processing plant license under s. 97.29 (2).
- 12 (tm) A retail food establishment license under s. 97.30 (2).
- 13 (u) A meat or poultry commercial slaughtering or processing license or a meat  
14 or poultry custom slaughtering or processing registration certificate under s. 97.42  
15 (2).
- 16 (ur) A milk and cream tester license under s. 98.145.
- 17 (uw) A milk weigher and sampler license under s. 98.146.
- 18 (v) A vehicle scale license under s. 98.16.
- 19 (vm) A weights and measures servicing license under s. 98.18 (1) (a).
- 20 (w) A liquid petroleum gas meter registration under s. 98.245 (7).
- 21 (wm) A public warehouse keeper license under s. 99.02 (1).
- 22 (x) A mobile air conditioner servicing registration certificate under s. 100.45  
23 (5) (c).
- 24 (xm) A grain dealer license under s. 126.11.
- 25 (y) A grain warehouse keeper license under s. 126.26.



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

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

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

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

13 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under  
14 sub. (1), the department and the applicant may jointly agree to a different period for  
15 acting on an application for a license, permit, or other approval than that specified  
16 under sub. (1).

17 SECTION 8. 101.022 of the statutes is created to read:

18 **101.022 Deadlines for action on certain applications.** (1) DEFINITION. In  
19 this section, “application” means any form or other writing that is submitted to the  
20 department under this chapter, ch. 145 or 168, or s 167.10 (6m) for the purpose of  
21 obtaining any approval of the department that is required by law as a prerequisite  
22 to the applicant taking certain actions.

23 (2) DEADLINES. The department, by rule, shall establish periods within which  
24 the department intends to approve or disapprove any application. Any period

1 established under this subsection shall be consistent with any applicable period  
2 specified by statute.

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

8 (4) NOTICE OF DEADLINE. Upon receiving an application, the department shall  
9 inform the applicant of the period established under sub. (2) for the application.

10 (5) PERMITTED EXTENSION OF DEADLINE. During the period established under  
11 sub. (2), the department and the applicant may jointly agree to a different period for  
12 acting on an application than that specified under sub. (2).

13 SECTION 9. 125.04 (3m) of the statutes is created to read:

14 125.04 (3m) DEADLINES FOR ACTION ON PERMIT APPLICATIONS. (a) The  
15 department, by rule, shall establish periods within which the department intends to  
16 approve or disapprove an application for any permit issued by the department under  
17 this chapter.

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

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

1 (f) During the period established under par. (a), the department and the  
2 applicant may jointly agree to a different period for acting on an application for a  
3 permit than that specified under par. (a).

4 SECTION 10. 145.025 of the statutes is created to read:

5 **145.025 Automatic approval of certain applications.** *Deadlines for action on* Any form or other  
6 writing that is submitted to the department under this chapter for the purpose of  
7 obtaining any approval of the department that is required by law as a prerequisite  
8 to the applicant taking certain actions is subject to s. 101.022.

9 SECTION 11. 168.165 of the statutes is created to read:

10 **168.165 Automatic approval of certain applications.** *Deadlines for action on* Any form or other  
11 writing that is submitted to the department under this chapter for the purpose of  
12 obtaining any approval of the department that is required by law as a prerequisite  
13 to the applicant taking certain actions is subject to s. 101.022.

14 SECTION 12. 218.0114 (13) (b) of the statutes is amended to read:

15 218.0114 (13) (b) The department of transportation shall promulgate rules  
16 establishing the license period for each type of license described in sub. (14) (a) to (f)  
17 and shall promulgate any rule required under s. 85.16 (3).

18 SECTION 13. 218.11 (2) (b) 1. of the statutes is amended to read:

19 218.11 (2) (b) 1. The department shall promulgate rules establishing the  
20 license period under this section and shall promulgate any rule required under s.  
21 85.16 (3).

22 SECTION 14. 218.12 (2) (b) 2. of the statutes is amended to read:

23 218.12 (2) (b) 2. The department may promulgate rules establishing a uniform  
24 expiration date for all licenses issued under this section and shall promulgate any  
25 rule required under s. 85.16 (3).

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

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

4           **SECTION 16.** 218.32 (2) (b) 1. of the statutes is amended to read:

5           218.32 (2) (b) 1. The department shall promulgate rules establishing a license  
6 period and shall promulgate any rule required under s. 85.16 (3).

7           **SECTION 17.** 218.41 (2m) (a) 1. of the statutes is amended to read:

8           218.41 (2m) (a) 1. The department shall promulgate rules establishing a  
9 license period and shall promulgate any rule required under s. 85.16 (3).

10          **SECTION 18.** 218.51 (3) (b) 1. of the statutes is amended to read:

11          218.51 (3) (b) 1. The department shall promulgate rules establishing the buyer  
12 identification card period and shall promulgate any rule required under s. 85.16 (3).

13          **SECTION 19.** 224.50 of the statutes is created to read:

14          **224.50 Deadlines for action on certain applications. (1) DEFINITIONS.** In  
15 this section:

16           (a) “Application” means any form or other writing that is submitted to the  
17 department for the purpose of obtaining any approval of the department that is  
18 required by law as a prerequisite to the applicant taking certain actions.

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

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

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

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

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

9           (5) PERMITTED EXTENSION OF DEADLINE. During the period established under  
10 sub. (2), the department and the applicant may jointly agree to a different period for  
11 acting on an application than that specified under sub. (2).

12           **SECTION 20.** 299.05 of the statutes is repealed and recreated to read:

13           **299.05 Deadlines for action on certain applications.** (1) DEADLINES. The  
14 department, by rule, shall establish periods within which the department intends to  
15 approve or disapprove an application for any of the following:

16           (a) Permits and other determinations related to navigable waters under ss.  
17 30.10, 30.12, 30.123, 30.18, 30.19, and 30.20.

18           (ag) A well driller or pump installer registration under s. 280.15.

19           (ar) A high-capacity well approval under s. 281.17 (1).

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

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

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

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

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

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

2 (er) A solid waste facility determination of feasibility under s. 289.29.

3 (ew) A solid waste facility operating license under s. 289.31.

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

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

6 (gm) A hazardous waste facility operating license under s. 291.25.

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

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

9 (ig) A prospecting permit under s. 293.45.

10 (ir) An oil or gas production license under s. 295.33 (2).

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

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

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

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

23 (4) PERMITTED EXTENSION OF DEADLINE. During the period established under  
24 sub. (1), the department and the applicant may jointly agree to a different period for

1 acting on an application for a license, permit, or other approval than that specified  
2 under sub. (1).

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

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

6 **SECTION 22.** 343.02 (1) of the statutes is amended to read:

7 343.02 (1) The department shall administer and enforce this chapter and may  
8 promulgate for that purpose such rules as the secretary considers necessary and  
9 shall promulgate any rule required under s. 85.16 (3). Rules promulgated under this  
10 chapter may not conflict with and shall be at least as stringent as standards set by  
11 the federal commercial motor vehicle safety act, 49 USC 31301 to 31317 and the  
12 regulations adopted under that act.

13 **SECTION 23.** 343.305 (11) of the statutes is amended to read:

14 343.305 (11) RULES. The department shall promulgate rules under ch. 227  
15 necessary to administer this section and shall promulgate any rule required under  
16 s. 85.16 (3). The rules shall include provisions relating to the expeditious exchange  
17 of information under this section between the department and law enforcement  
18 agencies, circuit courts and district attorneys. The rules may not affect any  
19 provisions relating to court procedure.

20 **SECTION 24. Initial applicability.**

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

23 **SECTION 25. Effective date.**

