

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-SB246)

Received: **10/09/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Scott Manley**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Permit deadlines based on AB 486 as it passed the assembly with changes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 10/14/2003	kgilfoy 10/14/2003		_____			
/1			pgreensl 10/14/2003	_____	sbasford 10/14/2003	sbasford 10/14/2003	

FE Sent For:

<END>

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/?	btradewe	1-10/14 Kmg	9/14 PS	10/14 Self			

FE Sent For:

<END>

10/9/03 Instructions for substitute amendment:

Start with engrossed AB486

1. Add language from SB 246 about ability to proceed under ch. 227 in each place. there are fee refunds.

2. Require submission ^{of rules} to Leg. Council as in Sen Amend to SB 246

3. Eliminate the educational approval board and the ethics board from the proposal

4. Change the elections board to be all fee refund (no automatic approval)

5. Change DOT's vehicle registration and vehicle title to fee refund (from automatic approval)

6. Add ^{DKR} fair permits as fee refund

7. Add a nonstat requiring department of reg. and licensing to submit its budget for all of the occupations at one time.

10/9 - Also add change requested in Email from Rep. Montgomery

10/10 Also OK to make technical fixes re: DEG + Grade & milk cert
And to discuss with LFB

10/14 - Delete Dept. of Corrections

Tradewell, Becky

From: Rep.Montgomery
Sent: Thursday, October 09, 2003 4:59 PM
To: Tradewell, Becky
Subject: Substitute Amendment to AB 486 and SB 246

Becky,

In both substitute amendments, please change the following permit from automatic approval to refund of application fees.

Department of Administration

Permit relating to contracts for engineering, architectural or construction services in excess of \$10,000 or limited trades work contracts in excess of \$30,000 that are reviewed and approved by the Secretary of the DOA of any engineering, architectural, construction services, or limited trades work contracts in excess of \$60,000 that are approved by the Governor.

If you have any questions, please feel free to contact me.

Phil



State of Wisconsin
2003 - 2004 LEGISLATURE

50211/1
LRBs0210/2
ALL:kg:pg

Today

Assembly

~~SENATE~~ ^{senate} SUBSTITUTE AMENDMENT,
TO 2003 ASSEMBLY BILL ~~486~~ 246

no changes

1 AN ACT *to amend* 84.063 (5), 84.30 (14), 86.196 (2) (c), 115.28 (7) (a), 196.195 (10),
2 218.0114 (13) (b), 218.11 (2) (b) 1., 218.12 (2) (b) 2., 218.22 (2) (b) 1., 218.32 (2)
3 (b) 1., 218.41 (2m) (a) 1., 218.51 (3) (b) 1., 341.19 (4), 343.02 (1), 343.305 (6) (a),
4 343.305 (11), 440.06, 452.10 (2) (b), 563.15 (1), 601.04 (3), 632.68 (2) (b) (intro.),
5 632.68 (4) (b), 633.14 (1) (intro.) and 633.14 (2) (intro.); *to repeal and recreate*
6 118.19 (2), 299.05 and 440.03 (1m); and *to create* 5.059, 13.92 (1) (b) 2m., 16.07,
7 16.9786, 29.026, 46.284 (3m), 48.66 (2r), 49.481, 50.02 (4m), 51.031, 73.303,
8 85.16 (3), 93.125, 93.13, 101.022, 101.023, 103.275 (2m), 103.91 (2m), 103.92
9 (2m), 104.07 (4m), 105.06 (1r), 125.04 (3m), 145.025, 146.525, 168.165, 196.195
10 (5m), 224.50, 224.60, 250.043, 299.06, 562.05 (12), 563.15 (4), 563.92 (5), 601.58
11 and 628.093 of the statutes; **relating to:** periods in which state agencies will
12 act on certain applications, petitions, and motions, approval of certain

1 applications, petitions, and motions, refunds of fees, and granting rule-making
2 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 Regulation and Licensing (DRL); the Department of Health and Family Services (DHFS); the Department of Commerce; the Department of Workforce Development (DWD); the Department of Public Instruction (DPI); the Department of Financial Institutions (DFI); the Department of Transportation (DOT); the Department of Administration (DOA); the Department of Revenue (DOR); the Office of the Commissioner of Insurance (OCI); and the Elections Board.

Automatic approval upon failure to meet deadlines

Under this substitute amendment, 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 15 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 human safety and that the agency cannot adequately review the application within the period. The substitute amendment also authorizes agencies to promulgate rules providing for extensions of the period for acting on an application because the applicant makes a material modification to the application or because information that the agency needs to complete its review of an application is unavailable.

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

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

construction site erosion control plans, approvals of exemptions from requirements related to the retention and disclosure of information about toxic substances, and approvals of agencies that inspect manufactured homes issued by the Department of Commerce; and 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.

Fee refunds upon failure to meet deadlines

For the kinds of approvals that are not subject to automatic approval under the substitute amendment, an agency must refund fees paid by an applicant for an approval if the agency fails to act within the period established by rule. Also, an applicant may choose to treat the application as though it had been denied and obtain administrative and, if necessary, judicial review of the denial. An agency may extend the period for these approvals on the grounds that an application was incomplete if the agency provides written notice to the applicant within 15 days of receiving the application describing the information that must be provided to complete the application.

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

Partial deregulation of telecommunications services

Under current law, a person may petition the Public Service Commission (PSC) to begin proceedings for determining whether to partially deregulate certain telecommunications services. The petition must specify the provisions of law that the person requests the PSC to suspend that will result in partial deregulation. The PSC may also begin such proceedings on its own motion that specifies the provisions of law that may be suspended. If the PSC makes certain findings regarding competition for such telecommunications services, the PSC may issue an order suspending the provisions of law specified in the petition or the PSC's motion. Current law does not impose any deadlines on such proceedings.

The substitute amendment requires the PSC to promulgate rules establishing a deadline for completing such proceedings. The PSC must inform a person who files a petition about the deadline. In addition, the PSC may extend the deadline if the petition is not complete and if, within 30 days after receiving the petition, the PSC provides written notice to the petitioner that specifically describes the information necessary to complete the petition. Also, if the PSC begins proceedings on its own motion, the PSC must inform interested persons about the deadline. If the PSC fails to complete the proceedings and, if appropriate, issue an order within the deadline, the substitute amendment provides for the suspension of any provisions of law that are specified in the petition or in the PSC's motion.

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

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

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

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

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

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

13 (am) Subject to sub. (4), if the board fails to provide the applicant for an
14 approval specified in sub. (1) with written notice, which may be by electronic mail,
15 that the board has approved or disapproved the application before the expiration of
16 the period established under sub. (1) for the approval, the applicant may choose to
17 proceed under ch. 227 as though the board had disapproved the application by

1 providing the board with written notice of that choice no later than 45 days after the
2 expiration of the period established under sub. (1).

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

6 (3) NOTICE OF DEADLINE. In the rules under sub. (1), the board shall specify a
7 method for informing applicants of the period established under sub. (1). The board
8 shall specify the method that it determines is the most cost-effective method
9 available. The board is not required to notify an applicant if the board intends to
10 approve or disapprove the application within 14 days after receiving the application.

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

14 (a) Within 15 days after receiving the application, the board provides written
15 notice, which may be by electronic mail, to the applicant describing specifically the
16 information that must be provided to complete the application.

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

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

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

24 SECTION 2. 13.92 (1) (b) 2m. of the statutes is created to read:

1 13.92 (1) (b) 2m. Determine whether an original measure requires a person to
2 obtain a license, permit, or similar approval from a state agency and, if so, include
3 a statement to that effect in the analysis of the measure.

4 SECTION 3. 16.07 of the statutes is created to read:

5 **16.07 Deadlines for actions on certain applications. (1) DEADLINES.** The
6 department, by rule, shall establish periods within which the department intends to
7 approve or disapprove an application for any of the following:

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

9 (b).

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

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

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

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

4 (3) NOTICE OF DEADLINE. In the rules under sub. (1), the department shall
5 specify a method for informing applicants of the periods established under sub. (1).
6 The department shall specify the method that it determines is the most cost-effective
7 method available. The department is not required to notify an applicant if the
8 department intends to approve or disapprove the application within 14 days after
9 receiving the application.

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

13 (a) Within 15 days after receiving the application, the department provides
14 written notice, which may be by electronic mail, to the applicant describing
15 specifically the information that must be provided to complete the application.

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

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

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

23 SECTION 4. 16.9786 of the statutes is created to read:

1 **16.9786 Automatic approval of certain applications. (1) DEADLINES.** The
2 department, by rule, shall establish periods within which the department intends to
3 approve or disapprove an application for any of the following:

4 (a) Licensing of computer programs under s. 16.971 (4) (a).

5 (b) Proposed purchasing contracts under s. 16.974 (5).

6 (c) Proposed strategic plans of executive branch agencies under s. 16.976 (5).

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

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

24 **(3) NOTICE OF DEADLINE.** In the rules under sub. (1), the department shall
25 specify a method for informing applicants of the periods established under sub. (1).

1 The department shall specify the method that it determines is the most cost-effective
2 method available. The department is not required to notify an applicant if the
3 department intends to approve or disapprove the application within 14 days after
4 receiving the application.

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

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

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

12 (c) Extensions of the period established under sub. (1) because the applicant
13 makes a material modification to the application if the department notifies the
14 applicant in writing of the extension within 30 days after the applicant makes the
15 modification. The notification may be by electronic mail.

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

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

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

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

6 1. Within 15 days after receiving the application, the department provides
7 written notice, which may be by electronic mail, to the applicant describing
8 specifically the information that must be provided to complete the application.

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

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

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

24 SECTION 5. 29.026 of the statutes is created to read:

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

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

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

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

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

21 **(3) NOTICE OF DEADLINE.** In the rules under sub. (1), the department shall
22 specify a method for informing applicants of the periods established under sub. (1).
23 The department shall specify the method that it determines is the most cost-effective
24 method available. The department is not required to notify an applicant if the

1 department intends to approve or disapprove the application within 14 days after
2 receiving the application.

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

6 (a) Within 15 days after receiving the application, the department provides
7 written notice, which may be by electronic mail, to the applicant describing
8 specifically the information that must be provided to complete the application.

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

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

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

16 SECTION 6. 46.284 (3m) of the statutes is created to read:

17 46.284 (3m) DEADLINE FOR ACTION ON CERTIFICATION APPLICATION. (a) *Deadline.*
18 The department, by rule, shall establish a period within which the department
19 intends to approve or disapprove an application for certification under sub. (3).

20 (b) *Failure to meet deadline.* 1. Subject to par. (d), the department shall refund
21 fees paid by the application for certification specified in par. (a) if the department
22 fails to provide the applicant with written notice, which may be by electronic mail,
23 that the department has approved or disapproved the application for the
24 certification, including the specific facts upon which any disapproval is based, before
25 the expiration of the period established under par. (a) for the certification.

1 1m. Subject to par. (d), if the department fails to provide the applicant for a
2 certification specified in par. (a) with written notice, which may be by electronic mail,
3 that the department has approved or disapproved the application before the
4 expiration of the period established under par. (a) for the certification, the applicant
5 may choose to proceed under ch. 227 as though the department had disapproved the
6 application by providing the department with written notice of that choice no later
7 than 45 days after the expiration of the period established under par. (a).

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

11 (c) *Notice of deadline.* In the rules under par. (a), the department shall specify
12 a method for informing applicants of the period established under par. (a). The
13 department shall specify the method that it determines is the most cost-effective
14 method available. The department is not required to notify an applicant if the
15 department intends to approve or disapprove the application within 14 days after
16 receiving the application.

17 (d) *Permitted extension of deadline.* The department may extend the period
18 established under par. (a) because an application is incomplete if all of the following
19 apply:

20 1. Within 15 days after receiving the application, the department provides
21 written notice, which may be by electronic mail, to the applicant describing
22 specifically the information that must be provided to complete the application.

23 2. The information under subd. 1. is directly related to eligibility for the
24 certification or to terms or conditions of the certification.

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
3 certification.

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

7 **SECTION 7.** 48.66 (2r) of the statutes is created to read:

8 48.66 (2r) (a) The department of health and family services, by rule, shall
9 establish periods within which the department intends to approve or disapprove an
10 application for a license to operate a child welfare agency, group home, shelter care
11 facility, or day care center.

12 (b) 1. Subject to par. (d), the department of health and family services shall
13 refund all fees paid by the applicant for a license specified in par. (a) if the
14 department fails to provide the applicant with written notice, which may be by
15 electronic mail, that it has approved or disapproved the application for the license,
16 including the specific facts upon which any disapproval is based, before the
17 expiration of the period established under par. (a) for the license.

18 1m. Subject to par. (d), if the department of health and family services fails to
19 provide the applicant for a license specified in par. (a) with written notice, which may
20 be by electronic mail, that the department has approved or disapproved the
21 application before the expiration of the period established under par. (a) for the
22 license, the applicant may choose to proceed under ch. 227 as though the department
23 had disapproved the application by providing the department with written notice of
24 that choice no later than 45 days after the expiration of the period established under
25 par. (a).

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

5 (c) In the rules under par. (a), the department of health and family services
6 shall specify a method for informing applicants of the periods established under par.

7 (a). The department shall specify the method that it determines is the most
8 cost-effective method available. The department is not required to notify the
9 applicant if the department intends to approve or disapprove the application within
10 14 days after receiving the application.

11 (d) The department of health and family services may extend the period
12 established under par. (a) because an application is incomplete if all of the following
13 apply:

14 1. Within 15 days after receiving the application, the department provides
15 written notice, which may be by electronic mail, to the applicant describing
16 specifically the information that must be provided to complete the application.

17 2. The information under subd. 1. is directly related to eligibility for the license
18 or to terms or conditions of the license.

19 3. The information under subd. 1. is necessary to determine whether to approve
20 the application or is necessary to determine the terms or conditions of the license.

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

24 **SECTION 8.** 49.481 of the statutes is created to read:

1 **49.481 Deadline for action on certification application. (1) DEADLINE.**

2 The department, by rule, shall establish a period within which the department
3 intends to approve or disapprove an application for certification under s. 49.45 (2) (a)
4 11.

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

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

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

21 **(3) NOTICE OF DEADLINE.** In the rules under sub. (1), the department shall
22 specify a method for informing applicants of the period established under sub. (1).
23 The department shall specify the method that it determines is the most cost-effective
24 method available. The department is not required to notify an applicant if the

1 department intends to approve or disapprove the application within 14 days after
2 receiving the application.

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

6 (a) Within 15 days after receiving the application, the department provides
7 written notice, which may be by electronic mail, to the applicant describing
8 specifically the information that must be provided to complete the application.

9 (b) The information under par. (a) is directly related to eligibility for the
10 certification or to terms or conditions of the certification.

11 (c) The information under par. (a) is necessary to determine whether to approve
12 the application or is necessary to determine the terms or conditions of the
13 certification.

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

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

18 50.02 (4m) DEADLINES FOR ACTION ON APPLICATIONS. (a) *Deadlines.* The
19 department, by rule, shall establish periods within which the department intends to
20 approve or disapprove an application for any of the following:

- 21 1. A license for an institution for mental diseases under s. 50.03 (1m).
- 22 2. A license for a nursing home under s. 50.03 (4) (a) 1. a.
- 23 3. A license for a community-based residential facility under s. 50.03 (4) (a) 1.
- 24 b.
- 25 4. A certification for an adult family home under s. 50.032 (1m) (a).

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

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

3 (a).

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

5 (b).

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

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

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

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

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

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

12 (b) *Failure to meet deadlines.* 1. Subject to par. (d), the department shall refund
13 fees paid by the applicant for a license, provisional license, certificate of approval,
14 registration, or certification specified in par. (a) if the department fails to provide the
15 applicant with written notice, which may be by electronic mail, that the department
16 has approved or disapproved the application for the license, provisional license,
17 certificate of approval, registration, or certification, including the specific facts upon
18 which any disapproval is based, before the expiration of the period established under
19 par. (a) for the license, provisional license, certificate of approval, registration, or
20 certification.

21 1m. Subject to par. (d), if the department fails to provide the applicant for a
22 license, provisional license, certificate of approval, registration, or certification
23 specified in par. (a) with written notice, which may be by electronic mail, that the
24 department has approved or disapproved the application before the expiration of the
25 period established under par. (a) for the license, provisional license, certificate of

1 approval, registration, or certification, the applicant may choose to proceed under ch.
2 227 as though the department had disapproved the application by providing the
3 department with written notice of that choice no later than 45 days after the
4 expiration of the period established under par. (a).

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

9 (c) *Notice of deadline.* In the rules under par. (a), the department shall specify
10 a method for informing applicants of the periods established under par. (a). The
11 department shall specify the method that it determines is the most cost-effective
12 method available. The department is not required to notify an applicant if the
13 department intends to approve or disapprove the application within 14 days after
14 receiving the application.

15 (d) *Permitted extension of deadline.* The department may extend the period
16 established under par. (a) because an application is incomplete if all of the following
17 apply:

18 1. Within 15 days after receiving the application, the department provides
19 written notice, which may be by electronic mail, to the applicant describing
20 specifically the information that must be provided to complete the application.

21 2. The information under subd. 1. is directly related to eligibility for the license,
22 provisional license, certificate of approval, registration, or certification or to terms
23 or conditions of the license, provisional license, certificate of approval, registration,
24 or certification.

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 license,
3 provisional license, certificate of approval, registration, or certification.

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

7 **SECTION 10.** 51.031 of the statutes is created to read:

8 **51.031 Deadlines for action on applications.** (1) **DEADLINES.** The
9 department, by rule, shall establish periods within which the department intends to
10 approve or disapprove an application for any of the following:

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

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

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

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

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

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

1 (am) Subject to sub. (4), if the department fails to provide the applicant for a
2 certification or approval specified in sub. (1) with written notice, which may be by
3 electronic mail, that the department has approved or disapproved the application
4 before the expiration of the period established under sub. (1) for the certification or
5 approval, the applicant may choose to proceed under ch. 227 as though the
6 department had disapproved the application by providing the department with
7 written notice of that choice no later than 45 days after the expiration of the period
8 established under sub. (1).

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

12 (3) NOTICE OF DEADLINE. In the rules under sub. (1), the department shall
13 specify a method for informing applicants of the periods established under sub. (1).
14 The department shall specify the method that it determines is the most cost-effective
15 method available. The department is not required to notify an applicant if the
16 department intends to approve or disapprove the application within 14 days after
17 receiving the application.

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

21 (a) Within 15 days after receiving the application, the department provides
22 written notice, which may be by electronic mail, to the applicant describing
23 specifically the information that must be provided to complete the application.

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

1 (c) The information under par. (a) is necessary to determine whether to approve
2 the application or is necessary to determine the terms or conditions of the
3 certification or approval.

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

7 **SECTION 11.** 73.303 of the statutes is created to read:

8 **73.303 Deadlines for action on permit applications.** (1) In this section,
9 “department” means the department of revenue.

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

12 (a) A permit under s. 139.34.

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

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

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

21 (am) Subject to sub. (5), if the department fails to provide the applicant for a
22 permit specified in sub. (2) with written notice, which may be by electronic mail, that
23 the department has approved or disapproved the application before the expiration
24 of the period established under sub. (2) for the permit, the applicant may choose to
25 proceed under ch. 227 as though the department had disapproved the application by

1 providing the department with written notice of that choice no later than 45 days
2 after the expiration of the period established under sub. (2).

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

6 (4) In the rules under sub. (2), the department shall specify a method for
7 informing applicants of the periods established under sub. (2). The department shall
8 specify the method that it determines is the most cost-effective method available.
9 The department is not required to notify an applicant if the department intends to
10 approve or disapprove the application within 14 days after receiving the application.

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

13 (a) Within 15 days after receiving the application, the department provides
14 written notice, which may be by electronic mail, to the applicant describing
15 specifically the information that must be provided to complete the application.

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

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

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

23 **SECTION 12.** 84.063 (5) of the statutes is amended to read:

24 84.063 (5) **RULES.** The department shall promulgate rules, including any rule
25 required under s. 85.16 (3), to implement and administer this section.

1 **SECTION 13.** 84.30 (14) of the statutes is amended to read:

2 **84.30 (14) DEPARTMENT RULES.** The department may promulgate rules deemed
3 necessary to implement and enforce this section. The department shall promulgate
4 rules to restrict the erection and maintenance of signs as to their lighting, size,
5 number and spacing when such signs are visible from the highway but outside the
6 adjacent area. The department shall by rule establish a priority system for the
7 removal or relocation of all signs not specified in sub. (5) (d) which fail to conform to
8 the requirements of sub. (5). The department's rules shall include any rule required
9 under s. 85.16 (3).

10 **SECTION 14.** 85.16 (3) of the statutes is created to read:

11 **85.16 (3) (a)** The department, by rule, shall establish periods within which the
12 department intends to approve or disapprove an application for any of the following:

- 13 1. An approval related to a utility facilities work plan under s. 84.063 (3) (c).
- 14 2. An approval or permit related to a controlled-access highway under s. 84.25
15 (4) or (7).
- 16 3. An approval of a franchise or permit granted by a municipality as specified
17 in s. 84.08.
- 18 4. An outdoor advertising business license under s. 84.30 (10).
- 19 5. An outdoor advertising sign permit under s. 84.30 (10m).
- 20 6. An approval related to highway vegetation under s. 86.03 (3).
- 21 7. A permit related to excavating, filling, altering, or disturbing a highway or
22 bridge under s. 86.07 (2).
- 23 8. A permit for the erection and maintenance of a specific information sign
24 under s. 86.195 (2) (a) or a business sign under s. 86.195 (2) (b).

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

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

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

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

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

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

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

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

10 17. An approval related to quarterly or consecutive monthly registration under
11 s. 341.185 or 341.19.

12 18. A registration of a dealer, distributor, manufacturer, or transporter under
13 s. 341.51.

14 19. A registration of a finance company or a financial institution under s.
15 341.57.

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

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

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

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

20 24. A permit related to oversize and overweight vehicles and loads under ss.
21 348.26 or 348.27.

22 (b) Subject to par. (f), the department shall refund any applicable fee paid by
23 the applicant for any license, permit, or other approval specified in par. (a) 1. to 5.,
24 7. to 17., and 20. to 24. if the department fails to provide the applicant with written
25 notice, which may be by electronic mail, that the department has approved or

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

4 (bm) Subject to par. (f), if the department fails to provide the applicant for a
5 license, permit, or other approval specified in par. (a) 1. to 5., 7. to 17., or 20. to 24.
6 with written notice, which may be by electronic mail, that the department has
7 approved or disapproved the application before the expiration of the period
8 established under par. (a) for the license, permit, or other approval, the applicant
9 may choose to proceed under ch. 227 as though the department had disapproved the
10 application by providing the department with written notice of that choice no later
11 than 45 days after the expiration of the period established under par. (a).

12 (c) Subject to par. (f), failure by the department to provide the applicant for a
13 license, permit, or other approval specified in par. (a) 6., 18. and 19. with written
14 notice, which may be by electronic mail, that the department has approved or
15 disapproved the application for the license, permit, or other approval, including the
16 specific facts upon which any disapproval is based, before the expiration of the period
17 established under par. (a) for the license, permit, or other approval, constitutes
18 approval of the application. A license, permit, or other approval approved under this
19 paragraph is subject to any terms or conditions specified by statute or rule for the
20 license, permit, or other approval and the department may suspend, limit, revoke,
21 or withdraw the license, permit, or other approval for substantial failure to comply
22 with those terms or conditions. The department may not make the license, permit,
23 or other approval subject to any term or condition that is not specified by statute or
24 rule. Within 30 days after the expiration of the period established under par. (a) for
25 the license, permit, or other approval, the department shall provide the applicant

1 with a statement showing that the license, permit, or other approval is approved and
2 specifying any terms and conditions that apply to that license, permit, or other
3 approval.

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

7 (e) In the rules under par. (a), the department shall specify a method for
8 informing applicants of the periods established under par. (a). The department shall
9 specify the method that it determines is the most cost-effective method available.
10 The department is not required to notify an applicant if the department intends to
11 approve or disapprove the application within 14 days after receiving the application.

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

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

17 2. Extensions of the period established under par. (a) 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. The notification may be by electronic mail.

21 3. Extensions of the period established under par. (a) because information
22 needed by the department to complete its review of an application is unknown or
23 cannot be determined with certainty when the department receives the application
24 if the department notifies the applicant in writing of the need for an extension within

1 30 days after the applicant submits the application. The notification may be by
2 electronic mail.

3 3m. Extensions of the period established under par. (a) because the application
4 is incomplete if all of the following apply:

5 a. The department provides the applicant with written notice, which may be
6 by electronic mail, of the need for an extension within 15 days after the applicant
7 submits the application and the notice specifically describes the information that
8 must be provided to complete the application or the information needed to complete
9 the department's review of the application.

10 b. The information under subd. 3m. a. is directly related to eligibility for the
11 license, permit, or other approval or to terms or conditions of the license, permit, or
12 other approval.

13 c. The information under subd. 3m. a. is necessary to determine whether to
14 approve the application or is necessary to determine the terms or conditions of the
15 license, permit, or other approval.

16 d. The extension is not longer than the number of days from the day on which
17 the department provides the notice under subd. 3m. a. to the day on which the
18 department receives the information.

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

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

1 6. With respect to any application for a license, permit, or other approval for
2 which failure by the department to approve or disapprove the application before the
3 expiration of the period established under par. (a) constitutes approval of the
4 application under par. (c), extensions of the period established under par. (a) for the
5 application by not more than 30 days if, within the period established under par. (a),
6 the department finds that there is a substantial likelihood that the activity proposed
7 to be conducted under the application would result in substantial harm to human
8 health or human safety and that the department cannot adequately review the
9 application within the period established under par. (a) and, upon making those
10 findings, provides written notice, which may be by electronic mail, to the applicant
11 that states with particularity the facts on which those findings are based.

12 **SECTION 15.** 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 16.** 93.125 of the statutes is created to read:

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

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

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

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

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

3 (im) A certification of a Grade A dairy operation under s. 97.24 (5).

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

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

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

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

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

24 (3) NOTICE OF DEADLINE. In the rules under sub. (1), the department shall
25 specify a method for informing applicants of the periods established under sub. (1).

1 The department shall specify the method that it determines is the most cost-effective
2 method available. The department is not required to notify an applicant if the
3 department intends to approve or disapprove the application within 14 days after
4 receiving the application.

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

8 (a) Within 15 days after receiving the application, the department provides
9 written notice, which may be by electronic mail, to the applicant describing
10 specifically the information that must be provided to complete the application.

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

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

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

19 SECTION 17. 93.13 of the statutes is created to read:

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

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

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

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

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

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

1 approval for substantial failure to comply with those terms or conditions. The
2 department may not make the license, permit, or other approval subject to any term
3 or condition that is not specified by statute or rule. Within 30 days after the
4 expiration of the period established under sub. (1) for the license, permit, or other
5 approval, the department shall provide the applicant with a statement showing that
6 the license, permit, or other approval is approved and specifying any terms and
7 conditions that apply to that license, permit, or other approval.

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

11 (3) NOTICE OF DEADLINE. In the rules under sub. (1), the department shall
12 specify a method for informing applicants of the periods established under sub. (1).
13 The department shall specify the method that it determines is the most cost-effective
14 method available. The department is not required to notify an applicant if the
15 department intends to approve or disapprove the application within 14 days after
16 receiving the application.

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

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

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

1 (c) Extensions of the period established under sub. (1) because the applicant
2 makes a material modification to the application if the department notifies the
3 applicant in writing of the extension within 30 days after the applicant makes the
4 modification. The notification may be by electronic mail.

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

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

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

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

19 1. Within 15 days after receiving the application, the department provides
20 written notice, which may be by electronic mail, to the applicant describing
21 specifically the information that must be provided to complete the application.

22 2. The information under subd. 1. is directly related to eligibility for the license,
23 permit, or other approval or to terms or conditions of the license, permit, or other
24 approval.

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 license,
3 permit, or other approval.

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

7 (d) The department may extend the period established under sub. (1) for an
8 application by not more than 30 days if, within the period established under sub. (1),
9 the department finds that there is a substantial likelihood that the activity proposed
10 to be conducted under the application would result in substantial harm to human
11 health or human safety and that the department cannot adequately review the
12 application within the period established under sub. (1) and provides written notice,
13 which may be by electronic mail, to the applicant that states with particularity the
14 facts on which those findings are based.

15 **SECTION 18.** 101.022 of the statutes is created to read:

16 **101.022 Deadlines for action on certain applications.** (1) **DEFINITIONS.**
17 In this section, “license or building plan application” means any of the following:

18 (a) An application for a license, permit, or certificate of certification or
19 registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143
20 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m),
21 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952,
22 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
23 167.10 (6m).

24 (b) Forms, plans, and other information submitted to the department under s.
25 101.12 or 145.26.

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

5 **(3) FAILURE TO MEET DEADLINE.** (a) Subject to sub. (5), the department shall
6 refund fees paid by a person submitting a license or building plan application if the
7 department fails to provide the person with written notice, which may be by
8 electronic mail, that the department has approved or disapproved the application,
9 including the specific facts upon which any disapproval is based, before the
10 expiration of the period established under sub. (2) for the license or building plan
11 application.

12 (am) Subject to sub. (5), if the department fails to provide a person submitting
13 a license or building plan application with written notice, which may be by electronic
14 mail, that the department has approved or disapproved the license or building plan
15 application before the expiration of the period established under sub. (2) for the
16 license or building plan application, the applicant may choose to proceed under ch.
17 227 as though the department had disapproved the license or building plan
18 application by providing the department with written notice of that choice no later
19 than 45 days after the expiration of the period established under sub. (2).

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

23 **(4) NOTICE OF DEADLINE.** In the rules under sub. (2), the department shall
24 specify a method for informing applicants of the periods established under sub. (2).
25 The department shall specify the method that it determines is the most cost-effective

1 method available. The department is not required to notify an applicant if the
2 department intends to approve or disapprove the application within 14 days after
3 receiving the application.

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

7 (a) Within 15 days after receiving the application, the department provides
8 written notice, which may be by electronic mail, to the applicant describing
9 specifically the information that must be provided to complete the application.

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

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

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

19 SECTION 19. 101.023 of the statutes is created to read:

20 **101.023 Automatic approval of certain applications.** (1) DEFINITIONS. In
21 this section, “application” means any form or other writing that is submitted to the
22 department under this chapter or ch. 145 or 168 for the purpose of obtaining any
23 approval of the department that is required by law as a prerequisite to the applicant
24 taking certain actions, except that “application” does not include a license or building
25 plan application, as defined under s. 101.022 (1).

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

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

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

22 (4) NOTICE OF DEADLINE. In the rules under sub. (2), the department shall
23 specify a method for informing applicants of the periods established under sub. (2).
24 The department shall specify the method that it determines is the most cost-effective
25 method available. The department is not required to notify an applicant if the

1 department intends to approve or disapprove the application within 14 days after
2 receiving the application.

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

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

7 (b) Extensions of the period established under sub. (2) because the applicant
8 makes a material modification to the application if the department notifies the
9 applicant in writing of the extension within 30 days after the applicant makes the
10 modification. The notification may be by electronic mail.

11 (c) Extensions of the period established under sub. (2) because information
12 needed by the department to complete its review of an application is unknown or
13 cannot be determined with certainty when the department receives the application
14 if the department notifies the applicant in writing of the need for an extension within
15 30 days after the applicant submits the application. The notification may be by
16 electronic mail.

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

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

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

1 1. Within 15 days after receiving the application, the department provides
2 written notice, which may be by electronic mail, to the applicant describing
3 specifically the information that must be provided to complete the application.

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

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

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

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

19 **SECTION 20.** 103.275 (2m) of the statutes is created to read:

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

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

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

5 1m. Subject to par. (d), if the department fails to provide the applicant for a
6 house-to-house employer certificate under sub. (2) with written notice, which may
7 be by electronic mail, that the department has approved or disapproved the
8 application before the expiration of the period established under par. (a), the
9 applicant may choose to proceed under ch. 227 as though the department had
10 disapproved the application by providing the department with written notice of that
11 choice no later than 45 days after the expiration of the period established under par.
12 (a).

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

16 (c) In the rules under par. (a), the department shall specify a method for
17 informing applicants of the period established under par. (a). The department shall
18 specify the method that it determines is the most cost-effective method available.
19 The department is not required to notify an applicant if the department intends to
20 approve or disapprove the application within 14 days after receiving the application.

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

23 1. Within 15 days after receiving the application, the department provides
24 written notice, which may be by electronic mail, to the applicant describing
25 specifically the information that must be provided to complete the application.

1 2. The information under subd. 1. is directly related to eligibility for the
2 house-to-house employer certificate or to terms or conditions of the certificate.

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
5 house-to-house employer certificate.

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

9 **SECTION 21.** 103.91 (2m) of the statutes is created to read:

10 **103.91 (2m) DEADLINE FOR ACTION ON CERTIFICATE APPLICATIONS.** (a) The
11 department, by rule, shall establish a period within which the department intends
12 to approve or disapprove an application for a certificate under sub. (2) (a).

13 (b) 1. Subject to par. (d), the department shall refund all fees paid by the
14 applicant for a certificate under sub. (2) (a) if the department fails to provide the
15 applicant with written notice, which may be by electronic mail, that the department
16 has approved or disapproved the application for the certificate, including the specific
17 facts upon which any disapproval is based, before the expiration of the period
18 established under par. (a).

19 1m. Subject to par. (d), if the department fails to provide the applicant for a
20 certificate under sub. (2) (a) with written notice, which may be by electronic mail,
21 that the department has approved or disapproved the application before the
22 expiration of the period established under par. (a), the applicant may choose to
23 proceed under ch. 227 as though the department had disapproved the application by
24 providing the department with written notice of that choice no later than 45 days
25 after the expiration of the period established under par. (a).

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

4 (c) In the rules under par. (a), the department shall specify a method for
5 informing applicants of the period established under par. (a). The department shall
6 specify the method that it determines is the most cost-effective method available.
7 The department is not required to notify an applicant if the department intends to
8 approve or disapprove the application within 14 days after receiving the application.

9 (d) The department may extend the period established under par. (a) because
10 an application is incomplete if all of the following apply:

11 1. Within 15 days after receiving the application, the department provides
12 written notice, which may be by electronic mail, to the applicant describing
13 specifically the information that must be provided to complete the application.

14 2. The information under subd. 1. is directly related to eligibility for the
15 certificate or to terms or conditions of the certificate.

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 certificate.

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

21 **SECTION 22.** 103.92 (2m) of the statutes is created to read:

22 **103.92 (2m) DEADLINE FOR ACTION ON CERTIFICATE APPLICATIONS.** (a) The
23 department, by rule, shall establish a period within which the department intends
24 to approve or disapprove an application for a certificate under sub. (1) (a).