

CR 84-119

Filed October 29,
1984 1:30pm

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Permit Processing Times were duly approved and adopted by this department on 10/25/84.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1:00 in the city of Madison, this 25th day of October A.D. 1984.

Howard S. Bellman
Secretary

1-1-85 (para)
2-1-85 (para)

ORDER OF ADOPTION RECEIVED

OCT 29 1984

Revisor of Statutes
Bureau

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section 227.0105 (1), Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind. and ILHR Relating to Permit Processing Times
(Number) (Title)

The attached rules shall take effect on the first day of the month
following publication in the Wisconsin Administrative Register, pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 25th
day of October, A.D., 1984.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman

Secretary



RULES in FINAL DRAFT FORM

Rule: Various ILHR and Ind Chapters

Relating to: Permit Processing Times

Clearinghouse Rule No.: 84-119

An order to renumber ILHR 8.05, ILHR 11.17, ILHR 12.16, ILHR 16.03, ILHR 33.05, ILHR 41.015, ILHR 45.13, ILHR 48.02 (5), ILHR 50.25, ILHR 82.20 (12), ILHR 86.03, Ind 4.04, Ind 7.05, Ind 8.135; to amend ILHR 41.08 (5) (intro.), ILHR 41.08 (6) and (7), ILHR 41.09 (3) (b), ILHR 41.09 (4) (intro.), ILHR 41.21 (2), ILHR 41.28 (2), ILHR 45.07 (4) (b), ILHR 50.12 (5) (intro.), ILHR 50.13 and 50.14, ILHR 50.19, ILHR 50.24, ILHR 67.06 (4), ILHR 67.07 (5), ILHR 67.08 (1) (intro.), ILHR 67.08 (1) (b), ILHR 67.08 (1) (c) (intro.), ILHR 67.08 (3) (b) (intro.), ILHR 67.08 (3) (b) 1., ILHR 67.12, ILHR 68.06 (2), ILHR 68.08 (1) and (2), ILHR 68.09, 68.10 and 68.11, ILHR 68.14, ILHR 82.20 (1) (intro.), ILHR 84.50 (1) (intro.), ILHR 85.02 (1) (a), Ind 4.08 (intro.), Ind 4.09, Ind 5.04 (8), Ind 5.12 (1), Ind 8.11 (3) (a), Ind 8.11 (3) (c), Ind 14.20 (1) (intro.), Ind 14.42, Ind 20.06 (1) (b), Ind 20.06 (2), Ind 20.10 (1) (a), Ind 20.14 (1), Ind 20.16 (8), Ind 20.20 (intro.), Ind 20.20 (3), Ind 20.21 (1) (a), Ind 20.21 (2), Ind 26.07 (3), Ind 26.09 (1), Ind 26.09 (2), Ind 26.11, 26.12 and 26.13, Ind 26.15 (4), Ind 26.18, 26.19 and 26.20, Ind 26.22 (4), Ind 26.24, 26.25 and 26.26, Ind 26.29, Ind 43.10 (3) (a); to repeal and recreate Ind 14.007, Ind 20.09 (7); and to create ILHR 8.03 (3), ILHR 8.05 (2), ILHR 11.17 (2), ILHR 12.16 (2), ILHR 16.03 (2), ILHR 33.03 (5), ILHR 33.05 (2), ILHR 41.015 (2), ILHR 45.13 (2), ILHR 48.02 (5) (b), ILHR 50.25 (2), ILHR 51.065 (1) (b) 3., ILHR 53.53 (7) (c), ILHR 81.004, ILHR 81.304, ILHR 81.603, ILHR 82.20 (12) (b), ILHR 83.07 (1) (d), ILHR 84.10 (6), ILHR 86.03 (2), Ind 4.04 (2), Ind 4.06 (1m), Ind 7.05 (2), Ind 8.135 (2), Ind 14.10 (1) (c), Ind 14.21 (2), Ind 14.30 (2) (b) 6., Ind 14.60 (1) (b), Ind 20.18 (3), Ind 47.03 (7), Ind 47.10 (4) relating to permit processing times.

ANALYSIS OF PROPOSED RULES

1983 Wisconsin Act 91 requires agencies to specify in their rules the number of business days required to process permit applications. The proposed rules contain the required revisions to existing rules in order to obtain compliance with Act 91. The proposed rules contain permit processing times for the rules enforced by the Division of Safety and Buildings. For administrative purposes, additional processing times beyond those required by Act 91 have also been included in the proposed rules.

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by ss. 101.02, 101.19 and 227.014 (2), the department hereby creates rules interpreting 1983 Wisconsin Act 91, s. 227.0105 (1) as follows:

SECTION 1. ILHR 8.03 (3) is created to read:

ILHR 8.03 (3) PERMIT PROCESSING TIME. The department shall review and make a determination on a shaft excavation permit application within 30 business days of receiving the required information and fees.

SECTION 2. ILHR 8.05 is renumbered to be ILHR 8.05 (1) (title) PROCEDURE.

SECTION 3. ILHR 8.05 (2) is created to read:

ILHR 8.05 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 4. ILHR 11.17 is renumbered to be ILHR 11.17 (1) (title) PROCEDURE.

SECTION 5. ILHR 11.17 (2) is created to read:

ILHR 11.17 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 6. ILHR 12.16 is renumbered to be ILHR 12.16 (1) (title) PROCEDURE.

SECTION 7. ILHR 12.16 (2) is created to read:

ILHR 12.16 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 8. [Note: Process times for review of plans for liquefied petroleum gas and liquefied natural gas installations (section Ind 9.31) are contained in proposed rules under sections ILHR 11.11 (5) and 12.10 (5) respectively, in a separate hearing draft.]

SECTION 9. ILHR 16.03 is renumbered to be ILHR 16.03 (1) (title) PROCEDURE.

SECTION 10. ILHR 16.03 (2) is created to read:

ILHR 16.03 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 11. ILHR 33.03 (5) is created to read:

ILHR 33.03 (5) PLAN REVIEW PROCESSING TIME. The department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

SECTION 12. ILHR 33.05 is renumbered to be ILHR 33.05 (1) (title) PROCEDURE.

SECTION 13. ILHR 33.05 (2) is created to read:

ILHR 33.05 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 14. ILHR 41.015 is renumbered to be ILHR 41.015 (1) (title) PROCEDURE.

SECTION 15. ILHR 41.015 (2) is created to read:

ILHR 41.015 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 16. ILHR 41.08 (4) (b) is amended to read:

ILHR 41.08 (4) (b) Upon receipt of the application form, the department shall review and evaluate the application and make all necessary notifications to the applicant within 15 business days.

SECTION 17. ILHR 41.08 (5) (intro.) is amended to read:

ILHR 41.08 (5) ISSUANCE OF CERTIFICATE. Certificates of competency for a boiler or pressure vessel inspector ~~will~~ shall be issued by the department to eligible applicants successfully passing the examinations prescribed by and conducted by the department. The certificate shall bear the name of the applicant, certificate number and expiration date. The certificate shall be valid for ~~a period of one year from the date of issuance~~ the remainder of the calendar year in which it is issued. The department shall issue the inspector certification within 15 business days of passage of the written examination.

SECTION 18. ILHR 41.08 (6) and (7) are amended to read:

ILHR 41.08 (6) RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed. The request for renewal, together with the payment of the renewal fee, shall be filed with the department on or before January 1 of the calendar year for which the certificate is to be valid. The department shall review and make a determination on an application for renewal of certification within 15 business days of receipt of the application for renewal.

(7) DENIAL OF CERTIFICATE. (a) Notice of denial. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify an applicant of denial of certification within 15 business days of receipt of an application for certification.

(b) Hearing. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 15 business days of request for a hearing regarding denial of certification.

SECTION 19. ILHR 41.09 (3) (b) is amended to read:

ILHR 41.09 (3) (b) Upon receipt of the application form, the department shall review and evaluate the application and make all necessary notifications to the applicant within 15 business days.

SECTION 20. ILHR 41.09 (4) (intro.) is amended to read:

ILHR 41.09 (4) ISSUANCE OF AUTHORIZATION. In-service field inspector authorizations ~~will~~ shall be issued by the department to eligible applicants successfully passing the examination prescribed by and conducted by the department. The authorization shall bear the name of the applicant, authorization number and expiration date. The authorization shall be valid for a period of 15 months from the date of issue. The department shall issue the inspector authorization within 15 business days of passage of the written examination.

SECTION 21. ILHR 41.21 (2) is amended to read:

ILHR 41.21 (2) EXCEPTION. In individual cases, the boilers and pressure vessels exempted in sub. (1) shall be subject to inspection by or on order of the department upon complaint of any person or upon initiative of the department when there is reasonable cause to suspect that the construction, installation, maintenance or operation of the vessel is not in keeping with the general purpose and intent of this code. The department shall make an investigation regarding a complaint within 15 business days of receipt of the complaint.

SECTION 22. ILHR 41.28 (2) is amended to read:

ILHR 41.28 (2) After each periodic internal or external inspection a certificate of operation shall be issued to the owner or user of the boiler or pressure vessel by the department or by the city authorized by that agency. The department shall issue a certificate of operation within 15 business days of the determination that the installation meets the applicable requirements of chs. ILHR 41 and 42.

SECTION 23. ILHR 45.07 (4) (b) is amended to read:

ILHR 45.07 (4) (b) After each periodic inspection a certificate of operation shall be issued by the department upon determination that the system meets the applicable requirements of this chapter. The department shall issue a certificate of operation within 15 business days of that determination.

SECTION 24. ILHR 45.13 is renumbered to be ILHR 45.13 (1) (title) PROCEDURE.

SECTION 25. ILHR 45.13 (2) is created to read:

ILHR 45.13 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 26. ILHR 48.02 (5) is renumbered to be ILHR 48.02 (5) (a) (title) Procedure.

SECTION 27. ILHR 48.02 (5) (b) is created to read:

ILHR 48.02 (5) (b) Petition Processing Time. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 28. ILHR 50.12 (5) (intro.) is amended to read:

ILHR 50.12 (5) APPLICATION FOR APPROVAL. A plans approval application form shall be included with the plans submitted to the department for examination and approval. The department shall review and make a determination on an application for plan review within 15 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

SECTION 29. ILHR 50.13 and 50.14 are amended to read:

ILHR 50.13 FOOTING AND FOUNDATION APPROVAL. Upon submission of the plans approval application form, at least 4 sets of footing and foundation plans, a plot plan, schematic floor plans locating exits, elevations, itemized structural loads, structural foundation calculations, and a fee, the department may conditionally approve the footing and foundation plans to permit construction of the footings and foundations prior to the examination and approval of the complete plans. The department shall review and make a determination on an application for footing and foundation approval within 15 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

ILHR 50.14 PERMISSION TO START CONSTRUCTION. Upon submission of the plans approval application form, 4 complete sets of building plans and one copy of specifications, a written request by the owner to start construction, and a fee, the department may issue a permission to start construction form for the footings and foundations. The holders of the permission form shall proceed at their own risk without assurance that a conditional approval for the building shall be granted. The department shall review and make a determination on an application for permission to start construction within 3 business days of receipt of the application and all forms, fees, plans and documents required to complete the review.

SECTION 30. ILHR 50.19 is amended to read:

ILHR 50.19 APPROVAL OF MATERIALS, EQUIPMENT AND DEVICES. All materials, equipment and devices not specifically mentioned in this code shall be permitted if approved in writing by the department. Sufficient data, tests and other evidence to prove that the material, equipment or device is equivalent to the standards required in this code shall be submitted. Upon receipt of a fee and a written request, the department may issue an approval number for the material, piece of equipment or device. The department shall review and make a determination on an application for material, equipment and device approval within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

SECTION 31. ILHR 50.24 is amended to read:

ILHR 50.24 APPEALS. Any person affected by any local order which is in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable and ~~is~~ in conflict with the rule of the department. The department shall review and make a determination on an appeal of a local ordinance within 60 business days of receipt of a verified petition submitted with all forms, fees, plans and documents required to complete the review.

SECTION 32. ILHR 50.25 is renumbered to be ILHR 50.25 (1) (title) PROCEDURE.

SECTION 33. ILHR 50.25 (2) is created to read:

ILHR 50.25 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 34. ILHR 51.065 (1) (b) 3. is created to read:

ILHR 51.065 (1) (b) 3. The department shall review and make a determination on an application for approval of light-transmitting plastic material within 30 business days of receipt of all technical data required to complete the review.

SECTION 35. ILHR 53.53 (7) (c) is created to read:

ILHR 53.53 (7) (c) The department shall issue the operator certification within 15 business days of the time the welder successfully passes the prescribed qualification test.

SECTION 36. ILHR 67.06 (4) is amended to read:

ILHR 67.06 (4) DEPARTMENT DETERMINATION AND NOTIFICATION. After the department reviews the calculations and information submitted by the owner, the department ~~will~~ shall notify the owner of its findings and indicate if the installation of the energy measure may be waived. The department shall review and make a determination on payback calculations within 15 business days of receipt of all calculations and documents necessary to complete the review.

SECTION 37. ILHR 67.07 (5) is amended to read:

ILHR 67.07 (5) ACTION TO INSPECT. The municipality or department performing inspection services under this chapter shall perform inspections within ~~14~~ 10 business days after an application is filed.

SECTION 38. ILHR 67.08 (1) (intro.) is amended to read:

ILHR 67.08 (1) CERTIFICATE. If upon inspection, the inspector determines that the building conforms to energy conservation measures specified in this chapter, the inspector shall issue the certificate prescribed by the department. The department shall issue the certificate within 10 business days of determination that the building conforms to energy conservation measures.

SECTION 39. ILHR 67.08 (1) (b) is amended to read:

ILHR 67.08 (1) (b) Requests for certificate form. All requests for certificate forms shall be made in writing. The fee for the certificate forms shall accompany the request. The department shall respond to all requests for certificate forms within 10 business days of receipt of an application for forms and the required fee. Note: Copies of the certificate forms are available at no charge from:

Department of Industry, Labor and Human Relations
Division of Safety and Buildings
Post Office Box 7969
Madison, Wisconsin 53707

SECTION 40. ILHR 67.08 (1) (c) (intro.) is amended to read:

ILHR 67.08 (1) (c) Notice of noncompliance. If upon inspection, an inspector determines that the rental unit does not conform to the energy measures specified in this chapter, the inspector shall specify in writing the energy conservation measures necessary to make the rental unit comply with the energy efficiency standards specified in this chapter and notify the owner of the findings. The department shall specify the energy conservation measures necessary to make the rental unit comply with the energy efficiency standards within 10 business days of completion of the inspection.

SECTION 41. ILHR 67.08 (3) (b) (intro.) is amended to read:

ILHR 67.08 (3) (b) Stipulation inspection. The department or municipality enforcing this chapter shall conduct an inspection no later than ~~180 days~~ 6 months after the stipulated compliance date to determine if the rental unit meets the energy measures specified in this chapter. A fee shall be paid in advance for the inspection at the time of the stipulation.

SECTION 42. ILHR 67.08 (3) (b) 1. is amended to read:

ILHR 67.08 (3) (b) 1. If upon inspections, it is determined that the rental unit conforms to the conditions specified in the stipulation, the department or municipality ~~will~~ shall issue a certificate indicating the rental unit conforms to the energy measures specified in this chapter. The department shall issue the certificate within 10 business days after determination that the rental unit conforms to the conditions specified in the stipulation.

SECTION 43. ILHR 67.12 is amended to read:

ILHR 67.12 APPEALS (1) APPEAL OF A DETERMINATION BY A CERTIFIED RENTAL UNIT ENERGY INSPECTOR. Appeal of any determination made by a certified rental unit energy inspector or municipality shall be made in writing to the department. All appeals shall be filed with the department within 30 business days after the date of the determination. The department ~~will~~ shall render a written decision on all appeals within 60 business days of receipt of all calculations and documents necessary to complete the review.

(2) APPEAL OF RULES, ORDERS AND DETERMINATION BY THE DEPARTMENT.

Appeals of any rule, determination, or special order issued by the department, shall be made to the department pursuant to the procedures specified under s. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of a rule, order or determination by the department within 60 business days of receipt of all calculations and documents necessary to complete the review.

SECTION 44. ILHR 68.06 (2) is amended to read:

ILHR 68.06 (2) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of such findings in writing and instructed of the appeals procedure provided under subch. ~~III~~/IV of this chapter. The department shall review and make a determination on an application for inspector certification within 15 business days of receipt of the application and all documents required to complete the review.

SECTION 45. ILHR 68.08 (1) and (2) are amended to read:

ILHR 68.08 (1) APPLICATION FOR EXAMINATION. All applications for examination shall be filed with the department prior to examination. The applicant shall be advised by the department of the date and place of the examination. The department shall notify all applicants for examination of the time and place of the next examination within 15 days of receipt of the application.

(2) TIME AND PLACE OF EXAMINATION. Scheduled examinations shall be offered at least annually. Specific details regarding time and place are available from the department upon request. The department shall schedule examinations within 18 months of the date of the last examination.

SECTION 46. ILHR 68.09, 68.10 and 68.11 are amended to read:

ILHR 68.09 ISSUANCE OF CERTIFICATE. Upon successful completion of the requirements for certification, the department shall notify the applicant in writing and shall issue an inspection certificate. The department shall issue the inspection certificate within 30 business days of successful completion by the applicant of the requirements for certification. The certificate shall bear the name of the applicant, certification number and expiration date. The certificate shall be valid for a period of 2 years.

ILHR 68.10 RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed. Certification renewal shall be contingent on successful completion of on-going approved education programs or receiving a passing grade on the examination. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of an application for renewal.

ILHR 68.11 DENIAL OF CERTIFICATION. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify the applicant as to the reasons for denial of certification within 30 business days of receipt of an application for renewal.

SECTION 47. ILHR 68.14 is amended to read:

ILHR 68.14 INVESTIGATION AND NOTIFICATION. The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected. The department shall conduct an investigation and notify the persons affected of the results within 3 months of receipt of a complaint.

SECTION 48. ILHR 81.004 is created to read:

ILHR 81.004 PERMIT PROCESSING TIMES. Licenses, permits and registrations issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

SECTION 49. ILHR 81.304 is created to read:

ILHR 81.304 CERTIFICATION PROCESSING TIMES. Certifications issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

SECTION 50. ILHR 81.603 is created to read:

ILHR 81.603 CERTIFICATION PROCESSING TIMES. Certifications issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

SECTION 51. ILHR 82.20 (1) (intro.) is amended to read:

ILHR 82.20 PLAN REVIEW AND APPROVAL. (1) GENERAL. Plumbing plans and specifications shall be submitted to the department or to an approved agent municipality for review in accordance with pars. (a) and (b). Prior to July 1, 1985, the department shall review and make a determination on an application for plan review within 20 business days of receiving the required information and fees. Beginning on July 1, 1985, and thereafter, the department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

SECTION 52. ILHR 82.20 (12) is renumbered to be ILHR 82.20 (12) (a) (title) Procedure.

SECTION 53. ILHR 82.20 (12) (b) is created to read:

ILHR 82.20 (12) (b) Petition Processing Time. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 54. ILHR 83.07 (1) (d) is created to read:

ILHR 83.07 (1) (d) Plan review processing time. The department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

SECTION 55. ILHR 84.10 (6) is created to read:

ILHR 84.10 (6) Plumbing products submitted with all applicable engineering information and complying with nationally accepted standards shall be approved or rejected by the department within 30 business days of receipt of the required information.

SECTION 56. ILHR 84.50 (1) (intro.) is amended to read:

ILHR 84.50 (1) ALTERNATE AND EXPERIMENTAL MATERIALS. The provisions of chs. ILHR 82 and 84 are not intended to prevent the use of any alternate plumbing material or alternate method of plumbing installation provided the alternative has been first approved by the department. The department shall review and make a determination on an application for approval of alternate and experimental materials or methods within 3 months of receipt of all information required to complete the review.

SECTION 57. ILHR 85.02 (1) (a) is amended to read:

ILHR 85.02 (1) SUBMITTAL. (a) Plats of proposed subdivisions not served by public sewers shall be submitted to the department in accordance with the procedures specified in s. 236.12, Stats. Pursuant to s. 236.12 (3), Stats., the department shall review the plat and grant an approval or issue an objection within 20 calendar days of receiving copies of the plat.

SECTION 58. ILHR 86.03 is renumbered to be ILHR 86.03 (1) (title) PROCEDURE.

SECTION 59. ILHR 86.03 (2) is created to read:

ILHR 86.03 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 60. Ind 4.04 is renumbered to be Ind 4.04 (1) (title) PROCEDURE.

SECTION 61. Ind 4.04 (2) is created to read:

Ind 4.04 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 62. Ind 4.06 (1m) is created to read:

Ind 4.06 (1m) PLAN REVIEW PROCESSING TIME. The department shall review and make a determination on an application for plan review within 15 business days of receiving complete information as specified in sub. (2).

SECTION 63. Ind 4.08 (intro.) is amended to read:

Ind 4.08 CERTIFICATE FOR OPERATION. If the department, after inspection, determines that the installation conforms with the provisions of this chapter, a certificate for operation shall be issued by the department. The department shall issue a certificate for operation within 15 business days of the determination that the installation meets the applicable requirements of this chapter.

SECTION 64. Ind 4.09 is amended to read:

Ind 4.09 CERTIFICATION OF INSPECTORS. A person employed by the department, a municipality or an insurance company, may be certified by the department as an inspector, under the scope of this chapter, upon submittal of job qualifications on completed form SB-88 and successful passage of a written examination given by the department. The inspector certification shall be issued within 15 business days of passage of the written examination.

SECTION 65. Ind 5.04 (8) is amended to read:

Ind 5.04 (8) Blasting operations within a community may store up to a maximum of 24 hours explosives requirements, but where ~~such~~ the 24 hours requirements exceeds 50 pounds, written permission shall be obtained in advance from the department and the explosives shall be stored in a magazine as described in s. Ind 5.08. The department shall issue the explosive storage permit within 15 business days of receiving proof of magazine requirements in compliance with s. Ind 5.08.

SECTION 66. Ind 5.12 (1) is amended to read:

Ind 5.12 BLASTER'S LICENSE. (1) No person shall be permitted to may prepare explosive charges or conduct blasting operations, and no employer shall may employ any person for such these purposes unless such the person is 21 years of age and holds a valid blaster's license issued by the department after a determination of fitness by examination. The department shall issue the blaster's license within 15 business days after the applicant has successfully passed the examination.

SECTION 67. Ind 7.05 is renumbered to be Ind 7.05 (1) (title) PROCEDURE.

SECTION 68. Ind 7.05 (2) is created to read:

Ind 7.05 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 69. Ind 8.11 (3) (a) is amended to read

Ind 8.11 (3) DEPARTMENT APPROVAL. (a) Installations, as specified in sub. (2), but located in areas where the authority to approve has not been granted by ordinance to the fire chief or local official, shall be approved in writing by the department. The department shall review and make a determination on an application for installation review within 15 business days of receiving the required information and fees.

SECTION 70. Ind 8.11 (3) (c) is amended to read:

Ind 8.11 (3) (c) Plans for general service stations and self-service stations, conversion of general service stations to self-service stations or change of operation to the use of key, card or code operated dispensing devices shall be submitted for review and approval by the department or its authorized deputy as required by chs. ~~Ind ILHR 50 to 64, Wis. Adm. Code.~~ The department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

SECTION 71. Ind 8.135 is renumbered to be Ind 8.135 (1) (title) PROCEDURE.

SECTION 72. Ind 8.135 (2) is created to read:

Ind 8.135 (2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 73. Ind 14.007 is repealed and recreated to read:

Ind 14.007 PETITION FOR VARIANCE. (1) PROCEDURE. The department shall consider and may grant a variance to an administrative rule upon receipt of a fee, a completed petition for variance form from the owner and, where applicable, a completed position statement from the chief of the local fire department, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in granting a variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of the conditions under which the variance is granted shall constitute a violation of this chapter.

Note #1: Copies of the petition for variance (form SB-8) and the position statement (form SB-8A) are available at no charge from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note #2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) PETITION PROCESSING TIME. Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

SECTION 74. Ind 14.10 (1) (c) is created to read:

Ind 14.10 (1) (c) The department shall review and make a determination on an application to manufacture, sell or offer to sell mobile homes within 30 business days of receipt of all forms and documents required to complete the review of the application.

SECTION 75. Ind 14.20 (1) (intro.) is amended to read:

Ind 14.20 APPLICATION FOR PLANS AND SPECIFICATIONS APPROVAL. (1) All manufacturers, prior to the construction of any model, shall submit all information required by this section for each manufacturing location. The department shall review and make a determination on an application for approval of a mobile home model within 3 months of receipt of the application, plans, specifications, forms and other documents required to complete the review. Submittals shall be made to:

SECTION 76. Ind 14.21 (2) is created to read:

Ind 14.21 (2) The department shall review and make a determination on an application for approval of materials, methods and equipment within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

SECTION 77. Ind 14.30 (2) (b) 6. is created to read:

Ind 14.30 (2) (b) 6. The department shall respond to requests for initial issuance and subsequent issuance of labels within 15 business days of receipt of the request from a manufacturer.

SECTION 78. Ind 14.42 is amended to read:

Ind 14.42 INSPECTION REQUESTS. All persons holding title to a mobile home affected by this code, may request an inspection of their home by the department. If the inspection request is related to obtaining a label, the owner shall submit a written request for a label. The department shall respond to a request for inspection of a mobile home within 10 business days of receipt of a request to inspect a mobile home from the owner of the mobile home.

SECTION 79. Ind 14.60 (1) (b) is created to read:

Ind 14.60 (1) (b) The department shall review and make a determination on an application for certification by an inspection or testing agency within 30 business days of receipt of an application, fees, and all related documents required to complete the review.

SECTION 80. Ind 20.06 (1) (b) is amended to read:

Ind 20.06 (1) (b) Submission of ordinances. Municipalities intending to exercise jurisdiction shall submit all ordinances adopting the uniform dwelling code to the department at the same time as the notice of intent. ~~The department shall promptly inform the municipality whether an ordinance complies with the provisions of this code.~~ The department shall review and make a determination regarding municipal intent to exercise jurisdiction over new dwellings within 15 business days of receipt of the municipal ordinances adopting the uniform dwelling code. A municipality may appeal a determination by the department that an ordinance does not comply with the code. Any ~~such~~ appeal shall follow the procedures set out in s. Ind 20.21 (2).

SECTION 81. Ind 20.06 (2) is amended to read:

Ind 20.06 (2) COUNTY JURISDICTION. A county ordinance shall apply in any city, village or town which has not enacted ordinances pursuant to this section. No county ordinance ~~shall~~ may apply until after 30 business days after the effective date of this code unless a municipality within the county informs the department of its intent to have this code administered and enforced by the county. This section shall not be construed to prevent or prohibit any municipality from enacting and administering this code at any time after the effective date of this code. The department shall review and make a determination regarding county jurisdiction over new buildings within 15 business days of receipt of the county ordinances adopting the uniform dwelling code.

SECTION 82. Ind 20.09 (7) is repealed and recreated to read:

Ind 20.09 (7) ACTION TO APPROVE OR DENY. Action to approve or deny a uniform building permit application shall be completed within 10 business days of receipt of all forms, fees, plans and documents required to process the application.

SECTION 83. Ind 20.10 (1) (a) is amended to read:

Ind 20.10 (1) (a) Inspection notice. The applicant or an authorized representative shall, in writing or orally, request inspections of the department or the municipality administering and enforcing this code. The department, or the municipality administering and enforcing this code, shall perform the requested inspection within ~~48/hours~~ 2 business days after notification, except the final inspection. Construction shall not proceed beyond the point of inspection until the inspection has been completed. Construction may proceed if the inspection has not taken place within ~~48/hours~~ 2 business days of the notification, ~~excluding/Saturdays/Sundays/and/holidays/~~ except if otherwise agreed between the applicant and the department or the municipality administering and enforcing the code.

SECTION 84. Ind 20.14 (1) is amended to read:

Ind 20.14 (1) APPLICATION FOR APPROVAL. An application for the approval of any manufactured dwelling, building system or component shall be submitted to the department, in the form required by the department, along with the appropriate fees in accordance with s. Ind 69.21. The department shall review and make a determination on an application for approval of a manufactured dwelling within 3 months of receipt of all forms, fees, plans and documents required to complete the review.

SECTION 85. Ind 20.16 (8) is amended to read:

Ind 20.16 (8) APPEAL ARGUMENTS. Appeal arguments shall be submitted to the department in writing in accordance with ch. 227, Stats., unless otherwise ordered. The department shall review and make a determination on an appeal of notification of suspension or revocation of approval within 45 business days of receipt of the appeal.

SECTION 86. Ind 20.18 (3) is created to read:

Ind 20.18 (3) MATERIAL APPROVAL PROCESSING TIME. The department shall review and make a determination on an application for material, equipment or device approval within 30 business days of receipt of all forms, fees, plans and documents required to complete the review.

SECTION 87. Ind 20.20 (intro.) is amended to read:

Ind 20.20 MUNICIPAL VARIANCE FROM THE CODE. Any municipality exercising or intending to exercise jurisdiction under this code may apply to the department for a variance permitting the municipality to adopt an ordinance not in conformance with this code. The department shall review and make a determination on a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the request.

SECTION 88. Ind 20.20 (3) is amended to read:

Ind 20.20 (3) APPEALS. Any municipality aggrieved by the denial of ~~such~~ an application may appeal ~~such~~ the determination in accordance with the procedure set out in ss. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of denial of a municipal request to adopt an ordinance not in conformance with this code within 60 business days of receipt of the appeal.

SECTION 89. Ind 20.21 (1) (a) is amended to read:

Ind 20.21 (1) (a) Appeals of final determinations by a municipality exercising jurisdiction. Appeals of final determination by municipalities shall be made to the department after the procedures prescribed in ch. 68, Stats., have been exhausted. All ~~such~~ appeals to the department shall be in writing stating the reason for the appeal. All ~~such~~ appeals shall be filed with the department within ~~14~~ 10 business days of the date the final determination is rendered under ch. 68, Stats. The department shall render a written decision on all appeals within 60 business days of receipt of all calculations and documents necessary to complete the review.

SECTION 90. Ind 20.21 (2) is amended to read:

Ind 20.21 (2) APPEALS OF ORDERS AND DETERMINATIONS BY THE DEPARTMENT. Appeals of an order of the department made pursuant to the provisions of this code, including denials of application for permits, shall be in accordance with the procedure set out in ss. 101.02 (6) (e) to (i) and (8), Stats. The department shall review and make a determination on an appeal of an order or determination within 60 business days of receipt of all calculations and documents necessary to complete the review.

SECTION 91. Ind 26.07 (3) is amended to read:

Ind 26.07 (3) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. The department shall review and make a determination on the application within 15 business days of receipt of the application and all documents necessary to complete the review. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of ~~such~~ the findings in writing and instructed of the appeals procedure provided under Part VI of this ~~code~~ chapter.

SECTION 92. Ind 26.09 (1) is amended to read:

Ind 26.09 (1) APPLICATION FOR EXAMINATION. All applications for examination shall be filed with the department prior to examination. The applicant shall be advised by the department of the date and place of the examination within 15 business days of receipt of an application for examination.

SECTION 93. Ind 26.09 (2) is amended to read:

Ind 26.09 (2) TIME AND PLACE OF EXAMINATIONS. Scheduled examinations shall be offered at least semiannually. Specific details regarding time and place are available from the department upon request. The department shall schedule an examination within 9 months of the date of the last examination.

SECTION 94. Ind 26.11, 26.12 and 26.13 are amended to read:

Ind 26.11 ISSUANCE OF CERTIFICATE. Upon completing the requirements for certification, the department shall notify the applicant in writing and shall issue an inspection certificate. The certificate shall bear the name of the applicant, certification number, expiration date, and certification category ~~(ies)~~. The certificate shall be valid for a period of one year. The department shall issue an inspection certificate within 30 business days of completion of the requirements for certification by the applicant.

Ind 26.12 RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed. Certification renewal shall be contingent on successful completion of on-going approved education programs or receiving a passing grade on the examination. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal.

Ind 26.13 (1) NOTICE OF DENIAL. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify the applicant of denial of certification within 30 business days of receipt of an application for certification.

(2) HEARING. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 30 business days of request for a hearing regarding denial of certification.

SECTION 95. Ind 26.15 (4) is amended to read:

Ind 26.15 (4) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. The department shall review and make a determination on the application within 30 business days of receipt of the application. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of ~~such~~ the findings in writing and instructed of the appeals procedure provided in Part VI of this ~~code~~ chapter.

SECTION 96. Ind 26.18, 26.19 and 26.20 are amended to read:

Ind 26.18 ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE. Upon acceptance of the application and finding of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number, and expiration date. The certificate shall be valid for a period of one year. The department shall review and make a determination of eligibility for an independent inspection agency certificate within 15 business days of receipt of the application for certification.

Ind 26.19 RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of ~~section s.~~ Ind 26.15. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of the application for renewal.

Ind 26.20 DENIAL OF CERTIFICATE. (1) NOTICE OF DENIAL. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify an applicant of denial of certification within 30 business days of receipt of an application for certification.

(2) HEARING. Upon receipt of denial, any applicant may submit a written request for hearing. The right to hearing shall be considered waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 30 business days of request for a hearing regarding denial of certification.

SECTION 97. Ind 26.22 (4) is amended to read:

Ind 26.22 (4) Upon receipt of the completed application form, the department shall review and evaluate the application and make all necessary notifications to the applicant. The department shall review and make a determination on the application within 30 business days of receipt of the application. If it is determined that the applicant does not qualify for certification or recertification, the applicant shall be notified of ~~such~~ the findings in writing and instructed of the appeals procedure provided in Part VI of this ~~code~~ chapter.

SECTION 98. Ind 26.24, 26.25 and 26.26 are amended to read:

Ind 26.24 ISSUANCE OF INDEPENDENT INSPECTION AGENCY CERTIFICATE. Upon acceptance of the application and findings of eligibility, the department shall notify the agency in writing and shall issue an independent inspection agency certificate. The certificate shall bear the name of the independent inspection agency, certificate number, and expiration date. The certificate shall be valid for a period of one year. The department shall review and make a determination of eligibility for an independent inspection agency certificate within 15 business days of receipt of the application for certification.

Ind 26.25 RENEWAL OF CERTIFICATE. Upon receipt of written notice of expiration, certification may be renewed in accordance with the requirements of s. Ind 26.22. The department shall review and make a determination on an application for renewal of certification within 30 business days of receipt of an application for renewal.

Ind 26.26 DENIAL OF CERTIFICATE. (1) NOTICE OF DENIAL. Upon denial of certification or recertification, the department shall notify the applicant in writing stating the reasons for denial. The notice of denial shall be made by certified mail sent to the address filed with the application. Service shall be verified by the certified mail receipt. The department shall notify an applicant of denial of certification within 30 business days of receipt of an application for certification.

(2) HEARING. Upon receipt of denial, any applicant may submit a written request for hearing. The right to the hearing shall be considered waived if the applicant fails to submit the request within 30 business days. Hearings shall be conducted by the department and the proceedings recorded. The department shall conduct a hearing and make a determination within 30 business days of a request for a hearing regarding a denial of certification.

SECTION 99. Ind 26.29 is amended to read:

Ind 26.29 INVESTIGATION AND NOTIFICATION. The department may investigate alleged violations on its own initiative or upon the filing of a complaint. If it is determined that no further action is warranted, the department shall notify the persons affected. If the department determines that there is probable cause, it shall order a hearing and notify the persons affected. The department shall make an investigation and a determination regarding a complaint within 3 months of receipt of the complaint.

SECTION 100. Ind 43.10 (3) (a) is amended to read:

Ind 43.10 (3) (a) Before construction or installation of new or additional facilities for the bulk storage or handling of anhydrous ammonia is undertaken, approval of the department shall be obtained. The department shall review and make a determination on an application for installation approval within 15 business days of receiving the required information and fees.

SECTION 101. Ind 47.03 (7) is created to read:

Ind 47.03 (7) REGISTRATION PROCESSING TIME. The department shall review and make a determination on the registration application within 15 business days of receiving the required information and fees.

SECTION 102. Ind 47.10 (4) is created to read:

Ind 47.10 (4) LOAD TEST PROCESSING TIME. The department shall review load test documents and make a determination on whether to open the ride to the public within 15 business days of receiving the required information and fees.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

* * * * *

The Wisconsin Department of Industry, Labor and Human Relations

October 29, 1984

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

RECEIVED

TRANSMITTAL OF RULE ADOPTION

OCT 30

CLEARINGHOUSE RULE NO. 84-119

Revised Bureau

RULE NO. Various ILHR and Ind Chapters

RELATING TO: Permit Processing Times

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person