

October 1983 Spec. Sess.
Assembly Bill 5

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1983 Wisconsin Act 91
(Vetoed in Part)*

AN ACT to amend 15.105 (4); and to create subchapter III of chapter 560, 227.0105, 227.029 (2) (i) and 560.03 (17) of the statutes, relating to directing the department of development to establish and operate a permit information center and specifying agency rule-making and other responsibilities which are coordinated with the functions of the center and making an appropriation.

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

SECTION 1. 15.105 (4) of the statutes is amended to read:

15.105 (4) PUBLIC RECORDS AND FORMS BOARD. There is created a public records and forms board which is attached to the department of administration under s. 15.03. The public records and forms board shall consist of the governor, the director of the historical society, the attorney general, the state auditor, a representative of the small business community appointed by the governor, a representative of a newspaper published in this state appointed by the governor, a representative of the permit information center appointed by the secretary of development and the executive secretary of the legislative council or their designated representatives.

SECTION 2. 227.0105 of the statutes is created to read:

227.0105 Rules to include time period. (1) If a rule promulgated or submitted to the legislative council under s. 227.029 prior to the effective date of this subsection (1983), includes a requirement for a business to obtain a permit as defined in s. 560.41 (2), the agency which promulgated or submitted the rule shall submit to the legislative council by January 1, 1985, a proposed revision of the rule that is limited to specifying the number of business days, calculated beginning on the day a permit application is received, within which the agency will review and make a determination on a permit application. The legislative council staff's review of the proposed revision is limited to determining whether or not the agency has complied with this subsection.

(2) Each rule submitted to the legislative council under s. 227.029 on or after the effective date of this subsection (1983), which includes a requirement for a business to obtain a permit as defined in s. 560.41 (2) shall include the number of business days, calculated beginning on the day a permit application is received, within which the agency will review and make a determination on a permit application.

(3) Subsections (1) and (2) do not apply to a rule if the rule, or a law under which the rule was promulgated, effective prior to the effective date of this subsection (1983), contains a specification of a time period for review and determination on a permit application.

(4) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, for each such failure the agency shall prepare a report and submit it to ~~the secretary of development, the governor and the permit information center~~ within 5 business days of the last day of the time period specified, setting forth all of the following:

**Vetoed
in Part**

* Review of partial veto pending during the 1984 session of the legislature.

(a) The name of the person who submitted the permit application and the business activity for which the permit is required.

(b) Why the review and determination were not completed within the specified time period and a specification of the revised time period within which the review and determination will be completed.

(c) How the agency intends to avoid such failures in the future.

(4m) If an agency fails to review and make a determination on a permit application within the time period specified in a rule or law, upon completion of the review and determination for that application, the agency shall notify the permit information center.

(5) (a) An agency's failure to review and make a determination on a permit application within the time period specified in a rule or law does not relieve any person from the obligation to secure a required permit nor affect in any way the agency's authority to interpret the requirements of or grant or deny permits.

(b) If a court finds that an agency failed to review and make a determination on a permit application within the time period specified in a rule or law, that finding shall not constitute grounds for declaring the agency's determination invalid.

SECTION 3. 227.029 (2) (i) of the statutes is created to read:

227.029 (2) (i) Review proposed rules for compliance with the requirements of s. 227.0105.

SECTION 4. 560.03 (17) of the statutes is created to read:

560.03 (17) Establish and operate a permit information center as set forth in subch. III.

SECTION 5. Subchapter III of chapter 560 of the statutes is created to read:

CHAPTER 560
SUBCHAPTER III
PERMIT INFORMATION CENTER

560.41 Definitions. In this subchapter:

(1) "Center" means the permit information center operated by the department.

(2) "Permit" means any approval of a regulatory agency required as a condition of operating a business in this state.

(3) "Regulatory agency" means any state agency responsible for granting a permit.

560.42 Responsibilities. (1) PERMIT EXPEDITING. (a) The center shall expedite the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits as follows:

1. The center shall discharge its responsibilities under sub. (2) in a manner designed to expedite the process.

2. Upon request by a person applying for a permit and to the extent possible, the center shall resolve misunderstandings between the person and the appropriate regulatory agency and shall prevent or mitigate delays in the process.

3. If the center determines that it is unable to resolve misunderstandings or prevent or mitigate delays under subd. 2, the center shall request the assistance of the secretary and the head of the appropriate regulatory agency.

4. If the center determines that the secretary and head are unable to resolve misunderstandings or prevent or mitigate delays under subd. 3, the center shall request the assistance of the governor.

(b) The center shall give priority to businesses new to this state and to businesses expanding within this state in providing assistance under par. (a).

(c) The center shall maintain records identifying each person requesting assistance under par. (a) and setting forth assistance rendered and results achieved.

(2) PERMIT INFORMATION. (a) The center shall assist any person requesting information on which permits are required for a particular business activity or on the application process, including criteria applied in making a determination on a permit application and the time period within which a determination will be made. This assistance may include both:

1. Arranging a meeting between the person and the staff of the appropriate regulatory agency to enable the person to obtain information from the agency.

2. Obtaining information and permit applications from the regulatory agency and providing the information and appropriate permit applications to the person.

(b) If a person receives assistance under this subsection and applies for a permit and if the person requests, the center shall check periodically on the status of the permit application and report the status to the person.

(2m) ADVOCACY. The center shall provide advocacy services before regulatory agencies on behalf of permit applicants. These services shall include:

**Vetoed
in Part**

~~(a) Monitoring the application approval process to ensure that permits are granted in the shortest amount of time possible consistent with the substantive requirements established by rule or law.~~

**Vetoed
in Part**

~~(b) The pursuit of any available statutory or administrative remedies in the event that a regulatory agency fails to meet any of its responsibilities pertaining to approval of a permit.~~

**Vetoed
in Part**

(3) ASSISTANCE BY CENTER. (a) The center may not charge any person for services provided under this subchapter.

(b) The center may refer to the appropriate regulatory agency, without giving further assistance, any person seeking information or assistance on a permit under chs. 186, 215, 217, 220 to 224, 441 to 459 and 600 to 646.

(c) Advice, assistance or information rendered by the center under this subchapter does not relieve any person from the obligation to secure a required permit.

(d) The center shall not be liable for any consequences resulting from the failure to issue or to seek a permit.

(4) PROMOTION OF ASSISTANCE. (a) The center shall maintain and publicize the availability of a toll-free telephone line available to in-state callers to the center.

(b) The center shall seek to explain, promote and publicize its services to the public and shall provide information on its services for inclusion in any public informational material on permits provided by regulatory agencies.

(c) The center shall, in its efforts under pars. (a) and (b), clearly represent that its services are advisory, informational and facilitative only.

(5) ANNUAL REPORT. (a) *Report.* On or before July 1, 1985, and every January 1 thereafter, the center shall submit to the appropriate standing committee of each house of the legislature, as determined by the presiding officer thereof, a report containing the information required under pars. (am) and (b).

~~(am) *Permit simplification.* Based on the experience of the center in assisting persons and discussions with regulatory agencies, the center shall submit on or before January 1, 1985, and every January 1 thereafter, to the appropriate standing committee of each house of the legislature, as determined by the presiding officer thereof, a report containing recommendations for the legislature, governor, public records and forms board and regulatory agencies concerning all of the following:~~

**Vetoed
in Part**

1. Improving permit application forms.

2. Eliminating unnecessary or duplicative permit requirements.

3. Simplifying the process of applying for permits, of reviewing and making determinations on permit applications and of issuing permits.

(b) *Record of assistance.* Based on the experiences of the center in assisting persons and on reports received under s. 227.0105 (4), the center shall prepare information for the legislature, governor, public records and forms board and regulatory agencies which shall include all of the following:

1. The number of persons assisted.

2. The kinds of assistance provided.

3. The number of occasions when regulatory agencies exceeded the time period specified by rule or law for reviewing and making determinations on permit applications.

4. An evaluation of why the regulatory agencies exceeded the time periods on the occasions specified in subd. 3 and an explanation of how the agencies intend to avoid exceeding the time periods in the future.

(6) **PERMIT CONSOLIDATION.** In its first annual report submitted under sub. (5), the center shall include a study of the feasibility and desirability of providing consolidated or multiple permit application forms or consolidated hearings on consolidated or multiple permit application forms.

560.43 Responsibilities of regulatory agencies. (1) **INTERAGENCY COOPERATION.** Each regulatory agency shall:

(a) Designate a staff person to coordinate regulatory agency cooperation with center staff, provide information to center staff on the permit process and direct center staff to appropriate staff within the regulatory agency.

(b) Cooperate to the extent possible with center staff and respond promptly to requests for assistance in expediting and requests for information on the permit process under s. 560.42.

(c) Include material provided by the center under s. 560.42 (4) in any public informational material on permits it provides.

(d) Maintain responsibility for interpreting the requirements of and granting or denying its permits.

(e) In reviewing a submitted application for a permit, notify the applicant of all reasons the application is incomplete or incorrectly submitted at the first time the agency returns the application to the applicant.

(2) **PREAPPLICATION MEETINGS.** Each regulatory agency shall provide an opportunity for a preapplication meeting with its staff to any person interested in applying for a permit upon request by the person or the center, and shall comply with the following requirements:

(a) The regulatory agency shall conduct preapplication meetings in an informal manner.

(b) In any preapplication meeting, the regulatory agency shall identify all permits required by the regulating agency for a business activity, describe the steps and identify the time period for each step in the permit process and identify potential problems in the process.

(d) The regulatory agency shall invite participation by center staff in preapplication meetings when appropriate.

(e) The regulatory agency shall publicize the availability of preapplication meetings to persons contacting them about permits.

SECTION 7. Nonstatutory provisions; position authorization. The authorized FTE positions for the department of development are increased by 2.0 GPR positions on the effective date of this act to be funded from the appropriation under section 20.143 (1) (a) of the statutes for the purpose of performing the responsibilities assigned to the department under this act.

SECTION 8. Appropriation changes; development. The appropriation to the department of development under section 20.143 (1) (a) of the statutes, as affected by the acts of 1983, is increased by \$40,100 for fiscal year 1983-84 and by \$79,100 for fiscal year 1984-85 to fund the permit information center under subchapter III of chapter 560 of the statutes.
