



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 486

Assembly Amendment 1 (as amended) and Assembly Amendment 2

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2003 Assembly Bill 486 requires 18 specified state agencies to promulgate rules establishing periods within which agencies intend to approve or disapprove applications for certain specified licenses, permits, or other agency approvals. The bill requires affected agencies to notify applicants if an application for a specified approval has been approved or disapproved prior to the expiration of the review period established by rule. If an affected agency fails to act on an application for a specified approval within the established time period, the agency is subject to one of the following sanctions: (1) the application is automatically approved; or (2) the agency must refund the application fees. The bill specifies which sanction applies to each type of agency approval.

In the case of the automatic approval requirement, the bill allows an agency to extend the established approval period for up to 30 days if an application is incomplete or up to 60 days for any other reason preceded by written notice. In addition, an agency may extend the established approval period more than 60 days if the agency finds there is a substantial likelihood that the approval would result in substantial harm to the public health, public safety, or the environment.

In the case of the refund of the application fees requirement, an agency may only extend the period of approval based on an incomplete application and must notify the applicant of the error within 30 days of receiving the incomplete application.

Assembly Amendment 1 eliminates the Building Commission, the Public Records Board, the State Capitol and Executive Residence Board, the workers' compensation program, the unemployment compensation program, and air pollution permits from the bill's requirements. Notification of approval may be made by email under the amendment and it requires that the Legislative Reference Bureau include a statement in the bill analysis of any bill that requires a person to obtain a license, permit, or similar approval from a state agency.

For automatic approvals, the amendment eliminates the 60-day extension for any reason, limits the health and safety extension to 30 days, and eliminates environmental considerations for authorizing

extensions. Extensions for incomplete applications are reduced to 15 days and are only permitted if the information omitted is directly related to applicant eligibility or is necessary to determine the approval. The amendment limits agency conditions on such permits to those specified by statute or rule.

Assembly Amendment 1 to Assembly Amendment 1 to 2003 Assembly Bill 486 eliminates the general approval notification requirement if an agency or board intends to approve or disapprove an application within 14 days of its receipt.

Assembly Amendment 2 adds certain Public Service Commission proceedings that relate to the deregulation of telecommunications utilities to the approvals affected by the bill.

The Assembly Committee on Government Operations and Spending Limitations recommended adoption of Assembly Amendment 1 by a vote of Ayes, 4, Noes, 2, and passage of the bill by a vote of Ayes, 4, Noes, 2, on September 23, 2003.

The Assembly adopted Assembly Amendment 1 to Assembly Amendment 1 to 2003 Assembly Bill 486 and Assembly Amendment 2 by voice vote on September 25, 2003.

The Assembly passed Assembly Bill 486 by a vote of Ayes, 67, Noes, 32, on October 2, 2003.

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