

CERTIFICATE

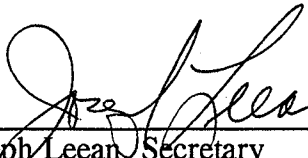
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND FAMILY SERVICES )

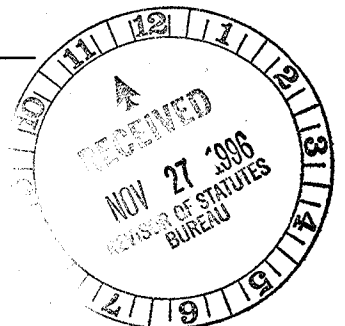
I, Joseph Leean, Secretary of the Department of Health and Family Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to permit fee increases for public swimming pools, camps, campgrounds, hotels, motels and tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations were duly approved and adopted by this Department on November 27, 1996.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 27nd day of November, 1996.

SEAL:

  
\_\_\_\_\_  
Joseph Leean, Secretary  
Department of Health and Family Services



ORDER OF THE  
DEPARTMENT OF HEALTH AND FAMILY SERVICES  
REPEALING, RENUMBERING AND AMENDING RULES

To repeal HSS 178.05 (1m)(a) 2., 195.04 (1m)(a) 2., and 196.04 (1m)(a) 2.; to renumber and amend HSS 178.05 (1m)(a) 3., 195.04 (1m)(a) 3., and 196.04 (1m)(a) 3.; and to amend HSS 172.04 (1m), 175.04 (1m), 178.05 (1m)(b) and (c), 195.04 (1m) (b) to (d), 196.04 (1m)(b) to (d), 197.04 (1m) and 198.04(1m); relating to permit fees for the operation of public swimming pools, recreational and educational camps, campgrounds, hotels, motels and tourist rooming houses, restaurants, bed and breakfast establishments, and food and beverage vending operations.

Analysis Prepared by the Department of Health and Family Services

The Department and agent local government health departments regulate campgrounds, camps, the operation of swimming pools that serve the public, restaurants, hotels and motels, tourist rooming houses, bed and breakfast establishments and food vending operations, under the authority of ss. 254.47 and 254.61 to 254.88, Stats., to ensure that these facilities comply with health, sanitation and safety standards established by the Department by rule. The Department's rules are in chs. HSS 172, 175, 178, 195, 196, 197 and 198, Wis. Adm. Code. None of these facilities may operate without receiving a permit from the Department or an agent local government health department. A permit is evidence that a facility complies with the Department's rules on the date of issuance of the permit. A facility is charged a permit fee. Permit fee revenues support the regulatory programs.

In 1993 the Budget Act for 1993-95 directed the Department to establish permit fees by rule beginning July 1, 1994. Until then the fees had been set by statute.

This rulemaking order increases permit fees by about 10% for campgrounds; recreational and educational camps; swimming pools that serve the public; restaurants; hotels, motels and tourist rooming houses; bed and breakfast establishments; and food vending operators, machines and commissaries. It also increases preinspection fees for restaurants; hotels, motels and tourist rooming houses; bed and breakfast establishments; and food vending operators, machines and commissaries.

The fees are increased to cover higher costs for these regulatory programs.

These are replacement permanent rules for emergency rules now in effect. The fee increases were effective on July 1, 1996.

The fees established by this order do not apply to facilities regulated by local health departments granted agent status under s. 254.69, Stats. Permit fees for those facilities are established by the local health departments, pursuant to s. 254.69 (2)(d), Stats.

The Department's authority to repeal, renumber and amend these rules is found in ss. 254.47 (4) and 254.68, Stats. The rules interpret ss. 254.47 and 254.68, Stats.

SECTION 1. HSS 172.04 (1m) is amended to read:

HSS 172.04 (1m) DEPARTMENT FEES. (a) Annual permit fee. ~~Before July 1, 1995, the operator of a public swimming pool shall pay an annual permit fee of \$90 to the department.~~ Beginning July 1, 1995 1996, the operator of a public swimming pool shall pay an annual permit fee of ~~\$100~~ \$110 to the department.

(b) Penalty fee. ~~Before July 1, 1995, if the operator of a public swimming pool does not pay to the department the annual permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the operator of the public swimming pool to pay a penalty fee of \$10, in addition to the annual permit fee, for renewal of the permit.~~ Beginning July 1, 1995, if the annual permit fee is not paid within the first 15 days of the permit renewal period, the department shall require the operator of the public swimming pool to pay a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.

(c) Fee for duplicate permit. ~~Before July 1, 1995, the department shall charge the operator of a public swimming pool \$5 for a duplicate permit.~~ Beginning July 1, 1995, the department shall charge the operator of a public swimming pool \$10 for a duplicate permit.

SECTION 2. HSS 175.04 (1m) is amended to read:

HSS 175.04 (1m) DEPARTMENT FEES. (a) Annual permit fee. ~~Before July 1, 1995, the operator of a camp shall pay an annual permit fee of \$50 to the department.~~ Beginning July 1, 1995 1996, the operator of a camp shall pay an annual permit fee of ~~\$55~~ \$65 to the department.

(b) Penalty fee. ~~Before July 1, 1995, if the operator of a camp does not pay to the department the annual permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the operator of the camp to pay a penalty fee of \$10, in addition to the annual permit fee, for renewal of the permit.~~ Beginning July 1, 1995, if the annual fee is not paid within the first 15 days of the permit renewal period, the department shall require the operator of the camp to pay a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.

(c) Fee for duplicate permit. ~~Before July 1, 1995, the department shall charge the operator of a camp \$5 for a duplicate permit.~~ Beginning July 1, 1995 the department shall charge the operator of a camp \$10 for a duplicate permit

SECTION 3. HSS 178.05 (1m)(a)2. is repealed.

SECTION 4. HSS 178.05 (1m)(a) 3. is renumbered 178.05 (1m)(a) 2. and amended to read:

HSS 178.05 (1m)(a) 2. Beginning July 1, ~~1995~~ 1996, the annual permit fee shall be as follows:

- a. For a campground with 1-25 sites, ~~\$80~~ \$90;
- b. For a campground with 26-50 sites, ~~\$100~~ \$110;
- c. For a campground with 51-100 sites, ~~\$120~~ \$130; and
- d. For a campground with over 100 sites, ~~\$135~~ \$145.

SECTION 5. HSS 178.05 (1m)(b) and (c) are amended to read:

HSS 178.05 (1m)(b) Penalty fee. ~~Before July 1, 1995, if the operator of a campground does not pay to the department the annual permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the operator of the campground to pay a penalty fee of \$10, in addition to the annual permit fee, for renewal of the permit.~~ Beginning July 1, 1995, if the annual fee is not paid within the first 15 days of the permit period, the department shall require the operator of the campground to pay a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.

(c) Fee for duplicate permit. ~~Before July 1, 1995 the department shall charge the operator of a campground \$5 for a duplicate permit.~~ Beginning July 1, 1995, the department shall charge the operator of a campground \$10 for a duplicate permit.

SECTION 6. HSS 195.04 (1m)(a) 2. is repealed.

SECTION 7. HSS 195.04 (1m)(a) 3. is renumbered HSS 195.04 (1m)(a) 2. and amended to read:

HSS 195.04 (1m)(a) 2. Beginning July 1, ~~1995~~ 1996, the annual permit fee shall be as follows:

- a. For a hotel or motel with 5 to 30 rooms, ~~\$95~~ \$105;
- b. For a hotel or motel with 31 to 99 rooms, ~~\$130~~ \$140;
- c. For a hotel or motel with 100 or more rooms, ~~\$165~~ \$180; and

- d. For a tourist rooming house, ~~\$45~~ \$50.

SECTION 8. HSS 195.04 (1m)(b) to (d) are amended to read:

HSS 195.04 (1m)(b) Penalty fee. ~~Before July 1, 1995, if the operator of a hotel, motel or tourist rooming house does not pay to the department the annual permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the operator of the hotel, motel or tourist rooming house to pay a penalty fee of \$20, in addition to the annual permit fee, for renewal of the permit. Beginning July 1, 1995, if the annual permit fee is not paid within the first 15 days of the permit period, the department shall require the operator of the hotel, motel or tourist rooming house to pay a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.~~

(c) Fee for duplicate permit. ~~Before July 1, 1995, the department shall charge the operator of a hotel, motel or tourist rooming house \$5 for a duplicate permit. Beginning July 1, 1995, the department shall charge the operator of a hotel, motel or tourist rooming house \$10 for a duplicate permit.~~

(d) Preinspection fee. ~~Before July 1, 1995, the operator of a hotel or motel shall pay to the department a preinspection fee of \$45.25 before issuance of the initial permit, and the operator of a tourist rooming house shall pay to the department a preinspection fee of \$18 before issuance of the initial permit. Beginning July 1, 1995 1996, the operator of a hotel or motel shall pay to the department a preinspection fee of \$50 \$55, and the operator of a tourist rooming house shall pay to the department a preinspection fee of \$20 \$25.~~

SECTION 9. HSS 196.04 (1m)(a) 2. is repealed.

SECTION 10. HSS 196.04 (1m)(a) 3. is renumbered 196.04 (1m)(a) 2. and amended to read:

HSS 196.04 (1m)(a) 2. Beginning July 1, ~~1995~~ 1996, the annual permit fee shall be as follows:

a. For a restaurant that serves meals prepared from raw, canned, dried, packaged or frozen foods, ~~\$115~~ \$125 and, in addition, ~~\$60~~ \$65 per area for any physically separate food holding, serving or preparation area;

b. For a restaurant that serves only individually wrapped, hermetically sealed single food servings supplied by a licensed processor, ~~\$50~~ \$55; and

c. For a temporary restaurant, ~~\$60~~ \$65, and for a mobile restaurant base with no food preparation, ~~\$50~~ \$55.

SECTION 11. HSS 196.04 (1m)(b) to (d) are amended to read:

HSS 196.04 (1m)(b) Penalty fee. ~~Before July 1, 1995, if a restaurant operator does not pay to the department the annual permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the restaurant operator to pay a penalty fee of \$20, in addition to the annual permit fee, for renewal of the permit. Beginning July 1, 1995, if the annual permit fee is not paid within the first 15 days of the permit period, the department shall require the operator of the restaurant to pay a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.~~

(c) Fee for duplicate permit. ~~Before July 1, 1995, the department shall charge a restaurant operator \$5 for a duplicate permit. Beginning July 1, 1995, the department shall charge a restaurant operator \$10 for a duplicate permit.~~

(d) Preinspection fee. ~~Before July 1, 1995, an operator of a restaurant shall pay to the department a preinspection fee of \$45.25 before issuance of the initial permit. Beginning July 1, 1995 1996, the operator of a restaurant shall pay to the department a preinspection fee of \$50 \$55 before issuance of the initial permit.~~

SECTION 12. HSS 197.04 (1m) is amended to read:

HSS 197.04 (1m) DEPARTMENT FEES. (a) Fees. ~~Before July 1, 1995, the operator of a bed and breakfast establishment shall pay a biennial permit fee of \$75 to the department. Beginning July 1, 1995 1996, the operator of a bed and breakfast establishment shall pay a biennial permit fee of \$85 \$90 to the department.~~

(b) Penalty fee. ~~Before July 1, 1995, if the operator of a bed and breakfast establishment does not pay to the department the biennial permit fee required under par. (a) within the first 15 days of the permit renewal period, the department shall require the operator of the bed and breakfast establishment to pay a penalty fee of \$20, in addition to the biennial permit fee, for renewal of the permit. Beginning July 1, 1995, if the biennial fee is not paid within the first 15 days of the permit period, the operator of the bed and breakfast facility shall pay to the department a penalty fee of \$50, in addition to the biennial permit fee, for renewal of the permit.~~

(c) Fee for duplicate permit. ~~Before July 1, 1995, the department shall charge the operator of a bed and breakfast establishment \$5 for a duplicate permit. Beginning July 1, 1995, the department shall charge a bed and breakfast operator \$10 for a duplicate permit.~~

(d) Preinspection fee. ~~Until July 1, 1995, the operator of a bed and breakfast shall pay to the department a preinspection fee of \$18 before issuance of the initial permit.~~

Beginning July 1, ~~1995~~ 1996, the operator of a bed and breakfast establishment shall pay to the department a preinspection fee of ~~\$20~~ \$30 before issuance of the initial permit.

SECTION 13. HSS 198.04 (1m) is amended to read:

HSS 198.04 (1m) DEPARTMENT FEES. (a) Annual permit fee for the operator of a vending machine. The operator of a vending machine shall pay an annual permit fee to the department. The annual permit fee shall be as follows:

1. For the vending machine operator, ~~\$50 before July 1, 1995 and \$55~~ \$60 beginning July 1, ~~1995~~ 1996; and

2. For each vending machine, \$5.

(b) Annual permit fee for the operator of a vending machine commissary. The operator of a vending machine commissary shall pay an annual permit fee to the department. The annual permit fee shall be as follows:

1. For a vending machine commissary where food is prepared, ~~\$110 before July 1, 1995, and \$115~~ \$125 beginning July 1, ~~1995~~ 1996; and

2. For a vending machine commissary where food, transport equipment and vending supplies are only stored, \$50.

(c) Penalty fee. ~~Before July 1, 1995, if the operator of a vending machine or vending machine commissary does not pay to the department the annual permit fee required under par-~~ (a) or (b) ~~within the first 15 days of the permit renewal period, the department shall require the operator to pay a penalty fee of \$20, in addition to the annual permit fee, for renewal of the permit.~~ Beginning July 1, 1995, if the annual permit fee is not paid within the first 15 days of the permit period, the operator of the vending machine or vending machine commissary shall pay the department a penalty fee of \$50, in addition to the annual permit fee, for renewal of the permit.

(d) Fee for duplicate permit. 1. The department shall charge the operator of a vending machine \$1 for a duplicate permit for the vending machine.

2. ~~Before July 1, 1995, the department shall charge the operator of a vending machine \$5 for a duplicate vending machine operator permit.~~ Beginning July 1, 1995, the department shall charge the operator of a vending machine \$10 for a duplicate vending machine operator permit.

3. ~~Before July 1, 1995, the department shall charge the operator of a vending machine commissary \$5 for a duplicate vending machine commissary permit.~~ Beginning July 1, 1995, the department shall charge the operator of a vending machine commissary \$10 for a duplicate permit.

(e) Preinspection fee. ~~Before July 1, 1995, the operator of a vending machine commissary shall pay the department a preinspection fee of \$45.25 before issuance of the initial permit.~~ Beginning July 1, 1995 ~~1996~~, the operator of a vending machine commissary shall pay to the department a preinspection fee of ~~\$50~~ \$55 before issuance of the initial permit.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2), Stats.

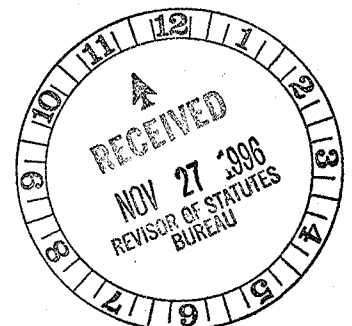
Wisconsin Department of Health  
and Family Services

DATE: November 27, 1996

By: \_\_\_\_\_

  
Joe Leean  
Secretary

SEAL:







State of Wisconsin  
**Department of Health and Family Services**

Tommy G. Thompson, Governor  
Joe Lekan, Secretary

November 27, 1996

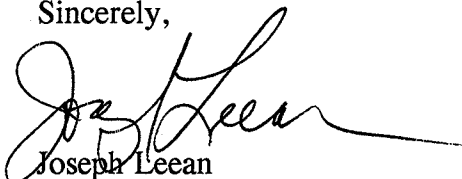
Mr. Bruce E. Munson  
Revisor of Statutes  
131 W. Wilson St., Suite 800  
Madison, WI 53703

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of chs. HSS 172, 175, 178 and 195 to 198, administrative rules relating to permit fee increases for public swimming pools, camps, campgrounds, hotels, motels and tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations and commissaries.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,



Joseph Lekan  
Secretary

Enclosure

