

<b>FISCAL ESTIMATE</b> DOA-2048 (R 10/94) <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> <b>SUPPLEMENTAL</b>	<b>LRB or Bill No. / Adm. Rule No.</b> Emergency Ch. ATCP 75
	<b>Amendment No. (If Applicable)</b>

**Subject:**  
**Emergency Rule for Licensing of bases for Mobile retail Establishments**

<b>Fiscal Effect</b> <b>State:</b> <input checked="" type="checkbox"/> No State Fiscal Effect  Check below only if <b>bill</b> makes a direct appropriation or affects a sum sufficient appropriation.  <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs –  May be possible to absorb within agency's budget?    X Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
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<b>Local :</b> <input checked="" type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Gov. Unit Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Counties <input type="checkbox"/> Cities <input type="checkbox"/> Other: <u>County Drainage</u> <b>Boards</b> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Source Affected:</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected</b> Emergency Ch. ATCP 75: Licensing of Bases for Mobile Retail Establishments
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**Assumptions Used in Arriving at Fiscal Estimate**

This emergency rule is not expected to have any major economic impact.

- It exists to clarify the existing rules and to prevent unequal requirements being placed on entities that operate in a very similar fashion under the same code.
- It has no impact on mobile establishments currently licensed by DHS, since their bases are already licensed.
- It only impacts some mobile establishments currently licensed by DATCP that have bases other than in currently licensed facilities.

By implementing equally-enforced licensing and food safety provisions, the proposed emergency rule will ensure Wisconsin's food regulations uniformly impose provisions for protecting public health. This emergency rule and the permanent rules that will be promulgated to amend the existing rule will be part of the larger initiative to consolidate and streamline Wisconsin's food safety programs. It will result in the removal of confusing inconsistency in regulatory requirements and ensure consistent application of retail food establishment regulations, regardless of whether the business serves meals and is a restaurant.

The emergency rule is not cost-neutral – *license fees for some retail food establishment bases may increase if those establishments do not have a currently-licensed base* - but the rule will achieve industry-wide equity in the mobile category because it mandates a license for a portion of the mobile retail food establishment operation (the base) that is already required for mobile restaurant bases. *An increase in cost for a mobile retail food establishment base will be matched by service from the Department in food safety inspections at the locations where the mobile retail food establishments are cleaned, sanitized, provisioned, and stored.* **In many cases, the business serving as a mobile retail food establishment base may already be licensed and inspected as a food processing plant or other food business. In this case, no additional fee will be required.**

The rule does not have an effect on all retail food establishments.

- Those already licensed as mobile restaurants will not be affected since their bases have the requisite license under the rules of DHS.
- Mobile retail food establishments that operate at special events or temporary events will not need this license
- Mobile restaurants operating at temporary events such as farmers’ markets currently do not need it.

**Long - Range Fiscal Implications**

This emergency rule will expire on November 27, 2016, but the language is expected to be incorporated in a new ATCP 75. There will be a slight cost to those establishments now doing business as DATCP – licensed mobile retail units, but it will establish licensing equality among those establishments and similar establishments now licensed by DHS. The long range impact will likely be negligible as new licensing fee-structures based on the type and complexity of business for all food storage, processing, and sales are adopted over the next several years to accommodate the rapid diversification that is occurring in the food industry. The new fee structures will be imposed across the board but will take into account the size, scope and complexity of the operation and the cost will be calculated on the amount of risk posed by the operation and experience/training needed to effectively regulate it.

<b>Agency Prepared by (Name &amp; Phone No.):</b> DATCP / Arthur Ness (608-224-4715)	<b>Authorized Signature:</b>	<b>Date:</b> June 29, 2016
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**FISCAL ESTIMATE WORKSHEET**

**2014 SESSION**

Detailed Estimate of  ORIGINAL  UPDATED  
 Annual Fiscal Effect  CORRECTED   
 DOA-2047 (R10/94) SUPPLEMENTAL

<b>LRB or Bill No/Adm. Rule No.</b> Emergency ATCP 75	<b>Amendment No.</b>
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**SUBJECT**  
Emergency Rule

**I. One-time Cost or Impacts for State and/or Local Government (do not include in annualized fiscal effect):**

**II. Annualized Cost:**

<b>Annualized Fiscal Impact on State funds from:</b>
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<b>A. State Costs by Category</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
1. State Operations - Salaries and Fringes	\$-0	\$ - 0
2. (FTE Position Changes)	( FTE)	(- FTE)
3. State Operations - Other Costs		
4. Local Assistance		- 0
5. Aids to Individuals or Organizations	0	- 0
<b>TOTAL State Costs by Category</b>	<b>\$-0</b>	<b>\$ - 0</b>

<b>B. State Costs by Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
1. GPR	\$	\$ - 0
2. FED	0	- 0
3. PRO/PRS	0	- 0
4. SEG/SEG-S	\$-0	- 0

<b>III. State Revenues -</b>	<b>Increased Revenue</b>	<b>Decreased Revenue</b>
Complete this section only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees)		
• GPR Taxes	\$ 0	\$ - 0
• GPR Earned	0	- 0
• FED	0	- 0
• PRO/PRS \$60 x possibly 100 base licenses issued by State (approximately 200 base licenses issued by Agent Programs which generate no state revenues).	6,000	- 0
• SEG/SEG-S	0	- 0
<b>TOTAL State Revenues</b>	<b>\$ 6,000</b>	<b>\$ - 0</b>

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ <u>0</u>	\$ <u>0</u>
NET CHANGE IN REVENUES	\$ <u>6,000</u>	\$ <u>12,000</u>

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