

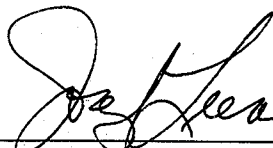
CERTIFICATE

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 increases in permit fees and related fees and a one-time technology improvement surcharge for the operation of Department-regulated public swimming pools, camps, campgrounds, hotels and motels, tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations and commissaries were duly approved and adopted by this Department on July 13, 1998.

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 13th day of July, 1998.



Joseph Leean, Secretary
Department of Health and Family Services

SEAL:



9-1-98

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

To renumber HFS 195.04 (1m) (d) and 196.04 (1m) (a) to (d); to amend HFS 172.04 (1m), 175.04 (1m), 178.05 (1m), 195.04 (1m) (a) to (c) and (d) 1. (intro.), as renumbered, 196.04 (1m) (b) to (e) (intro.), as renumbered, 197.04 (1m) and 198.04 (1m); and to create HFS 172.04 (1m) (d), 175.04 (1m) (d), 178.05 (1m) (d), 195.04 (1m) (d) 1. a. to c. and (e), 196.04 (1m) (a) 196.04 (1m) (e) 1. to 3. and (f), 197.04 (1m) (e) and 198.04 (1m) (f), relating to permit fees and related fees, including a one-time technology improvement surcharge, for the operation of public swimming pools, recreational and educational camps, campgrounds, hotels and motels, tourist rooming houses, restaurants, bed and breakfast establishments and food and beverage vending operations and commissaries.

Analysis Prepared by the Department of Health and Family Services

The Department and agent local health departments regulate all 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 in the state under the authority of ss. 254.47 and 254.61 to 254.88, Stats., to ensure that these facilities comply with the Department's health, sanitation and safety standards set out in administrative rules. The Department's rules for these facilities are found in chs. HFS 172, 175, 178, 195, 196, 197 and 198 of the Wisconsin Administrative Code. None of the facilities may operate without having a permit issued by the Department or an agent local health department. A permit is evidence that the facility complies with the Department's rules. Under the Department's rules, facilities are charged permit and related fees. Fee revenue supports the regulatory program.

This rulemaking order amends the Department's rules for operation of these facilities effective July 1, 1998 to increase permit fees for all facilities by 18%, to increase the penalty for late payment of a permit fee from \$50 to \$75, to increase the pre-inspection fee for a new facility (applies only to hotels and motels, tourist rooming houses, restaurants, bed and breakfast establishments and vending machine commissaries) and to impose a one-time technology improvement surcharge payable on July 1, 1998 by all facilities.

Current revenues from permit fees are not sufficient to fully support the Department's existing regulatory staff and to finance necessary upgrading of computer systems. The fee increases and the one-time technology improvement surcharge will enable the Department to maintain the regulatory program at its current levels for frequency of routine inspections, responding promptly to complaints from the public and undertaking necessary enforcement action, and to modernize its permit issuance and information system.

This order does not affect 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 renumber, amend and create 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. HFS 172.04 (1m) is amended to read:

HFS 172.04 (1m) DEPARTMENT FEES. (a) Annual permit fee. Beginning July 1, ~~1996~~ 1998, the operator of a public swimming pool shall pay an annual permit fee of ~~\$110~~ \$130 to the department.

(b) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the annual permit fee, for renewal of the permit.

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

SECTION 2. HFS 172.04 (1m) (d) is created to read:

HFS 172.04 (1m) (d) Technology improvement surcharge. For the permit period July 1, 1998 to June 30, 1999, the operator of a public swimming pool shall pay to the department a one-time technology improvement surcharge of \$20.

SECTION 3. HFS 175.04 (1m) is amended to read:

HFS 175.04 (1m) DEPARTMENT FEES. (a) Annual permit fee. Beginning July 1, ~~1996~~ 1998, the operator of a camp shall pay an annual permit fee of ~~\$65~~ \$77 to the department.

(b) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the annual permit fee, for renewal of the permit.

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

SECTION 4. HFS 175.04 (1m) (d) is created to read:

HFS 175.04 (1m) (d) Technology improvement surcharge. For the permit period July 1, 1998 to June 30, 1999, the operator of a camp shall pay to the department a one-time technology improvement surcharge of \$20.

SECTION 5. HFS 178.05 (1m) is amended to read:

HFS 178.05 (1m) DEPARTMENT FEES. (a) Annual permit fee. 1. The operator of a campground shall pay an annual permit fee to the department.

2. Beginning July 1, ~~1996~~ 1998, the annual permit fee shall be as follows:

- a. For a campground with 1-25 sites, ~~\$90~~ \$106;
- b. For a campground with 26-50 sites, ~~\$110~~ \$130;
- c. For a campground with 51-100 sites, ~~\$130~~ \$153; and
- d. For a campground with over 100 sites, ~~\$145~~ \$171.

(b) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the annual permit fee, for renewal of the permit.

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

SECTION 6. HFS 178.05 (1m) (d) is created to read

HFS 178.05 (1m) (d) Technology improvement surcharge. For the permit period July 1, 1998 to June 30, 1999, the operator of a campground shall pay to the department a one-time technology improvement surcharge based on the number of sites in the campground, as follows:

1. For a campground with 1 to 25 sites, \$15;
2. For a campground with 26 to 50 sites, \$20; and
3. For a campground with 51 or more sites, \$25.

SECTION 7. HFS 195.04 (1m) (a) to (c) are amended to read:

HFS 195.04 (1m) DEPARTMENT FEES. (a) Annual permit fee. 1. The operator of a hotel, motel or tourist rooming house shall pay an annual permit fee to the department.

2. Beginning July 1, ~~1996~~ 1998, the annual permit fee shall be as follows:
 - a. For a hotel or motel with 5 to 30 rooms, ~~\$105~~ \$124;
 - b. For a hotel or motel with 31 to 99 rooms, ~~\$140~~ \$165;
 - c. For a hotel or motel with 100 or more rooms, ~~\$180~~; \$212; and

d. For a tourist rooming house, ~~\$50~~ \$59.

(b) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the annual permit fee, for renewal of the permit.

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

SECTION 8. HFS 195.04 (1m) (d) is renumbered 195.04 (1m) (d) 1. (intro.) and amended to read:

HFS 195.04 (1m) (d) Preinspection fee. 1. 'Hotel or motel.' ~~Beginning July 1, 1996, the~~ The operator of a hotel or motel shall pay to the department a preinspection fee of \$55, and the operator of a tourist rooming house shall pay to the department a preinspection fee of \$25. The preinspection fee shall be as follows:

SECTION 9. HFS 195.04 (1m) (d) 1. a. to c. and 2. and (e) are created to read:

- a. For a hotel or motel with 5 to 30 rooms, \$125;
- b. For a hotel or motel with 31 to 99 rooms, \$200; and
- c. For a hotel or motel with 100 or more rooms, \$275.

2. 'Tourist rooming house.' The operator of a tourist rooming house shall pay to the department a preinspection fee of \$125.

(e) Technology improvement surcharge. 1. 'Hotel or motel.' For the permit period July 1, 1998 to June 30, 1999, the operator of a hotel or motel shall pay to the department a one-time technology improvement surcharge based on the number of rooms for rent by the hotel or motel, as follows:

- a. For a hotel or motel with 5 to 30 rooms, \$15;
- b. For a hotel or motel with 31 to 99 rooms, \$20; and
- c. For a hotel or motel with 100 or more rooms, \$25.

2. 'Tourist rooming house.' For the permit period July 1, 1998 to June 30, 1999, the operator of a tourist rooming house shall pay to the department a one-time technology improvement surcharge of \$15.

SECTION 10. HFS 196.04 (1m) (a) to (d) are renumbered 196.04 (1m) (b) to (e) (intro.).

SECTION 11. HFS 196.04 (1m) (a) is created to read:

HFS 196.04 (1m) DEPARTMENT FEES. (a) Definition. In this subsection, "seating capacity" means the number of seats available for use by patrons of the facility.

SECTION 12. HFS 196.04 (1m) (b) to (e) (intro.), as renumbered, are amended to read:

HFS 196.04 (1m) (b) Annual permit fee. ~~1-~~ The operator of a restaurant shall pay an annual permit fee to the department. ~~2-~~ Beginning July 1, ~~1996~~ 1998, the annual permit fee shall be as follows:

1. For a restaurant that serves meals prepared from raw, canned, dried, packaged or frozen foods, ~~\$125~~ \$148 and, in addition, ~~\$65~~ \$77 per area for any physically separate food holding, serving or preparation area;
2. For a restaurant that serves only individually wrapped, hermetically sealed single food servings supplied by a licensed processor, ~~\$55~~ \$65; and
3. For a temporary restaurant, ~~\$65~~ \$77, and for a mobile restaurant base with no food preparation, ~~\$55~~ \$65.

(c) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the annual permit fee, for renewal of the permit.

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

(e) Preinspection fee. ~~Beginning July 1, 1996, the~~ The operator of a restaurant shall pay to the department a preinspection fee of ~~\$55~~ before issuance of the initial permit. The preinspection fee shall be based on the seating capacity of the restaurant, as follows:

SECTION 13. HFS 196.04 (1m) (e) 1. to 3. and (f) are created to read:

HFS 196.04 (1m) (e) 1. For a restaurant with no seating capacity or a seating capacity of 1 to 50, the preinspection fee shall be \$125;

2. For a restaurant with a seating capacity of 51 to 150, the preinspection fee shall be \$200; and

3. For a restaurant with a seating capacity of 151 or more, the preinspection fee shall be \$275.

(f) Technology improvement surcharge. 1. 'Regular restaurant.' For the permit period July 1, 1998 to June 30, 1999, the operator of a regular restaurant shall pay to the department a one-time technology improvement surcharge based on the seating capacity of the restaurant, as follows:

a. For a restaurant with no seating capacity or a seating capacity of 1 to 50, \$15;

b. For a restaurant with a seating capacity of 51 to 150, \$20; and

c. For a restaurant with a seating capacity of 151 and up, \$25.

2. 'Temporary restaurant.' For the permit period July 1, 1998 to June 30, 1999, the operator of a temporary restaurant shall pay to the department a one-time technology improvement surcharge of \$15.

SECTION 14. HFS 197.04 (1m) is amended to read:

HFS 197.04 (1m) DEPARTMENT FEES. (a) Permit fee. Beginning July 1, ~~1996~~ 1998, the operator of a bed and breakfast establishment shall pay a biennial permit fee of ~~\$90~~ \$106 to the department.

(b) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, in addition to the biennial permit fee, for renewal of the permit.

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

(d) Preinspection fee. Beginning July 1, ~~1996~~ 1998, the operator of a bed and breakfast establishment shall pay to the department a preinspection fee of ~~\$30~~ \$125 before issuance of the initial permit.

SECTION 15. HFS 197.04 (1m) (e) is created to read:

HFS 197.04 (1m) (e) Technology improvement surcharge. For the period July 1, 1998 to June 30, 1999, the operator of a camp shall pay to the department a one-time technology improvement surcharge of \$15.

SECTION 16. HFS 198.04 (1m) is amended to read:

HFS 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 , ~~\$60~~ \$71 beginning July 1, ~~1996~~ 1998;
and
2. For each vending machine, ~~\$5~~ \$6.

(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, ~~\$125~~ \$148 beginning July 1, ~~1996~~ 1998; and
2. For a vending machine commissary where food, transport equipment and vending supplies are only stored, ~~\$50~~ \$59.

(c) Penalty fee. Beginning July 1, ~~1995~~ 1998, 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~~ \$75, 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. ~~Beginning July 1, 1995, the~~ The department shall charge the operator of a vending machine \$10 for a duplicate vending machine operator permit.

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

(e) Preinspection fee. Beginning July 1, ~~1996~~ 1998, the operator of a vending machine commissary shall pay to the department a preinspection fee of ~~\$55~~ \$125 before issuance of the initial permit.

SECTION 17. HFS 198.04 (1m) (f) is created to read:

HFS 198.04(1m) (f) Technology improvement surcharge. 1. 'Vending machine operator.' For the permit period July 1, 1998 to June 30, 1999, a vending machine operator shall pay to the department a one-time technology improvement surcharge of \$20.

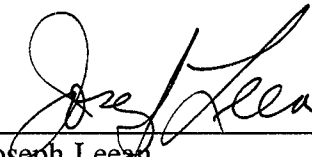
2. 'Vending machine commissary operator.' For the permit period July 1, 1998 to June 30, 1999, the operator of a vending machine commissary shall pay to the department a one-time technology improvement surcharge, as follows:

- a. For a vending machine commissary where food is prepared, \$25; and
- b. For a vending machine commissary where food, transportation equipment and vending supplies are only stored, \$15.

The rules included 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

Dated: July 13, 1998

By: 
Joseph Leean
Secretary

SEAL:





State of Wisconsin
Department of Health and Family Services

Tommy G. Thompson, Governor
Joe Leraan, Secretary



July 13, 1998

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. HFS 172, 175, 178 and 195 to 198, administrative rules relating to increases in permit fees and related fees and a one-time technology improvement surcharge for the operation of Department-regulated public swimming pools, camps, campgrounds, hotels and motels, 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,

A handwritten signature in black ink, appearing to read 'Joe Leraan', written over a horizontal line.

Joseph Leraan
Secretary

Enclosure

