



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-126

AN ORDER to amend Comm 95.05; and to create Comm 95.04 (3), relating to mobile home park permit fees.

Submitted by **DEPARTMENT OF COMMERCE**

11-01-01 RECEIVED BY LEGISLATIVE COUNCIL.

11-27-01 REPORT SENT TO AGENCY.

RNS:DLS:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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CLEARINGHOUSE RULE 01-126

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

The fiscal estimate for the rule states that the current permit fee for a mobile home park with 26 to 50 sites is \$250. The fiscal estimate also states that fees are being increased by 50%. However, the current fee specified in s. Comm 95.05 (2) for a mobile home park with 26 to 50 sites is actually \$270. If that is increased by 50%, should the new fee be \$405 rather than \$375?



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.:

Sections Comm 95.04 and 95.05

Relating to:

Mobile Home Park Permit Fees

The Department of Commerce proposes an order to amend s. Comm 95.05 and to create s. Comm 95.04 (3), relating to mobile home park permit fees.

Analysis of Proposed Rules

Statutory Authority: s. 101.935 (2) (c) 2., Stats., as amended by 2001 Wisconsin Act 16

Statutes Interpreted: s. 101.935 (2) (c) 2., Stats., as amended by 2001 Wisconsin Act 16

Effective September 1, 2001, 2001 Wisconsin Act 16 transferred the authority of administrating the manufactured home park water or sewer service program, Wisconsin Administrative Code chapter PSC 186, from the Public Service Commission (PSC) to the Department of Commerce. The act also gives the Department the authority, beginning in fiscal year 2002-03, to increase the current chapter Comm 95 administration fees to cover the cost of administering chapter PSC 186. The proposed rules consist of an increase in the fees assessed on manufactured home park owners/operators for the costs of administering the manufactured home park regulations in chapters Comm 95 and PSC 186. A rule is also added to clarify the amount that agents must reimburse the Department for the costs of administering the water and sewer service program.

SECTION 1. Comm 95.04 (3) is created to read:

Comm 95.04 (3) AGENTS ISSUING PERMITS. Agents issuing permits shall reimburse the department 37% of the fees collected for permits.

SECTION 2. Comm 95.05 is amended to read:

Comm 95.05 Permit fees. Permits issued under this ~~section~~ chapter expire on June 30. The two-year nonreturnable and nonprorated permit fees are as follows:

- (1) For a mobile home park with 1 to 25 sites, ~~\$200~~ \$300.
- (2) For a mobile home park with 26 to 50 sites, ~~\$270~~ \$375.
- (3) For a mobile home park with 51 to 100 sites, ~~\$300~~ \$450.
- (4) For a mobile home park with more than 100 sites, ~~\$350~~ \$525.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, Secretary

January 4, 2002

Senator Fred Risser
President of the Senate
Room 220 South, State Capitol
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 01-126

RULE NO.: Sections Comm 95.04 and 95.05

RELATING TO: Mobile Home Park Permit Fees

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Philip Edw. Albert
Secretary



P.O. Box 7970
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TDD#: (608) 264-8777
www.commerce.state.wi.us

Scott McCallum, Governor
Philip Edw. Albert, Secretary

January 4, 2002

Donald J. Schneider
Senate Chief Clerk
Room 501
119 Martin Luther King Blvd
Madison, Wisconsin 53703

John A. Scocos
Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 01-126

RULE NO.: Sections Comm 95.04 and 95.05

RELATING TO: Mobile Home Park Permit Fees

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Philip Edw. Albert', written over a horizontal line.

Philip Edw. Albert
Secretary

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number Sections Comm 95.04 & 95.05

Subject
 Mobile Home Park Permit Fees

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

- | | | |
|--|---|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | |

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations
 None

Assumptions Used in Arriving at Fiscal Estimate

2001 Wisconsin Act 16 transferred the authority of administering the manufactured home park water and sewer service program, Wisconsin Administrative Code chapter PSC 186, from the Public Service Commission (PSC) to the Department of Commerce. The act also gives the Department the authority, beginning in fiscal year 2002-03, to increase the current chapter Comm 95 administration fees to cover the cost of administering chapter PSC 186.

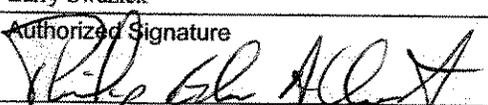
During fiscal year 2001-02, and in previous fiscal years, the water and sewer service program fees were assessed by the PSC on an annual basis. The amount assessed was the result of dividing the cost of the program by the total number of manufactured homes sited in Wisconsin and coming up with a per-home cost. The mobile home park owner/operators would then be assessed an amount determined by multiplying the amount of homes owned/operated by the per-home cost. For example, based on an estimated total number of homes in Wisconsin at 50,533 the resultant annual cost to administer the program, per home, would be \$1.22. If a park owner had 50 homes, the annual fee assessed would be 50 times \$1.22 or \$61.00.

The park licensing permit fee is currently based on a numerical "range" of sites and a 2-year cycle. The annual fees to administer the water and sewer program must be converted to reflect the same range and duration as park permit fees. The permit fee to obtain or renew a 2-year permit, as set forth in section Comm 95.05, is currently: for a mobile home park with 1 to 25 sites, \$200; 26 to 50 sites, \$270; 51 to 100 sites, \$300; and more than 100 sites, \$350. To cover the cost of administering the manufactured home park program, including water and sewer service, these permit revenues must be increased by \$50,100 annually.

Commerce currently has designated agents that issue permits and make inspections of the mobile home parks. Of the 1102 parks permitted in the state, 279 are permitted by agents. To maintain continuity, Commerce will administer the water and sewer service program in all parks whether permitted by the state or its agents. The agents will charge permit fees, including the fees to administer the water and sewer service program, and will then reimburse Commerce that portion of the fees collected to cover the cost of administering the water and sewer service program.

Long-Range Fiscal Implications

None known.

Prepared By: Larry Swaziek	Telephone No. 267-7701	Agency Commerce
Authorized Signature 	Telephone No.	Date (mm/dd/ccyy) 01/04/02

Fiscal Estimate Worksheet — 2001 Session
 Detailed Estimate of Annual Fiscal Effect

Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number
Sections Comm 95.04 & 95.05	

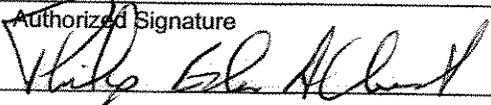
Subject
 Mobile Home Park Permit Fees

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None known.

Annualized Costs:		Annualized Fiscal Impact on State Funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations — Salaries and Fringes		\$	\$ -
(FTE Position Changes)		(FTE)	(- FTE)
State Operations — Other Costs			-
Local Assistance			-
Aids to Individuals or Organizations			-
Total State Costs by Category		\$ 0	\$ -
B. State Costs by Source of Funds			
GPR		\$	\$ -
FED			-
PRO/PRS		0	-
SEG/SEG-S			-
State Revenues	Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS		50,100	-
SEG/SEG-S			-
Total State Revenues		\$ 50,100	\$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	\$ 0	\$ 0
Net Change in Revenues	\$ 50,100	\$ 0

Prepared By: Larry Swaziek	Telephone No. 267-7701	Agency Commerce
Authorized Signature 	Telephone No.	Date (mm/dd/ccyy) 01/04/02

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 01-126

RULE NO.: Sections Comm 95.04 and 95.05

RELATING TO: Mobile Home Park Permit Fees

Agency contact person for substantive questions.

Name: Larry Swaziek

Title: Program Manager

Telephone No. 608/267-7701

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

RESPONSE TO

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

RULE REPORT

Department of Commerce

Rule No.: Sections Comm 95.04 and 95.05

Relating to: Mobile Home Park Permit Fees

Agency contact person for substantive questions:

Name Larry Swaziek

Title Program Manager

Telephone Number 608/267-7701

Agency contact person for internal processing:

Name Ronald Acker

Title Code Consultant

Telephone Number 608/267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
Section 101.935 (2) (c) 2., Stats., as amended by 2001 Wisconsin Act 16

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).
None known.

3. Citation of court decisions which are applicable to the proposed rule(s).
None known.

4. Description of the proposed rule(s).

Effective September 1, 2001, 2001 Wisconsin Act 16 transferred the authority of administering the manufactured home park water or sewer service program, Wisconsin Administrative Code chapter PSC 186, from the Public Service Commission (PSC) to the Department of Commerce. The act also gives the Department the authority, beginning in fiscal year 2002-03, to increase the current chapter Comm 95 administration fees to cover the cost of administering chapter PSC 186. The proposed rules consist of an increase in the fees assessed on manufactured home park owners/operators for the costs of administering the manufactured home park regulations in chapters Comm 95 and PSC 186. A rule is also added to clarify the amount that agents must reimburse the Department for the costs of administering the water and sewer service program.

5. Reason for the proposed rule(s).

The proposed rules have been developed because the Department does not receive enough revenue in the manufactured home program to absorb the costs of administering the newly transferred manufactured home park water and sewer service program.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 01-126

RULE NO.: Sections Comm 95.04 and 95.05

RELATING TO: Mobile Home Park Permit Fees

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The Statutes require the Department to charge fees to cover the costs of providing the Department's services. The proposed revisions in the Department's fees for administering the manufactured home park water and sewer service program are necessary to meet the directives of the Statutes, and any less stringent requirements would be contrary to the Statutory objectives which are the basis for the rules.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

There were no issues raised by small businesses during the hearings.

3. Nature and estimated cost of preparation of any reports by small businesses.

None.

4. Nature and estimated cost of other measures and investments required of small businesses.

None.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None.

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Clearinghouse Rule No.: 01-126		Hearing Location: Madison																					
Rule Number: Sections Comm 95.04 and 95.05		Hearing Date: November 27, 2001																					
Relating to: Mobile Home Park Permit Fees																							
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response																				
Oral 1	James P. Clark Dane County Environmental Health Madison, WI	<p>1. The rule includes a fee for something other than the license of the park; it is confusing to the operator and is a substantial increase in their license fee.</p> <p>2. The fee is an increase to the consumer and is a penalty for operators in an agent area. Rather than discourage counties, the Department should encourage counties to be agents. Some agents may consider giving the program back to the Department.</p>	<p>1. Disagree. Section 101.935 (2) (c) 2., Stats., as modified by 2001 Wisconsin Act 16, grants authority to Commerce to establish permit fees to cover the cost of administering the manufactured home park program, and the manufactured home water and sewer service program under s. 101.937, Stats. This proposed new fee is the consolidation of the permit/license fee and water and sewer service fee.</p> <p>2. Disagree. As mentioned above, this proposed fee is the consolidation of fees currently being paid by the consumer – manufactured home park permit fee and manufactured home park water or sewer service program fee. The proposed fee is the fee that is charged to all park owners/operators licensed in the state by Commerce.</p>																				
	Ross Kinzler Wisconsin Manufactured Housing Association Madison, WI	<p>The following 2 alternatives attempt to address revenue neutrality based on needed PR of \$403,000 for the biennium and a desire to reduce the impact on the smaller community owners. The proposed rules tend to reduce total costs for community owners with 75 or more sites, but increase costs for small operators. Alternative A maintains 4 fee categories, but reduces fees only for communities with 62 or more sites. Alternative B creates 5 categories and almost every community owner would see a reduction in their fees. All community owners should benefit from the combination of 2 state programs into one.</p> <p>Alternative A:</p> <table border="1"> <tr> <td>1 to 20 sites</td> <td>\$275</td> <td>419</td> <td>\$115,225</td> </tr> <tr> <td>21 to 50 sites</td> <td>\$325</td> <td>403</td> <td>\$130,975</td> </tr> <tr> <td>51 to 100 sites</td> <td>\$475</td> <td>186</td> <td>\$ 88,350</td> </tr> <tr> <td>100 + sites</td> <td>\$525</td> <td>132</td> <td>\$ 69,300</td> </tr> <tr> <td></td> <td></td> <td></td> <td><u>\$403,850</u></td> </tr> </table>	1 to 20 sites	\$275	419	\$115,225	21 to 50 sites	\$325	403	\$130,975	51 to 100 sites	\$475	186	\$ 88,350	100 + sites	\$525	132	\$ 69,300				<u>\$403,850</u>	<p>Agree in part. The park ranges have been modified and an additional category has been added – increasing the number from 4 to 5. The revised fees and categories reflect the general distribution intent, but do not contain the exact fee amounts proposed by the submitter.</p>
1 to 20 sites	\$275	419	\$115,225																				
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51 to 100 sites	\$475	186	\$ 88,350																				
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**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule No.: 01-126		Hearing Location: Madison																									
Rule Number: Sections Comm 95.04 and 95.05		Hearing Date: November 27, 2001																									
Relating to: Mobile Home Park Permit Fees																											
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response																								
		<p>Alternative B:</p> <table border="0"> <tr> <td>1 to 20 sites</td> <td>\$225</td> <td>419</td> <td>\$ 94,275</td> </tr> <tr> <td>21 to 50 sites</td> <td>\$350</td> <td>403</td> <td>\$141,050</td> </tr> <tr> <td>51 to 100 sites</td> <td>\$475</td> <td>186</td> <td>\$ 88,350</td> </tr> <tr> <td>100 to 175 sites</td> <td>\$575</td> <td>88</td> <td>\$ 50,600</td> </tr> <tr> <td>176 + sites</td> <td>\$700</td> <td>44</td> <td>\$ 30,800</td> </tr> <tr> <td></td> <td></td> <td></td> <td><u>\$405,075</u></td> </tr> </table>	1 to 20 sites	\$225	419	\$ 94,275	21 to 50 sites	\$350	403	\$141,050	51 to 100 sites	\$475	186	\$ 88,350	100 to 175 sites	\$575	88	\$ 50,600	176 + sites	\$700	44	\$ 30,800				<u>\$405,075</u>	
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DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Clearinghouse Rule No.: 01-126		Hearing Location: Mailed-in Comments	
Rule Number: Sections Comm 95.04 and 95.05		Hearing Date: N/A	
Relating to: Mobile Home Park Permit Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response

2	Darryll Farmer Eau Claire City-County Health Department Eau Claire, WI	<p>1. Opposed to the proposed rules. Agents designated under statute 101.935(3) are based on the criteria for local agents in statute 254.69(2). Statute 254.69(2)(e) states that the maximum reimbursement cannot exceed 20% of any permit fee. The proposed 37% reimbursement conflicts with this statute.</p>	<p>1. Disagree. The 37% is made up of 2 parts - a 5% reimbursement fee to administer and enforce compliance with Comm 95, and the balance, 32%, is a pass-through fee that is collected to cover Commerce's cost for administering the water and sewer service program.</p> <p>The fee limit set in s. 254.69 (2) (e), Stats., is to cover Commerce's costs relative to setting standards, monitoring and evaluating the activities of, and providing education and training to, the agent when that agent is used in making inspections and investigations on behalf of the department.</p>
		<p>2. There are no provisions in the proposed rules that provide compensation to the local agent for the additional record keeping to collect and reimburse the water and sewer fee to the state.</p>	<p>The proposed 5% reimbursement fee charged to the agent to administer the Comm 95 program is well below the 20% allowed. The balance, 32%, is the portion collected to cover the costs of having Commerce administer the water and sewer service portion of the manufactured home park program. The agent does not administer this program. The 32% pass-through fee is not a reimbursement fee as defined in s. 254.69 (2) (e), Stats.</p>
		<p>3. Placing the water and sewer service fee as part of the permit fee creates problems for local agents to set fees that reflect program cost. It will be difficult to keep manufactured home operators informed on a continual basis that a significant amount of their permit fee is reimbursed to the state.</p>	<p>2. Disagree. The agent may keep 63% of the license fee collected.</p> <p>3. Concern noted. The department will work closely with local agents and will assist in communications to consumers to implement a smooth transition.</p>

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule No.: 01-126		Hearing Location: Mailed-in Comments	
Rule Number: Sections Comm 95.04 and 95.05		Hearing Date: N/A	
Relating to: Mobile Home Park Permit Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
3	Tommye Schneider Environmental Health Sub- Committee of the WI Assn of Local Health Departments and Boards Madison, WI	4. Comm 95.04(3) should be changed to reflect the current 10% of the state permit fee that is reimbursed by agents. The reimbursement rate should be based on state permit fees that do not include the water and service fees. The state should be responsible for collecting their water and sewer service fees and not local agents. Submitted same comments as Exhibit No. 2.	4. Disagree. The reimbursement fee is currently 5%. See explanation in 1. above. Also see responses to James P. Clark (page 1).
4	Thomas Wittkopf Marathon County Health Department Wausau, WI	Submitted same comments as Exhibit No. 2.	See responses to Exhibit No. 2.



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Sections Comm 95.04 and 95.05

Relating to: Mobile Home Park Permit Fees

Clearinghouse Rule No.: 01-126

The Department of Commerce proposes an order to amend s. Comm 95.05 and to create s. Comm 95.04 (3), relating to mobile home park permit fees.

Analysis of Proposed Rules

Statutory Authority: s. 101.935 (2) (c) 2., Stats., as amended by 2001 Wisconsin Act 16

Statutes Interpreted: s. 101.935 (2) (c) 2., Stats., as amended by 2001 Wisconsin Act 16

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SECTION 1. Comm 95.04 (3) is created to read:

Comm 95.04 (3) AGENTS ISSUING PERMITS. Agents issuing permits shall reimburse the department 37% of the permit fees specified in s. Comm 95.05.

SECTION 2. Comm 95.05 is amended to read:

Comm 95.05 Permit fees. Permits issued under this ~~section~~ chapter expire on June 30. The two-year nonreturnable and nonprorated permit fees are as follows:

- (1) For a mobile home park with 1 to ~~25~~ 20 sites, ~~\$200~~ \$250.
- (2) For a mobile home park with ~~26~~ 21 to 50 sites, ~~\$270~~ \$450.
- (3) For a mobile home park with 51 to 100 sites, ~~\$300~~ \$700.
- (4) For a mobile home park with ~~more than 100~~ 101 to 175 sites, ~~\$350~~ \$900.
- (5) For a mobile home park with more than 175 sites, \$1000.

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.
