

Clearinghouse Rule 07-106

PROPOSED RULE ORDER OF THE DEPARTMENT OF ADMINISTRATION

The Wisconsin Department of Administration proposes an order to create Chapter Adm 49 of the Wisconsin Administrative Code, relating to Plat Review Fees.

Analysis Prepared by the Department of Administration:

Statutory Authority: ss. 16.004 (1) and 236.12(7), Stats.

Statutes Interpreted: ss. 70.27 and 236.12, Stats.

Explanation of agency authority: The department shall review preliminary, final or assessor's plats under s. 70.27 or ch. 236, Stats., upon payment of the fees specified in this chapter.

Related statute or rule: Administrative rule Tax 53.

Summary of proposed rule: **The Department intends to create a rule as required by s. 236.12(7), Stats., to establish uniform procedures and fees for the plat review program administered by the Department of Administration.** The proposed rule is similar to the existing Chapter Tax 53 which was created when the Plat Review Program was administered by the Department of Revenue. The Plat Review Program was transferred from the Department of Revenue to the Department of Administration in 1997.

Summary of, and comparison with, existing or proposed federal regulations: This proposed rule is specific to the State of Wisconsin laws and is completely separate from, and unaffected by, federal regulations.

Comparison with rules in adjacent states:

Michigan: The state level review of subdivision plats is performed by the Department of Labor and Economic Growth on a fee for service basis before the subdivision is recorded with the Register of Deeds.

Minnesota: Minnesota requires subdivisions to be reviewed by the Minnesota Department of Health and by the County Surveyor's Office on a fee for service basis before the subdivision is recorded.

Illinois: It appears that each unit of government enacts subdivision regulations reviewed on a fee for service basis.

Iowa: It appears that each unit of government enacts subdivision regulations reviewed on a fee for service basis.

Summary of factual data and analytical methodologies: The Plat Review Program has been 100% program revenue supported since 1980. All reviews are conducted on a fee for service basis as provided by s. 236.12 (7), Wis. Stats.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: The proposed rule prescribes uniform procedures and fees making the cost of review consistent and predictable.

Effect on small business: Developers and surveyors who divide land will be affected by this rule because they pay for the services the program provides.

Agency contact person:

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Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person that is listed above and via the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> by December 13, 2007.

Initial Regulatory Flexibility Analysis: The Plat Review Program has been 100% program revenue supported since 1980. All reviews are conducted on a fee for service basis as provided by s. 236.12 (7), Wis. Stats. The proposed rule is similar to the existing Chapter Tax 53 which was created when the Plat Review Program was administered by the Department of Revenue. The Plat Review Program was transferred from the Department of Revenue to the Department of Administration in 1997.

Fiscal Effect:

State Fiscal Effect

This rule will increase plat review revenues by approximately \$240,000 per year, beginning in May 2008. The increase is needed to sufficiently cover program costs.

The Plat Review program is funded from fees charged to subdividers or agents seeking an advisory opinion relative to conditions affecting a proposed plat for the review of preliminary, final or assessors' plats under s. 70.27 or chapter 236 Statutes. The fees have not been adjusted since 1997.

The program's permanent staffing level remains at the 1997 level of 5.50 FTE. When workload required more staff, limited term employees have been hired. Fee increases are needed to maintain the current level of staffing required to ensure services are provided in a timely manner.

Local Fiscal Effect

There is no fiscal effect on local units of government.

TEXT OF RULE:

Section 1: Chapter Adm 49 is created to read:

Adm 49.01 Applicability. The department shall review preliminary, final or assessor's plats under s. 70.27 or ch. 236, Stats., upon payment of the fees specified in this chapter.

Adm 49.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of administration.
- (2) "Parcel" means a lot, outlot or public dedication. 'Public dedication' includes parks, greenways and other similar dedications but does not include streets or easements.
- (3) "Plat" means the total assemblage of sheets comprising a preliminary or final subdivision or assessor's plat.
- (4) "Sheet" includes each page of a preliminary or final plat.

Adm 49.03 Review fee. (1) The following fee schedule applies to the submission of plats to the department, either as copies under s. 236.12(2), Stats., or as original drawings under s. 236.12(6), Stats.

- (a) Initial filing fee for preliminary, final or assessor's plats\$125.00.
- (b) Preliminary plat (each submission\$100.00 per plat
- (c) Final plat or assessor's plat (each submission)\$40.00 per parcel, or \$160.00 per plat, whichever is greater.

(2) The following additional fees, to cover reproduction and postage costs, apply to the submission to the department of an original drawing of a preliminary or final plat under s. 236.12(6), Stats.

- (a) Preliminary plat (each submission) \$40.00 per sheet.
- (b) Final plat or assessor's plat (each submission)\$40.00 per sheet.

(3) The following additional fees, to cover copy and postage costs, apply to the submission to the department of copies of a preliminary or final plat under s. 236.12(2), Stats.

- (a) Final (each submission)\$40.00 per sheet.
- (b) Preliminary (each submission)\$40.00 per sheet.

(4) The fee for review of a certified survey map, if a waiver is requested under s. 236.20(2)(L), Stats., is \$100.00.

(5) If a subdivider or agent seeks an advisory opinion relative to conditions affecting a proposed plat which requires staff research and written response in the form of a pre-submission consultation, the fee is \$50.00, \$25.00 of which the department shall credit toward the review fee when the plat is submitted.

Adm 49.06 Procedure for fee submission (1) The subdivider or the subdivider's agent shall provide required fees in the form of a check or money order and may use a credit card or electronic payment with each plat submittal.

(2) The department may not accept any plat submitted to it until it receives all fees required for processing of that plat from the subdivider or agent. None of the time periods specified by ch. 236, or s. 70.27(8), Stats., for plat review shall commence until the department receives the required fees.

(3) The department may, when warranted by unusual circumstances, waive part or all of the fees required under Adm 49.03. The subdivider or the subdivider's agent shall obtain any such waiver in writing from the department prior to plat submittal.

END OF RULE TEXT

Effective Date: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

Dated: _____

Michael L. Morgan
Secretary of Administration