

WISCONSIN STATE REPRESENTATIVE

MIKE POWERS

80TH ASSEMBLY DISTRICT

TO: Members, Assembly Committee on Land Use
FROM: Representative Mike Powers
RE: Clearinghouse Rule 97-053
DATE: July 10, 1997

On July 1, 1997, the following clearinghouse rule was referred to the Assembly Committee on Land Use:

Clearinghouse Rule 97-053, relating to repealing ATCP 53 and creating Rule Tax 53 to replace ATCP 53.

Rule Tax 53 will change the agency acronym to reflect the program transfer from the Department of Agriculture, Trade and Consumer Protection to the Department of Revenue and to increase plat review fees to cover all the current costs of activities and services provided by the Department under s. 236.12 Wis. Stats., and s. 70.27, Wis. Stats.

A copy of the clearinghouse rule may be obtained from my office. If you are interested in requesting a public hearing, please contact my office before July 31, 1997.

DEPARTMENT OF REVENUE
CLEARINGHOUSE RULE NUMBER 97-053
SECTION 227.19(2) AND (3), STATS., REPORT

Need For Proposed Rule

There is a need to change the acronym and renumber the rule to reflect the program transfer to the Department of Commerce and to increase plat review fees to cover all of the costs of activities and services provided by the department under s. 236.12, Wis. Stats., and s. 70.27, Wis. Stats.

Public Hearing

In this particular situation a public hearing and notice is not required because the proposed rule contained a statement that the proposed rule will be promulgated without public hearing unless a petition is received by the agency within 30 days after publication of the notice signed by any of the following:

1. Twenty-five natural persons who will be affected by the proposed rule.
2. A municipality that will be affected by the proposed rule.
3. An association which is representative of a farm, labor, business or professional group that will be affected by the proposed rule.

(Note: For the record, one association submitted correspondence and questioned our need for this rule change (rate increase) but after an explanation, their objection was rescinded. As a result, no objections were noted and no hearing is required.)

Legislative Council Staff Recommendations

Any comments made by the Legislative Council have been incorporated into this report. A copy of the Legislative Council Rules Clearinghouse Report is enclosed with this submission.

Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required because the proposed rule does not have a significant economic impact on a substantial number of small businesses.

PROPOSED ORDER OF THE DEPARTMENT OF REVENUE
AMENDING RULES

The Wisconsin Department of Revenue proposes to repeal ATCP 53 and to create Rule Tax 53 to replace ATCP 53. Rule Tax 53 will change the agency acronym to reflect the program transfer from the Department of Ag, Trade & Consumer Protection to the Department of Revenue and to increase plat review fees to cover all of the current costs of activities and services provided by the Department under s. 236.12, Wis. Stats., and s. 70.27, Wis Stats.

(The Department of Revenue, in accordance with the 1996 Memorandum of Understanding between the Department of Revenue and the Department of Commerce, is in the process of promulgating a rule relating to Ch. ATCP53.)

Analysis by the Department of Revenue

Statutory authority: s. 227.11(2)(a), Stats.

Statutes interpreted: s. 236.12(7), Stats.

SECTION 1. ATCP 53 is repealed. The unit which developed this rule was transferred from DATCP to the Department of Commerce in the 1995-97 budget. Through a Memorandum of Understanding, the work unit in question was transferred to the Department of Revenue who retains authority to administer rules and the rules process. Having been given this authority, the Department of Revenue hereby repeals ATCP 53.

SECTION 2. The Department of Revenue creates Ch. Tax 53 to replace the repealed ATCP 53. Under the proposed rule, certain fees charged for plat review would be increased, beginning on the first day of the month following publication, which include:

The fee schedule which applies to the submission of final plat or assessor's plat to the department under s. 236.12(2), s. 236.12(6), or s. 70.27(8), Wis. Stats., has increased from \$15.00 to \$20.00 per parcel, or from \$60.00 to \$80.00 per plat whichever is greater.

Under s. 236.12(6), Stats., the fee increase to cover reproduction and postage costs apply to the submission to the department of an original drawing for preliminary plat from \$15.00 to \$30.00 per sheet and for final plat or assessor's plat from \$20.00 to \$30.00 per sheet.

Under s. 236.12(2), Stats., the fee increase to cover copy and postage costs, apply to the submission to the department of copies of a final plat from \$20.00 to \$30.00 per sheet and for preliminary from \$10.00 to \$30.00 per sheet.

SECTION 1. ATCP 53 is repealed.

SECTION 2. Tax 53 is created to read:

53.01 Applicability.

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

53.02 Definitions.

In this chapter:

- (1) "Department" means the Wisconsin department of revenue.
- (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 drawing.

53.03 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..... \$100.00.
- (b) Preliminary plat (each submission) \$ 35.00 per plat.
- (c) Final plat or assessor's plat (each submission).....
..... \$20.00 per parcel, or \$80.00 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) \$30.00 per sheet.
- (b) Final plat or assessor's plat (each submission) \$30.00 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) \$30.00 per sheet.
- (b) Preliminary (each submission) \$30.00 per sheet.

(4) The fee for review of a certified survey map, if a waiver is requested under s. 236.20 (2) (1), Stats., is \$50.00.

(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 presubmission consultation, the fee is \$50.00, \$25.00 of which the department shall credit toward the review fee when the plat is submitted.

53.06 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 in advance or 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 commence until the department receives all required fees.

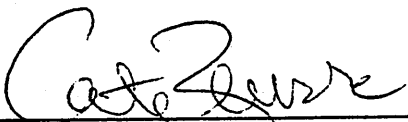
(3) The department may, when warranted by unusual circumstances, waive part or all of the fees required under s. Tax 53.03. The subdivider or the subdivider's agent shall obtain any such waiver in writing from the department prior to plat submittal.

Analysis by the Department of Revenue

The rule order does not have a significant economic impact on a substantial number of small businesses.

The amendments contained in this order shall take effect on the first day of the month following its publication.

Dated: April 17, 1997

By: 

Cate Zeuske, Secretary
WISCONSIN DEPARTMENT OF REVENUE

atp53