

☞ 07hr_CRule_07-106_AC-Ho_pt01



Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Housing (AC-Ho)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (Aug/2010)

Assembly

Record of Committee Proceedings

Committee on Housing

Clearinghouse Rule 07-106

Relating to plat review fees.

Submitted by Department of Administration.

February 25, 2008 Referred to Committee on Housing.

March 11, 2008 Meeting with Agency Requested

April 22, 2008 Germane Amendment Received

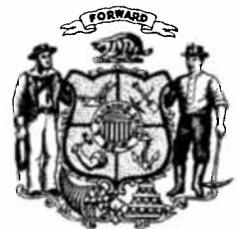
May 6, 2008 No Action Taken



Scott Becher
Committee Clerk



WISCONSIN STATE LEGISLATURE

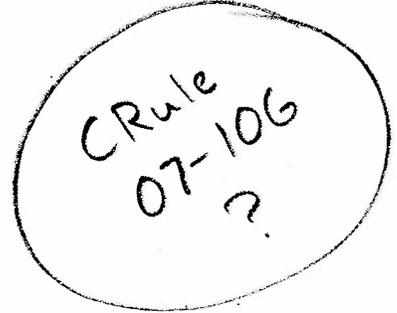




Wisconsin Builders Association

Tuesday, December 11, 2007

Ms. Donna Sorenson
Department of Administration
P.O. Box 7864
Madison, WI 53707-7864



RE: Plat Review Fee Proposal (Adm 49)

Dear Ms. Sorenson:

I am submitting these comments in regard to the above referenced administrative rule proposal on behalf of the Wisconsin Builders Association (WBA) and the WBA Development Council. WBA, which consists of 24 local associations, is an organization of more than 9000 members committed to preserving and promoting the American dream of home ownership by working for quality, safe and affordable housing in Wisconsin. The WBA Development Council focuses on issues and matters of interest to the development community. Our membership will be directly impacted by this fee proposal.

Initially, we would like to thank the Plat Review Program for the service that it provides to industry. We recognize the important role that you play in the development process, and appreciate the high level of service that is provided.

That being said, we do object to the fee that is being proposed. Under this proposal, fees are being significantly increased (final plat review fees are being doubled). Given the downturn with which the industry is faced this fee seems particularly burdensome. Given current market circumstances, the industry has had to go through some significant belt tightening measures, and would expect government to do so as well.

In that regard, there are a few other points are worth noting regarding this matter. While the Department's revenues have decreased recently due to decreased reviews, so has its workload. Based on the Department's data, for the period January 2006 through October 2006, there were 416 plats approved and 13,470 lots. In contrast, from January of 2007 through October of 2007, there were 304 plats approved and 7976 lots. Thus, plat reviews are down 27%, while lots were down 41%. While we recognize that the Department has reduced its expenditures somewhat (according to a chart provided by the Department, the FY 2006 expenditures \$532,542 were reduced to \$511,991 in FY 2007), we question whether it has reduced to a level to reflect current workload.



4868 High Crossing Boulevard • Madison, Wisconsin 53704-7403
(608) 242-5151 • (800) 362-9066 • Fax (608) 242-5150
www.wisbuild.org

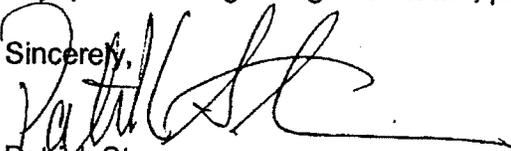
We also note that this fee increase is anticipated to generate \$240,000 per year. We question whether the amount of this fee increase is excessive, particularly when viewed in the context of when the market rebounds.

Moreover, we would note that a portion of these revenues (approximately \$20,700) were previously lapsed to the General Fund. While the amount lapsed was relatively small, we believe that fees should be used for the purposes for which they were collected. Obviously, using fees for other purposes increases the need for a fee increase, and decreases the support for any future increase.

In regard to payment methods, we note that this proposed rule change also would allow fees to be provided by credit card or electronic payment with each plat submittal. We support this change.

Thank you for the opportunity to comment on this important matter. If you have any questions regarding this matter, please contact me at your convenience.

Sincerely,

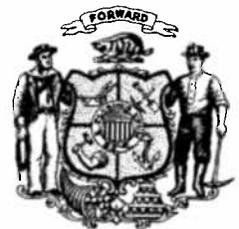
A handwritten signature in black ink, appearing to read 'Patrick Stevens', written over the word 'Sincerely,'.

Patrick Stevens

Director of Development Council



WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Pat Stevens [PStevens@wisbuild.org]
Sent: Monday, February 11, 2008 2:43 PM
To: Becher, Scott
Subject: CR 07-106 Plat Review Fees
Attachments: platreviewfeecomments.pdf

Hi Scott:

I wanted to send you a note regarding the above mentioned rule, which is a DOA rule that increases plat review fees. I am guessing that this rule may end up in Assembly Housing Committee, given its subject matter. WBA opposed the rule during the comment period (see attached comments), and we wanted to make sure Rep. Wieckert was aware of our concerns.

We would appreciate an opportunity to discuss with Rep. Wieckert / you if this rule comes to your committee.

If you have any questions or would like to discuss, please contact me.

Thanks!

Patrick Stevens
Director of Development Council
Wisconsin Builders Association ®
(888) 285-9066, Ext: 22
(608) 886-3325
pstevens@wisbuild.org

Visit our web site: www.wisbuild.org.

If you have received this email in error, or if you no longer wish to receive commercial email communications from the Wisconsin Builders Association™ please [click here](#) and include in the body of the email message your name, company name and the email address to which this message was sent. ****Please be aware that this will remove you from ALL commercial email communications from the Wisconsin Builders Association ®.**** Thank you.



Wisconsin Builders Association

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Department of Administration
P.O. Box 7864
Madison, WI 53707-7864

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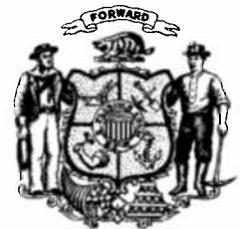
Sincerely,



Patrick Stevens
Director of Development Council



WISCONSIN STATE LEGISLATURE





STEVE WIECKERT

STATE REPRESENTATIVE • 57TH ASSEMBLY DISTRICT

February 25, 2008

To: Members of the Assembly Housing Committee on Housing

From: Rep. Steve Wieckert

The following clearinghouse rules have been referred to the Assembly Committee on Housing:

Clearinghouse Rule 07-106

Submitted by the Department of Administration

Relating to plat review fees.

Received by Committee: Feb. 25, 2008

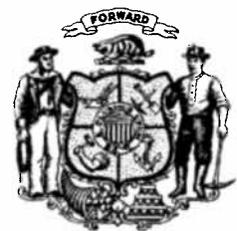
Jurisdiction ends: March 26, 2008

If you would like a copy of this rule, submit comments or request a hearing, please contact Scott Becher in my office. The deadline for committee action is listed above. Thank you.

IDEALS, PRINCIPLES, PATRIOTISM



WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Matthias, Mary
Sent: Monday, March 03, 2008 12:55 PM
To: Becher, Scott
Subject: CHR 07-106

Scott-

The rule increases fees for reviewing plats under the Plat Review Program administered by DOA. The fees have not been raised since 1997.

There are no statutory authority issues with the rule.

Below are the fees under the current rule along with the new fee as proposed by CHR 07-106 in red type..

Tax 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 (\$125)
- (b) Preliminary plat (each submission).....\$35.00 per plat (\$100 per plat)
- (c) Final plat or assessor's plat (each submission).....\$20.00 (\$40) per parcel, or \$80.00 (\$160) 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 (\$40) per sheet
- (b) Final plat or assessor's plat (each submission).....\$30.00 (\$40) 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 (\$40) per sheet

(b) Preliminary (each submission).....\$30.00(\$40) per sheet

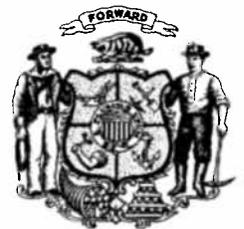
(4) The fee for review of a certified survey map, if a waiver is requested under s. 236.20 (2) (L), Stats., is \$50.00 (\$100).

(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 (not changed), \$25.00 (not changed) of which the department shall credit toward the review fee when the plat is submitted.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830



WISCONSIN STATE LEGISLATURE



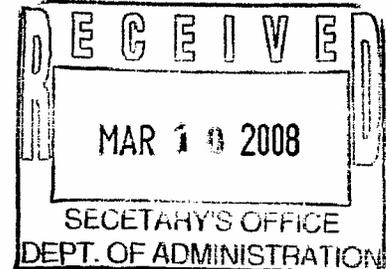


STEVE WIECKERT

STATE REPRESENTATIVE • 57TH ASSEMBLY DISTRICT

March 7, 2008

Robert Soley
Secretary
Department of Administration



Dear Secretary Soley,

I am Chairman of the Assembly Housing Committee.

Recently, Clearinghouse rule 07-106 was referred to my committee for review. It involves administrative chapter 49 relating to plat review fees.

I would like to object to the rule and ask that changes be considered. A more formal letter will be coming regarding this topic in the near future.

The Housing industry is clearly in a severe slump right now. It is the wrong time to increase government fess and costs on this sector of the economy. Also, with the amount of plat reviews being reduced it would seem that it would free up more time of review officials to allow them to conduct other business which should lower fees not increase them.

I would be happy to talk to your of members of your staff further regarding this rule.

Sincerely,

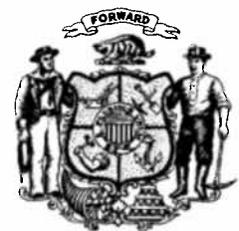
Steve Wieckert
State Representative
57th Assembly District

*CC sent
to [unclear]*

IDEALS, PRINCIPLES, PATRIOTISM



WISCONSIN STATE LEGISLATURE





STEVE WIECKERT

STATE REPRESENTATIVE • 57TH ASSEMBLY DISTRICT

March 11, 2008

Michael L. Morgan, Secretary
Department of Administration
PO Box 7864
Madison, WI 53707-7864

Dear Secretary. Morgan:

As the Chair of the Assembly Committee on Housing, I hereby request that representatives of the Department of Administration meet with the Committee to discuss Clearinghouse Rule 07-106, creating chapter Adm 49, relating to plat review fees. Under s. 227.19(4)(b), Stats., submission of this request automatically extends the committee's review period for the rule by 30 days. Thus, the Committee will retain jurisdiction over the rule until April 25, 2008.

I respectfully suggest that the Department consider submitting a rule modification to the Committee for its review. I am concerned that the steep increases in plat review fees proposed in the rule may be arbitrary or capricious, or pose an undue hardship upon the public.

Thank you in advance for your cooperation. If you have any questions on this matter, please do not hesitate to contact me.

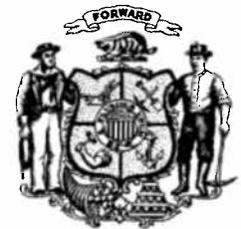
Sincerely,

Representative Steve Wieckert
Chair, Assembly Committee on Housing

IDEALS, PRINCIPLES, PATRIOTISM



WISCONSIN STATE LEGISLATURE





Van Horn & Van Horn llc

Benchmark Surveying
Land Surveying and GPS Consultants
832 Kellogg St
Green Bay WI, 54303-2854



920-437-1044

Lisa Van Horn RLS
Les Van Horn RLS

S-2356
S-1237

March 12, 2008

Representative Steve Wieckert

Mr. Wieckert,

I am writing to you in favor of Clearing House Rule number 07-106-0. While no one likes to have fees increased, this department and their services are vital to the protection and well being of the public concerning land development and land boundaries. When they are reviewing maps they protect a person's biggest investment of their lives, their homes. I realize that some other organizations may not agree with these increases, but as a County Surveyor, Private Surveyor and 2007 President of the Wisconsin Society of Land Surveyors, I have first hand knowledge of this need. This Department is a great asset to the public and is a fee run department. The fee increase is needed for them to continue to provide the service they provide to public we support this increase. Unfortunately the surveying profession is a smaller group but we are the ones who realize the importance of this review and the need for it to be timely.

Respectively,

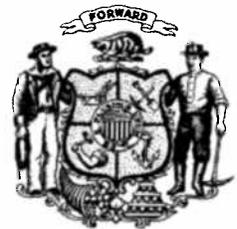
Lisa Van Horn

2007 President of WSLS

Thank you for using Van Horn & Van Horn LLC for your Professional GPS Surveying Services



WISCONSIN STATE LEGISLATURE



Classroom 07-106 - March 12, 2008

1997 was last time fee adjusted, 2001 were looking at raising the plant fees.

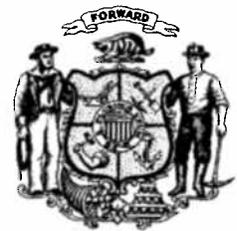
- Similar to down in structure.
- Cut 20% of the staff hours already.
- Close to 9,000 papers created.
- facing layoffs.

\$525,000 - total budget 5.5 FTE positions
(\$100,000 supplies)

- information ~~of the cycle~~ on-line 2 years ago.
 - budget based a 10 year average.
- FY '08 - \$406,000 expected to bring in - with the fee increase.



WISCONSIN STATE LEGISLATURE



Clatsop County Rule 07-106 meeting - March 16, 2008

- parcel fee - \$20 to \$40,

- FY 07 - 10,000 lots a year.

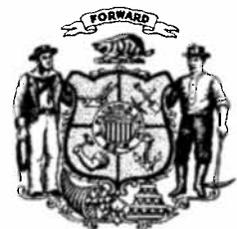
- phase in - fiscal year '09, fiscal year '10.

- fees that go down when there is a ~~net~~ surplus.

Wisconsin
Builder
proposal



WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Schmidt, Dan
Sent: Monday, March 17, 2008 4:28 PM
To: Becher, Scott
Cc: Jordahl, Harald - DOA
Subject: CHR 07-106

Scott:

Clearinghouse rule 07-106 was referred to Assembly Housing on 2/25/08. The committee then has 30 days (until 3/26) for review. By sending a request in writing on 3/7, you extended the Committees review period by an additional 30 days (until 4/25). Thus, you have until 4/25 for the Housing Committee to object or request modifications to the rule (or you may work with them directly as you are currently proceeding).

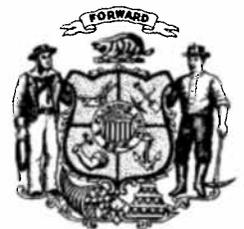
If, prior to 4/25, the *Committee* votes to request DOA consider modifications to the rule, and DOA agrees to consider modifications, the review clock will stop until DOA submits modifications. Following submission of modifications, the committee has 10 additional working days to review the modifications.

Dan

Daniel W. Schmidt
Senior Analyst
Wisconsin Legislative Council Staff
1 E. Main Street, Suite 401
P.O. Box 2536
Madison, WI 53701-2536
608-267-7251
dan.schmidt@legis.state.wi.us

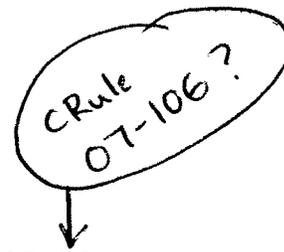


WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Sklansky, Ron
Sent: Tuesday, April 15, 2008 4:45 PM
To: Becher, Scott
Subject: Proposed rule options



CRule
07-106?

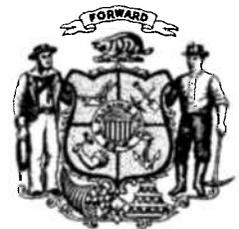
Scott:

Here are the options we discussed with respect to Clearinghouse Rule 07-16:

1. If the agency and Rep. Wieckert agree on amendments to the rule, the agency simply can submit the amendments to the committee on or before April 25. The amendments become part of the rule and the committee does not need to take any action.
2. The committee can be convened and adopt a conditional motion that requests the agency to agree in writing by April 25 that it will consider making modifications to the rule and that, if the agency will not agree to the request, the committee objects to the rule. If the agency agrees to consider making modifications, the committee review time periods stop running. When the agency returns its response, the committee has a ten working day period within which to conduct a further review of the rule.
3. The committee can be convened and adopt a motion that objects to all or part of the rule. The objection will be referred to the Joint Committee for Review of Administrative Rules.
4. The committee review period can expire and, if the agency can be convinced to amend the rule before submitting it the Legislative Reference Bureau for promulgation, amendments can be resubmitted to the legislature for review.



WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Sklansky, Ron
Sent: Tuesday, April 22, 2008 3:09 PM
To: Becher, Scott
Cc: Matthias, Mary
Subject: RE: Plat review clearinghouse modifications

C-Rule ?
07-106 ?
~~MISA~~

Scott:

I've asked Mary to call you tomorrow morning, since she has worked with you on the rule and should be aware of your office's concerns. All I can say about the rule from my review of the DOA submission is that the new rule is drafted in accordance with the contents of the letter from Secretary Morgan. So, there is no problem with the form of the rule; the substantive issue concerning the amounts of the fees is something that Rep. Wieckert will decide.

Ron

-----Original Message-----

From: Becher, Scott
Sent: Tuesday, April 22, 2008 2:28 PM
To: Matthias, Mary; Sklansky, Ron; Schmidt, Dan; Thomas D. Larson (tlarson@wra.org); 'pstevens@wisbuild.org'
Subject: Plat review clearinghouse modifications

Mary, Dan, Ron, Pat and Tom-

Please review the enclosed plat review clearinghouse modifications and the attached letter, which is before the Assembly Housing committee. Please tell me if there is any problems or questions with this modification ASAP.

Thanks for your assistance,

Scott Becher
Rep. Wieckert
(608) 266-3070

-----Original Message-----

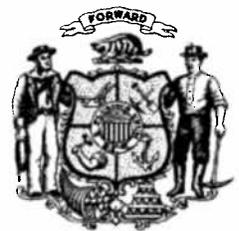
From: Network Scanning
Sent: Tuesday, April 22, 2008 1:00 PM
To: Becher, Scott
Subject:

This E-mail was sent from "RNPBB1A41" (MP 5500/LD255).

Scan Date: 04.22.2008 14:00:01 (-0400)
Queries to: networkscanning@legis.wisconsin.gov



WISCONSIN STATE LEGISLATURE





Wisconsin Builders Association

April 28, 2008

State Representative Steve Wieckert
State Capitol, Room 16 West
Madison, WI 53708

CRule
07-106 ?
Wise

RE: Plat Review Fee Rule

Dear Representative Wieckert:

Thank you for all your efforts in regard to the recent Plat Review Fee rule that was sent to the Committee you Chair, the Assembly Housing Committee, for legislative review. We greatly appreciate you help, and the efforts of Scott Becher on you staff, to minimize fee increases during these challenging times for the housing industry. Moreover, all of Wisconsin's citizens will benefit from your work to make housing affordable.

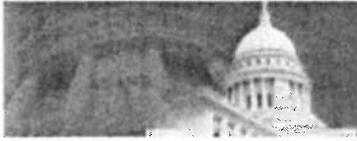
On a more general note, we were greatly saddened to see that you will be leaving the State Legislature. We have greatly appreciated working with you on a multitude of issues. You have always been a great advocate for the shelter industry and an extremely capable and excellent public servant for all of your constituents.

Thanks again for all your efforts on this specific rule, and for all your work to keep Wisconsin a great place to live. Good luck in all your future endeavors, and we look for to continuing to work with you in the future.

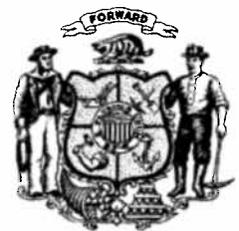
Sincerely,

Bill Wendle
Executive Vice President

cc. Jason Steen, WBA President
John DeWitt, Development Council Chair
Christine Schaefer, Valley HBA Executive Officer
Leon Church, Sweetwood Builders



WISCONSIN STATE LEGISLATURE



Becher, Scott

From: Matthias, Mary
Sent: Tuesday, May 06, 2008 2:08 PM
To: Becher, Scott
Subject: CHR 07-106



Scott-

Here's the info you asked for his morning:

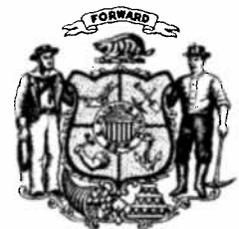
Section 227.19(4)(b)2., stats: If a committee, by a majority vote of a quorum of the committee, requests modifications in a proposed rule, and the agency, in writing, agrees to consider making modifications, the review period for both committees is extended either to **the 10th working day following receipt by the committees of the modified proposed rule** or a written statement to the committee that the agency will not make modifications or to the expiration of the review period under subd. 1., whichever is later. There is no limit either on the number of modification agreements that may be entered into or on the time within which modifications may be made.

According to Folio, the modification was received on April 22, 2008. Today is exactly 10 working days after that date, so today is the last day that the committee has jurisdiction over the rule.

Mary Matthias
Senior Staff Attorney
Wisconsin Legislative Council Staff
Ph.(608)266-0932;Fax (608)266-3830



WISCONSIN STATE LEGISLATURE

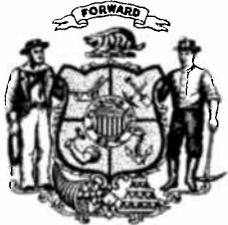


YEAR/MTH	LOTS	%	PLATS	%
2006	16,044		499	
2007	8706	54%	342	68%
JAN 07	953		29	
JAN 08	254	26%	14	48%
FEB 07	902		30	
FEB 08	395	43%	18	60%

CRule
07-106 ?



WISCONSIN STATE LEGISLATURE



April 9, 2008
Revised Plat Review Administrative Rule Proposal
Stepped Fee Increase with Delayed Implementation

CRule
07-106 ?

FY		#Parcels	Revenue	Expenses	Gain/Loss	Balance
2008						-204,000
2009	\$30/parcel	7,148	373,845	500,000	-126,155	-330,155
2010	\$40/parcel	7,148	445,320	500,000	-54,680	-384,835
2011	\$40/parcel	7,148	445,320	500,000	-54,680	-439,515

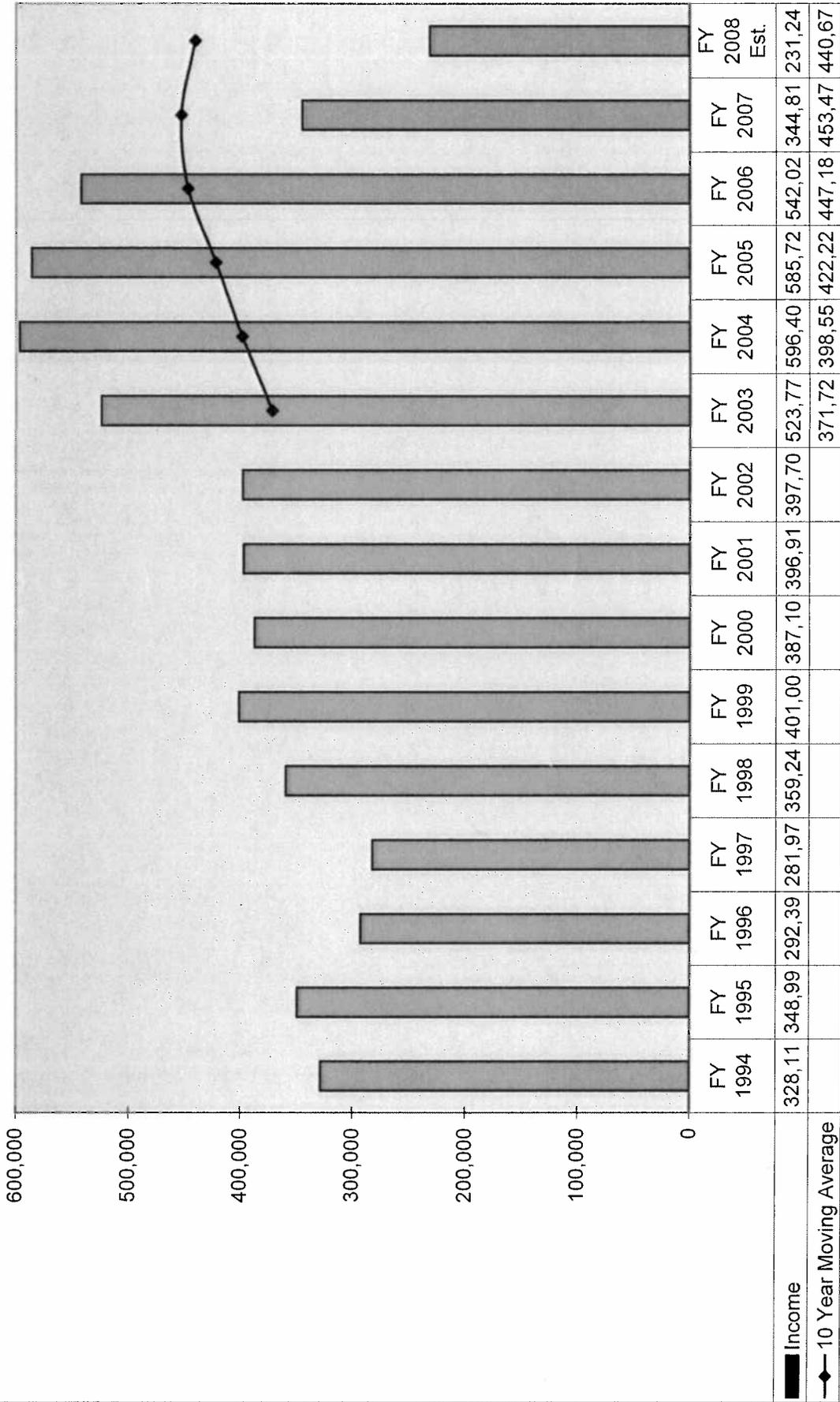
Reduced Expenses in FY07-08

- cut 3000 technical review hours
- cut supplies and services costs by reducing payroll
- eliminated IT and equipment updates

Effect of New Fee Structure

- reallocate or cut additional staff
- difficulty in maintaining current level of service
- difficulty meeting time limits when workload increases

Plat Review Income



DOA REVIEW COST **PER LOT** (25 LOT PLAT)

With Proposed Fee Increase

<u>County</u>	<u>DOA fee</u>	<u>Lot Price*</u>	<u>%</u>
Rock	\$48	\$50,000	0.096
Waukesha	\$48	\$142,500	0.034
St. Croix	\$48	\$122,600	0.039
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**Average price per Realtor.com, as of 2/08*

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STATE REVIEW (30 day time limit)

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- Assist the Department of Regulation and Licensing and local units of government on violations and complaints filed against land surveyors

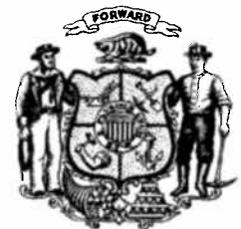
LOCAL REVIEW (60-90 day time limit)

Local Ordinance Mission and Duties:

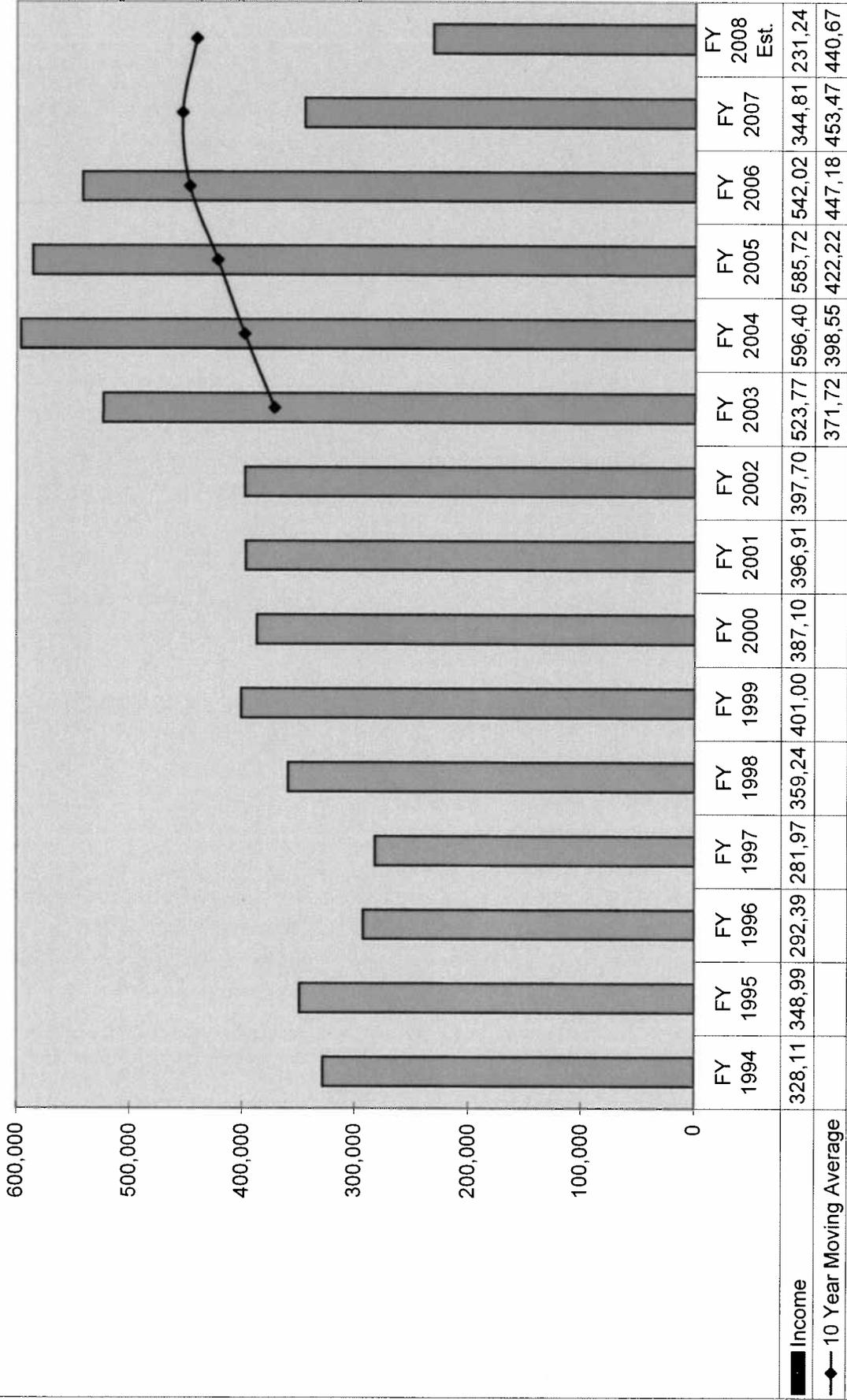
- Complies with local ordinances & comprehensive plan;
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WISCONSIN STATE LEGISLATURE



Plat Review Income



DOA REVIEW COST **PER LOT** (25 LOT PLAT)

With Proposed Fee Increase

<u>County</u>	<u>DOA fee</u>	<u>Lot Price*</u>	<u>%</u>
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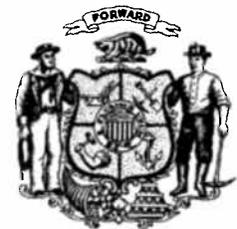
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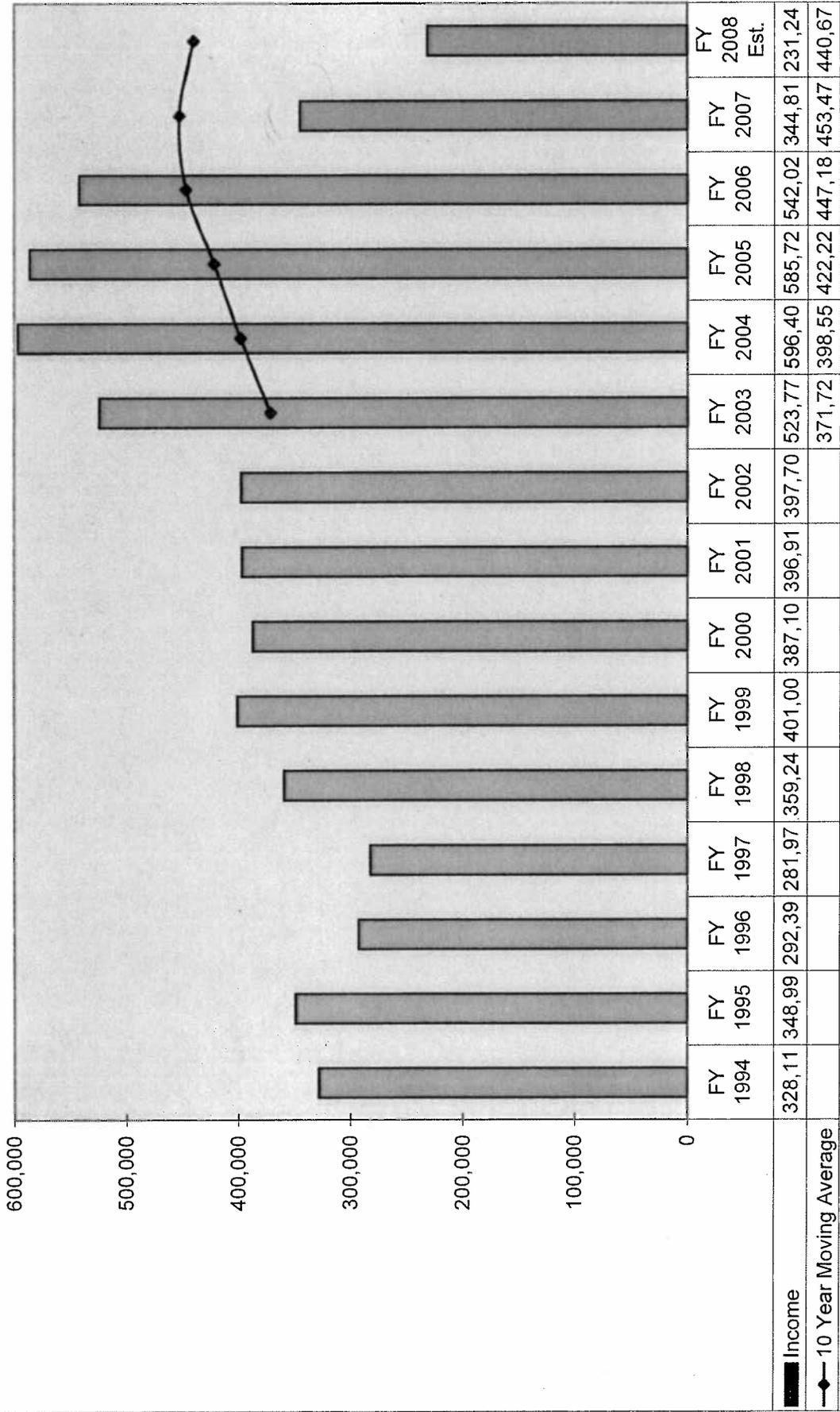
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WISCONSIN STATE LEGISLATURE



Plat Review Income



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Plat Review Fee Increase Analysis

FY	Sum of File Fee	Sum of Sheet F	Sum of Parcel F	Sum of Prelim	Sum of CSM	Sum of Revised Originals	New Fees	FY
2009 No Inc.	37,800	32,265	142,950	1,890	8,213	26,400	249,518	2009 No Inc.
2009 \$40	47,250	43,020	285,900	5,400	10,950	52,800	445,320	2009 \$40

Plat Review - WI Dept of Admin											
Description	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008 Est
FTE #s	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
1 Classified Civil Service Salaries	180,926	172,581	213,192	218,132	173,213	240,457	247,327	240,143	242,717	261,390	
2 Fringe Benefit Exp	75,351	66,602	76,996	94,870	79,842	112,010	125,267	131,716	133,440	133,770	
LTE #s	2-3	2-3	2-3	2-3	2-3	2-3	5-6	5-6	5-6	0-1	0
3 Limited Term Employees	5,050	30,266	18,080	22,718	21,207	18,783	36,976	45,803	41,748	21,840	
4 Supplies and Services	51,754	97,196	68,665	80,970	84,348	70,018	87,917	97,945	114,637	94,991	
5 Fixed Assets - Equipment			5,221				26,205				
TOTAL EXPENDITURES	313,081	366,645	382,154	416,691	358,610	441,268	523,692	515,606	532,542	511,991	500,000**
6 Revenue											
Estimate	359,249	401,005	387,101	396,276	444,233	472,926	596,192	585,722	520,329	344,611	223,000

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