Senate Bill 130 (Substitute S-2)
Sponsor: Senator Leon Stille
Committee: Local, Urban and State Affairs

Date Completed: 11-18-98

CONTENT

The bill would amend the Land Division Act to:

-- **Delete the October 1, 1999, sunset date on requirements that a preliminary plat submitted to the Department of Environmental Quality (DEQ) be accompanied by a $500 fee to cover the administrative cost of the DEQ's preliminary plat review; and that the DEQ assess an additional $1,500 if engineering computations are necessary to establish the limits of the flood plain.**
-- **Reinstate provisions of the Act requiring the payment of filing and recording fees as well as State plat review fees, which had sunsetted on October 1, 1998.**

Under the Act, upon approval of a plat by a majority of the county plat board, the clerk of the board must obtain a warrant from the county treasurer for one-half the filing and recording fee of $20, as required in the Act, and forward it with all copies of the plat to the State administrator. The bill would delete the reference to the clerk securing and forwarding a warrant for one-half the filing and recording fee.

Currently, when a final plat is submitted to the clerk of the governing body of a municipality, the proprietor must deposit with the plat a $20 filing and recording fee that is in addition to any fee the municipality may charge under the Act. Under the bill, the proprietor also would have to deposit with the plat a State plat review fee of $150, plus $15 for each lot over four lots included in the plat. The State plat review fee would have to be paid by check or money order payable to the State. (These provisions would reenact expired requirements under MCL 560.241a.)

The Act provides that, upon approval of the plat by the governing body, a clerk must send the $20 fee with the plat to the clerk of the county plat board. The plat board clerk then is required to deposit the fee in the county trust and agency fund for payment to the following: $10 to the State upon the approval of the plat by the county plat board and $10 to the county register of deeds upon proof to the county plat board clerk that the plat had been recorded in the county register of deeds office. The bill would delete reference to the $10 payment to the State. Under the bill, the county plat board clerk would have to deposit the filing and recording fee in the county trust and agency fund for the payment of $20 to the county register of deeds. The bill would delete the requirement that the State administrator pay the State's portion of the filing and recording fee to the State Treasurer, who must deposit it in the State General Fund.

Currently, the State administrator may charge an additional $10 if he or she believes that the review time is extraordinary. The bill would delete that provision.

Under the bill, if a final plat were forwarded to the State administrator, the clerk of the county plat board would have to forward the State plat review fee with the plat. A State plat review fee would have to be deposited in the State Treasury for use in administering the Act. A revolving fund would have to be created in the State Treasury for the deposit of the State plat review fees. Money remaining in the fund at the end of the fiscal year would have to be carried over to the next and succeeding fiscal years for the Act's administration. (These provisions would reenact expired requirements under MCL 560.241a.)

MCL 560.117 et al.   Legislative Analyst: L. Arasim

FISCAL IMPACT

This bill would continue fee levels that were in place prior to October 1, 1998. Additionally, the bill would remove the sunset date on the DEQ's preliminary plat review and $500 administrative fee.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

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