

Legislative Analysis



UPDATE LAND DIVISION ACT TO REFLECT ADMINISTRATION BY DELEG

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House Bill 5698 (Substitute H-1)
Sponsor: Rep. Vicki Barnett
Committee: Intergovernmental and Regional Affairs

First Analysis (2-1-10)

BRIEF SUMMARY: The bill would update the Land Division Act to reflect that the act is administered by the Department of Energy, Labor, and Economic Growth.

FISCAL IMPACT: The bill would have no fiscal impact on the state, local units of government, or the private sector. The responsibility of administering the Land Division Act was transferred from the State Treasurer to the Department of Commerce (now, the Department of Energy, Labor, and Economic Growth) with Executive Reorganization Order 1980-1, compiled at MCL 16.732. Currently, the act is administered by the DELEG, Bureau of Construction Codes, Office of Land Survey and Remonumentation. For Fiscal Year 2009-10, the office has an appropriation authorization of \$1.6 million (state restricted funds) and 11.0 FTE positions.

THE APPARENT PROBLEM:

In 1980, then-Governor William Milliken issued Executive Order 1980-1 (effective January 1, 1981), in an effort to "consolidate certain consumer protection and regulatory functions within one principal department," and "to enhance state government's ability to promote community development within Michigan." The executive order, among other things, transferred the administration of the State Boundary Commission and the Subdivision Control Act from the Department of Treasury to the Department of Commerce--now called the Department of Energy, Labor, and Economic Growth.

The Land Division Act--a statute first adopted in 1967--was not amended to reflect the change in administrative authority. Yet today (30 years later), the law still appears to require local government officials to send their paperwork to record the platting of land to the state treasurer. When this occurs, the paperwork must be returned to the local officials, so that it can be properly directed to the Office of Land Survey and Remonumentation within the Department of Energy, Labor, and Economic Growth.

Legislation has been introduced to update the Land Division Act so that it accurately reflects the transfer of administrative responsibilities.

THE CONTENT OF THE BILL:

The bill would amend the Land Division Act to locate its administration within the Department of Energy, Labor, and Economic Growth. Currently the law identifies

overall administrative duties as the responsibility of the state treasurer (although the administration of the act was transferred from the state treasurer by executive order in 1980). Under the bill, administrative responsibilities for the act would be transferred to the Director of the Department of Energy, Labor, and Economic Growth.

The bill also updates a reference to "licensed professional surveyor" (rather than "registered land surveyor").

MCL 560.102 et al

BACKGROUND INFORMATION:

To review Executive Order 1980-1, see the Michigan Compiled Laws at MCL 16.732.

ARGUMENTS:

For:

This bill is necessary in order to clarify for local officials that the Land Division Act is administered in the Michigan Department of Energy, Labor, and Economic Growth, and not the Department of Treasury. Nearly 30 years ago, then-Governor William Milliken transferred the administrative responsibility for the State Boundary Commission and the Subdivision Control Act from the Department of Treasury to the Department of Commerce--now called the Department of Energy, Labor, and Economic Growth. The Land Division Act--a statute first adopted in 1967--was never amended to reflect the change in administrative authority. As discussed in the Problem section, this leads to confusion and delay for local officials.

POSITIONS:

The Department of Treasury supports the bill. (1-26-10)

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