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H.899

Introduced by Committee on Government Operations

Date:

Subject: Municipal government; records; fees

Statement of purpose of bill as introduced: This bill proposes to:

- (1) restructure the fees charged by town clerks for the recording and filing of specified records;
- (2) require that a portion of certain fees charged by town clerks be reserved and deposited into the town's Restoration Reserve Fund;
- (3) require each town to maintain a Restoration Reserve Fund; and
- (4) provide for a consolidated town fee report and request.

An act relating to ~~fees for records filed in town offices and~~ a town fee report and request

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 32 V.S.A. § 1671 is amended to read:~~

§ 1671. TOWN CLERK FEES RELATED TO RECORDS; RESERVE FUND

(a) For the purposes of this section, a "page" is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth inch in height or

1 ~~in at least eight point type. Unless otherwise provided by law, the fees to town~~
2 ~~clerks shall be as follows:~~

3 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
4 ~~§ 1155, \$10.00 per page; \$40.00 for the first page, of which \$10.00 shall be~~
5 ~~reserved and deposited in the town's Restoration Reserve Fund, and \$5.00 for~~
6 ~~each additional page.~~

7 (2) For filing or recording a copy of a complaint to foreclose a mortgage
8 as provided in 12 V.S.A. § 4523(b), ~~\$10.00 per page; \$40.00 for the first page,~~
9 ~~of which \$10.00 shall be reserved and deposited in the town's Restoration~~
10 ~~Reserve Fund, and \$5.00 for each additional page.~~

11 (3) For examination of records by town clerk, a fee of \$5.00 per hour
12 may be charged but not more than \$25.00 for each examination on any one
13 calendar day;

14 (4) For examination of records by others, a fee of \$2.00 per hour may
15 be charged;

16 (5) ~~Town clerks may require fees for all filing, recording, and copying~~
17 ~~to be paid in advance; [Repealed.]~~

18 (6)(A) ~~For~~ Except as provided in subdivisions (B) and (C) of this
19 subdivision (6), for the recording or filing, or both, of any document that is to
20 become a matter of public record in the town clerk's office, or for any certified
21 ~~copy of such document, a fee of \$10.00 per page shall be charged; except that~~

1 ~~for \$40.00 for the first page, of which \$10.00 shall be reserved and deposited~~
2 ~~in the town's Restoration Reserve Fund, and \$5.00 for each additional page.~~

3 (B) For the recording or filing, or both, of a property transfer return,
4 a flat fee of \$10.00 \$40.00 shall be charged, of which \$10.00 shall be reserved
5 and deposited in the town's Restoration Reserve Fund.

6 (C) For the recording or filing, or both, of documents issued by a
7 municipal officer, employee, or entity, including land use permits, certificates
8 of compliance or occupancy, and notices of violation, a flat fee of \$20.00 shall
9 be charged.

10 (7) For uncertified copies of records and documents on file, or recorded,
11 a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00;
12 however, copies of minutes of municipal meetings or meetings of local boards
13 and commissions, copies of grand lists and checklists and copies of any public
14 records that any agency of that political subdivision has deposited with the
15 clerk shall be available to the public at actual cost;

16 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee
17 of \$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet,
18 and \$15.00 per 24 inch by 36 inch \$30.00 per sheet shall be charged, of which
19 \$10.00 per sheet shall be reserved and deposited in the town's Restoration
20 Reserve Fund.

21 ~~(b)(1) A schedule of all fees shall be posted in the town clerk's office.~~

1 ~~(2) A town clerk may return any record presented for filing or recording~~
2 ~~if the record is not accompanied by the correct fee.~~

3 ~~(3) A town clerk may require fees for all filing, recording, and copying~~
4 ~~to be paid in advance.~~

5 ~~(c)(1) The legislative body may create shall maintain a Restoration Reserve~~
6 ~~Fund of no less than \$0.50 per page and no more than \$1.00 per page from~~
7 ~~recording into which shall be deposited:~~

8 ~~(A) fees established under reserved for the Fund pursuant to~~
9 ~~subdivisions (a)(1) and, (a)(2), (a)(6), and (a)(8) of this section;~~

10 ~~(B) any additional fees collected under this section that the legislative~~
11 ~~body may approve for deposit into the Fund; and~~

12 ~~(C) any other municipal revenues approved for deposit into the Fund.~~

13 ~~(2) The Monies in the Restoration Reserve Fund shall be used solely for~~
14 ~~restoration, preservation, and conservation of municipal records. If a~~
15 ~~municipality has previously established the Fund, no additional action will be~~
16 ~~required.~~

17 ~~(d) A legislative body may establish or abolish a Restoration Reserve Fund~~
18 ~~only by affirmative vote at a legally warned meeting of the legislative body.~~
19 ~~Nothing in this section shall preclude the legislative body of a municipality~~
20 ~~from committing funds to a approving for deposit into the Restoration Reserve~~
21 ~~Fund monies collected under this section that are in addition to those funds in~~

1 ~~monies reserved to the Fund under subsection (c) of this section~~

~~Sec. 1. 32 V.S.A. § 1671 is amended to read:~~

~~§ 1671. TOWN CLERK FEES RELATED TO RECORDS; RESERVE~~

~~FUND~~

~~(a) For the purposes of this section, a "page" is defined as a single side of a leaf of paper on which is printed, written, or otherwise placed information to be recorded or filed. The maximum covered area on a page shall be 7 1/2 inches by 14 inches. All letters shall be at least one-sixteenth inch in height or in at least eight point type. Unless otherwise provided by law, the fees to town clerks shall be as follows:~~

~~(1) For recording a trust mortgage deed as provided in 24 V.S.A. § 1155, \$10.00 per page; \$25.00 for the first page, of which \$10.00 shall be reserved and deposited in the town's Restoration Reserve Fund, and \$8.00 for each additional page.~~

~~(2) For filing or recording a copy of a complaint to foreclose a mortgage as provided in 12 V.S.A. § 4523(b), \$10.00 per page; \$25.00 for the first page, of which \$10.00 shall be reserved and deposited in the town's Restoration Reserve Fund, and \$8.00 for each additional page.~~

~~(3) For examination of records by town clerk, a fee of \$5.00 per hour may be charged but not more than \$25.00 for each examination on any one calendar day.~~

~~(4) For examination of records by others, a fee of \$2.00 per hour may be charged;~~

~~(5) Town clerks may require fees for all filing, recording, and copying to be paid in advance; [Repealed.]~~

~~(6)(A) For Except as provided in subdivisions (B) and (C) of this subdivision (6), for the recording or filing, or both, of any document that is to become a matter of public record in the town clerk's office, or for any certified copy of such document, a fee of \$10.00 per page shall be charged; except that for \$25.00 for the first page, of which \$10.00 shall be reserved and deposited in the town's Restoration Reserve Fund, and \$8.00 for each additional page shall be charged.~~

~~(B) For the recording or filing, or both, of a property transfer return, a flat fee of \$10.00 \$25.00 shall be charged; of which \$10.00 shall be reserved and deposited in the town's Restoration Reserve Fund.~~

~~(C) For the recording or filing, or both, of documents issued by a municipal officer, employee, or entity, including land use permits, certificates of compliance or occupancy, and notices of violation, a flat fee of \$15.00 shall be charged.~~

~~(7) For uncertified copies of records and documents on file, or recorded, a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00; however, copies of minutes of municipal meetings or meetings of local boards~~

~~and commissions, copies of grand lists and checklists and copies of any public records that any agency of that political subdivision has deposited with the clerk shall be available to the public at actual cost;~~

~~(8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee of \$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet, and \$15.00 per 24 inch by 36 inch \$25.00 per sheet shall be charged, of which \$5.00 per sheet shall be reserved and deposited in the town's Restoration Reserve Fund.~~

~~(b)(1) A schedule of all fees shall be posted in the town clerk's office.~~

~~(2) A town clerk may return any record presented for filing or recording if the record is not accompanied by the correct fee.~~

~~(3) A town clerk may require fees for all filing, recording, and copying to be paid in advance.~~

~~(c)(1) The legislative body may create shall maintain a Restoration Reserve Fund of no less than \$0.50 per page and no more than \$1.00 per page from recording into which shall be deposited:~~

~~(A) fees established under reserved for the Fund pursuant to subdivisions (a)(1) and, (a)(2), (a)(6), and (a)(8) of this section;~~

~~(B) any additional fees collected under this section that the legislative body may approve for deposit into the Fund; and~~

~~(C) any other municipal revenues approved for deposit into the Fund.~~

~~(2)(4) The Monies in the Restoration Reserve Fund shall be used solely for restoration, preservation, and conservation of municipal records.~~

~~Permitted uses of Fund monies may include:~~

~~(i) the purchase of hardware or software related to carrying out these activities in a manner that is consistent with legal requirements; and~~

~~(ii) the acquisition or maintenance of safes or vaults as required under 24 V.S.A. § 1178.~~

~~(B) If a municipality has previously established the Fund, no additional action will be required.~~

~~(d) A legislative body may establish or abolish a Restoration Reserve Fund only by affirmative vote at a legally warned meeting of the legislative body.~~

~~Nothing in this section shall preclude the legislative body of a municipality from committing funds to a approving for deposit into the Restoration Reserve Fund monies collected under this section that are in addition to those funds in monies reserved to the Fund under subsection (c) of this section.~~

1 Sec. 2. 32 V.S.A. § 606 is amended to read:

2 § 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

3 When the consolidated fee reports and requests are submitted to the General

4 Assembly pursuant to sections 605 and, 605a, and 611 of this title, they shall

5 immediately be forwarded to the House Committee on Ways and Means,

6 which shall consult with other standing legislative committees having

7 jurisdiction of the subject area of a fee contained in the reports and requests.

1 ~~As soon as possible, the Committee on Ways and Means shall prepare and~~
2 introduce a “consolidated fee bill” proposing:

- 3 (1) The creation, change, reauthorization, or termination of any fee.
4 (2) The amount of a newly created fee, or change in amount of an
5 existing or reauthorized fee.
6 (3) The designation, or redesignation, of the fund into which revenue
7 from a fee is to be deposited.

8 Sec. 3. 32 V.S.A. chapter 7, subchapter 6A is added to read:

9 Subchapter 6A. Town Fee Report and Request

10 § 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

11 (a) As used in this section:

12 (1) “Cost” shall be narrowly construed, and may include reasonable and
13 directly related costs of administration, maintenance, and other expenses due
14 to providing the service or product or performing the regulatory function.

15 (2) “Fee” means a monetary charge collected by or on behalf of a town
16 for a service or product provided to, or the regulation of, specified classes of
17 individuals or entities.

18 (3) “Town” means a town, city, unorganized town or gore, and the
19 unified towns and gores in Essex County.

20 (b) On or before the third Tuesday of the legislative session of 2019 and
21 every three years thereafter, the Vermont Municipal Clerks’ and Treasurers’

1 ~~Association and the Vermont League of Cities and Towns may jointly submit a~~
2 consolidated town fee report and request. The report shall be submitted to the
3 House Committee on Ways and Means, the Senate Committee on Finance, and
4 the House and Senate Committees on Government Operations. The provisions
5 of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report
6 to be made under this subsection.

7 (c) For each fee in existence on the preceding July 1, the report shall
8 specify:

9 (1) its statutory authorization and termination date, if any;

10 (2) its current rate or amount and the date it was last set or adjusted by
11 the General Assembly;

12 (3) the fund into which its revenues are deposited; and

13 (4) for each town, in each of the two previous fiscal years, the revenues
14 derived from each fee.

15 (d) A fee request shall contain any proposal to:

16 (1) Create a new fee, or change, reauthorize, or terminate an existing
17 fee, which shall include a description of the services provided or the function
18 performed.

19 (2) Set a new or adjust an existing fee rate or amount. Each new or
20 adjusted fee rate shall be accompanied by information justifying the rate,

21 which may include.

1 ~~(A) the relationship between the revenue to be raised by the fee or~~
2 ~~change in the fee and the cost or change in the cost of the service, product, or~~
3 ~~regulatory function supported by the fee;~~

4 ~~(B) the inflationary pressures that have arisen since the fee was~~
5 ~~last set;~~

6 ~~(C) the effect on budgetary adequacy if the fee is not increased;~~

7 ~~(D) the existence of comparable fees in other jurisdictions;~~

8 ~~(E) policies that might affect the acceptance or the viability of the fee~~
9 ~~amount; and~~

10 ~~(F) other considerations.~~

11 ~~(3) Designate, or redesignate, the fund into which revenue from a fee is~~
12 ~~to be deposited.~~

13 Sec. 4. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2018.~~

Sec. 1. [Deleted.]

Sec. 2. 32 V.S.A. § 606 is amended to read:

§ 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

When the consolidated fee reports and requests are submitted to the General Assembly pursuant to sections 605 and, 605a, and 611 of this title, they shall immediately be forwarded to the House Committee on Ways and Means, which shall consult with other standing legislative committees having jurisdiction of the subject area of a fee contained in the reports and requests.

As soon as possible, the Committee on Ways and Means shall prepare and introduce a “consolidated fee bill” proposing:

- (1) The creation, change, reauthorization, or termination of any fee.*
- (2) The amount of a newly created fee, or change in amount of an existing or reauthorized fee.*
- (3) The designation, or redesignation, of the fund into which revenue from a fee is to be deposited.*

Sec. 3. 32 V.S.A. chapter 7, subchapter 6A is added to read:

Subchapter 6A. Town Fee Report and Request

§ 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

(a) As used in this section:

(1) “Cost” shall be narrowly construed, and may include reasonable and directly related costs of administration, maintenance, and other expenses due to providing the service or product or performing the regulatory function.

(2) “Fee” means a monetary charge collected by or on behalf of a town for a service or product provided to, or the regulation of, specified classes of individuals or entities.

(3) “Town” means a town, city, unorganized town or gore, and the unified towns and gores in Essex County.

(b) On or before the third Tuesday of the legislative session of 2019 and every three years thereafter, the Vermont Municipal Clerks’ and Treasurers’

Association and the Vermont League of Cities and Towns shall jointly submit a consolidated town fee report and request. The report shall be submitted to the House Committee on Ways and Means, the Senate Committee on Finance, and the House and Senate Committees on Government Operations. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection.

(c) For each fee in existence on the preceding July 1, the report shall specify:

(1) its statutory authorization and termination date, if any;

(2) its current rate or amount and the date it was last set or adjusted by the General Assembly;

(3) the fund into which its revenues are deposited; and

(4) for each town, in each of the two previous fiscal years, the revenues derived from each fee.

(d) A fee request shall contain any proposal to:

(1) Create a new fee, or change, reauthorize, or terminate an existing fee, which shall include a description of the services provided or the function performed.

(2) Set a new or adjust an existing fee rate or amount. Each new or adjusted fee rate shall be accompanied by information justifying the rate, which may include:

(A) the relationship between the revenue to be raised by the fee or change in the fee and the cost or change in the cost of the service, product, or regulatory function supported by the fee;

(B) the inflationary pressures that have arisen since the fee was last set;

(C) the effect on budgetary adequacy if the fee is not increased;

(D) the existence of comparable fees in other jurisdictions;

(E) policies that might affect the acceptance or the viability of the fee amount; and

(F) other considerations.

(3) Designate, or redesignate, the fund into which revenue from a fee is to be deposited.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2018.