

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Municipal government; records; fees

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

5 (1) restructure the fees charged by town clerks for the recording and
6 filing of specified records;

7 (2) require that a portion of certain fees charged by town clerks be
8 reserved and deposited into the town's Restoration Reserve Fund;

9 (3) require each town to maintain a Restoration Reserve Fund; and

10 (4) provide for a consolidated town fee report and request.

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

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

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

15 § 1671. TOWN CLERK FEES RELATED TO RECORDS; RESERVE

16 FUND

17 (a) For the purposes of this section, a "page" is defined as a single side of a
18 leaf of paper on which is printed, written, or otherwise placed information to
19 be recorded or filed. The maximum covered area on a page shall be 7 1/2
20 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 and \$5.00 for each additional
5 page, of which:

6 (A) \$10.00 of the fee for the first page shall be reserved and
7 deposited in the town's Restoration Reserve Fund; and

8 (B) up to \$2.00 for each of the remaining pages may be deposited in
9 the town's Restoration Reserve Fund.

10 (2) For filing or recording a copy of a complaint to foreclose a mortgage
11 as provided in 12 V.S.A. § 4523(b), ~~\$10.00 per page;~~ \$40.00 for the first page
12 and \$5.00 for each additional page, of which:

13 (A) \$10.00 of the fee for the first page shall be reserved and
14 deposited in the town's Restoration Reserve Fund; and

15 (B) up to \$2.00 for each of the remaining pages may be deposited in
16 the town's Restoration Reserve Fund.

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

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

1 (5) ~~Town clerks may require fees for all filing, recording, and copying~~
2 ~~to be paid in advance;~~

3 (6)(A) ~~For~~ Except as provided in subdivisions (B) and (C) of this
4 subdivision (6), for the recording or filing, or both, of any document that is to
5 become a matter of public record in the town clerk’s office, or for any certified
6 copy of such document, a fee of \$10.00 per page shall be charged; except that
7 for \$40.00 for the first page and \$5.00 for each additional page, of which:

8 (i) \$10.00 of the fee for the first page shall be reserved and
9 deposited in the town’s Restoration Reserve Fund; and

10 (ii) up to \$2.00 for each of the remaining pages may be deposited
11 in the town’s Restoration Reserve Fund.

12 (B) For the recording or filing, or both, of a property transfer return, a
13 flat fee of \$10.00 \$40.00 shall be charged; of which \$10.00 shall be reserved
14 and deposited in the town’s Restoration Reserve Fund.

15 (C) For the recording or filing, or both, of municipal permits a flat
16 fee of \$20.00 shall be charged, of which up to \$10.00 may be deposited in the
17 town’s Restoration Reserve Fund.

Comment [HG1]: Awaiting definition of
“municipal permits” from Donna Kinville.

18 (7) For uncertified copies of records and documents on file, or recorded,
19 a fee of \$1.00 per page shall be charged, with a minimum fee of \$2.00;
20 however, copies of minutes of municipal meetings or meetings of local boards
21 and commissions, copies of grand lists and checklists and copies of any public

1 records that any agency of that political subdivision has deposited with the
2 clerk shall be available to the public at actual cost;

3 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee
4 of ~~\$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet,~~
5 ~~and \$15.00 per 24 inch by 36 inch~~ \$30.00 per sheet shall be charged, of which
6 \$10.00 per page shall be reserved and deposited in the town's Restoration
7 Reserve Fund.

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

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

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

13 (c)(1) The legislative body ~~may create~~ shall maintain a Restoration Reserve
14 Fund ~~of no less than \$0.50 per page and no more than \$1.00 per page from~~
15 ~~recording into which the fees established under~~ reserved for the Fund, or that
16 are elected to be deposited in the Fund, pursuant to subdivisions (a)(1) and,
17 (a)(2), (a)(6), and (a)(8) of this section shall be deposited.

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

1 (d) ~~A legislative body may establish or abolish a Restoration Reserve Fund~~
2 ~~only by affirmative vote at a legally warned meeting of the legislative body.~~
3 ~~Nothing in this section shall preclude a municipality from committing funds to~~
4 ~~a Restoration Reserve Fund in addition to those funds in subsection (c) of this~~
5 ~~section. [Repealed.]~~

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

7 § 606. LEGISLATIVE FEE REVIEW PROCESS; FEE BILL

8 When the consolidated fee reports and requests are submitted to the General
9 Assembly pursuant to sections 605 ~~and~~ 605a, and 611 of this title, they shall
10 immediately be forwarded to the House Committee on Ways and Means,
11 which shall consult with other standing legislative committees having
12 jurisdiction of the subject area of a fee contained in the reports and requests.
13 As soon as possible, the Committee on Ways and Means shall prepare and
14 introduce a “consolidated fee bill” proposing:

15 (1) The creation, change, reauthorization, or termination of any fee.

16 (2) The amount of a newly created fee, or change in amount of an
17 existing or reauthorized fee.

18 (3) The designation, or redesignation, of the fund into which revenue
19 from a fee is to be deposited.

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

2 Subchapter 6a. Town Fee Report and Request

3 § 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

4 (a) As used in this section:

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

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

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

13 (b) No later than the third Tuesday of the legislative session of 2019 and
14 every three years thereafter, the Vermont Municipal Clerks’ & Treasurers’
15 Association and the Vermont League of Cities and Towns may jointly submit a
16 consolidated town fee report and request. The report shall be submitted to the
17 House Committee on Ways and Means, the Senate Committee on Finance, and
18 the House and Senate Committees on Government Operations. The provisions
19 of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report
20 to be made under this subsection.

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

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

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

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

7 (4) [for each town] the revenues derived from it in each of the two
8 previous fiscal years.

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

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

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

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

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

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

Comment [HG2]: Question for Donna: Do towns keep separate track of revenues for each specific fee that they charge? Is it reasonable for each town to report revenue associated with each fee?

- 1 (D) the existence of comparable fees in other jurisdictions;
2 (E) policies that might affect the acceptance or the viability of the fee
3 amount; and
4 (F) other considerations.
5 (3) Designate, or redesignate, the fund into which revenue from a fee is
6 to be deposited.
7 Sec. 4. EFFECTIVE DATE
8 This act shall take effect on July 1, 2018.