

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Ways and Means to which was referred House Bill No.
3 899 entitled “An act relating to fees for records filed in town offices and a
4 town fee report and request” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out Sec. 1 in its
6 entirety and inserting in lieu thereof the following:

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

8 § 1671. TOWN CLERK FEES RELATED TO RECORDS; RESERVE
9 FUND

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

16 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
17 § 1155, ~~\$10.00 per page;~~ \$25.00 for the first page, of which \$10.00 shall be
18 reserved and deposited in the town’s Restoration Reserve Fund, and \$8.00 for
19 each additional page.

20 (2) For filing or recording a copy of a complaint to foreclose a mortgage
21 as provided in 12 V.S.A. § 4523(b), ~~\$10.00 per page;~~ \$25.00 for the first page,

1 of which \$10.00 shall be reserved and deposited in the town's Restoration
2 Reserve Fund, and \$8.00 for each additional page.

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

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

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9 ~~to be paid in advance; [Repealed.]~~

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

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

20 (C) For the recording or filing, or both, of documents issued by a
21 municipal officer, employee, or entity, including land use permits, certificates

1 of compliance or occupancy, and notices of violation, a flat fee of \$15.00 shall
2 be charged.

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

9 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee
10 of ~~\$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet,~~
11 ~~and \$15.00 per 24 inch by 36 inch~~ \$25.00 per sheet shall be charged, of which
12 \$5.00 per sheet shall be reserved and deposited in the town's Restoration
13 Reserve Fund.

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

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

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

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

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

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

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

6 (2)(A) The Monies in the Restoration Reserve Fund shall be used solely
7 for restoration, preservation, and conservation of municipal records. Permitted
8 uses of Fund monies may include:

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

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

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

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

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

21

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2 (Committee vote: _____)

3

4

Representative _____

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FOR THE COMMITTEE