

1 **Agreed by VMCTA/VBA – Yellow; To Be Discussed - Blue**

2 TO THE HONORABLE SENATE:

3 The Committee on Government Operations to which was referred House
4 Bill No. 899 entitled “An act relating to fees for records filed in town offices
5 and a town fee report and request” respectfully reports that it has considered
6 the same and recommends that the Senate propose to the House that the bill be
7 amended by striking out all after the enacting clause and inserting in lieu
8 thereof the following:

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

10 § 1671. TOWN CLERK FEEES RELATED TO RECORDS; RESERVE
11 FUND

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

18 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
19 § 1155, [**option 1: \$10.00 per page; \$40.00 for the first page and \$5.00 for each**
20 **additional page.][option 2: \$10.00 \$15.00 per page;.]**

1 (2) For filing or recording a copy of a complaint to foreclose a mortgage
2 as provided in 12 V.S.A. § 4523(b), [~~option 1: \$10.00 per page; \$40.00 for the~~
3 ~~first page and \$5.00 for each additional page.~~][~~option 2: \$10.00 \$15.00 per~~
4 ~~page.~~]

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

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

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11 ~~to be paid in advance; [Repealed.]~~

12 (6)(A) ~~For~~ Except as provided in subdivisions (B) and (C) of this
13 subdivision (6), for the recording or filing, or both, of any document that is to
14 become a matter of public record in the town clerk's office, or for any certified
15 copy of such document, a fee of \$10.00 per page shall be charged; except that
16 ~~for~~ [~~option 1: \$40.00 for the first page and \$5.00 for each additional~~
17 ~~page.~~][~~option 2: \$15.00 per page.~~]

18 (B) For the recording or filing, or both, of a property transfer return, a
19 flat fee of \$10.00 \$25.00 shall be charged.

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~~ \$30.00 per sheet shall be charged.

12 (9) Unless otherwise specified by law, for any certified copy of a
13 document that is a matter of public record in the town clerk's office, a fee of
14 \$10.00 per page shall be charged.

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

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

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

1 (1) an amount equivalent to at least \$10.00 for each record filed under
2 subdivisions (a)(1) ~~and~~, (a)(2), (a)(6)(A), and (a)(8) of this section; and

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

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

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

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

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

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

16 Nothing in this section shall preclude the legislative body of a municipality
17 from committing funds to a the municipality's Restoration Reserve Fund in
18 addition to those funds referenced in 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.

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

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

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

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

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

16 Subchapter 6A. Town Fee Report and Request

17 § 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

18 (a) As used in this section:

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

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

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

6 (b) On or before the third Tuesday of the legislative session of 2019 and
7 every three years thereafter, the Vermont Municipal Clerks’ and Treasurers’
8 Association and the Vermont League of Cities and Towns may [shall] jointly
9 submit a consolidated town fee report and request. The report shall be
10 submitted to the House Committee on Ways and Means, the Senate Committee
11 on Finance, and the House and Senate Committees on Government Operations.
12 The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not
13 apply to the report to be made under this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (F) other considerations.

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

20 Sec. 4. EFFECTIVE DATE; TRANSITION

21 (a) This act shall take effect on July 1, 2018.

1 (b)(1) With regard to requests to file or record a document made through
2 the mail for which insufficient fees have been tendered, until at least January 1,
3 2019, prior to imposing a requirement to pay fees for a filing or recording in
4 advance under Sec. 1, 32 V.S.A. § 1671(b)(2), the town clerk or designee:

5 (A) shall attempt to contact the sender to notify the sender of the
6 deficiency in the amount tendered and the requirement to pay in full in
7 advance; and

8 (B) shall not return the documents to the sender unless the sender
9 fails to pay the correct fees within 30 days.

10 (2) The obligation to attempt to contact a sender under this subsection
11 shall not apply if the mailing does not include contact information in the form
12 of a telephone number, e-mail address, facsimile number, or physical address.

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15 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE