

1 **VMCTA Recommendations to Senate Government Operations**

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 as follows:

8 First: By striking out Sec. 1 in its entirety and inserting in lieu thereof the  
9 following:

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

11 § 1671. TOWN CLERK FEES RELATED TO RECORDS; RESERVE

12 FUND

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

19 (1) For recording a trust mortgage deed as provided in 24 V.S.A.  
20 § 1155, ~~\$10.00 per page;~~ **\$40.00** for the first page and **\$5.00** for each additional  
21 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), ~~\$10.00 per page~~; \$40.00 for the first page  
3 and \$5.00 for each additional page.

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

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

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10 ~~to be paid in advance; [Repealed.]~~

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

16           (B) For the recording or filing, or both, of a property transfer return, a  
17 flat fee of ~~\$10.00~~ \$25.00 shall be charged;

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

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

7 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee  
8 of \$15.00 per 11 inch by 17 inch sheet, \$15.00 per 18 inch by 24 inch sheet,  
9 and \$15.00 per 24 inch by 36 inch \$30.00 per sheet shall be charged.

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

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

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

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

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

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

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

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

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

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

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

14           Nothing in this section shall preclude the legislative body of a municipality  
15           from committing funds to a the municipality's Restoration Reserve Fund in  
16           addition to those funds referenced in subsection (c) of this section.

17           Second: By striking out Sec. 4 in its entirety and inserting in lieu thereof  
18           the following:

19           Sec. 4. EFFECTIVE DATE; TRANSITION

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

