

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10 ~~to be paid in advance; [Repealed.]~~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

1 **(b) With regard to requests to file or record a document made through the**
2 **mail and the authority of town clerk to require fees to be paid in advance under**
3 **Sec. 1, 32 V.S.A. § 1671(b)(2), until at least January 1, 2019, prior to imposing**
4 **a requirement to pay fees for a filing or recording in advance, the town clerk or**
5 **designee shall attempt to contact the sender to notify the sender of the advance**
6 **payment requirement.**

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9 (Committee vote: _____)

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Senator _____
FOR THE COMMITTEE