

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Municipal Government; records; fees; town clerk

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

5 (1) increase the fees for town clerk recording services;

6 (2) require each town to establish a Restoration and Preservation

7 Reserve Fund for the restoration, preservation, digitization, and conservation
8 of municipal records;

9 (3) require that the town fee report include a summary of the monies
10 allocated from each town's Restoration and Preservation Reserve Fund for the
11 digitization of records;

12 (4) require land surveyors to submit a digital copy of a survey plat to the
13 Vermont Center for Geographic Information at the time that the official plat is
14 filed with a town clerk;

15 (5) require a survey plat to be recorded when a parcel is subdivided or
16 when the boundaries of a parcel are changed;

17 (6) specify the time at which a State tax lien is deemed "filed" with a
18 town clerk;

19 (7) require towns to bear the costs associated with notifying a filing
20 entity that an instrument has been indorsed and indexed; and

1 (8) require town clerks to record an instrument within 10 days of the
2 date of the filing of the instrument.

3 An act relating to town clerk recording fees and town restoration and
4 preservation reserve funds

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

6 * * * Town Clerk Fees, Town Fee Report, and Restoration Funds * * *

7 Sec. 1. 32 V.S.A. § 611 is amended to read:

8 § 611. CONSOLIDATED TOWN FEE REPORT AND REQUEST

9 * * *

10 (d) The report shall contain:

11 (1) an account of the amounts retained and spent from each town's

12 Restoration and Preservation Reserve Fund in the three prior fiscal years; and

13 (2) a summary of each town's plan to digitize records using funds

14 appropriated from the town's Restoration and Preservation Reserve Fund.

15 (e) A fee request shall contain any proposal to:

16 * * *

17 Sec. 2. 32 V.S.A. § 1671 is amended to read:

18 § 1671. TOWN CLERK

19 (a) For the purposes of this section, a "page" is defined as a single side of a

20 leaf of paper on which is printed, written, or otherwise placed information to

1 be recorded or filed. Each separate entry on a page shall be considered a
2 separate document to be recorded and charged accordingly. The maximum
3 covered area on a page shall be 7½ inches by 14 inches. All letters shall be at
4 least one-sixteenth inch in height or in at least eight point type. Unless
5 otherwise provided by law, the fees to town clerks shall be as follows:

6 (1) For recording a trust mortgage deed as provided in 24 V.S.A.
7 § 1155, ~~\$10.00~~ \$15.00 per page;

8 (2) For filing or recording a copy of a complaint to foreclose a mortgage
9 as provided in 12 V.S.A. § 4523(b), ~~\$10.00~~ \$15.00 per page;

10 * * *

11 (4) For examination of records by others a fee of ~~\$2.00~~ \$4.00 per hour
12 may be charged;

13 * * *

14 (6) For the recording or filing, or both, of any document that is to
15 become a matter of public record in the town clerk's office, ~~or a fee of \$15.00~~
16 per page shall be charged; for any certified copy of such document, a fee of
17 \$10.00 per page shall be charged; ~~except that~~ for the recording or filing, or
18 both, of a property transfer return, a fee of ~~\$10.00~~ \$15.00 shall be charged;

19 * * *

1 (8) For survey plats filed in accordance with 27 V.S.A. chapter 17, a fee
2 of ~~\$15.00~~ \$25.00 per 11 inch by 17 inch sheet, ~~\$15.00~~ \$25.00 per 18 inch by
3 24 inch sheet, and ~~\$15.00~~ \$25.00 per 24 inch by 36 inch sheet shall be charged.

4 * * *

5 (c)(1) The legislative body ~~may~~ shall create a Restoration and Preservation
6 Reserve Fund of ~~no less than \$0.50 per page and no more than \$1.00 per page~~
7 not less than \$4.00 per page from the per page recording fees established under
8 subdivisions (a)(1) and (6) of this section.

9 (2) The Restoration and Preservation Reserve Fund shall be used solely
10 for restoration, preservation, digitization, storage, and conservation of
11 municipal records. ~~If a municipality has previously established the Fund, no~~
12 ~~additional action will be required.~~

13 (3) Notwithstanding subdivision (1), a municipality may allocate less
14 than \$4.00 per page from recording fees if the clerk of the municipality
15 annually certifies that the municipality has sufficient dedicated reserve funds to
16 provide for the uses described in subdivision (2) of this subsection. On or
17 before the third Monday of each year, the clerk shall submit a copy of the
18 certification to the House Committee on Government Operations.

19 (d) ~~A legislative body may establish or abolish a Restoration Reserve Fund~~
20 ~~only by affirmative vote at a legally warned meeting of the legislative body.~~
21 Nothing in this section shall preclude a municipality from committing funds to

1 a Restoration and Preservation Reserve Fund in addition to those funds in
2 subsection (c) of this section.

3 (e) Unspent funds in the Restoration and Preservation Reserve Fund shall
4 carry over to subsequent fiscal years, and shall be available as needed for the
5 purposes described in subsection (c) of this section.

6 * * * Filing of Digital Survey Plats * * *

7 Sec. 3. 27 V.S.A. § 1401 is amended to read:

8 § 1401. ACCEPTANCE OF SURVEY PLATS; DEFINITION

9 (a) Each town clerk shall accept survey plats for filing and maintain files
10 and indices to files of survey plats in accordance with this chapter.

11 (b) ~~For purposes of~~ As used in this chapter:

12 (1) ~~“survey Survey plat” shall mean~~ means a map or plan drawn to scale
13 of one or more parcels, tracts or subdivisions of land, showing, but not limited
14 to, boundaries, corners, markers, monuments, easements, and other rights.

15 (2) “Center” means the Vermont Center for Geographic Information.

16 (c) Whenever a survey plat that maps the subdivision of a parcel or a
17 change in a parcel boundary is filed for record with a town clerk, the surveyor
18 who created the survey plat shall submit a digital copy of the plat to the Center.
19 The Center shall maintain digital copies of survey plats in a statewide digital
20 repository and make them available to the public.

1 Sec. 9. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.

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