

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 for any certified~~
16 ~~copy of such document, a fee of \$10.00 per page shall be charged; except that~~
17 ~~for the recording or filing, or both, of a property transfer return, a fee of \$10.00~~
18 ~~shall be charged~~ a fee of \$15.00 per page shall be charged; for any certified
19 copy of the document, a fee of \$10.00 per page shall be charged; for the
20 recording or filing, or both, of a property transfer return, a fee of \$15.00 shall
21 be charged;

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

* * *

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

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

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

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

1 Nothing in this section shall preclude a municipality from committing funds to
2 a Restoration and Preservation Reserve Fund in addition to those funds in
3 subsection (c) of this section.

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

7 * * * Filing of Digital Survey Plats * * *

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

9 § 1401. ACCEPTANCE OF SURVEY PLATS; DEFINITION

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

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

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

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

17 (c) A digital copy of each plat filed pursuant to this section shall be
18 submitted to the Center by the surveyor who created the survey plat. The
19 Center shall maintain digital copies of survey plats in a statewide digital
20 repository and make them available to the public.

1 (d) The survey plat filed with the town clerk shall be the official plat of
2 record.

3 Sec. 4. 27 V.S.A. § 1403 is amended to read:

4 § 1403. COMPOSITION OF SURVEY PLATS

5 * * *

6 (f) A digital copy of a survey plat filed with the Center pursuant to
7 section 1401 of this chapter shall be submitted in portable document format
8 (PDF). The Board of Land Surveyors, in consultation with the Center, shall
9 have the authority to establish a digital survey standard for digital copies of
10 survey plats.

11 Sec. 5. 27 V.S.A. § 341 is amended to read:

12 § 341. REQUIREMENTS GENERALLY; RECORDING

13 * * *

14 (b)(1) A deed or other conveyance of land that includes a reference to a
15 survey prepared or revised after July 1, 1988 may be recorded only if it is
16 accompanied by the survey to which it refers, or cites the volume and page in
17 the land records showing where the survey has previously been recorded.

18 (2) If the conveyance of land results in the subdivision of a parcel, or a
19 change in the boundaries of a parcel, the deed shall be accompanied by a
20 survey plat that depicts the new parcel boundaries or cites the volume and page

1 in the land records showing where the new parcel boundaries have previously
2 been recorded.

3 * * *

4 * * * Recording of Tax Liens * * *

5 Sec. 6. 32 V.S.A. § 5895 is amended to read:

6 § 5895. TAX LIABILITY AS PROPERTY LIEN

7 (a)(1) If any corporation, partnership, individual, trust, or estate required to
8 pay or remit any tax liability under this chapter neglects or refuses to pay it in
9 accordance with this chapter after notification or assessment thereof under
10 sections 3202 and 3203 of this title, the aggregate amount of the tax liability
11 then due and owing, together with any costs that may accrue in addition
12 thereto, shall be a lien in favor of this State upon all property and rights to
13 property, whether real or personal, belonging to the corporation, partnership,
14 individual, trust, or estate.

15 (2) The lien shall arise at the time the notification or assessment is made
16 by the Commissioner and shall continue until the aggregate tax liability with
17 costs is satisfied in full or becomes unenforceable by reason of lapse of time.
18 The lien shall be valid as against any subsequent mortgagee, pledgee,
19 purchaser, or judgment creditor when notice of the lien and the sum due has
20 been filed by the Commissioner with the clerk of the town or city in which the
21 property subject to lien is situated, or, in the case of an unorganized town,

1 gore, or grant, in the office of the clerk of the county wherein the property is
2 situated. The lien shall be deemed filed when the clerk of the town or city
3 indorses a certificate on the lien pursuant to 24 V.S.A. § 1159.

4 * * *

5 * * * Miscellaneous Recording Procedures * * *

6 Sec. 7. 24 V.S.A. § 1154 is amended to read:

7 § 1154. RECORDS; COPIES

8 * * *

9 (e) A town clerk shall record an instrument within 10 days following the
10 date the instrument is indorsed pursuant to section 1159 of this chapter.
11 A town clerk may extend the time for recording for good cause shown,
12 including reasons related to illness or absence of the clerk.

13 Sec. 8. 2017 Acts and Resolves No. 46, Sec. 60 is amended to read:

14 Sec. 60 24 V.S.A. § 1164 is amended to read:

15 § 1164. CERTIFIED COPIES; FORM

16 (a) A town clerk shall furnish certified copies of any instrument on record
17 in his or her office, or any instrument or paper filed in his or her office
18 pursuant to law, on the tender of ~~his or her~~ fees therefor, and his or her
19 attestation shall be a sufficient authentication of the copies, except that the
20 town clerk shall ~~not copy~~ redact the word “illegitimate” from any copy of a
21 birth certificate he or she furnishes.

1 (b) The town shall bear the costs of mailing any notice or certification of
2 the recording of an instrument to the individual who filed the instrument for
3 record pursuant to section 1154 of this chapter.

4 ~~(c) Copies of vital records for events occurring outside the State, filed with~~
5 ~~a town clerk pursuant to 18 V.S.A. §5015, shall not be copied and certified. A~~
6 town clerk shall furnish a certified copy of a vital event certificate only if
7 authorized and as prescribed under 18 V.S.A. chapter 101.

8 Sec. 9. EFFECTIVE DATE

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

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