



House of Representatives

General Assembly

File No. 37

February Session, 2000

Substitute House Bill No. 5178

House of Representatives, March 10, 2000

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Real Estate Filings And The Preservation Of Historic Documents.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-34a of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Town clerks shall receive, for recording any document, ten
4 dollars for the first page and five dollars for each subsequent page or
5 fractional part thereof, a page being not more than eight and one-half
6 by fourteen inches. Town clerks shall receive, for recording the
7 information contained in a certificate of registration for the practice of
8 any of the healing arts, five dollars. Town clerks shall receive for
9 recording documents conforming to, or substantially similar to, section
10 47-36c, which are clearly entitled "statutory form" in the heading of
11 such documents, as follows: For the first page of a warranty deed, a
12 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten

13 dollars; for each additional page of such documents, five dollars; and
14 for each marginal notation of an assignment of mortgage, subsequent
15 to the first two assignments, one dollar. Town clerks shall receive, for
16 recording any document with respect to which certain data must be
17 submitted by each town clerk to the Commissioner of Revenue
18 Services in accordance with section 10-261b, the sum of two dollars in
19 addition to the recording fee. Any person who offers any written
20 document for recording in the office of any town clerk, which
21 document fails to have legibly typed, printed or stamped directly
22 beneath the signatures the names of the persons who executed such
23 document, the names of any witnesses thereto and the name of the
24 officer before whom the same was acknowledged, shall pay one dollar
25 in addition to the regular fee. Town clerks shall receive for recording
26 any deed, except a mortgage deed, conveying title to real estate, which
27 deed does not contain the current mailing address of the grantee, the
28 sum of five dollars in addition to the regular recording fee. Town
29 clerks shall receive, for filing any document, five dollars, for receiving
30 and keeping a survey or map, legally filed in the town clerk's office,
31 five dollars and for indexing such survey or map, in accordance with
32 section 7-32, five dollars, except with respect to indexing any such
33 survey or map pertaining to a subdivision of land as defined in section
34 8-18, in which event town clerks shall receive fifteen dollars for each
35 such indexing. Town clerks shall receive, for making a copy of any
36 document either recorded or filed in their offices, one dollar for each
37 page or fractional part thereof, as the case may be; for certifying any
38 copy of the same, one dollar, for making a copy of any survey or map,
39 the actual cost thereof; and for certifying such copy of a survey or map,
40 one dollar. Town clerks shall receive, for recording the commission
41 and oath of a notary public, ten dollars; for certifying under seal to the
42 official character of a notary, two dollars.

43 (b) The fees set forth in subsection (a) of this section received by
44 town clerks for recording documents include therein payment for the
45 return of each document which shall be made by the town clerk to the

46 designated addressee.

47 (c) Compensation for all services other than those enumerated in
48 subsection (a) of this section which town clerks are required by the
49 general statutes to perform and for which compensation is not fixed by
50 statute shall be fixed and paid by the selectmen or other governing
51 body of the town or city in which such services are performed.

52 (d) In addition to the fees for recording a document under
53 subsection (a) of this section, town clerks shall receive a fee of three
54 dollars for each document recorded in the land records of the
55 municipality. Not later than the fifteenth day of each month, town
56 clerks shall remit two-thirds of the fees paid pursuant to this
57 subsection during the previous calendar month to the State Treasurer
58 for deposit in the historic documents preservation account established
59 under section 2 of this act. One-third of the amount paid for fees
60 pursuant to this subsection shall be retained by town clerks and used
61 for the preservation and management of historic documents.

62 Sec. 2. (NEW) There is established, within the General Fund, a
63 separate and nonlapsing account to be known as the "historic
64 documents preservation account". The account shall contain any
65 moneys required by law to be deposited in the account. Investment
66 earnings credited to the assets of the account shall become part of the
67 assets of the account. Any balance remaining in the account at the end
68 of any fiscal year shall be carried forward for the fiscal year next
69 succeeding. The moneys in said account shall be used for the purposes
70 of sections 3 to 5, inclusive, of this act.

71 Sec. 3. (NEW) As used in sections 2 to 5, inclusive, of this act,
72 "preservation and management of historic documents" means activities
73 that include, but are not limited to, the following: (1) The restoration
74 and conservation of land records, land record indexes, maps or other
75 records; (2) the microfilming of land records, land record indexes,
76 maps or other records; (3) the use of information technology to

77 facilitate the performance of duties integral to the maintenance and
78 tracking of historic documents; (4) the assessment or upgrading of
79 records retention facilities; (5) disaster recovery; and (6) the training of
80 personnel to perform duties integral to the maintenance and tracking
81 of historic documents.

82 Sec. 4. (NEW) (a) The Public Records Administrator shall make
83 grants to municipalities from the historic documents preservation
84 account, established under section 2 of this act, for the preservation
85 and management of historic documents.

86 (b) If the Public Records Administrator finds that any grant
87 awarded pursuant to this section is being used for other purposes or to
88 supplant a previous source of funds, the Public Records Administrator
89 may require repayment.

90 (c) The Public Records Administrator shall allocate moneys in the
91 historic documents preservation account, established under section 2
92 of this act, for (1) the preservation and management of historic
93 documents maintained by the State Library, and (2) the expenses of
94 administering the historic documents preservation grant program,
95 established under section 5 of this act. The total amount of such
96 allocated moneys in any fiscal year shall be thirty per cent of the
97 moneys deposited in such historic documents preservation account in
98 such year. On or before September 1, 2001, and annually thereafter, the
99 State Library shall submit a report describing the activities performed
100 with the allocated moneys for the preceding fiscal year to the joint
101 standing committee of the General Assembly having cognizance of
102 matters relating to government administration.

103 Sec. 5. (NEW) (a) The Public Records Administrator shall establish
104 and administer an historic documents preservation grant program to
105 help municipalities to enhance or improve the preservation and
106 management of historic documents. Each application shall include a

107 description of the purpose, objective and budget of the activities to be
108 funded by the grant. The chief executive officer of a municipality
109 applying for a grant under this section may designate the town clerk of
110 that municipality as the agent to make such application.

111 (b) The Public Records Administrator shall establish relative
112 priorities for the approval of grants under this section. Such priorities
113 may take into account the differing needs of municipalities, the need
114 for consistency and equity in the distribution of grant awards and the
115 extent to which particular projects may advance the purposes of this
116 section. The Public Records Administrator may establish further
117 criteria for the approval of grants under this section. Not later than
118 February 1, 2001, the Public Records Administrator shall develop and
119 disseminate written guidelines to describe the evaluation process for
120 grant applications under this section. In awarding grants under this
121 section, the Public Records Administrator shall consult with the State
122 Archivist and any other person the Public Records Administrator
123 deems necessary.

124 (c) The Public Records Administrator shall authorize grant awards
125 under this section on or before July thirty-first and December thirty-
126 first of each fiscal year in which payment of a grant is to be made.

127 (d) The Public Records Administrator shall allocate seventy per cent
128 of the moneys in the historic documents preservation account in any
129 fiscal year to fund applications submitted under this section.

130 Sec. 6. (NEW) (a) Each municipality that receives a grant from the
131 historic documents preservation account established under section 2 of
132 this act shall submit a report to the Public Records Administrator, in
133 such form as the Public Records Administrator prescribes, not later
134 than September first of the fiscal year following the year such grant
135 was received. Such report shall contain a description of activities paid
136 for with financial assistance under the grant. The chief executive officer
137 of a municipality that receives a grant from the historic documents

138 preservation account may designate the town clerk of that
139 municipality as the agent to make such report.

140 (b) On or before January 1, 2002, and annually thereafter, the Public
141 Records Administrator shall submit a report on grants made under
142 sections 3 to 5, inclusive, of this act, for the preceding fiscal year to the
143 joint standing committee of the General Assembly having cognizance
144 of matters relating to government administration. Each such report
145 shall include: (1) A description of the grants made under sections 3 to
146 5, inclusive, of this act, including the amount, purposes and the
147 municipalities to which they were made; (2) a summary of the
148 activities for which the State Library used the moneys allocated to it
149 under section 4 of this act; and (3) any findings or recommendations
150 concerning the operation and effectiveness of the grant program.

151 Sec. 7. (NEW) (a) The Public Records Administrator may adopt
152 regulations, in accordance with the provisions of chapter 54 of the
153 general statutes, to implement the provisions of sections 3 to 6,
154 inclusive, of this act.

155 (b) The Public Records Administrator shall establish a committee to
156 advise such Public Records Administrator on the development and
157 implementation of regulations under this section. The Public Records
158 Administrator shall designate the members of the committee who shall
159 include representatives of small, medium and large municipalities and
160 municipalities in all geographic regions of the state.

161 Sec. 8. This act shall take effect July 1, 2000.

Statement of Legislative Commissioners:

In subsection (d) of section 1, "State" was inserted before "Treasurer"
for clarity.

PD Committee Vote: Yea 15 Nay 2 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Revenue Gain (Historic Documents Preservation Account)

Affected Agencies: State Library

Municipal Impact: Revenue Gain, Cost

Explanation

State Impact:

A revenue gain of \$1.8 million is anticipated to the Historic Documents Preservation Account established by the bill as a non-lapsing account in the General Fund. This impact is as a result of requiring that two-thirds of all revenue received from the \$3.00 per document recording fee collected by town clerks be deposited in the account. It is estimated that about 900,000 recordings occur annually.

Municipal Impact:

There is a revenue gain to municipalities in the aggregate of \$900,000. This impact is as a result of requiring that one-third of all revenue received from the \$3.00 per document recording fee collected by town clerks be retained by them for the purpose of preservation and management of local historic documents.

There is a cost to municipalities anticipated to be minimal to comply with provisions of the bill regarding application for grants and

reporting requirements for the preservation and management of local historic documents.

OLR Bill Analysis

sHB 5178

AN ACT CONCERNING REAL ESTATE FILINGS AND THE PRESERVATION OF HISTORIC DOCUMENTS.

SUMMARY:

This bill creates a mechanism to generate funds for preserving and managing state and local historic documents. The mechanism is a dedicated nonlapsing General Fund account capitalized by a new additional \$3 fee town clerks must charge for recording documents. The clerks must keep \$1 and remit \$2 of the \$3 fee to the state treasurer for deposit in the account. They must use their share to preserve and manage historic documents.

The public record administrator must establish a grant program and annually fund it with 70% of the funds in the account. Towns can apply for these grants, which are in addition to their share of the revenue the fee generates. They can use the grant to enhance or improve the way they preserve and manage historic documents. The administrator must use the remaining 30% to administer the grant program and provide funds for preserving and managing the State Library's historic documents.

The administrator, the State Library, and the towns receiving grants must comply with the bill's procedural and reporting requirements. The administrator may adopt regulations for administering the funds. He must establish a committee to advise him about developing and implementing regulations. The committee must include representatives of different size towns from different regions of the state.

EFFECTIVE DATE: July 1, 2000

PRESERVING AND MANAGING HISTORIC DOCUMENTS

The bill establishes a fee to generate funds for preserving and managing historic documents. Towns and the State Library can use the funds to:

1. restore and conserve land records, land record indexes, maps, or other records;
2. microfilm these documents;
3. manage and track historic documents using information technology;
4. assess or upgrade facilities where records are retained;
5. recover documents after a disaster; and
6. train staff to maintain and track historic documents.

In addition to, or instead of, these activities, towns can use their share of fee-generated revenue for any activities to preserve and manage historic documents.

COLLECTING THE FEE

The bill requires town clerks to collect a \$3 fee, in addition to those fees the law already requires them to collect for recording land documents. The fees to which the \$3 will be added vary up to \$15 for indexing a subdivision survey.

The clerks must keep \$1 of the fee the bill establishes and send the remainder to the state treasurer for deposit in the historic documents preservation account, which the bill also establishes. The clerks must remit the state's share by the 15th of the month following collection. They can use their share only for preserving and managing historic documents. They also qualify for grants funded out of the state's share (see below).

HISTORIC DOCUMENTS PRESERVATION ACCOUNT

The bill establishes this account within the General Fund as a separate

and nonlapsing account. The treasurer must deposit the state's share of the fee-generated revenue in the account, plus any other funds the law directs. She must also credit the account with its investment earnings.

TOWN GRANT PROGRAM

Applications

The public records administrator must annually allocate 70% of the funds in the account for grants to towns. Towns may apply by describing how they intend to use the grants and specifying the amount they plan to spend on each activity. Each town's chief executive officer can direct its clerk to apply for the grants.

Awarding Grants

The administrator must set priorities for awarding grants. In doing so, he can consider the towns' relative needs for preserving and managing documents, ways to award grants in a consistent and equitable manner, and the extent to which the applications serve the goal of preserving and managing historic documents. The administrator can also establish other criteria for awarding grants. He must develop and disseminate written guidelines, by February 1, 2001, describing how he will evaluate the applications.

In awarding grants, the administrator must consult with the state archivist and any other person the administrator deems necessary. He must award the grants twice each fiscal year, on July 31 and December 31.

Municipal Reporting and Grant Recapture Requirements

Towns that received grants must describe how they used them in a report to the administrator by September 1 of the next fiscal year. The report must be on a form the administrator prescribes. The chief executive officers can direct the town clerks to submit these reports.

The administrator can require towns to repay grants that were used for other purposes or to replace funds from other sources.

Legislative Reports

The administrator must report on the grants to the Government Administration and Elections Committee by January 1, 2002 and annually thereafter. The report must describe the grants he awarded during the previous fiscal year, specify the amounts and how they were used, and state any findings and recommendations about the program's operation and effectiveness. The report must also describe how the State Library used the funds it received for preserving and managing historic documents.

ALLOCATION TO STATE LIBRARY

The administrator can use 30% of the funds in the account to provide funds to the State Library for preserving and managing historic documents and to cover the administrative cost of awarding grants. The State Library must annually report to the Government Administrations and Elections Committee on how it used the funds during the prior year. It must submit the first report by September 1, 2001. This report is in addition to the one submitted by the administrator, which must also describe how the library used the funds.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 2