

ORIGINAL

A-158

BILL AS INTRODUCED
2004

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Introduced by Representatives Hummel of Underhill, Dakin of Colchester,
Botzow of Pownal, Connell of Warren, Darrow of Dummerston,
Deen of Westminster, Emmons of Springfield, Endres of
Milton, Fallar of Tinnmouth, Head of South Burlington, Heath of
Westford, Jewett of Ripton, Klein of East Montpelier, Milkey of
Brattleboro, Nuovo of Middlebury, Pugh of South Burlington,
Sharpe of Bristol, Symington of Jericho and Trombley of Grand
Isle

Referred to Committee on *Advisory*

Date: *Jan 9, 04*

Subject: Taxation and revenue; public records; CAPTAP; municipal and
education grand lists; property transfer tax returns; access and
distribution

Statement of purpose: This bill proposes to exempt from public disclosure
social security and other governmentally assigned personal identification
numbers contained in the CAPTAP database and property transfer tax records.
The bill would also require that requests for copies of either municipal or
education property tax grand lists only be granted upon a recipient's swearing
or affirming, subject to perjury penalties, that the document will not be used
for commercial purposes.

1 AN ACT RELATING TO THE CONFIDENTIALITY AND
2 NONCOMMERCIAL DISTRIBUTION OF CERTAIN TAX RECORDS
3 AND DATA

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

5 ~~Sec. 1. 1 V.S.A. § 317 is amended to read.~~

6 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
7 DOCUMENTS

8 (a) As used in this subchapter, "public agency" or "agency" means any
9 agency, board, department, commission, committee, branch, instrumentality, or
10 authority of the state or any agency, board, committee, department, branch,
11 instrumentality, commission, or authority of any political subdivision of the
12 state.

13 (b) As used in this subchapter, "public record" or "public document" means
14 all papers, documents, machine readable materials, or any other written or
15 recorded matters, regardless of their physical form or characteristics, that are
16 produced or acquired in the course of agency business. Individual salaries and
17 benefits of and salary schedules relating to elected or appointed officials and
18 employees of public agencies shall not be exempt from public inspection and
19 copying.

20 (c) The following public records are exempt from public inspection and
21 copying:

22 * * *

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Sec. 1. FINDINGS

It is the policy of the state of Vermont that the public records of the state are open for examination and review by the public. Recent and continuing technological advances have significantly altered access to the public records of the state. Technological advances have also allowed for potential misuse of public records. Since many public records contain personal information, the state must study how to maintain an open public records policy while simultaneously protecting valuable personal information. This bill clarifies the application of the current public records law while also requiring a study to identify possible approaches to public records access that address the issues surrounding technological advances and associated privacy concerns.

Sec. 2. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND

DOCUMENTS

(a) As used in this subchapter, "public agency" or "agency" means any agency, board, department, commission, committee, branch, instrumentality, or authority of the state or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the state.

(b) As used in this subchapter, "public record" or "public document" means all papers, documents, machine readable materials, computer databases, or any other written or recorded matters, regardless of their physical form or characteristics, that are produced or acquired in the course of agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying.

(c) The following public records are exempt from public inspection and copying:

* * *

(34) Social Security numbers or other governmentally assigned personal identification numbers contained in one of the following: the records of a computerized assessment, generally known as the computer assisted mass appraisal system (CAMA), as provided in section 3465 of Title 32; the grand list as defined by section 4152 of Title 32; or property transfer tax returns.

However, any party in a legal transaction or proceeding related to a specific parcel of property shall have access to any court-required data.

Sec. 3. 32 V.S.A. § 3465 is amended to read:

§ 3465. PUBLIC RECORDS, ~~CAPTAP~~ CAMA

(a) Notwithstanding any provision to the contrary in 1 V.S.A. § 317, 32 V.S.A. § 3102, this chapter, or any other provision of law Except for Social Security numbers or other governmentally assigned personal identification numbers, the information required to be collected by local governments under section 4152 of Title 32 maintained by and submitted to the division of property valuation and review obtained from by local governments participating in the computer assisted mass appraisal system (CAMA) shall be public records subject to public inspection and copying under 1 V.S.A. chapter 5, subchapter 3 of chapter 5 of Title 1.

(b) Notwithstanding subsection (a) of this section, any party in a legal transaction or proceeding related to a specific parcel of property shall have access to any court-required data.

Sec. 4. 1 V.S.A. § 316(i) is amended to read:


(i) If an agency maintains public records in an electronic format, all nonexempt public records, except the data, records, or documents used by a town to develop the information required by section 4152 of Title 32, shall be available for copying in either the standard electronic format or the standard paper format, as designated by the party requesting the records. An agency may, but is not required to, provide copies of the public records in a nonstandard format, to create a public record or to convert paper public records to electronic format. The data, records, or documents used by a town to develop the information required by section 4152 of Title 32 shall be available to the public in a standard paper format and shall not be removed from the office of a public agency in an electronic format.

Sec. 5. LEGISLATIVE COUNCIL STUDY


The Legislative Council shall study the public records law of the state of Vermont, the justification for state record requirements, privacy concerns regarding the dissemination of public records containing personal information, and the use of public records and shall recommend to the house and senate committees on local government and government operations potential approaches that the state could adopt to conform the public records law of the state with technological advances and associated privacy concerns.

Sec. 6. SUNSET

This act shall expire on June 30, 2005, and sections of the Vermont Statutes Annotated which are amended by this act shall revert to the language in effect prior to the effective date of this act.


GOVERNOR
6/7/04
Date


WALTER E. FREED
SPEAKER OF THE HOUSE OF REPRESENTATIVES


BRIAN E. DUBIE
PRESIDENT OF THE SENATE

ATTESTED TO:


Donald G. Milne
Clerk, House of Representatives

1 ~~(34) Social Security numbers or other governmentally assigned personal~~
2 ~~identification numbers contained either in CAPTAP records as provided in~~
3 ~~section 3465 of Title 32 or in property transfer tax returns. However, any party~~
4 ~~in a legal transaction or proceeding related to a specific parcel of property shall~~
5 ~~have access to any court-required data.~~

6 Sec. 2. 32 V.S.A. § 3465 is amended to read:

7 § 3465. PUBLIC RECORDS, CAPTAP

8 ~~(a) Notwithstanding any provision to the contrary in 1 V.S.A. § 317, 32~~
9 ~~V.S.A. § 3102, this chapter, or any other provision of law Except for Social~~
10 ~~Security numbers or other governmentally assigned personal identification~~
11 ~~numbers, information maintained by the division of property valuation and~~
12 ~~review obtained from local governments participating in the computer assisted~~
13 ~~property tax administration program (CAPTAP) shall be public records subject~~
14 ~~to public inspection and copying under 1 V.S.A. chapter 5, subchapter 3 of~~
15 ~~chapter 5 of Title 1.~~

16 ~~(b) Notwithstanding subsection (a) of this section, any party in a legal~~
17 ~~transaction or proceeding related to a specific parcel of property shall have~~
18 ~~access to any court-required data.~~

1 Sec. 3. 32 V.S.A. § 4153 is added to read:

2 § 4153. MUNICIPAL GRAND LIST; COMMERCIAL DISTRIBUTION

3 PROHIBITED

4 Any person wishing to obtain a copy of a municipal grand list shall swear or
5 affirm under penalty of perjury pursuant to chapter 65 of Title 13 that the
6 person will not use the municipal grand list for commercial purposes. The
7 affirmation shall be filed with the clerk of the municipality.

8 Sec. 4. 32 V.S.A. § 5404c is added to read:

9 § 5404c. EDUCATION PROPERTY TAX GRAND LIST; COMMERCIAL

10 DISTRIBUTION PROHIBITED

11 Any person wishing to obtain a copy of a municipal education property tax
12 grand list shall swear or affirm under penalty of perjury pursuant to chapter 65
13 of Title 13 that the person will not use the municipal education property tax
14 grand list for commercial purposes. The affirmation shall be filed with the
15 clerk of the municipality.

H.547

AN ACT RELATING TO THE CONFIDENTIALITY AND NON-COMMERCIAL DISTRIBUTION OF CERTAIN TAX RECORDS AND DATA

HOUSE OF REPRESENTATIVES

January 7, 2004

Introduced by Representatives Hummel of Underhill, Dakin of Colchester, Botzow of Pownal, Connell of Warren, Darrow of Dummerston, Deen of Westminster, Emmons of Springfield, Endres of Milton, Fallar of Tinmouth, Head of South Burlington, Heath of Westford, Jewett of Ripton, Klein of East Montpelier, Milkey of

Brattleboro, Nuovo of Middlebury, Pugh of South Burlington, Sharpe of Bristol, Symington of Jericho and Trombley of Grand Isle.

Read the first time and referred to Committee on

Judiciary

Clerk

Donald E. Mills

PROOFREAD

House Passage

Final Passage

~~HOUSE OF REPRESENTATIVES
3/10, 2004
READ AND REFERRED TO THE
COMM ON
ASST. CLERK~~

HOUSE OF REPRESENTATIVES
1/15, 2004
REP. Flory OF Pittsford
MOVED THAT THE COMM. ON
Judiciary BE RELIEVED OF
THE BILL AND THE BILL BE
COMMITTED TO THE COMM.
ON Local Government WHICH WAS
AGREED TO.
ASST. CLERK

HOUSE OF REPRESENTATIVES
3/9, 2004
ENTERED ON THE CALENDAR
FOR NOTICE
ASST. CLERK

HOUSE OF REPRESENTATIVES
3/10, 2004
RPT. FAV. W/REC. OF
AMEND. BY C. ON Local Gov.
RPT. FAV. W/REC. OF
AMEND. BY C. ON
RD. 2ND T., REC. OF
AMEND OF C. ON Local Gov.
AGREED TO, REC. OF
C. ON
AND 3RD RDG. ORDERED
ASST. CLERK

HOUSE OF REPRESENTATIVES
3/11/2004
READ THIRD TIME AND PASSED
ASST. CLERK

SENATE CHAMBER
3/12, 2004
Read and referred to Committee
on Govt. Ops.
Assistant Secretary

SENATE CHAMBER
4/28, 2004
Entered on the Calendar for Notice.
Assistant Secretary

SENATE CHAMBER
4/30, 2004
Reported favorably with recommendations/proposal
of amendment. Read second time,
referred to committee/proposals of amendment
agreed to and third reading ordered.
Assistant Secretary

SENATE CHAMBER
5/5, 2004
Read third time and passed in
concurrence with proposals of
amendment.
Assistant Secretary

~~SENATE CHAMBER
5/12, 2004
Read and referred to Committee
on Govt. Ops.
Assistant Secretary~~

HOUSE OF REPRESENTATIVES
5/7, 2004
ENTERED ON THE CALENDAR
FOR NOTICE
ASST. CLERK

HOUSE OF REPRESENTATIVES

5/7, 20 04
THE BILL APPEARING ON THE
CALENDAR FOR NOTICE, WAS
TAKEN UP FOR IMMEDIATE
CONSIDERATION UNDER SUSP.
OF THE RULES, AS MOVED BY
REP Partridge OF Windsorham
Arthur M. McGill
ASST. CLERK

HOUSE OF REPRESENTATIVES

5/7, 20 04
SEN. PROP OF AMENDMENT
CONSIDERED & PDG QUESTION
WILL THE HOUSE CONCUR WITH
SEN. PROP. OF AMENDMENT?
REP Deen OF Westminster
MOVED THE H. REFUSE CONCUR
& ASK FOR C. OF CONF., WHICH
WAS AGREED TO. THEREUPON,
SPEAKER APPTD. AS MEMBERS OF
COMM. OF CONF. ON PART OF H.
REP Deen OF Westminster
REP Don OF Hartford
REP Sugrue OF Winchester
Arthur M. McGill
ASST. CLERK

HOUSE OF REPRESENTATIVES

5/7, 20 04
UPON MOTION OF
REP. Symonds OF Jericho
THE RULES WERE SUSPENDED
AND THE BILL WAS ORDERED
MESSAGED TO THE SENATE
FORTHWITH.
Arthur M. McGill
ASST. CLERK

SENATE CHAMBER

5/11, 20 04
Pursuant to request of
House, President
announced appointment
as Conference
Committee members on
part of Senate:
Senator Mullin
Senator White
Senator Doyle
Assistant Secretary

SENATE CHAMBER

5/11, 20 04
On motion of Sen. Wetzel rules
were suspended and bill was ordered
messaged to House forthwith
Assistant Secretary

SENATE CHAMBER

5/13, 20 04
Entered on calendar for notice
Assistant Secretary

SENATE CHAMBER

5/13, 20 04
Taken up; pending questions, Shall
Senate accept and adopt report of
Conference Committee? was decided
in affirmative
Assistant Secretary

SENATE CHAMBER

5/13, 20 04
On motion of Sen. Wetzel rules
were suspended and bill was ordered
messaged to House forthwith
Assistant Secretary

HOUSE OF REPRESENTATIVES

5/14, 20 04
ENTERED ON THE CALENDAR
FOR NOTICE
Arthur M. McGill
ASST. CLERK

HOUSE OF REPRESENTATIVES

5/19, 20 04
REPORT OF C. OF CONF. CONSIDERED
& ADOPTED. ON PART OF HOUSE.
Arthur M. McGill
ASST. CLERK

5/19/2004
UPON MOTION OF
REP. Symonds OF Jericho
THE RULES WERE SUSP. & THE ACTION
OF HOUSE ON THE BILL WAS ORDERED
MESSAGED TO SEN. FORTHWITH & THE
BILL DELVD. TO GOV. FORTHWITH
Arthur M. McGill
ASST. CLERK