

ORIGINAL

A-158

BILL AS INTRODUCED  
2004

H.547  
Page 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

H.547

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

Referred to Committee on *Judiciary*

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 *See P. 2a*  
~~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 \* \* \*

H. 547

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.

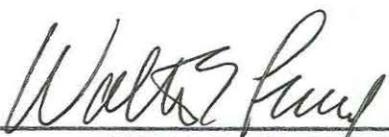
Sec. 5. LEGISLATIVE COUNCIL STUDY

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

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

Donald C. Mills Clerk

PROOFREAD

House Passage  
Final Passage

HOUSE OF REPRESENTATIVES

January 9, 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

~~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.  
William M. McGill  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
3/9, 2004  
ENTERED ON THE CALENDAR  
FOR NOTICE.  
William M. McGill  
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~~ ~~AGREED TO~~  
AND 3RD RDG. ORDERED  
William M. McGill  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
3/11, 2004  
READ THIRD TIME AND PASSED.  
William M. McGill  
ASST. CLERK

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

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

SENATE CHAMBER  
4/30, 2004  
Reported favorably with ~~recommendations~~ proposal  
~~amendment~~ amendment. Read second time,  
~~report~~ proposals of amendment  
agreed to and third reading ordered.  
William M. McGill  
Assistant Secretary

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



HOUSE OF REPRESENTATIVES  
5/7, 2004  
ENTERED ON THE CALENDAR  
FOR NOTICE  
William M. McGill  
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 Windsor

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 Jon OF Hartford  
REP Sugrady OF Winchester

Arthur M. McGill  
ASST. CLERK

HOUSE OF REPRESENTATIVES

5/7, 20 04

UPON MOTION OF REP. Sumner 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 Doyte

Arthur M. McGill  
Assistant Secretary

SENATE CHAMBER

5/11, 20 04

On motion of Sen. Wetch rules were suspended and bill was ordered messaged to House forthwith

Arthur M. McGill  
Assistant Secretary

SENATE CHAMBER

5/13, 20 04

Entered on calendar for notice

Arthur M. McGill  
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

Arthur M. McGill  
Assistant Secretary

SENATE CHAMBER

5/13, 20 04

On motion of Sen. Wetch rules were suspended and bill was ordered messaged to House forthwith

Arthur M. McGill  
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. Sumner 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