

No. 91. An act relating to technical changes to the records management authority of the Vermont state archives and records administration.

(H.775)

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

Sec. 1. 3 V.S.A. § 106 is amended to read:

§ 106. ACTS AND RESOLUTIONS OF THE GENERAL
ASSEMBLY

After the original acts and resolutions of the general assembly are delivered to the secretary pursuant to ~~section 3 V.S.A. § 104 of Title 3~~ he shall cause them to be microfilmed in cooperation with the commissioner of buildings and general services. ~~He,~~ the secretary shall then keep the originals on permanent file ~~in his office~~.

Sec. 2. 3 V.S.A. § 117(g) and (h) are amended to read:

(g) In fulfilling the duties of the state archives and records administration program, the state archivist shall:

(1) establish and administer a records management program for the application of effective and efficient methods to the creation, utilization, maintenance, reformatting, retention, destruction, and preservation of public records;

(2) cooperate with the heads of state agencies or public bodies to establish and maintain a program for the appraisal and scheduling of public records;

(3) analyze, develop, establish, and coordinate standards, procedures, and techniques for the creation of, preservation of, and access to public records;

(4) take custody of archival records in accordance with record schedules approved by the state archivist;

(5) maintain a record center to hold inactive records in accordance with records schedules approved by the state archivist;

~~(6) administer a central reformatting program for public records, including land records in the possession of municipal or county officers. Public records that are microfilmed, electronically captured, or otherwise reformatted shall be taken and received in all courts, public offices, and official bodies as prima facie evidence;~~

~~(7)~~ arrange, describe, and preserve archival records, and promote their use by government officials and the public;

~~(8)~~(7) permit the public to inspect, examine, and study the archives, provided that any record placed in the keeping of the office of the secretary of state under special terms or conditions of law restricting their use shall be made accessible only in accord with those terms and conditions;

~~(9)~~(8) cooperate with and assist to the extent practicable state institutions, departments, agencies, municipalities, and other political

subdivisions and individuals engaged in the activities in the field of public records, archives, manuscripts, and history;

~~(10)~~(9) accept for filing copies of land records submitted in microfilm, electronic media, or similar compressed form by municipal or county clerks;

~~(11)~~(10) receive grants, gifts, aid, or assistance, of any kind, from any source, public or private, for the purpose of managing or publishing public records; and

~~(12)~~(11) serve on the Vermont historical records advisory board, as described in 44 U.S.C. § 2104, to encourage systematic documentation in Vermont and the collecting of archival records.

~~(h) Each volume published under the provisions of this section shall be called state papers of Vermont and numbered consecutively after the last volume of that title printed and published under the authority of No. 259 of the Acts of 1912 and shall be evidence in court and shall have the same force as the original documents.~~

Sec. 3. 3 V.S.A. § 218(c) is amended to read:

(c) For an agency or department records program to be approved by the Vermont state archives and records administration, the head of each state agency or department shall:

* * *

(3) dispose promptly of those records authorized for destruction by the ~~department of buildings and general services of the agency of~~ Vermont state archives and records administration;

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Sec. 4. 3 V.S.A. § 219 is amended to read:

~~§ 219. RECORDS AND FILE EQUIPMENT~~

~~The following requests for additional equipment shall require prior approval by the commissioner of buildings and general services for the purpose of determining whether or not the requesting agency is making sufficient effort to improve records management:~~

- ~~(1) file cabinets;~~
- ~~(2) open files and shelving;~~
- ~~(3) vaults and safes;~~
- ~~(4) microfilm equipment;~~
- ~~(5) electronic or mechanical files.~~

Sec. 5. 3 V.S.A. § 2283a is amended to read:

§ 2283a. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES

The department of buildings and general services is created in the agency of administration as the successor to and continuation of the department of buildings and the department of general services. In addition to all other responsibilities assigned to it by law, the department is responsible for all

matters relating to the development, design, construction, management, and disposal of state-owned and leased buildings and for the provision of support services to state government, including purchasing services, ~~public record storage~~ and central data processing.

Sec. 6. 4 V.S.A. § 652 is amended to read:

§ 652. RECORDS OF JUDGMENTS AND OTHER PROCEEDINGS;
DOCKETS; CERTIFIED COPIES

The clerk shall:

- (1) At the close of each stated, special, or adjourned term of the court enter of record in due form the judgments rendered by the court in a book kept for that purpose and submit the same to the inspection of the judges of the court;
- (2) Make and keep dockets of the causes pending at each term of the court;
- (3) Record any other proceedings that the court may direct, and make and sign all process regularly issuing from the court; and
- (4) ~~Except as provided in section 454 of Title 22, he~~ The clerk shall keep on file and preserve all process, pleadings, and papers relating to causes in superior court which together with the records of the court, he or she shall give to any person, on demand and tender of the legal fees, certified copies of any of the records, proceedings or minutes in his or her office, and all proper

certificates, under the seal of the court. However, the clerk shall not disclose the filing of an action or release any records, proceedings, or minutes pertaining to it until service of process has been completed; nor shall ~~he~~ the clerk disclose any materials or information required by law to be kept confidential. ~~Original court records shall be maintained for two years after final court action and thereafter may be maintained on microfilm.~~

Sec. 7. 4 V.S.A. § 659 is amended to read:

~~§ 659. MICROFILMING OF COURT RECORDS~~

~~(a) The supreme court by administrative order may provide for permanent preservation of all court records by microfilming, or by any other photographic process which will provide compact records in reduced size, in accordance with standards established by the department of buildings and general services of the Vermont agency of administration which take into account the quality and security of the microphotographed records, and ready access to the micrographic record of any cause so recorded.~~

~~(b) After microfilming, the supreme court by administrative order may provide for the disposition of original court records by destruction or in cases where the original court record may have historical or intrinsic value by transfer to an appropriate institutional facility such as the archives of the secretary of state, the department of buildings and general services of the~~

~~agency of administration, the Vermont historical society, or the university of Vermont.~~

Sec. 8. 4 V.S.A. 693 is amended to read:

§ 693. DOCKET AND RECORDS

The clerk shall keep a docket, to be furnished by the state, of all causes pending in the court. ~~Except as provided in section 454 of Title 22, he~~ The clerk shall keep on file and preserve all process, pleadings, and papers relating to causes in the district court which, together with the records of the court, shall be subject to inspection and examination by parties interested in those causes and, upon tender of the legal fees, he or she shall furnish, or cause to be furnished, duly certified copies of any records, pleadings, process, or papers; except that he or she shall not disclose any materials or information required by law to be kept confidential. In a book kept for that purpose, ~~he~~ the clerk shall also make a record of all causes determined, but he or she need not spread at length upon the record, the process or the pleadings. ~~Original court records shall be maintained for two years after final court action and thereafter may be maintained on microfilm.~~

Sec. 9. 16 V.S.A. § 1324 is amended to read:

§ 1324. SUPERINTENDENT'S DUTIES

(a) At the end of the school year, the superintendent shall examine the register of each school, and, if it is properly filled out the superintendent shall notify in writing the chairperson of the board of school directors.

(b) The superintendent shall verify that the register is accurate. The register shall include the name of the registrar for each school, the name of the teacher or teachers of the school during the year for which the register was kept and the date and character of the license held by the teacher or teachers. On or before August 15, the superintendent shall ensure that the register is filed in a secure location within the supervisory union. ~~School registers shall be kept in accordance with the provisions of section 454 of Title 22.~~ The commissioner of education may adopt rules providing for the central collection and storage of the annual school registers. However, nothing herein shall prohibit the clerk of the school district from keeping the register if the superintendent and the clerk agree.

Sec. 10. 22 V.S.A. § 606(7) is amended to read:

(7) May dispose of by sale or exchange, or may discard, material which is obsolete or has ceased to be useful, because of its physical condition or otherwise. Any proceeds from the sale or disposition of materials shall be credited to a special fund established and managed pursuant to subchapter 5 of

chapter 7 of Title 32, and shall be available to the department for the purchase of library materials. ~~Materials constituting public records or which are archival in nature may be disposed of only following thirty days' notice to the commissioner of buildings and general services.~~

Sec. 11. REPEAL

Chapter 135 of Title 24 (municipal land records commission) is repealed.

Sec. 12. 27 V.S.A. § 1402 is amended to read:

~~§ 1402. STORAGE~~

~~Survey plats shall be filed, stored and maintained in a manner determined by the commissioner of buildings and general services.~~

Sec. 13. 27 V.S.A. § 1403(b) is amended to read:

(b) Plats filed in accordance with this chapter shall also conform with the following further requirements:

(1) ~~Plat sheet materials and the inscriptions and drawings thereon shall conform with material specifications determined by the commissioner of buildings and general services, and shall be chosen for their permanence and clarity.~~

~~(2)~~ Each survey plat shall contain an inset locus map clearly indicating the location of the land depicted and a legend of symbols used.

~~(3)~~(2) All lettering and data shall be clearly legible.

~~(4)~~(3) Plat scale ratios shall be sufficient to allow all pertinent survey data to be shown, and each plat shall contain a graphic scale graduated in units of measure used in the body of the plat.

~~(5)~~(4) Each plat sheet shall have a minimum one-half inch margin, except the binder side, which shall have a minimum one and one-half inch margin.

~~(6)~~(5) Each plat sheet shall contain a title area in the lower right-hand corner of the sheet stating the location of the land, scale expressed in engineering units, date of compilation, the name of the record owner as of that date, the land surveyor's certification as outlined in ~~section 26~~ V.S.A. § 2596 of Title 26, and a certification that the plat conforms with requirements of this section. These certifications shall be accompanied by the responsible land surveyor's seal, name and number, and signature.

~~(7)~~(6) Each survey plat shall contain a graphical indication of the reference meridian used on the survey plat and a statement describing the basis of bearings referenced on the survey plat.

~~(8)~~(7) When the plat sheet is produced by a reproduction process, the process shall be identified and certified to by the producer in the margin of the plat sheet. ~~The methods of reproduction and certification shall be determined by the commissioner of buildings and general services.~~ Original plat sheets shall be so identified and certified to by the same process.

Sec. 14. 32 V.S.A. § 1712(5) is amended to read:

(5) Fees for vital records shall be equivalent to those received by the commissioner of health or the ~~commissioner of buildings and general services~~ Vermont state archivist pursuant to subsection 1715(a) of this title.

Sec. 15. 24 V.S.A. § 1161(a)(2) is amended to read:

(2) If the instrument is executed on behalf of, or to convey the interest of another party, the same shall be indexed in the name of the other party as grantor. In case the instrument is executed by more than one grantor and to more than one grantee, the name of each grantor and each grantee shall be indexed. When the party is a natural person the name shall be indexed under the first letter of such person's surname, and when the party is a corporation the name shall be indexed under the first letter of the first word of its name disregarding articles and initials. For purposes of this section, a defendant against whose property a writ of attachment is filed or a person against whose property a lien is asserted, shall be considered a grantor, and a plaintiff filing a writ, or a person asserting a lien shall be considered a grantee. ~~Land plats filed in the office shall be indexed in such manner as the state archivist shall by rule prescribe.~~ The general index may be kept electronically.

Sec. 16. 18 V.S.A. § 5008 is amended to read:

§ 5008. TOWN CLERK; RECORDING AND INDEXING PROCEDURES

A town clerk shall file for record and index in volumes all certificates and permits received ~~in a manner prescribed by the state archivist~~ town. Each volume or series shall contain an alphabetical index. Civil marriage certificates shall be filed for record in one volume or series, civil unions in another, birth certificates in another, and death certificates and burial-transit and removal permits in another. However, in a town having less than 500 inhabitants, the town clerk may cause civil marriage, civil union, birth, and death certificates, and burial-transit and removal permits to be filed for record in one volume, provided that none of such volumes shall contain more than 250 certificates and permits. All volumes shall be maintained in the town clerk's office as permanent records.

Sec. 17. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 6, 2010