SENATE PROPOSAL OF AMENDMENT

H. 331

An act relating to technical changes to the records management authority of the Vermont State Archives and Records Administration

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 13 in its entirety and inserting in lieu thereof the following:

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 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.

Second: By striking out Sec. 14 in its entirety and inserting in lieu thereof the following:

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.

Third: By adding Secs. 15, 16, and 17 to read:

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. 1 V.S.A. § 317(c) is amended to read:

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

* * *

(39) records held by the agency of human services or the department of banking, insurance, securities, and health care administration, which include prescription information containing patient-identifiable data, that could be used to identify a patient;

(40) records maintained by a Vermont public postsecondary educational institution, the Vermont Student Assistance Corporation, or the institutionally related foundations of public postsecondary education institutions or of the Vermont Student Assistance Corporation concerning donors or potential donors, including: the identity of a donor or prospective donor when the donor or prospective donor requests anonymity as a condition of making the gift; and a donor or prospective donor's personal, marital, familial, financial, tax, estate planning, or gift planning information, provided that:

(A) "donor" within the meaning of this subdivision shall mean a:

(i) natural person;

(ii) private charitable foundation or trust named for a natural person or persons; or

(iii) donor-advised fund, as defined by 26 U.S.C. § 4966(d)(2) of the Internal Revenue Code, when the person holding advisory privileges for the fund is a natural person or is unknown to the postsecondary educational institution;

(B) this subdivision does not apply to benefactors of grants or contracts to the institution for the performance of research;

(C) disclosure shall be required of the purpose, date, amount, and any donor-imposed restrictions on the use of the donation; and

(D) the name of any donor and the amount of a donation made by such donor shall be subject to disclosure if the donor transacts business with the educational institution within three years before or after the date of such donation. For purposes of this subdivision, to "transact business" means the sale or lease of property, goods, or services to the institution in an amount greater than $10,000.00 in aggregate in a calendar year by the donor, the donor's immediate family, or a business in which the donor is an officer or has a direct ownership interest of greater than five percent of the assets or stock of the business.

Fourth: By adding a new section to be numbered Sec. 18 to read as follows:

Sec. 18. EFFECTIVE DATE

This act shall take effect upon passage.