

Vermont General Assembly

115 State Street • Montpelier, VT 05633-5201 • (802) 828-2228 • Fax: (802) 828-2424

MEMORANDUM

To: Rep. Ann Pugh, Chair, House Committee on Human Services
Sen. Claire Ayer, Chair, Senate Committee on Health and Welfare

From: Rep. Donna Sweeny, Chair, House Committee on Government Operations
Sen. Jeanette White, Chair, Senate Committee on Government Operations

Date: January 13, 2015

Subject: H.18, An act relating to Public Records Act exemptions

The Public Records Study Committee (Study Committee) was created in 2011, and was charged with reviewing all of the statutory exemptions to the Public Records Act and recommending whether each exemption should be amended, repealed, or kept in its existing form.

Over the last several years, the Study Committee fulfilled its charge and, in doing so, recommended that some exemptions be amended. The three House members of the Study Committee co-sponsored the enclosed bill in order to implement these recommendations.

Public Records Act exemptions relate to many different subjects. Because some of the exemptions that would be amended by the enclosed bill relate to topics typically under the jurisdiction of your committee, we are seeking feedback as to whether your committees object to the amendments.

Below is a table that lists and describes the sections of the bill affecting topics typically under the jurisdiction of your committee, and the persons that the Study Committee heard from on each. Because of this prior input, the House and Senate Committees on Government Operations intend to take limited testimony on the bill.

Also enclosed is a form that we request you return **on or before February 6**, so that the Government Operations Committees may consider your feedback. Staff will send your committee assistant a reminder about the form on January 30.

Thank you in advance for your consideration.

Sec. No.	Description	Persons heard by Study Committee
11	Eliminates language that appears to authorize DCF to issue regulations limiting the release of records to the public, and unnecessary language defining what the term “record” includes.	<ul style="list-style-type: none"> i. Susan Harritt, Assistant Attorney General, Legal Division Chief, Agency of Human Services ii. Ken Schatz, General Counsel, Agency of Human Services Legislative counsel iii. Legislative counsel
12	Eliminates constitutionally problematic language in a Title 33 provision which establishes the confidentiality of information pertaining to applicants for (or recipients of) public assistance. The language proposed to be deleted is unnecessary because other language in the section already prohibits release of the information.	<ul style="list-style-type: none"> i. Susan Harritt, Assistant Attorney General, Legal Division Chief, Agency of Human Services ii. Ken Schatz, General Counsel, Agency of Human Services Legislative counsel iii. Legislative counsel