

1 H.585

2 Introduced by Representative Townsend of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Executive Branch; records

6 Statement of purpose of bill as introduced: This bill proposes to:

7 (1) update the law governing the duties and authority of the Vermont
8 State Archives and Records Administration and of the State Archivist;

9 (2) repeal a law that requires Executive Branch entities to provide the
10 State Librarian with 10 copies of reports printed at the entity's expense;

11 (3) make conforming and technical changes to related laws.

12 An act relating to management of records

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

14 Sec. 1. 3 V.S.A. § 117 is amended to read:

15 § 117. VERMONT STATE ARCHIVES AND RECORDS

16 ADMINISTRATION

17 (a) As used in this chapter:

18 (1) “Records and information management” means the efficient and
19 ~~systematic identification and management of public records to assure their~~

1 ~~authenticity and accessibility from creation to ultimate disposition~~ control of
2 the creation, receipt, maintenance, use, and disposition of public records,
3 including the processes for capturing and maintaining evidence of, and
4 information about, public agency business activities and transactions in the
5 form of public records.

6 (2) “Archives” or “archival records” means public records that have
7 continuing legal, administrative, or ~~historie~~ informational value.

8 (3) “Appraisal” means the identification, classification, and analysis of
9 all public records, regardless of physical form or characteristics, to determine
10 their value and ultimate disposition, based upon their:

11 ~~(A) current administrative, legal, and fiscal use;~~

12 ~~(B) evidential and informational content;~~

13 ~~(C) arrangement and condition;~~

14 ~~(D) intrinsic value; and~~

15 ~~(E) relationship to other records~~ legal, administrative, or
16 informational value.

17 (4) “Public record” or “public document” ~~means all papers, documents,~~
18 ~~machine readable materials, or any other written or recorded matters,~~
19 ~~regardless of their physical form or characteristics, that are produced or~~
20 ~~acquired in the course of agency business. Individual salaries and benefits of~~
21 ~~and salary schedules relating to elected or appointed officials and employees of~~

1 ~~public agencies shall not be exempt from public inspection and copying~~ has
2 the same meaning as set forth in 1 V.S.A. § 317.

3 (5) “Public agency” has the same meaning as set forth in 1 V.S.A.
4 § 317.

5 (6) “Record schedule” means a manual, directive, or policy containing
6 descriptions of and disposition instructions for retention, access, and
7 management of all public records or public documents policy issued by the
8 Vermont State Archives and Records Administration and approved by the State
9 Archivist governing the life cycle management, retention, and disposition of
10 public records.

11 (b) There is created within the Office of the Secretary of State the Vermont
12 State Archives and Records Administration, which is charged with
13 administering ~~and implementing a records management program for State~~
14 ~~government in accordance with professional records and information~~
15 ~~management practices and principles, which shall be styled “the State Archives~~
16 ~~and Records Administration Program.”~~ a Statewide Records and Information
17 Management Program for all public agencies in accordance with generally
18 accepted record-keeping principles and industry standards and best practices.

19 (c) ~~The Secretary shall adopt policies and procedures necessary to carry out~~
20 ~~the provisions of this section~~ Services of the Statewide Records and
21 Information Management Program shall include:

1 (1) providing assistance to public agencies in establishing, maintaining,
2 and implementing active and continuing internal records and information
3 management programs for the effective management of records produced or
4 acquired in the course of public agency business;

5 (2) ensuring that low-cost, secure repositories and systems for public
6 records, regardless of format, are available at an enterprise or statewide level
7 and managed and operated in a manner that supports compliance with
8 generally accepted record-keeping principles, industry standards, best
9 practices, the Public Records Act, this section, and, where applicable,
10 section 218 of this title;

11 (3) developing, issuing, and maintaining statewide records and
12 information management standards and information governance frameworks;

13 (4) performing formal appraisals of public records and issuing record
14 schedules accordingly;

15 (5) operating a Records Center to hold inactive analog State public
16 records in accordance with record schedules;

17 (6) accepting land records submitted on microfilm by municipal and
18 county clerks for storage in the Records Center;

19 (7) taking legal custody of State archival records, regardless of format,
20 in accordance with record schedules; and

21 (8) arranging, describing, and preserving archival records in accordance

1 with archival principles and best practices, and promoting their use by
2 government officials and the public.

3 (d) The Secretary State Archivist may appoint an advisory committee to
4 provide assistance and support for the State Archives and Records
5 Administration Program.

6 (e) The Secretary may adopt rules consistent with this section.

7 (f) There shall be the Director of the Vermont State Archives and Records
8 Administration who shall have the title of “State Archivist,” ~~and~~ who shall be
9 qualified by education and professional experience to perform the duties of the
10 office position, and who shall simultaneously serve as Chief Records Officer.

11 The State Archivist shall be a classified position within the Office of the
12 Secretary of State.

13 (g) In fulfilling the duties as director of the Vermont State Archives and
14 Records Administration Program, the State Archivist shall:

15 (1) ~~establish and administer a records management program for the~~
16 ~~application of effective and efficient methods to the creation, utilization,~~
17 ~~maintenance, reformatting, retention, destruction, and preservation of public~~
18 ~~records~~ issue policies, standards, guidelines, and procedures necessary to carry
19 out the provisions of this section;

20 (2) ~~cooperate with the heads of State agencies or public bodies to~~
21 ~~establish and maintain a program for the appraisal and scheduling of public~~

1 records administer and maintain the Statewide Records and Information
2 Management Program for the efficient and systematic control of public
3 records;

4 (3) ~~analyze, develop, establish, and coordinate standards, procedures,~~
5 ~~and techniques for the creation of, preservation of, and access to public records~~
6 approve record schedules governing the life cycle management, retention, and
7 disposition of public records;

8 (4) ~~take custody of archival records in accordance with record schedules~~
9 ~~approved by the State Archivist;~~

10 (5) ~~maintain a record center to hold inactive records in accordance with~~
11 ~~records schedules approved by the State Archivist;~~

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

14 (7) ~~permit the public to inspect, examine, and study the archives,~~
15 ~~provided that any record placed in the keeping of the Office of the Secretary of~~
16 ~~State under special terms or conditions of law restricting their use shall be~~
17 ~~made accessible only in accord with those terms and conditions;~~

18 (8) ~~cooperate with and assist to the extent practicable State institutions,~~
19 ~~departments, agencies, municipalities, and other political subdivisions and~~
20 ~~individuals engaged in the activities in the field of public records, archives,~~
21 ~~manuscripts, and history;~~

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

3 (10) receive grants, gifts, aid, or assistance, of any kind, from any
4 source, public or private, for the purpose of managing, preserving, or
5 publishing promoting public records; and

6 ~~(11)(5) serve on as chair of the Vermont Historical Records Advisory~~
7 ~~Board, as described in 44 U.S.C. § 2104, to encourage systematic~~
8 ~~documentation in Vermont and the collecting of archival records pursuant to~~
9 ~~36 C.F.R. part 1206 for the purposes of improving public access to, and~~
10 ~~engagement with, Vermont historical records and encouraging and facilitating~~
11 ~~collaborative efforts among Vermont historical records repositories.~~

12 (h) [Repealed.]

13 (i) [Repealed.]

14 (j) [Repealed.]

15 (k) There is hereby created the Public Records Special Fund. The Fund
16 shall be administered as a special fund pursuant to 32 V.S.A. chapter 7,
17 subchapter 5. The purpose of the Fund is to support improved management of
18 public records by State agencies. The Fund shall consist of receipts from other
19 government agencies for the provision of ~~records management~~ Records and
20 Information Management Program services by the Vermont State Archives and
21 Records Administration in the Office of the Secretary of State. The Fund shall

1 be available to the Office of the Secretary of State and shall be expended for
2 the purposes of activities authorized by ~~3 V.S.A. § subsection 117(e)(c)~~ of this
3 title.

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

5 ~~§ 317a. DISPOSITION OF PUBLIC RECORDS~~

6 ~~A custodian of public records shall not destroy, give away, sell, discard, or~~
7 ~~damage any record or records in his or her charge, unless specifically~~
8 ~~authorized by law or under a record schedule, as defined in 3 V.S.A.~~
9 ~~§ 117(a)(6), that has been approved by the State Archivist pursuant to 3 V.S.A.~~
10 ~~§ 117(a)(5).~~

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

§ 317a. DISPOSITION MANAGEMENT OF PUBLIC RECORDS

(a)(1) Public records in general and archival records in particular should be systematically managed to provide ready access to vital information, to promote the efficient and economical operation of government, and to preserve their legal, administrative, and informational value.

(2) Any public agency may seek services from the Statewide Records and Information Management Program, as defined in 3 V.S.A. § 117(b) and administered by the Vermont State Archives and Records Administration, to establish, maintain, and implement an active and continuing internal records and information management program for the agency.

(b) A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A.

§ 117(a)(6), that has been approved by the State Archivist pursuant to 3 V.S.A.

§ 117(a)(5).

1 Sec. 3. 29 V.S.A. § 1152 is amended to read:

2 § 1152. COPIES OF REPORTS

3 Whenever a report is printed at the expense of any agency, department,

4 board or other entity in the executive branch, 10 copies shall be given to the

5 state librarian. [Repealed.]

6 Sec. 4. 22 V.S.A. § 601(c) is amended to read:

7 (c) The State Librarian shall distribute, in accordance with 29 V.S.A.

8 §§ ~~1152–1163 and 1191–1193a~~ 1153a–1163 and other official lists maintained

9 by the State Librarian, the Acts and Resolves of the General Assembly, the

10 legislative directory, the Vermont Statutes Annotated, ~~the Vermont key number~~

11 digest, the journals of the Senate and House of Representatives, ~~the Vermont~~

12 reports, and other official reports and documents. The State Librarian shall

13 maintain records of all documents ~~which~~ that he or she distributes.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on July 1, 2018.