

All,

I seem to recall the membership of the VR study committee being very clear, and in agreement, that all clerks would be still responsible for issuing vital records. Now reading the draft bill, it very clearly indicates being “designated” as a clerk to issue vital records and it sounds like the explanation given to Stacy is “trust us”. I am not comfortable with that. As Clerks, we are tasked with issuing these records and I think it is safe to say that most of us take that responsibility very seriously. It is already written in law that we could be fined if we knowingly issue a fraudulent record. Isn't that enough? I really don't see a need to apply and be designated to show I am worthy of a statutory responsibility. It is important to note, as a whole, I am relatively comfortable with the draft bill, but this is a big issue for me. I know we all took a lot of time and effort in our Study Committee to come to a consensus on most items.

A few additional comments and concerns noted below:

Page 7, line 18 (State Registrar determines what is acceptable form of ID) While I realize the intent here is to use rulemaking, I feel like it should be a bit more specific in the law. Even if it is noted “one government-issued identification”. My concern is if it isn't more specific, things could potential spiral out of control based on rules over the years. Again, we discussed this in the Study Committee that we shouldn't put an undue burden on the honest people just because there are a few bad people.

Page 9, line 18 (State Registrar may prescribe other materials needing to be in a safe) As I mentioned to the VR Study Committee, my concern here is my decades worth of indexes of older records that could never fit in my vault. I don't have a problem with original records or engraved paper being kept in the vault. Maybe just strike that line 18? (5001(b)3)

Page 9, line 19-Page 10, line 7 (Audit, Cease & removal of records) While in theory, I don't have a problem with an audit because I am comfortable with being in compliance, I don't believe records should ever be removed from my office. If I am not in compliance, I can understand not being allowed to issue the records until I am in compliance but those records are permanent record in my office and should not be removed.

Page 24, line 8-9 (Certified copies cannot be recorded in the land records) Just a point of clarification needed here...We are supposed to record what is presented for recording. It is VERY rare a Clerk would ever reject something for recording. What if it is a certified copy from another State? Often, we are presented with a certified copy from out of State to record in the land records to show someone is deceased and therefore not involved in a real estate transaction. If an attorney brings us a certified copy, we are to reject it?

Page 25, line 13, 14 (\$15.00 fee, \$5.00 to DOH) I realize these sweeping changes come at a cost, but they will also cost us at a local level as far as staff time and training as well as meeting storage requirements and material costs. Ultimately, the

fee is flat for the Towns, no increase at all, because the \$5.00 increase is going to a special fund at DOH. I hate to put this burden on my local residents, but if you are going to do that, the fee needs to be increased further to cover the local cost as well.

Again, my issues above often go back to my role and responsibility as a Town Clerk. I am elected to do a good job and keep these records safe for as long as I am Clerk, I don't need the State Registrar to check on me.

Cassandra Barbeau
Town Clerk
Bennington, VT
<mailto:cbarbeau@benningtonvt.org>

find us on the web at <http://www.townofbennington.org/TOB/departments/town-clerk/>

Please note that this email message, along with any response or reply, is considered public record, and thus, subject to disclosure under the Vermont Public Records Law ([1 V.S.A. §§ 315-320](#)). Thank You.

From: Helena Gardner [<mailto:HGardner@leg.state.vt.us>]
Sent: Tuesday, January 10, 2017 10:02 AM
To: McCoy, Richard <Richard.McCoy@vermont.gov>; David Englander <David.Englander@vermont.gov>; Marshall, Tanya <tanya.marshall@sec.state.vt.us>; 'chris.winters@sec.state.vt.us' <chris.winters@sec.state.vt.us>; Kilgore, Jeffrey (Jeffrey.Kilgore@vermont.gov) <Jeffrey.Kilgore@vermont.gov>; Town Clerk <townclerk@stjvt.com>; 'cbarbeau@benningtonvt.org' <cbarbeau@benningtonvt.org>; 'khorn@vlct.org' <khorn@vlct.org>; Scott, Theresa <Theresa.Scott@vermont.gov>; 'brian.gearson@vermont.gov' <brian.gearson@vermont.gov>; 'Karen Richard' <KRichard@colchestervt.gov>; Linda Martin <wildermont@myfairpoint.net>; devon@vahhs.org; William Lippert <WLIPPERT@leg.state.vt.us>; Maxine Grad <Mgrad@leg.state.vt.us>
Cc: Maida Townsend <MTownsend@leg.state.vt.us>; Dennis Devereux <DDevereux@leg.state.vt.us>; Sebastian Arduengo <SArduengo@leg.state.vt.us>; Denise Diehl <DDiehl@leg.state.vt.us>
Subject: Vital records draft bill

Good morning,

Reps. Devereux and Townsend have asked me to send you:
(1) a 101-page draft of a bill to amend laws of Vermont relating to vital records; and

(2) a 2-page high-level summary of the draft, which includes a link to the report of the Vital Records Study Committee.

Rep. Townsend expects to start testimony on the bill the week of Jan. 24, and the House Gov Ops committee assistant, Denise Diehl, likely will touch base with you the prior week to invite testimony. (On Jan. 20, I have been invited to provide background related to the bill: e.g., regarding the structure of 18 V.S.A. part 6 and the existence of related laws in other titles, what is the status quo under current law, how Executive Branch rulemaking works, etc. I will not walk through the bill until the week of Jan. 24).

However, prior to your testimony, Reps. Devereux and Townsend invite you to consider and comment on the attached draft.

Best,
Helena

Helena M. Gardner
Legislative Counsel and Records Officer
Vermont Office of Legislative Council
hgardner@leg.state.vt.us
W: 802-828-5950
Fax: 802-828-2424