

TESTIMONY RE: H.111 (Vital Records)

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April 18, 2017

As Vermont State Archivist, the State's Chief Records Officer, and the Director of the Vermont Archives and Records Administration (VSARA), which issues policies and directives for the management of public records by public agencies, maintains and preserves permanent records of the state (regardless of format), and provides access to, and issues both certified and informational copies of, the bulk majority of state vital certificates (1760s – 2011), I support the bill as passed by the Vermont House and neither recommend nor advise making any substantive changes. Here is why:

Vital Records Study Committee

Between July and November 2016, I chaired the Vital Records Study Committee which was comprised of the Commissioner of Health or designee; the State Archivist or designee; a Probate judge appointed by the Chief Justice of the Vermont Supreme Court; one municipal clerk designated by the Vermont Municipal Clerks' and Treasurers' Association; and one municipal clerk designated by the Vermont League of Cities and Towns, who is the clerk of a municipality that is not a member of the Vermont Municipal Clerks' and Treasurers' Association. Three of the study committee members – Richard McCoy, Stacy Jewell and myself – are here today.

Relative to legislative study committees, the Vital Records Study Committee was one of the most collaborative and diligent committees I have seen during my 10+ years in state government. All five committee members actively participated and, more importantly, brought their wealth of knowledge, experience and understanding of their respective, and sometimes diverse, roles and responsibilities related to "vital records" to the table. As a result, the Committee's final report thoroughly addressed the current state of vital records laws and current practices – and how they diverge in many areas – and provided solid recommendations for legislative action.

H.111 (Vital Records)

When introduced, H.111 did not include all of the Study Committee's recommendations. In addition, it included several proposed changes to current law that were neither discussed nor universally supported by those who served on the Study Committee. Through the walk-through, discussion among House Government Operations Committee members, and testimony, it was learned some of the proposed language was carried over from previous vital records bills – all of which failed. Other proposed additions came through varied personal or organizational preferences among Committee members, different groups, etc. – with some proposals being more valid than others.

Ultimately, while not all recommendations proposed by the Study Committee came to fruition in the version passed by the House, and not all preferences made it through either, the House Government Operations Committee heard and vetted them all (and then some). While I heard the House Government Operations Committee make references to compromises, it is truly not the best word to describe what occurred. Perhaps, with some of the personal or organizational preferences, there was compromises, gives and takes, and concessions that were made. At the end, however, the House delivered a bill that – for those of us who live and breathe the world of vital records on a daily basis and know the records, the public’s needs, and the issues inside and out – is balanced and provides the necessary next steps to correct woefully out-of-date and antiquated laws.

Conclusion

The complete, timely, accurate, and reliable collection of vital event information for both civil registration and vital statistics purposes is critical. Further, the protection of rights established through the civil registration process, specifically the issuance of legal instruments certifying the occurrence of vital events, is absolutely necessary. While all parties will need to diligently work together to assure the changes proposed in H.111, if enacted, will be done in the most effective and efficient way possible, H.111, as passed by the House, aligns with many of the Study Committee’s recommendations. Furthermore, it is representative of the best possible outcome – with underlying broad support – for legislative changes to Vermont’s vital records in almost 40 years.