

* * * Public Records Advisory Panel * * *

Sec. #. 1 V.S.A. § 316(g) is amended to read:

(g) ~~The Secretary of State shall provide municipal public agencies and members of the public information and advice regarding the requirements of the Public Records Act and may utilize informational websites, toll-free telephone numbers, or other methods to provide such information and advice.~~ [Repealed.]

Sec. #. 1 V.S.A. § 321 is added to read:

§ 321. PUBLIC RECORDS ADVISORY PANEL

(a) The Public Records Advisory Panel is established to provide information and advice [To public agencies? To the public? Both?] regarding the requirements of the Public Records Act.

(b) The Panel shall consist of:

[Is the list below too heavy on representatives of public agencies? Add a member of the public appointed by the Governor and eliminate one of the members listed below?]

(1) the Attorney General or designee, [who shall chair the Panel – who should chair?];

(2) the Secretary of State or designee;

(3) a representative of a State public agency appointed by the Governor;

(4) a representative of municipalities appointed by the Governor; and

(5) a representative of the media appointed by the Governor.

(c) Panel members appointed by the Governor shall serve [three]-year terms, except that the initial representative of municipalities shall serve a one-year term, and the initial representative of the media shall serve a two-year term. [The Panel shall be attached to the Office of the Attorney General, and receive administrative support from the Office of the Attorney General.]

Panel members who are not employees of the State shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 [Only if not paid by employer?]

(d) Upon the request of a public agency [or member of the public?], or on its own initiative, the Panel [shall?][may?] provide information and advice regarding the requirements of the Public Records Act, including the scope and application of exemptions to the Act. The Panel may designate a member to respond to a request for information and advice. Upon request, or on its own initiative, the Panel [shall?][may?] issue advisory opinions regarding the requirements of the Act. [If issuance of an advisory opinion is required, should Panel be required to issue it within a certain timeframe?] [If issuance of an advisory opinion is required, should an exception be made if litigation is pending, or if litigation is anticipated?].

(e) [Should public agency and courts defer to advisory opinion? Example: An advisory opinion concurred in by at least three Panel members which does not contradict the unambiguously expressed intent of the General Assembly shall be given controlling weight by public agencies and courts unless it is arbitrary or manifestly contrary to law]. [A court shall not assess attorney's fees under section 319 of this title against a public agency that withholds a public record in reliance on an advisory opinion issued under this section].

(f) All advisory opinions issued under this section shall be posted in one location on the website of the Attorney General's Office, except that an opinion may be redacted or withheld if exempt from public inspection and copying under the Public Records Act.

(g) [Should Panel be required to report its activities to the General Assembly?]