

1 S.305

2 Introduced by Senators Brock, Benning, Collamore, McNeil and Westman

3 Referred to Committee on

4 Date:

5 Subject: General provisions; common law; general rights; Public Records Act

6 Statement of purpose of bill as introduced: This bill proposes to amend the
7 definition of “public agency” for purposes of the Public Records Act to include
8 nonprofit corporations that perform certain governmental functions.

9 An act relating to making State-formed nonprofits subject to the Public
10 Records Act

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

12 Sec. 1. PURPOSE

13 The purpose of this act is to affirm that the Public Records Act applies to
14 entities that perform governmental functions on behalf of the State or its
15 political subdivisions. The Public Records Act provides a necessary means for
16 Vermont citizens to monitor government programs and measure the
17 performance of public officials. An entity that performs a governmental
18 function, administers government funds, or implements a government program
19 should be subject to the same public scrutiny as the State and its political
20 subdivisions. Accordingly, this act would ensure that the public has the

1 continued opportunity to examine the actions of those entities that perform
2 governmental functions.

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

4 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
5 DOCUMENTS; EXEMPTIONS

6 (a) As used in this subchapter:

7 (1) “Business day” means a day that a public agency is open to provide
8 services.

9 (2)(A) “Public agency” or “agency” means any agency, board,
10 department, commission, committee, branch, instrumentality, or authority of
11 the State or any agency, board, committee, department, branch,
12 instrumentality, commission, or authority of any political subdivision of the
13 State.

14 (B) “Public agency” also means any person that performs a
15 governmental function, administers public funds, or implements a State or
16 local program pursuant to statute, administrative rule, ordinance, or contract
17 with the State or its political subdivisions. “Public agency” shall include any
18 subsidiary entity that is created or wholly owned by a public agency.

19 * * *

1 Sec. 3. 10 V.S.A. § 328 is amended to read:

2 § 328. CREATION OF THE SUSTAINABLE JOBS FUND PROGRAM

3 * * *

4 (g)(1) The Sustainable Jobs Fund Program, including the nonprofit
5 corporation established pursuant to this section and any subsidiary, shall be
6 subject to the Public Records Act.

7 (2) For purposes of this subsection, “subsidiary” means any person that
8 is directly or beneficially owned, a minimum of 10 percent of equity or other
9 interest, by the nonprofit corporation.

10 Sec. 4. 18 V.S.A. § 9352 is amended to read:

11 § 9352. VERMONT INFORMATION TECHNOLOGY LEADERS

12 * * *

13 (k) VITL and any subsidiary shall be subject to the Public Records Act. For
14 purposes of this subsection, “subsidiary” means any person that is directly or
15 beneficially owned, a minimum of 10 percent of equity or other interest, by
16 VITL.

17 Sec. 5. EFFECTIVE DATE

18 This act shall take effect on July 1, 2020.