

1 H.408

2 Introduced by Representatives Leffler of Enosburgh, Beck of St. Johnsbury,

3 Lefebvre of Orange, and White of Hartford

4 Referred to Committee on

5 Date:

6 Subject: General provisions; common law; general rights; Open Meeting Law;

7 electronic means

8 Statement of purpose of bill as introduced: This bill proposes to require that:

9 (1) every meeting of a public body be viewable by electronic means

10 from the time the first member arrives for the meeting; and

11 (2) any executive session held by a public body is recorded, preserved,

12 and subject to Vermont's Public Records Act.

13 An act relating to requiring public bodies to make meetings viewable
14 through electronic means

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

16 Sec. 1. 1 V.S.A. § 312 is amended to read:

17 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

18 (a)(1) All meetings of a public body are declared to be open to the public at

19 all times, except as provided in section 313 of this title. No resolution, rule,

20 regulation, appointment, or formal action shall be considered binding except as

1 taken or made at such open meeting, except as provided under subdivision
2 313(a)(2) of this title. A meeting of a public body is subject to the public
3 accommodation requirements of 9 V.S.A. chapter 139. A public body shall
4 electronically record all public hearings held to provide a forum for public
5 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
6 have access to copies of such electronic recordings as described in section 316
7 of this title.

8 * * *

9 (3) Simultaneous broadcast via electronic means. A public body shall
10 simultaneously broadcast via electronic means any meeting of the public body.
11 The public body shall publish the publicly accessible location of the
12 simultaneous broadcast in the warning and agenda for each meeting. The
13 public body shall begin the simultaneous broadcast at the time that the first
14 member of the public body arrives for the meeting.

15 * * *

16 Sec. 2. 1 V.S.A. § 313 is amended to read:

17 § 313. EXECUTIVE SESSIONS

18 (a) No public body may hold an executive session from which the public is
19 excluded, except by the affirmative vote of two-thirds of its members present
20 in the case of any public body of State government or of a majority of its
21 members present in the case of any public body of a municipality or other

1 political subdivision. A motion to go into executive session shall indicate the
2 nature of the business of the executive session, and no other matter may be
3 considered in the executive session. ~~Such~~ The vote shall be taken in the course
4 of an open meeting and the result of the vote recorded in the minutes. No
5 formal or binding action shall be taken in executive session except for actions
6 relating to the securing of real estate options under subdivision (2) of this
7 subsection. Minutes of an executive session need not be taken, but if they are,
8 the minutes shall, notwithstanding subsection 312(b) of this title, be exempt
9 from public copying and inspection under the Public Records Act. A public
10 body shall record audio and video of any executive session held pursuant to
11 this section. A recording of an executive session shall be exempt from public
12 inspection and copying under the Public Records Act, except in instances
13 where the basis for the confidentiality of the executive session is no longer
14 applicable. A public body may not hold an executive session except to
15 consider one or more of the following:

16 * * *

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2021.