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H.649

Representative Donahue of Northfield moves that the bill be amended as follows:

First: By striking out Sec. 10, 1 V.S.A. § 911, in its entirety and inserting in lieu thereof a new Sec. 10 to read as follows:

Sec. 10. 1 V.S.A. § 911 is added to read:

§ 911. LIMITED ACCESS COMMISSION MEETINGS; EXCEPTION TO  
OPEN MEETING LAW

(a)(1) As used in this subsection, “limited access meeting” means a meeting of the Commission that is livestreamed and video recorded to which access and participation by members of the general public is limited as provided in this subsection.

(2) Upon a finding by the Commission that there are material threats to the health or safety of the Commission, its staff, witnesses, or invitees, the Commission may hold a limited access meeting. During a limited access meeting, the Commission may restrict attendance at the meeting, whether the attendance is in person or by electronic or other means, and participation in the meeting to:

(A) Commission staff and legal counsel;

(B) persons who are providing testimony or information to the Commission during the meeting;

1           (C) members of the media; and

2           (D) other persons whose presence the Commission determines is  
3 needed at the meeting.

4           (3)(A) The Commission shall include in the agenda for a limited access  
5 meeting information that allows the public to directly access a livestream of  
6 the meeting. The video recording of any limited access meeting shall be  
7 posted and made available for inspection or copying under the Public Records  
8 Act.

9           (B) The Commission shall not be required to livestream or video  
10 record any portions of a limited access meeting that are held in executive  
11 session pursuant to 1 V.S.A. § 313.

12           (4) Limited access meetings shall only be conducted electronically to  
13 the extent that electronic meetings are permitted for public bodies and in a  
14 manner that is consistent with applicable laws governing electronic meetings  
15 of public bodies.

16           (5) The Commission shall provide an opportunity for public comment  
17 related to the topics listed on the agenda of any limited access meeting and any  
18 other issues or topics that are discussed during a limited access meeting. Any  
19 public comment received shall be included in the record of the limited access  
20 meeting.

1        (b)(1) Notwithstanding any provision of chapter 5, subchapter 2 of this  
2        title, the deliberations of a quorum or more of the members of the Commission  
3        shall not be subject to the Vermont Open Meeting Law.

4        (2) The Commission shall periodically post to the Commission’s  
5        website a short summary of the deliberative meetings held by the  
6        commissioners pursuant to this subsection.

7        (3) As used in this subsection, “deliberations” has the same meaning as  
8        in 1 V.S.A. § 310(2).

9        Second: By striking out Sec. 11, legislative intent, in its entirety and  
10       inserting in lieu thereof a new Sec. 11 to read as follows:

11       Sec. 11. LEGISLATIVE INTENT

12       It is the intent of the General Assembly that:

13       (1) the Truth and Reconciliation Commission work in an open,  
14       transparent, and inclusive manner to ensure the credibility and integrity of its  
15       work and strive to maximize opportunities to conduct its business in public  
16       meetings;

17       (2) specific exceptions to the Open Meeting Law, in recognition of the  
18       highly sensitive nature of the Truth and Reconciliation Commission’s charge,  
19       will enable the Commission to carry out its duties in a manner that:

20       (A) preserves the safety of participants in the Commission’s work;

1           (B) does not perpetuate or exacerbate harm experienced by  
2 participants; and

3           (C) protects participants from additional trauma; and

4           (3) limited access meetings held by the Truth and Reconciliation  
5 Commission pursuant to 1 V.S.A. § 911 shall be:

6           (A) utilized only when necessary to ensure the safety of the  
7 proceedings and to protect persons who may have experienced trauma who  
8 come before the Commission; and

9           (B) conducted in a manner that is trauma-informed and best ensures  
10 the safety of all participants.