1	TO THE HOUSE OF REPRESENTATIVES:
2	The Committee on Government Operations and Military Affairs to which
3	was referred Senate Bill No. 55 entitled "An act relating to authorizing public
4	bodies to meet electronically under Vermont's Open Meeting Law"
5	respectfully reports that it has considered the same and recommends that the
6	House propose to the Senate that the bill be amended as follows:
7	First: By striking out Sec. 2, 1 V.S.A. § 310, in its entirety and inserting in
8	lieu thereof a new Sec. 2 to read as follows:
9	Sec. 2. 1 V.S.A. § 310 is amended to read:
10	§ 310. DEFINITIONS
11	As used in this subchapter:
12	(1) "Advisory body" means a public body that does not have
13	supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or
14	budgetary matters.
15	(2) "Business of the public body" means the public body's
16	governmental functions, including any matter over which the public body has
17	supervision, control, jurisdiction, or advisory power.
18	(2)(3) "Deliberations" means weighing, examining, and discussing the
19	reasons for and against an act or decision, but expressly excludes the taking of
20	evidence and the arguments of parties.

1	(4) "Hybrid meeting" means a meeting that includes both a designated		
2	physical meeting location and a designated electronic meeting platform.		
3	(3)(5)(A) "Meeting" means a gathering of a quorum of the members of a		
4	public body for the purpose of discussing the business of the public body or for		
5	the purpose of taking action.		
6	* * *		
7	(4)(6) "Public body" means any board, council, or commission of the		
8	State or one or more of its political subdivisions, any board, council, or		
9	commission of any agency, authority, or instrumentality of the State or one or		
10	more of its political subdivisions, or any committee or subcommittee of any of		
11	the foregoing boards, councils, or commissions, except that "public body" does		
12	not include councils or similar groups established by the Governor for the sole		
13	purpose of advising the Governor with respect to policy.		
14	(5)(7) "Publicly announced" means that notice is given to an editor,		
15	publisher, or news director of a newspaper or radio station serving the area of		
16	the State in which the public body has jurisdiction, and to any person who has		
17	requested under subdivision 312(c)(5) of this title to be notified of special		
18	meetings.		
19	(6)(8) "Quasi-judicial proceeding" means a proceeding which that is:		
20	* * *		

1	(9) "Undue hardship" means an action required to achieve
2	compliance would require significant difficulty or expense in light of factors
3	including the overall size of the entity, its budget, and the costs associated with
4	compliance.
5	Second: By striking out Sec. 3, 1 V.S.A. § 312, in its entirety and inserting
6	in lieu thereof a new Sec. 3 to read as follows:
7	Sec. 3. 1 V.S.A. § 312 is amended to read:
8	§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES
9	(a)(1) All meetings of a public body are declared to be open to the public at
10	all times, except as provided in section 313 of this title. No resolution, rule,
11	regulation, appointment, or formal action shall be considered binding except as
12	taken or made at such open meeting, except as provided under subdivision
13	313(a)(2) of this title. A meeting of a public body is subject to the public
14	accommodation requirements of 9 V.S.A. chapter 139. A public body shall
15	electronically record all public hearings held to provide a forum for public
16	comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
17	have access to copies of such electronic recordings as described in section 316
18	of this title.
19	(2) Participation in meetings through electronic or other means.
20	* * *

1	(D) If a quorum or more of the members of a public body attend a
2	meeting without being physically present at a designated meeting location, the
3	agenda required under subsection (d) of this section shall designate at least one
4	physical location where a member of the public can attend and participate in
5	the meeting. At least one member of the public body, or at least one staff or
6	designee of the public body, shall be physically present at each designated
7	meeting location. The requirements of this subdivision (D) shall not apply to
8	advisory bodies.
9	(3) State non-advisory public bodies; hybrid meeting requirement. Any
10	public body of the State, except advisory bodies and the Human Services
11	Board, shall:
12	(A) hold all regular and special meetings in a hybrid fashion, which
13	shall include both a designated physical meeting location and a designated
14	electronic meeting platform;
15	(B) electronically record all meetings; and
16	(C) for a minimum of 30 days following the approval and posting of
17	the official minutes for a meeting, retain the audiovisual recording and post the
18	recording in a designated electronic location.
19	(4) State and local advisory bodies; electronic meetings without a
20	physical meeting location. A quorum or more of the members of an advisory
21	body may attend any meeting of the advisory body by electronic or other

1	means without being physically present at or staffing a designated meeting		
2	location. A quorum or more of the members of any public body may attend an		
3	emergency meeting of the body by electronic or other means without being		
4	physically present at or staffing a designated meeting location.		
5	(5) State and local advisory bodies; State non-advisory public bodies;		
6	hybrid and electronic meeting requirements. A public body meeting under		
7	subdivision (3) or (4) of this subsection shall use a designated electronic		
8	platform that allows the direct access, attendance, and participation of the		
9	public, including access by telephone. The public body shall post information		
10	that enables the public to directly access the designated electronic platform and		
11	include this information in the published agenda or public notice for the		
12	meeting.		
13	(6) Local non-advisory public bodies; meeting recordings.		
14	(A) A public body of a municipality or political subdivision, except		
15	advisory bodies, shall record, in audio or video form, any meeting of the public		
16	body and post a copy of the recording in a designated electronic location for a		
17	minimum of 30 days following the approval and posting of the official minutes		
18	for a meeting.		
19	(B) A municipality is exempt from subdivision (A) of this		
20	subdivision (6) if compliance would impose an undue hardship on the		
21	municipality.		

1	(C) A municipality shall have the burden of proving that compliance	
2	under this section would impose an undue hardship on the municipality.	
3	* * *	
4	(j) Request for access.	
5	(1) A resident of the geographic area in which the public body has	
6	jurisdiction, a member of a public body, or a member of the press may request	
7	that a public body designate a physical meeting location or provide electronic	
8	or telephonic access to a regular meeting, but not to a series of regular	
9	meetings, special meetings, emergency meetings, or field visits.	
10	(2) The request shall be made in writing, as specified by the public	
11	body, not less than two business days before the date of the meeting. The	
12	public body shall not require the requestor to provide a basis for the request.	
13	(4) The public body shall grant the request unless:	
14	(A) there is an all-hazards event as defined in 20 V.S.A. § 2 or a state	
15	of emergency declared pursuant to 20 V.S.A. §§ 9 and 11;	
16	(B) there is a local incident as defined in section 312a of this	
17	subchapter; or	
18	(C) compliance would impose an undue hardship on the municipality.	
19	(5) A public body shall have the burden of proving that compliance	
20	under subdivision (4) of this subsection would impose an undue hardship on	
21	the public body.	

1	(k) Training.	
2	(1) Annually, the following officers shall participate in a professional	
3	training that addresses the procedures and requirements of this subchapter:	
4	(A) for municipalities and political subdivisions, the chair of the	
5	legislative body, town manager, and mayor; and	
6	(B) for the State, the chair of any public body that is not an advisory	
7	body.	
8	(2) The Secretary of State shall develop the training required by	
9	subdivision (1) and of this subsection and make the training available to	
10	municipalities and political subdivisions and public bodies. The training may	
11	be in person, online, and synchronous or asynchronous.	
12	Third: In Sec. 4, 1 V.S.A. § 312a, by striking subdivision (a)(4) in its	
13	entirety and inserting in lieu thereof a new subdivision (a)(4) to read as	
14	follows:	
15	(4) "Local incident" means a weather event, loss of power or	
16	telecommunication services, public health emergency, public safety threat,	
17	received threat that a member of the public body believes may place the	
18	member or another person in reasonable apprehension of death or serious	
19	bodily injury, or other event that directly impedes the ability of a public body	
20	to hold a meeting electronically or in a designated physical location.	

1	Fourth: In Sec. 6, 17 V.S.A. § 2640, in sul	bdivision (b)(2), after the words
2	"shall be posted in a designated electronic loc	cation" by inserting "within 24
3	hours"	
4	and that after passage the title of the bill be	e amended to read: "An act
5	relating to updating Vermont's Open Meeting Law"	
6		
7		
8		
9		
10	(Committee vote:)	
11		
12		Representative
13		FOR THE COMMITTEE