

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 (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 (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.

