1	S.59
2	Introduced by Senator Hardy
3	Referred to Committee on
4	Date:
5	Subject: General provisions; common law; general rights; public information;
6	Open Meeting Law
7	Statement of purpose of bill as introduced: This bill proposes to amend
8	Vermont's Open Meeting Law to state that annual municipal meetings and
9	representative town meetings are not "public bodies" that are subject to the
10	Open Meeting Law. This bill also proposes to provide that a public body may
11	move to enter executive session to discuss the interest rates of publicly
12	financed loans.
13	An act relating to amendments to Vermont's Open Meeting Law
14	It is hereby enacted by the General Assembly of the State of Vermont:
15	Sec. 1. 1 V.S.A. § 310 is amended to read:
16	§ 310. DEFINITIONS
17	As used in this subchapter:
18	***
19	(6) "Public body" means any board, council, or commission of the State
20	or one or more of its political subdivisions, any board, council, or commission

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1	of any agency, authority, or instrumentality of the State or one or more of its
2	political subdivisions, or any committee or subcommittee of any of the
3	foregoing boards, councils, or commissions, except that "public body" does not
4	include <u>:</u>
5	(A) councils or similar groups established by the Governor for the
6	sole purpose of advising the Governor with respect to policy; or
7	(B) annual municipal or representative town meetings.
8	* * *
9	(9) "Undue hardship" means an action required to achieve compliance
10	would require requiring significant difficulty or expense to the unit of
11	government to which a public body belongs, considered in light of factors
12	including the overall size of the entity, sufficient the availability of necessary
13	personnel and staffing availability staff, the entity's budget available resources,
14	and the costs associated with compliance.
15	Sec. 2. 1 V.S.A. § 312 is amended to read:
16	§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES
17	(a)(1) All meetings of a public body are declared to be open to the public at
18	all times, except as provided in section 313 of this title. No resolution, rule,
19	regulation, appointment, or formal action shall be considered binding except as
20	taken or made at such open meeting, except as provided under subdivision

313(a)(2) of this title. A meeting of a public body is subject to the public

accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.

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(3) State nonadvisory public bodies; hybrid meeting requirement; exception for advisory bodies. Any public body of the State, except advisory bodies, shall:

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- (5) State nonadvisory public bodies; State and local advisory bodies; designating electronic platforms. State nonadvisory A public bodies body meeting in a hybrid fashion pursuant to subdivision (3) of this subsection and State and local advisory bodies meeting without a physical meeting location or advisory body meeting pursuant to subdivision (4) of this subsection shall designate and use an electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.
  - (6) Local nonadvisory public bodies; meeting recordings.

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1	(A) A public body of a municipality or political subdivision, except
2	advisory bodies, shall record, in audio or video form, any meeting of the public
3	body and post a copy of the recording in a designated electronic location for a
4	minimum of 30 days following the approval and posting of the official minutes
5	for a meeting.
6	(B) A municipality is exempt from subdivision (A) of this
7	subdivision (6) if compliance would impose an undue hardship on the
8	municipality.
9	(C) A municipality shall have the burden of proving that compliance
10	under this section would impose an undue hardship on the municipality.
11	* * *
12	Sec. 3. 1 V.S.A. § 313 is amended to read:
13	§ 313. EXECUTIVE SESSIONS
14	(a) No public body may hold an executive session from which the public is
15	excluded, except by the affirmative vote of two-thirds of its members present
16	in the case of any public body of State government or of a majority of its
17	members present in the case of any public body of a municipality or other
18	political subdivision. A motion to go into executive session shall indicate the
19	nature of the business of the executive session, and no other matter may be

considered in the executive session. Such vote shall be taken in the course of

an open meeting and the result of the vote recorded in the minutes. No formal

1	or binding action shall be taken in executive session except for actions relating
2	to the securing of real estate options under subdivision (2) of this subsection.
3	Minutes of an executive session need not be taken, but if they are, the minutes
4	shall, notwithstanding subsection 312(b) of this title, be exempt from public
5	copying and inspection under the Public Records Act. A public body may not
6	hold an executive session except to consider one or more of the following:
7	* * *
8	(10) security or emergency response measures, the disclosure of which
9	could jeopardize public safety; or
10	(11) information relating to the interest rates for publicly financed loans
11	* * *
12	Sec. 4. EFFECTIVE DATE
13	This act shall take effect on July 1, 2025.