

1 S.59

2 An act relating to amendments to Vermont's Open Meeting Law

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

4 Sec. 1. 1 V.S.A. § 310 is amended to read:

5 § 310. DEFINITIONS

6 As used in this subchapter:

7 \* \* \*

8 (9) "Undue hardship" means an action ~~required to achieve compliance~~  
9 ~~would require~~ requiring significant difficulty or expense to the unit of  
10 government to which a public body belongs, considered in light of factors  
11 including the overall size of the entity, ~~sufficient~~ the availability of necessary  
12 personnel and staffing availability staff, the entity's ~~budget~~ available resources,  
13 and the costs associated with compliance.

14 Sec. 2. 1 V.S.A. § 312 is amended to read:

15 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES BODIES

16 (a)(1) All meetings of a public body are declared to be open to the public at  
17 all times, except as provided in section 313 of this title. No resolution, rule,  
18 regulation, appointment, or formal action shall be considered binding except as  
19 taken or made at such open meeting, except as provided under subdivision  
20 313(a)(2) of this title. A meeting of a public body is subject to the public  
21 accommodation requirements of 9 V.S.A. chapter 139. A public body shall  
22 electronically record all public hearings held to provide a forum for public

1 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall  
2 have access to copies of such electronic recordings as described in section 316  
3 of this title.

4 \* \* \*

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

8 ~~(A)~~(i) hold all regular and special meetings in a hybrid fashion,  
9 which shall include both a designated physical meeting location and a  
10 designated electronic meeting platform;

11 ~~(B)~~(ii) electronically record all meetings; and

12 ~~(C)~~(iii) for a minimum of 30 days following the approval and posting  
13 of the official minutes for a meeting, retain the audiovisual recording and post  
14 the recording in a designated electronic location.

15 (B) Exception; site inspections and field visits. This subdivision (3)  
16 shall not apply to gatherings of a State public body for purposes of a site  
17 inspection or field visit.

18 (C) Application of subdivision; State public bodies only. This  
19 subdivision (3) applies exclusively to State public bodies.

20 \* \* \*

(6) Local ~~nonadvisory~~ public bodies; meeting recordings.

\* \* \*

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1 resolution, or other determining authority of the public body, and this  
2 information shall be available to any person upon request. The time and place  
3 of all public hearings and meetings scheduled by all Executive Branch State  
4 agencies, departments, boards, or commissions shall be available to the public  
5 as required under 3 V.S.A. § 2222(c).

6 (2) The time, place, and purpose of a special meeting subject to this  
7 section shall be publicly announced at least 24 hours before the meeting.  
8 Municipal public bodies shall post notices of special meetings in or near the  
9 municipal clerk's office and in at least two other designated public places in  
10 the municipality or a neighboring municipality, at least 24 hours before the  
11 meeting. In addition, notice shall be given, either orally or in writing, to each  
12 member of the public body at least 24 hours before the meeting, except that a  
13 member may waive notice of a special meeting.

14 \* \* \*

15 (d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours  
16 prior to a special meeting, a meeting agenda shall be:

17 \* \* \*

18 (B) in the case of a municipal public body, posted in or near the  
19 municipal office and in at least two other designated public places in the  
20 municipality or a neighboring municipality.

21 \* \* \*

\* \* \*

\* \* \*

### § 313. EXECUTIVE SESSIONS

\* \* \*

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\* \* \*

Sec. 5. 13 V.S.A. § 1026 is amended to read:

\* \* \*

\* \* \*

1        (c) As used in this section:

2            (1) “Disturbs any lawful assembly or meeting of persons” means  
3        conduct that substantially impairs the effective conduct of an assembly or  
4        meeting, including conduct that:

5            (A) causes an assembly or meeting to terminate prematurely; or

6            (B) consists of numerous and sustained efforts to disrupt an assembly  
7        or meeting after being asked to desist.

8            (2) “Meeting” includes a meeting of a public body, as those terms are  
9        defined in 1 V.S.A. § 310.

10        Sec. 6. EFFECTIVE DATE

11        This act shall take effect on passage.