

1 S.59

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

3 The House proposes to the Senate to amend the bill by striking out all after
4 the enacting clause and inserting in lieu thereof the following:

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

6 § 310. DEFINITIONS

7 As used in this subchapter:

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~~ BODIES

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
21 313(a)(2) of this title. A meeting of a public body is subject to the public

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

6 * * *

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

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

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

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

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

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

1 * * *

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

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

13 (A) A public body of a municipality or political subdivision, except
14 advisory bodies, shall record or cause to record, in audio or video form, any
15 meeting of the public body and post a copy of the recording in a designated
16 electronic location for a minimum of 30 days following the ~~approval and~~
17 posting of the ~~official~~ minutes for a meeting. This subdivision (A) shall not
18 apply to gatherings of a public body for purposes of a site inspection or field
19 visit.

20 * * *

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

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

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

4 * * *

5 (3) A meeting agenda shall contain sufficient details concerning the
6 specific matters to be discussed by the public body. Whenever a public body
7 includes an executive session as an item on a posted meeting agenda, the
8 public body shall list the agenda item as “proposed executive session” and
9 indicate the nature of the business of the executive session.

10 (4)(A) Any addition to or deletion from the agenda shall be made as the
11 first act of business at the meeting.

12 * * *

13 (k) Training.

14 (1) Annually, the following officers shall participate in a professional
15 training that addresses the procedures and requirements of this subchapter:

16 (A) for municipalities and political subdivisions, the chair of the
17 legislative body, town manager, and mayor; ~~and~~

18 (B) for the State, the chair of any public body that is not an advisory
19 body; and

* * *

6 § 313. EXECUTIVE SESSIONS

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1 * * *

2 (10) security, cybersecurity, or emergency response measures, the
3 disclosure of which could jeopardize public safety; or

4 (11) confidential business information relating to the interest rates for
5 publicly financed loans, provided that the public body is a State public body
6 and the creditor for the loan.

7 * * *

8 Sec. 4. LEGISLATIVE INTENT

9 It is the intent of the General Assembly that section 5 of this act amend 13
10 V.S.A. § 1026 to conform subdivision (a)(4) of that section with the
11 constitutional requirements articulated in the Supreme Court of Vermont
12 decision State v. Colby, 185 Vt. 464 (2009).

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

14 § 1026. DISORDERLY CONDUCT

15 (a) A person is guilty of disorderly conduct if ~~he or she~~ the person, with
16 intent to cause public inconvenience or annoyance, or recklessly creates a risk
17 thereof:

18 * * *

19 (4) without lawful authority, disturbs any lawful assembly or meeting of
20 persons; or

21 * * *

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.