

H.145

Introduced by Representative Harrison of Chittenden

Referred to Committee on

Date:

Subject: General provisions; common law; general rights; Open Meeting Law;
right to attend meetings of public agencies; disruption of meetings

Statement of purpose of bill as introduced: This bill proposes to expressly
authorize the chairs of public bodies to adopt rules governing public comment
and the disruption of a meeting by a member of the public. This bill also
proposes to allow public bodies to remove an individual from a meeting when
the individual engages in conduct that violates the rules governing public
comment and the disruption of meetings. This bill further proposes to amend
the statute governing disorderly conduct to add substantial impairment of the
effective conduct of a meeting as a basis for a disorderly conduct violation.

An act relating to the disruption of proceedings governed by Vermont's
Open Meeting Law

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

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly that the meetings of public bodies
balance the speech rights of Vermont's citizens, the freedom and right to

1 assemble, and the necessity for the effective and efficient conduct of
2 governmental business. Members of the public should be able to attend
3 meetings and engage in the free interchange of ideas, but should not be
4 permitted to obstruct the continuation of a meeting without regard to the
5 explicit rules governing the meeting's conduct. The obstructive conduct of one
6 member of the public should not be permitted to eliminate the interests of other
7 members of the public to peacefully assemble at an open meeting. Public
8 bodies should understand that an adverse audience is part of the democratic
9 process and should not attempt to enforce arbitrary rules of order or attempt to
10 remove members of the public who do not cause the substantial disruption of a
11 meeting. Accordingly, it is the intent of the General Assembly that all public
12 bodies have the authority to adopt appropriate rules governing the conduct and
13 participation of the public at a meeting subject to Vermont's Open Meeting
14 Law. Further, it is the intent of the General Assembly that an individual's
15 actions be subject to Vermont's disorderly conduct statute when the actions
16 interfere with a meeting of a public body so that the meeting prematurely
17 terminates or consist of numerous and sustained efforts to disrupt the meeting
18 after the public body has requested that the individual desist.

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

20 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

21 * * *

1 (h) At an open meeting, the public shall be given a reasonable opportunity
2 to express its opinion on matters considered by the public body during the
3 meeting, ~~as long as provided~~ order is maintained. This subsection shall not
4 apply to quasi-judicial proceedings.

5 (1) Public comment shall be subject to reasonable rules established by
6 the chairperson. ~~This subsection shall not apply to quasi-judicial proceedings.~~
7 The public body may adopt rules governing the conduct and participation of
8 the public, which may include rules that prohibit the disruption of a meeting.

9 (2) An individual may be required to leave or removed from a meeting
10 for engaging in conduct that violates the rules governing the conduct and
11 participation of the public. An individual who is required to leave or removed
12 from a meeting may be prohibited from attending in-person meetings of a
13 public body for not more than 60 days, provided that the public body conducts
14 its meetings in a hybrid or electronic fashion and the individual is permitted to
15 attend and participate in the meetings electronically.

16 * * *

17 Sec. 3. 13 V.S.A. § 1026 is amended to read:

18 § 1026. DISORDERLY CONDUCT

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

* * *

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

(5) obstructs vehicular or pedestrian traffic; or

(6) substantially impairs the effective conduct of a meeting of a public
body.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2025.