

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

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:

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

10 * * *

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

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

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.