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Sec. / V.S.A. Section	APBS	APBH	TA Comment
<p>Sec. 1. 1 V.S.A. § 310 (Definitions)</p>	<p>§ 310. DEFINITIONS As used in this subchapter: * * *</p> <p>(9) “Undue hardship” means an action required to achieve compliance would require <u>requiring</u> significant difficulty or expense <u>to the unit of government to which a public body belongs,</u> <u>considered</u> in light of factors including the overall size of the entity, sufficient <u>the availability of necessary personnel and staffing availability staff,</u> the entity’s budget <u>available resources,</u> and the costs associated with compliance.</p>	<p>No Changes.</p>	
<p>Sec. 2. 1 V.S.A. § 312(a)(3) (Hybrid Meeting Requirement for State Public Bodies)</p>	<p>(3)(A) State nonadvisory public bodies; hybrid meeting requirement; <u>exception for advisory bodies.</u> Any public body of the State, except advisory bodies, shall: (A)(i) hold all regular and special meetings in a hybrid fashion, which shall include both a</p>	<p>(3)(A) State nonadvisory public bodies; hybrid meeting requirement; <u>exception for advisory bodies.</u> Any public body of the State, except advisory bodies, shall: (A)(i) hold all regular and special meetings in a hybrid fashion, which shall include both a</p>	<p>Added new subdiv. (C) expressly stating that this subdiv. (3) applies exclusively to State public bodies.</p>

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	<p>designated physical meeting location and a designated electronic meeting platform;</p> <p>(B)(ii) electronically record all meetings; and</p> <p>(C)(iii) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.</p> <p><u>(B) Exception; site inspections and field visits. This subdivision (3) shall not apply to gatherings of a public body for purposes of a site inspection or field visit.</u></p>	<p>designated physical meeting location and a designated electronic meeting platform;</p> <p>(B)(ii) electronically record all meetings; and</p> <p>(C)(iii) for a minimum of 30 days following the approval and posting of the official minutes for a meeting, retain the audiovisual recording and post the recording in a designated electronic location.</p> <p><u>(B) Exception; site inspections and field visits. This subdivision (3) shall not apply to gatherings of a State public body for purposes of a site inspection or field visit.</u></p> <p><u>(C) Application of subdivision; State public bodies only. This subdivision (3) applies exclusively to State public bodies.</u></p>	
<p>Sec. 2. 1 V.S.A. § 312(a)(5) (Designated Electronic Platforms)</p>	<p>(5) State nonadvisory public bodies; State and local advisory bodies; designating electronic platforms. State nonadvisory <u>A public body meeting in a hybrid fashion</u> pursuant to</p>	<p>No Changes.</p>	

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	<p>subdivision (3) of this subsection and State and local advisory bodies meeting without a physical meeting location or <u>advisory body meeting</u> 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.</p>		
<p>Sec. 2. 1 V.S.A. § 312(a)(6) (Requirement to record meetings of local public bodies)</p>	<p>(6) Local nonadvisory public bodies; meeting recordings. (A) A public body of a municipality or political subdivision, except advisory bodies, shall record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for a minimum</p>	<p>(6) Local nonadvisory public bodies; meeting recordings. (A) A public body of a municipality or political subdivision, except advisory bodies, shall record or cause to record, in audio or video form, any meeting of the public body and post a copy of the recording in a designated electronic location for</p>	<p>Added the following to subdiv. (6)(A): 1. A clause to clarify that municipalities may use a third party to record meetings. 2. A new sentence that exempts site inspections and field visits from the requirement to record meetings.</p>

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	<p>of 30 days following the approval and posting of the official minutes for a meeting.</p> <p style="text-align: center;">* * *</p>	<p>a minimum of 30 days following the approval and posting of the official minutes for a meeting.</p> <p><u>This subdivision (A) shall not apply to gatherings of a public body for purposes of a site inspection or field visit.</u></p> <p style="text-align: center;">* * *</p>	
<p>Sec. 2. 1 V.S.A. § 312(c) (Time and place of meetings; notice)</p>	<p>Not in APBS version.</p>	<p>(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).</p> <p>(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24</p>	<p>Added a clause to subdiv. (c)(2) that allows municipalities to post notices of special meetings in neighboring municipalities.</p>

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		<p>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.</p>	
<p>Sec. 2. 1 V.S.A. § 312(d) (Meeting agendas)</p>	<p>(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:</p> <p style="text-align: center;">* * *</p> <p>(3) <u>A meeting agenda shall contain sufficient details concerning the specific matters to be discussed by the public body. Whenever a public body includes an executive session as an item on a posted meeting agenda, the</u></p>	<p>(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:</p> <p style="text-align: center;">* * *</p> <p>(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality or a neighboring municipality.</p> <p style="text-align: center;">* * *</p>	<p>Added a clause to subdiv. (d)(1)(B) to authorize municipalities to post agendas in a neighboring municipality.</p> <p>Added a clause to the end of subdiv. (d)(3) that requires a public body, when listing “proposed executive session” as an agenda item, to also indicate the nature of the executive session.</p>

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	<p><u>public body shall list the agenda item as “proposed executive session.”</u></p> <p>(4)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.</p>	<p>(3) <u>A meeting agenda shall contain sufficient details concerning the specific matters to be discussed by the public body. Whenever a public body includes an executive session as an item on a posted meeting agenda, the public body shall list the agenda item as “proposed executive session” and indicate the nature of the business of the executive session.</u></p> <p>(4)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.</p> <p>* * *</p>	
<p>Sec. 2. 1 V.S.A. § 312(k) (Training)</p>	<p>Not in APBS version.</p>	<p>(k) Training.</p> <p>(1) Annually, the following officers shall participate in a professional training that addresses the procedures and requirements of this subchapter:</p> <p>(A) for municipalities and political subdivisions, the chair of the legislative body, town manager, and mayor; and</p>	<p>Amended the list of individuals who are required to receive OML training to include the members of a State advisory body, provided that the body does not have any members who are government officers or employees.</p>

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		<p>(B) for the State, the chair of any public body that is not an advisory body; and <u>(C) the members of a State advisory body, provided that the advisory body is composed entirely of members who are not government officers or employees.</u></p> <p>* * *</p>	
<p>Sec. 3. 1 V.S.A. § 313 (Executive sessions)</p>	<p>(a) No public body may hold <u>or conclude</u> an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such <u>The</u> vote to enter executive session shall be taken in the course of an open meeting and the result of the vote</p>	<p>(a) No public body may hold <u>or conclude</u> an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such <u>The</u> vote to enter executive session shall be taken in the course of an open meeting and the result of the vote</p>	<p>Amended subdiv. (a)(10) to expressly authorize executive sessions for discussion of cybersecurity matters.</p> <p>Amended subdiv. (a)(11) to limit the application of the proposed “interest rates for publicly financed loans” basis for executive session. The House language limits the use of this basis to State public bodies that are acting as creditors for the loan.</p>

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	<p>recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(10) security or emergency response measures, the disclosure of which could jeopardize public safety; <u>or</u></p> <p style="padding-left: 40px;"><u>(11) information relating to the interest rates for publicly financed loans.</u></p> <p style="text-align: center;">* * *</p>	<p>recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(10) security, <u>cybersecurity,</u> or emergency response measures, the disclosure of which could jeopardize public safety; <u>or</u></p> <p style="padding-left: 40px;"><u>(11) confidential business information relating to the interest rates for publicly financed loans, provided that the public body is a State public body and the creditor for the loan.</u></p> <p style="text-align: center;">* * *</p>	
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<p>Sec. 4. Legislative Intent</p>	<p>Not in APBS version.</p>	<p><u>It is the intent of the General Assembly that section 5 of this act amend 13 V.S.A. § 1026 to conform subdivision (a)(4) of that section with the constitutional requirements articulated in the Supreme Court of Vermont decision State v. Colby, 185 Vt. 464 (2009).</u></p>	<p>Expresses the intent of the GA that Sec. 5 amend the disorderly conduct statute to conform to the <i>State v. Colby</i> decision.</p>
<p>Sec. 5. 13 V.S.A. § 1026</p>	<p>Not in APBS version.</p>	<p>§ 1026. DISORDERLY CONDUCT <u>(a) A person is guilty of disorderly conduct if he or she the person, with intent to cause public inconvenience or annoyance, or recklessly creates a risk thereof:</u> <u>***</u> <u>(4) without lawful authority, disturbs any lawful assembly or meeting of persons;</u> <u>or</u> <u>***</u> <u>(c) As used in this section:</u> <u>(1) “Disturbs any lawful assembly or meeting of persons” means conduct that substantially impairs the effective conduct of an assembly or meeting, including conduct that:</u></p>	<p>Amends the disorderly conduct statute to:</p> <p>(1) define “disturbs any lawful assembly or meeting of persons” to mean conduct that substantially impairs the effective conduct of an assembly or meeting;</p> <p>(2) list two examples from <i>State v. Colby</i> that are included in the definition; and</p> <p>(3) expressly include meetings of a public body in the “assemblies or meetings” that are covered by subdiv. (a)(4) of the disorderly conduct statute.</p>

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		<p><u>(A) causes an assembly or meeting to terminate prematurely; or</u></p> <p><u>(B) consists of numerous and sustained efforts to disrupt an assembly or meeting after being asked to desist.</u></p> <p><u>(2) “Meeting” includes a meeting of a public body, as those terms are defined in 1 V.S.A. § 310.</u></p>	
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