

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.114 Name of Bill: An Act Relating to Open Meeting Law
Agency/ Dept: VTrans Author of Bill Review: Joe Segale, Policy-Planning-Research Bureau Director
Date of Bill Review: 5/3/16 Related Bills and Key Players
Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill proposes to amend provisions of the Open Meeting Law related to:

(1) Voting at and notice of meetings at which members of a public body participate electronically. If any members of a public body are participating in a meeting electronically, the bill requires that a roll call be taken for any vote of the body that is not unanimous. It clarifies that agendas for public body meetings must be available 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting

(2) Posting of meeting minutes. Increased the deadline for posting meeting minutes from 5 to 10 calendar days; allows draft meeting minutes to be posted, and then be replaced by final approved minutes; and requires meeting minutes to remain posted on a website for a year and

(3) Criminal and civil enforcement of the law. The current law makes it a misdemeanor for any person that violates the provisions of the law with a fine up to \$500. The Bill as introduced states that for municipal public bodies, the bill will limit prosecution to people serving on the municipal legislative body, school board, zoning board of adjustment, planning commission or development review board. The Bill as introduced does not provide any exemption from prosecution for people serving on state public bodies. The version of the Bill passed by the Senate removes all of the prosecution exemptions. The Bill passed by the Senate removed prosecution related to agenda website posting requirements.

2. Is there a need for this bill? *Please explain why or why not.*

Clarifying voting procedures when some members of a public body are participating remotely is valuable. Providing more time to post meeting minutes and allowing those minutes to be posted in draft form and then updated adds value. The bill as introduced provided some exemptions from prosecution. It seems fair that the possibility for prosecution should apply to all members of all public bodies. The final version of the Bill passed by the Senate corrected eliminated the exemption. The only amendment recommended by the House did not change the exemption.

Please return this bill review as a Microsoft Word document to Jahala.Dudley@vermont.gov & Jessica.Mishaan@vermont.gov

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

No immediate fiscal or programmatic implications of this bill at VTrans.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

No apparent fiscal implications of the bill for Vermont state government.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

The bill provides municipalities with more flexibility and clarity, without adding any significant burdens.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? Please see #5, above.

6.2 Who else is likely to oppose the proposal and why? Not sure.

7. Rationale for recommendation: *Justify recommendation stated above.*

The changes proposed in the Bill are reasonable, add value but will have little if any effect on VTrans' roles and responsibilities when organizing and managing public meetings.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? No.

Secretary/Commissioner has reviewed this document: _____ **Date:** _____