



House of Representatives

General Assembly

File No. 275

February Session, 2022

Substitute House Bill No. 5269

House of Representatives, April 4, 2022

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 149 of public act 21-2 of the June special session is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) As used in this section, "public agency", "meeting", "executive
5 session", "electronic equipment" and "electronic transmission" have the
6 same meanings as provided in section 1-200 of the general statutes. On
7 and after the effective date of this section, [until April 30, 2022,] a public
8 agency may hold a public meeting that is accessible to the public by
9 means of electronic equipment or by means of electronic equipment in
10 conjunction with an in-person meeting, in accordance with the
11 provisions of this section. Not less than forty-eight hours before any
12 public agency, except for the General Assembly, conducts a regular
13 meeting by means of electronic equipment, such agency shall provide
14 direct notification in writing or by electronic transmission to each

15 member of the public agency and post a notice that such agency intends
16 to conduct the meeting solely or in part by means of electronic
17 equipment (1) in the agency's regular office or place of business, (2) in
18 the office and on the Internet web site of the Secretary of the State for
19 any such public agency of the state or quasi-public agency, in the office
20 of the clerk of such subdivision for any public agency of a political
21 subdivision of the state that is not a quasi-public agency, or in the office
22 of the clerk of each municipal member of any multitown district or
23 agency, and (3) if the agency has an Internet web site, on such Internet
24 web site. Not less than twenty-four hours prior to any such meeting,
25 such agency shall post the agenda for any such meeting in the same
26 manner as the notice of the meeting in accordance with subdivisions (1)
27 to (3), inclusive, of this subsection. Such notice and agenda shall include
28 instructions for the public, to attend and provide comment or otherwise
29 participate in the meeting, by means of electronic equipment or in
30 person, as applicable and permitted by law. Any such notice and agenda
31 shall be posted in accordance with the provisions of section 1-225 of the
32 general statutes.

33 (b) Any public agency that conducts a meeting, other than an
34 executive session or special meeting, as described in this section, solely
35 by means of electronic equipment, shall (1) provide any member of the
36 public (A) upon a written request submitted not less than twenty-four
37 hours prior to such meeting, with a physical location and any electronic
38 equipment necessary to attend such meeting in real-time, and (B) the
39 same opportunities to provide comment or testimony and otherwise
40 participate in such meeting that such member of the public would be
41 accorded if such meeting were held in person, except that a public
42 agency is not required to adjourn or postpone a meeting if a member of
43 the public loses the ability to participate because of an interruption,
44 failure or degradation of such person's connection to the meeting by
45 electronic equipment; (2) ensure that such meeting is recorded or
46 transcribed, excluding any portion of the meeting that is an executive
47 session, and such transcription or recording is posted on the agency's
48 Internet web site and made available to the public to view, listen to and
49 copy in the agency's office or regular place of business not later than

50 seven days after the meeting and for not less than forty-five days
51 thereafter; and (3) if a quorum of the members of a public agency attend
52 a meeting by means of electronic equipment from the same physical
53 location, permit members of the public to attend such meeting in such
54 physical location. Any public agency that conducts a meeting shall
55 provide members of the public agency the opportunity to participate by
56 means of electronic equipment, except that a public agency is not
57 required to adjourn or postpone a meeting if a member loses the ability
58 to participate because of an interruption, failure or degradation of that
59 member's connection by electronic equipment, unless the member's
60 participation is necessary to form a quorum.

61 (c) Any public agency other than the General Assembly that conducts
62 a special meeting shall include in the notice of such meeting whether the
63 meeting will be conducted solely or in part by means of electronic
64 equipment and, not less than twenty-four hours prior to such meeting,
65 shall post such notice and an agenda of the meeting in accordance with
66 the provisions of subsection (d) of section 1-225 of the general statutes.
67 If such special meeting is to be conducted by means of electronic
68 equipment, such notice and agenda shall include instructions for the
69 public, by means of electronic equipment or in person, to attend and
70 provide comment or otherwise participate in the meeting, as applicable
71 and permitted by law.

72 (d) Any vote taken at a meeting during which any member
73 participates by means of electronic equipment shall be taken by roll call,
74 unless the vote is unanimous. The minutes of the meeting shall record a
75 list of members that attended such meeting in person and a list of
76 members that attended such meeting by means of electronic equipment.

77 (e) Any member of a public agency or the public who participates
78 orally in a meeting of a public agency conducted by means of electronic
79 equipment shall make a good faith effort to state such member's name
80 and title, if applicable, at the outset of each occasion that such member
81 participates orally during an uninterrupted dialogue or series of
82 questions and answers.

83 (f) Whenever a meeting being conducted by means of electronic
 84 equipment is interrupted by the failure, disconnection or, in the
 85 chairperson's determination, unacceptable degradation of the electronic
 86 means of conducting a meeting, or if a member necessary to form a
 87 quorum loses the ability to participate because of the interruption,
 88 failure or degradation of such member's connection by electronic
 89 equipment, the public agency may, not less than thirty minutes and not
 90 more than two hours from the time of the interruption or the
 91 chairperson's determination, resume the meeting (1) in person, if a
 92 quorum is present in person, or (2) if a quorum is restored by means of
 93 electronic equipment, solely or in part by such electronic equipment. In
 94 each case of resumption of such meeting, electronic access shall be
 95 restored to the public if such capability has been restored. The public
 96 agency shall, if practicable, post a notification on its Internet web site
 97 and inform attendees by electronic transmission of the expected time of
 98 resumption or of the adjournment or postponement of the meeting, as
 99 applicable, and may announce at the beginning of any meeting what
 100 preplanned procedures are in place for resumption of a meeting in the
 101 event of an interruption as described in this subsection.

102 (g) Nothing in this section shall be construed to require a public
 103 agency to offer members of the public who attend a meeting by means
 104 of electronic equipment the opportunity for public comment, testimony
 105 or other participation if the provision of such opportunity is not
 106 required by law for members of the public who attend such a meeting
 107 in person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 21-2 of the June Sp. Sess., Sec. 149

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Freedom of Information Com.	GF - Cost	99,513	99,513
State Comptroller - Fringe Benefits ¹	GF - Cost	40,333	40,333
Various State Agencies	Various - Cost	Minimal	Minimal

Note: GF=General Fund; Various=Various

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

This bill allows public agencies to continue holding remote and hybrid meetings after April 30, 2022. To handle an increased caseload related to the ongoing requirements of this bill, one Staff Attorney 2 position will be required at a staffing cost of \$99,513 to the Freedom of Information Commission and fringe benefit cost of \$40,333 to the Office of the State Comptroller. This results in an annualized cost of \$139,846 to the state.

Municipalities and state agencies that continue to offer electronic meetings after April 30, 2022, will continue to incur any ongoing costs associated with such meetings. These costs, which are expected to be minimal, include annual software licensing renewal, or replacement of

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

electronic equipment.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5269*****AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

Under the state's Freedom of Information Act, public agencies must generally make their meetings, other than executive sessions, open to the public. Current law allows these agencies, until April 30, 2022, to hold meetings that are accessible to the public through electronic equipment (e.g., by telephone, video, or other conferencing platforms) or electronic equipment combined with an in-person meeting (hybrid meetings) (PA 21-2, June Special Session (JSS), § 149).

This bill removes the sunset date and allows public agencies to continue holding remote and hybrid meetings, as long as they comply with the requirements under existing law.

EFFECTIVE DATE: Upon passage

BACKGROUND***Remote and Hybrid Meeting Requirements***

PA 21-2, JSS, § 149, established requirements for public agencies to hold remote or hybrid meetings. For example, for remote meetings, agencies must provide members of the public with a physical location and the equipment needed to attend the meeting in real-time, if requested, and the same opportunities to participate they would have if the meeting were held in-person. It also (1) requires agencies to, among other things, create recordings or transcripts of remote public meetings and make them available to the public for at least 45 days, and (2) establishes the conditions under which remote meetings that are interrupted may be resumed.

RELATED BILL

sSB 467, favorably reported by the Government Administration and Elections Committee, also removes the sunset date in PA 21-2, JSS, § 149.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 8 (03/18/2022)