



House of Representatives

File No. 512

General Assembly

February Session, 2022 **(Reprint of File No. 275)**

Substitute House Bill No. 5269
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 18, 2022

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2 repealed and the following is substituted in lieu thereof (*Effective from*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,] July 1,
8 2021, a public agency may hold a public meeting that is accessible to the
9 public by means of electronic equipment or by means of electronic
10 equipment in conjunction with an in-person meeting, in accordance
11 with the provisions of this section. Not less than forty-eight hours before
12 any 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.

108 Sec. 2. Subsection (a) of section 10-51 of the 2022 supplement to the
109 general statutes is repealed and the following is substituted in lieu
110 thereof (*Effective October 1, 2022*):

111 (a) The fiscal year of a regional school district shall be July first to June
112 thirtieth. Except as otherwise provided in this subsection, not less than

113 two weeks before the annual meeting held pursuant to section 10-47, the
114 board shall hold a public district meeting to present a proposed budget
115 for the next fiscal year. Any public district meeting held pursuant to this
116 section may be accessible to the public by means of electronic equipment
117 or by means of electronic equipment in conjunction with an in-person
118 meeting, in accordance with the provisions of section 149 of public act
119 21-2 of the June special session, as amended by this act. Any person may
120 recommend the inclusion or deletion of expenditures at such time. After
121 the public hearing, the board shall prepare an annual budget for the next
122 fiscal year, make available on request copies thereof and deliver a
123 reasonable number to the town clerk of each of the towns in the district
124 at least five days before the annual meeting. At the annual meeting on
125 the first Monday in May, the board shall present a budget which
126 includes a statement of (1) estimated receipts and expenditures for the
127 next fiscal year, (2) estimated receipts and expenditures for the current
128 fiscal year, (3) estimated surplus or deficit in operating funds at the end
129 of the current fiscal year, (4) bonded or other debt, (5) estimated per
130 pupil expenditure for the current and for the next fiscal year, and (6)
131 such other information as is necessary in the opinion of the board.
132 Persons present and eligible to vote under section 7-6 may accept or
133 reject the proposed budget except as provided below. No person who is
134 eligible to vote in more than one town in the regional school district is
135 eligible to cast more than one vote on any issue considered at a regional
136 school district meeting or referendum held pursuant to this section. Any
137 person who violates this section by fraudulently casting more than one
138 vote or ballot per issue shall be fined not more than three thousand five
139 hundred dollars and shall be imprisoned not more than two years and
140 shall be disenfranchised. The regional board of education may, in the
141 call to the meeting, designate that the vote on the motion to adopt the
142 budget shall be by paper ballots at the district meeting held on the
143 budget or by a "yes" or "no" vote on the voting tabulators in each of the
144 member towns on the day following the district meeting. If submitted
145 to a vote by voting tabulator, questions may be included on the ballot
146 for persons voting "no" to indicate whether the budget is too high or too
147 low, provided the vote on such questions shall be for advisory purposes

148 only and not binding upon the board. Two hundred or more persons
 149 qualified to vote in any regional district meeting called to adopt a
 150 budget may petition the regional board, in writing, at least three days
 151 prior to such meeting, requesting that any item or items on the call of
 152 such meeting be submitted to the persons qualified to vote in the
 153 meeting for a vote by paper ballot or on the voting tabulators in each of
 154 the member towns on the day following the district meeting and in
 155 accordance with the appropriate procedures provided in section 7-7. If
 156 a majority of such persons voting reject the budget, the board shall,
 157 within four weeks thereafter and upon notice of not less than one week,
 158 call a district meeting to consider the same or an amended budget. Such
 159 meetings shall be convened at such intervals until a budget is approved.
 160 If the budget is not approved before the beginning of a fiscal year, the
 161 disbursing officer for each member town, or the designee of such officer,
 162 shall make necessary expenditures to such district in amounts equal to
 163 the total of the town's appropriation to the district for the previous year
 164 and the town's proportionate share in any increment in debt service over
 165 the previous fiscal year, pursuant to section 7-405 until the budget is
 166 approved. The town shall receive credit for such expenditures once the
 167 budget is approved for the fiscal year. After the budget is approved, the
 168 board shall estimate the share of the net expenses to be paid by each
 169 member town in accordance with subsection (b) of this section and
 170 notify the treasurer thereof. With respect to adoption of a budget for the
 171 period from the organization of the board to the beginning of the first
 172 full fiscal year, the board may use the above procedure at any time
 173 within such period. If the board needs to submit a supplementary
 174 budget, the general procedure specified in this section shall be used.

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
Sec. 2	<i>October 1, 2022</i>	10-51(a)

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 - Potential Cost	See Below	See Below
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	See Below	See Below
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. Depending on the caseload increase related to the ongoing requirements of this bill, the Freedom of Information Commission may need to hire one Staff Attorney 2 position, with a potential cost of \$99,513 and fringe benefit cost of \$40,333 to the Office of the State Comptroller.

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 bill also allows regional public-school district meetings to be available electronically to the public. To the extent additional electronic equipment must be purchased and staff must be hired, there is a potential cost to districts.

House "A" alters the original bill by allowing regional public-school district meetings to be available electronically to the public which results in a potential cost to the extent additional electronic equipment must be purchased and staff must be hired.

The Out Years

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

OLR Bill Analysis**sHB 5269 (as amended by House "A")******AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

Under the state's Freedom of Information Act (FOIA), 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.

The bill also explicitly provides that regional school districts may hold remote or hybrid public meetings to present a proposed budget in the same way as other public agencies under the bill. (Regional school districts are public agencies under FOIA.)

*House Amendment "A" adds the provision on regional school districts.

EFFECTIVE DATE: Upon passage, except the provision specific to regional school districts is effective October 1, 2022.

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)