



General Assembly

February Session, 2022

Raised Bill No. 5269

LCO No. 1719



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 [quasipublic] quasi-public agency,
20 in the office of the clerk of such subdivision for any public agency of a
21 political subdivision of the state that is not a [quasipublic] quasi-public
22 agency, or in the office of the clerk of each municipal member of any
23 multitown district or agency, and (3) if the agency has an Internet web
24 site, on such Internet web site. Not less than twenty-four hours prior to
25 any such meeting, such agency shall post the agenda for any such
26 meeting in the same manner as the notice of the meeting in accordance
27 with subdivisions (1) to (3), inclusive, of this subsection. Such notice and
28 agenda shall include instructions for the public, to attend and provide
29 comment or otherwise participate in the meeting, by means of electronic
30 equipment or in person, as applicable and permitted by law. Any such
31 notice and agenda shall be posted in accordance with the provisions of
32 section 1-225 of the 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
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Statement of Purpose:

To permit public agencies to continue to conduct remote meetings under the Freedom of Information Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]