



General Assembly

January Session, 2009

Raised Bill No. 772

LCO No. 2607

02607_____GAE

Referred to Committee on Government Administration and Elections

Introduced by:
(GAE)

AN ACT CONCERNING THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Section 1-225 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The meetings of all public agencies, except executive sessions, as
4 defined in subdivision (6) of section 1-200, shall be open to the public.
5 The votes of each member of any such public agency upon any issue
6 before such public agency shall be reduced to writing and made
7 available for public inspection within forty-eight hours and shall also
8 be recorded in the minutes of the session at which taken. Within seven
9 days of the session to which such minutes refer, such minutes shall be
10 available for public inspection and posted on such public agency's
11 Internet web site, if available, except as provided in subsections (h)
12 and (i) of this section. Each such agency shall make, keep and maintain
13 a record of the proceedings of its meetings.

14 (b) Each such public agency of the state shall file not later than
15 January thirty-first of each year in the office of the Secretary of the

16 State the schedule of the regular meetings of such public agency for the
17 ensuing year and shall post such schedule on such public agency's
18 Internet web site, if available, except that such requirements shall not
19 apply to the General Assembly, either house thereof or to any
20 committee thereof. Any other provision of the Freedom of Information
21 Act notwithstanding, the General Assembly at the commencement of
22 each regular session in the odd-numbered years, shall adopt, as part of
23 its joint rules, rules to provide notice to the public of its regular,
24 special, emergency or interim committee meetings. The chairperson or
25 secretary of any such public agency of any political subdivision of the
26 state shall file, not later than January thirty-first of each year, with the
27 clerk of such subdivision the schedule of regular meetings of such
28 public agency for the ensuing year, and no such meeting of any such
29 public agency shall be held sooner than thirty days after such schedule
30 has been filed. The chief executive officer of any multitown district or
31 agency shall file, not later than January thirty-first of each year, with
32 the clerk of each municipal member of such district or agency, the
33 schedule of regular meetings of such public agency for the ensuing
34 year, and no such meeting of any such public agency shall be held
35 sooner than thirty days after such schedule has been filed.

36 (c) The agenda of the regular meetings of every public agency,
37 except for the General Assembly, shall be available to the public and
38 shall be filed, not less than twenty-four hours before the meetings to
39 which they refer, (1) in such agency's regular office or place of
40 business, and (2) in the office of the Secretary of the State for any such
41 public agency of the state, in the office of the clerk of such subdivision
42 for any public agency of a political subdivision of the state or in the
43 office of the clerk of each municipal member of any multitown district
44 or agency. For any such public agency of the state, such agenda shall
45 be posted on the public agency's and the Secretary of the State's web
46 sites. Upon the affirmative vote of two-thirds of the members of a
47 public agency present and voting, any subsequent business not
48 included in such filed agendas may be considered and acted upon at
49 such meetings.

50 (d) Notice of each special meeting of every public agency, except for
51 the General Assembly, either house thereof or any committee thereof,
52 shall be posted not less than twenty-four hours before the meeting to
53 which such notice refers on the public agency's Internet web site, if
54 available, and given not less than twenty-four hours prior to the time
55 of such meeting by filing a notice of the time and place thereof in the
56 office of the Secretary of the State for any such public agency of the
57 state, in the office of the clerk of such subdivision for any public
58 agency of a political subdivision of the state and in the office of the
59 clerk of each municipal member for any multitown district or agency.
60 The secretary or clerk shall cause any notice received under this section
61 to be posted in his office. Such notice shall be given not less than
62 twenty-four hours prior to the time of the special meeting; provided, in
63 case of emergency, except for the General Assembly, either house
64 thereof or any committee thereof, any such special meeting may be
65 held without complying with the foregoing requirement for the filing
66 of notice but a copy of the minutes of every such emergency special
67 meeting adequately setting forth the nature of the emergency and the
68 proceedings occurring at such meeting shall be filed with the Secretary
69 of the State, the clerk of such political subdivision, or the clerk of each
70 municipal member of such multitown district or agency, as the case
71 may be, not later than seventy-two hours following the holding of such
72 meeting. The notice shall specify the time and place of the special
73 meeting and the business to be transacted. No other business shall be
74 considered at such meetings by such public agency. In addition, such
75 written notice shall be delivered to the usual place of abode of each
76 member of the public agency so that the same is received prior to such
77 special meeting. The requirement of delivery of such written notice
78 may be dispensed with as to any member who at or prior to the time
79 the meeting convenes files with the clerk or secretary of the public
80 agency a written waiver of delivery of such notice. Such waiver may be
81 given by telegram. The requirement of delivery of such written notice
82 may also be dispensed with as to any member who is actually present
83 at the meeting at the time it convenes. Nothing in this section shall be

84 construed to prohibit any agency from adopting more stringent notice
85 requirements.

86 (e) No member of the public shall be required, as a condition to
87 attendance at a meeting of any such body, to register the member's
88 name, or furnish other information, or complete a questionnaire or
89 otherwise fulfill any condition precedent to the member's attendance.

90 (f) A public agency may hold an executive session, as defined in
91 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
92 of the members of such body present and voting, taken at a public
93 meeting and stating the reasons for such executive session, as defined
94 in section 1-200.

95 (g) In determining the time within which or by when a notice,
96 agenda, record of votes or minutes of a special meeting or an
97 emergency special meeting are required to be filed under this section,
98 Saturdays, Sundays, legal holidays and any day on which the office of
99 the agency, the Secretary of the State or the clerk of the applicable
100 political subdivision or the clerk of each municipal member of any
101 multitown district or agency, as the case may be, is closed, shall be
102 excluded.

103 (h) Notwithstanding the provisions of subsection (a) of this section,
104 no public agency shall be deemed to be in violation of this chapter, for
105 the period beginning October 1, 2008, and ending October 1, 2009, for
106 the failure to post minutes of such agency's sessions on the Internet
107 web site of such public agency within seven days of the session to
108 which such minutes refer, provided such public agency provides a
109 reason for such failure to the Freedom of Information Commission.

110 (i) Notwithstanding the provisions of subsection (a) of this section,
111 from October 1, 2009, and any time thereafter, no public agency shall
112 be deemed to be in violation of this chapter for the failure to post
113 minutes of such agency's sessions on the Internet web site of such
114 public agency within seven days of the session to which such minutes

115 refer, provided such public agency demonstrates a hardship to the
116 Freedom of Information Commission which prevents such public
117 agency from meeting such requirement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-225

Statement of Purpose:

To revise the requirement that minutes from a public agency's sessions be posted on such agency's web site within seven days of such session.

[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.]