



House of Representatives

General Assembly

File No. 416

February Session, 2018

House Bill No. 5527

House of Representatives, April 11, 2018

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING MINOR REVISIONS TO THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Subdivision (6) of section 1-200 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (6) "Executive sessions" means a meeting of a public agency at
5 which the public is excluded for one or more of the following
6 purposes: (A) Discussion concerning the appointment, employment,
7 performance, evaluation, health or dismissal of a public officer or
8 employee, provided [that] such individual may require that discussion
9 be held at an open meeting; (B) strategy and negotiations with respect
10 to pending claims or pending litigation to which the public agency or a
11 member [thereof] of such public agency, because of the member's
12 conduct as a member of such agency, is a party until such litigation or
13 claim has been finally adjudicated or otherwise settled; (C) matters

14 concerning security strategy or the deployment of security personnel,
15 or devices affecting public security; (D) discussion of the selection of a
16 site or the lease, sale or purchase of real estate by the state or a political
17 subdivision of the state when publicity regarding such site, lease, sale,
18 purchase or construction would adversely impact the price of such
19 site, lease, sale, purchase or construction until such time as all of the
20 property has been acquired or all proceedings or transactions
21 concerning same have been terminated or abandoned; and (E)
22 discussion of any matter which would result in the disclosure of public
23 records or the information contained [therein] in such records
24 described in subsection (b) of section 1-210.

25 Sec. 2. Subdivision (11) of section 1-200 of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective*
27 *October 1, 2018*):

28 (11) "Governmental function" means the administration or
29 management of a program of a public agency, which program has
30 been authorized by law to be administered or managed by a person,
31 where (A) the person receives funding from the public agency for
32 administering or managing the program, (B) the public agency is
33 involved in or regulates to a significant extent such person's
34 administration or management of the program, whether or not such
35 involvement or regulation is direct, pervasive, continuous or day-to-
36 day, and (C) the person participates in the formulation of
37 governmental policies or decisions in connection with the
38 administration or management of the program and such policies or
39 decisions bind the public agency. "Governmental function" [shall] does
40 not include the mere provision of goods or services to a public agency
41 without the delegated responsibility to administer or manage a
42 program of a public agency.

43 Sec. 3. Subsection (a) of section 1-206 of the 2018 supplement to the
44 general statutes is repealed and the following is substituted in lieu
45 thereof (*Effective October 1, 2018*):

46 (a) Any denial of the right to inspect or copy records provided for

47 under section 1-210 shall be made to the person requesting such right
48 by the public agency official who has custody or control of the public
49 record, in writing, [within] not later than four business days [of] after
50 receipt of such request, except when the request is determined to be
51 subject to subsections (b) and (c) of section 1-214, in which case such
52 denial shall be made, in writing, [within] not later than ten business
53 days [of] after receipt of such request. Failure to comply with a request
54 to so inspect or copy such public record within the applicable number
55 of business days shall be deemed to be a denial.

56 Sec. 4. Subsection (d) of section 1-206 of the 2018 supplement to the
57 general statutes is repealed and the following is substituted in lieu
58 thereof (*Effective October 1, 2018*):

59 (d) Any party aggrieved by the decision of said commission may
60 appeal [therefrom] such decision, in accordance with the provisions of
61 section 4-183. Notwithstanding the provisions of section 4-183, in any
62 such appeal of a decision of the commission, the court may conduct an
63 in camera review of the original or a certified copy of the records
64 which are at issue in the appeal but were not included in the record of
65 the commission's proceedings, admit the records into evidence and
66 order the records to be sealed or inspected on such terms as the court
67 deems fair and appropriate, during the appeal. The commission shall
68 have standing to defend, prosecute or otherwise participate in any
69 appeal of any of its decisions and to take an appeal from any judicial
70 decision overturning or modifying a decision of the commission. If
71 aggrievement is a jurisdictional prerequisite to the commission taking
72 any such appeal, the commission shall be deemed to be aggrieved.
73 Notwithstanding the provisions of section 3-125, legal counsel
74 employed or retained by said commission shall represent said
75 commission in all such appeals and in any other litigation affecting
76 said commission. Notwithstanding the provisions of subsection (c) of
77 section 4-183 and section 52-64, all process shall be served upon said
78 commission at its office. Any appeal taken pursuant to this section
79 shall be privileged in respect to its assignment for trial over all other
80 actions except writs of habeas corpus and actions brought by or on

81 behalf of the state, including informations on the relation of private
82 individuals. Nothing in this section shall deprive any party of any
83 rights he may have had at common law prior to January 1, 1958. If the
84 court finds that any appeal taken pursuant to this section or section 4-
85 183 is frivolous or taken solely for the purpose of delay, it shall order
86 the party responsible therefor to pay to the party injured by such
87 frivolous or dilatory appeal costs or attorney's fees of not more than
88 one thousand dollars. Such order shall be in addition to any other
89 remedy or disciplinary action required or permitted by statute or by
90 rules of court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	1-200(6)
Sec. 2	<i>October 1, 2018</i>	1-200(11)
Sec. 3	<i>October 1, 2018</i>	1-206(a)
Sec. 4	<i>October 1, 2018</i>	1-206(d)

GAE *Joint Favorable*

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:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes technical changes to the Freedom of Information Act, has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

HB 5527

AN ACT CONCERNING MINOR REVISIONS TO THE FREEDOM OF INFORMATION ACT.

SUMMARY

This bill makes technical changes in the statutes concerning the Freedom of Information Act. Among other things, it replaces terms such as “thereof,” “therein,” and “therefrom” with more specific terms.

EFFECTIVE DATE: October 1, 2018

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 17 Nay 0 (03/23/2018)