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:

Section 1. (NEW) (Effective from passage) (a) A public agency may hold any meeting remotely by using a conference call, videoconference or other technology, provided (1) the public has the ability to view or listen to the meeting simultaneously with its occurrence, using telephone, video or other technology, but excluding any portion of the meeting that is an executive session; (2) any such meeting is recorded or transcribed, excluding any portion of the meeting that is an executive session, and such recording or transcript is posted on the agency's Internet web site not later than seven days after the meeting, and made available in the agency's office or regular place of business within a reasonable period of time; (3) the notice and agenda for such meeting is posted on the agency's Internet web site and includes information about what technology will be used for the meeting and by what method the public can access the meeting; (4) any materials relevant to matters on the agenda, including, but not limited to, materials related to specific applications, if applicable, are submitted to the agency a minimum of
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twenty-four hours prior to the meeting and posted on the agency's
Internet web site for public inspection prior to, during and after the
meeting, and any exhibits to be submitted by members of the public are,
to the extent feasible, submitted to the agency a minimum of twenty-
four hours prior to the meeting and posted on the agency's Internet web
site for public inspection prior to, during and after the meeting; and (5)
any person participating in any such meeting clearly states his or her
name and title, if applicable, each time before speaking.

(b) The provisions of this section shall not be construed to require the
posting of any record that is otherwise exempt from disclosure under
any provision of the general statutes.

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 Section 1-225 of the general statutes is repealed and the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

(a) As used in this subsection, "open to the public" includes, but is not
limited to, a remote meeting held pursuant to section 1 of this act. The
meetings of all public agencies, except executive sessions, [as defined in
subdivision (6) of section 1-200] shall be open to the public. The votes
of each member of any such public agency upon any issue before such
public agency shall be reduced to writing and made available for public
inspection within forty-eight hours and shall also be recorded in the
minutes of the session at which taken. Not later than seven days after
the date of the session to which such minutes refer, such minutes shall
be available for public inspection and posted on such public agency's
Internet web site, if available, except that no public agency of a political
subdivision of the state shall be required to post such minutes on an
Internet web site unless conducting a remote meeting pursuant to
section 1 of this act. Each public agency shall make, keep and maintain
a record of the proceedings of its meetings.

(b) Each such public agency of the state shall file not later than
January thirty-first of each year in the office of the Secretary of the State
the schedule of the regular meetings of such public agency for the
ensuing year and shall post such schedule on such public agency's
Internet web site, if available, except that such requirements shall not 
apply to the General Assembly, either house thereof or to any committee 
thereof. Any other provision of the Freedom of Information Act 
notwithstanding, the General Assembly at the commencement of each 
regular session in the odd-numbered years, shall adopt, as part of its 
joint rules, rules to provide notice to the public of its regular, special, 
emergency or interim committee meetings. The chairperson or secretary 
of any such public agency of any political subdivision of the state shall 
file, not later than January thirty-first of each year, with the clerk of such 
subdivision the schedule of regular meetings of such public agency for 
the ensuing year, and no such meeting of any such public agency shall 
be held sooner than thirty days after such schedule has been filed. The 
chief executive officer of any multitown district or agency shall file, not 
later than January thirty-first of each year, with the clerk of each 
municipal member of such district or agency, the schedule of regular 
meetings of such public agency for the ensuing year, and no such 
meeting of any such public agency shall be held sooner than thirty days 
after such schedule has been filed.

(c) The agenda of the regular meetings of every public agency, except 
for the General Assembly, shall be available to the public and shall be 
filed, not less than twenty-four hours before the meetings to which they 
refer, (1) in such agency's regular office or place of business, and (2) in 
the office of the Secretary of the State for any such public agency of the 
state, in the office of the clerk of such subdivision for any public agency 
of a political subdivision of the state or in the office of the clerk of each 
municipal member of any multitown district or agency. For any such 
public agency of the state, such agenda shall be posted on the public 
agency’s and the Secretary of the State's web sites. Any such agenda of 
a remote meeting shall comply with the requirements of section 1 of this 
act. Upon the affirmative vote of two-thirds of the members of a public 
agency present and voting, any subsequent business not included in 
such filed agendas may be considered and acted upon at such meetings.

(d) Notice of each special meeting of every public agency, except for
the General Assembly, either house thereof or any committee thereof, shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency’s Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof in the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state and in the office of the clerk of each municipal member for any multitown district or agency. The secretary or clerk shall cause any notice received under this section to be posted in his office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting; provided, in case of emergency, except for the General Assembly, either house thereof or any committee thereof, any such special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Secretary of the State, the clerk of such political subdivision, or the clerk of each municipal member of such multitown district or agency, as the case may be, not later than seventy-two hours following the holding of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted, and if to be held remotely, shall comply with the requirements of section 1 of this act. No other business shall be considered at such meetings by such public agency. In addition, such written notice shall be delivered to the usual place of abode of each member of the public agency or by electronic means at an address designated by such member, so that the same is received prior to such special meeting. The requirement of delivery of such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the public agency a written waiver of delivery of such notice. Such waiver may be given [by telegram] electronically. The requirement of delivery of such written notice may also be dispensed with as to any member who is actually
present at the meeting at the time it convenes. Nothing in this section shall be construed to prohibit any agency from adopting more stringent notice requirements.

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

(f) A public agency may hold an executive session [as defined in subdivision (6) of section 1-200.] upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting or a remote meeting held pursuant to section 1 of this act and stating the reasons for such executive session. [as defined in section 1-200.]

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

Sec. 3. Section 1-226 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) At any meeting of a public agency which is open to the public, pursuant to the provisions of section 1-225, as amended by this act, proceedings of such public agency may be recorded, photographed, broadcast or recorded for broadcast, subject to such rules as such public agency may have prescribed prior to such meeting, by any person or by any newspaper, radio broadcasting company or television broadcasting company, provided any remote meeting shall be available for viewing and recorded in accordance with section 1 of this act. Any recording, radio, television or photographic equipment may be so located within
the meeting room as to permit the recording, broadcasting either by radio, or by television, or by both, or the photographing of the proceedings of such public agency. The photographer or broadcaster and its personnel, or the person recording the proceedings, shall be required to handle the photographing, broadcast or recording as inconspicuously as possible and in such manner as not to disturb the proceedings of the public agency. As used [herein] in this section, the term [television shall include] "television" includes the transmission of visual and audible signals by cable.

(b) Any such public agency may adopt rules governing such recording, photography or the use of such broadcasting equipment for radio and television stations but, (1) in the absence of the adoption of such rules and regulations by such public agency prior to the meeting, such recording, photography or the use of such radio and television equipment shall be permitted as provided in subsection (a) of this section, and (2) any such rules and regulations concerning remote meetings shall comply with the requirements of section 1 of this act.

(c) Whenever there is a violation or the probability of a violation of subsections (a) and (b) of this section the superior court, or a judge thereof, for the judicial district in which such meeting is taking place shall, upon application made by affidavit that such violation is taking place or that there is reasonable probability that such violation will take place, issue a temporary injunction against any such violation without notice to the adverse party to show cause why such injunction should not be granted and without the plaintiff's giving bond. Any person or public agency so enjoined may immediately appear and be heard by the court or judge granting such injunction with regard to dissolving or modifying the same and, after hearing the parties and upon a determination that such meeting should not be open to the public, said court or judge may dissolve or modify the injunction. Any action taken by a judge upon any such application shall be immediately certified to the court to which such proceedings are returnable.
Sec. 4. Section 1-228 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The public agency may adjourn any regular or special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular meeting the clerk or the secretary of such body may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in section 1-225, as amended by this act, for special meetings, unless such notice is waived as provided for special meetings or as provided in section 1 of this act, for remote meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular or special meeting was held, or in a conspicuous place on the Internet web site of the public agency, within twenty-four hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings, by ordinance, resolution, by law or other rule.

Sec. 5. Section 1-200 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in this chapter and section 1 of this act, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(1) "Public agency" or "agency" means:

(A) Any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, including any committee of, or created by, any such office, subdivision, agency, department, institution, bureau, board,
commission, authority or official, and also includes any judicial office, official, or body or committee thereof but only with respect to its or their administrative functions, and for purposes of this subparagraph, "judicial office" includes, but is not limited to, the Division of Public Defender Services;

(B) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law; or

(C) Any "implementing agency", as defined in section 32-222.

(2) "Meeting" means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

(3) "Caucus" means (A) a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision, or (B) the members of a multimember public agency, which members constitute a majority of
the membership of the agency, or the other members of the agency who constitute a minority of the membership of the agency, who register their intention to be considered a majority caucus or minority caucus, as the case may be, for the purposes of the Freedom of Information Act, provided (i) the registration is made with the office of the Secretary of the State for any such public agency of the state, in the office of the clerk of a political subdivision of the state for any public agency of a political subdivision of the state, or in the office of the clerk of each municipal member of any multitown district or agency, (ii) no member is registered in more than one caucus at any one time, (iii) no such member's registration is rescinded during the member's remaining term of office, and (iv) a member may remain a registered member of the majority caucus or minority caucus regardless of whether the member changes his or her party affiliation under chapter 143.

(4) "Person" means natural person, partnership, corporation, limited liability company, association or society.

(5) "Public records or files" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of
security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

(7) "Personnel search committee" means a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "personnel search committee" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

(8) "Pending claim" means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) "Pending litigation" means (A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency's consideration of action to enforce or implement legal relief or a legal right.

(10) "Freedom of Information Act" means this chapter.

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

This act shall take effect as follows and shall amend the following
sections:

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**Statement of Purpose:**
To permit public agencies 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.]

Co-Sponsors: SEN. HASKELL, 26th Dist.; REP. ALLIE-BRENNAN, 2nd Dist.
REP. HUGHES, 135th Dist.

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