



General Assembly

January Session, 2021

**Committee Bill No. 183**

LCO No. 4965



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***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. (NEW) (*Effective from passage*) (a) A public agency may hold  
2 any meeting remotely by using a conference call, videoconference or  
3 other technology, provided (1) the public has the ability to view or listen  
4 to the meeting simultaneously with its occurrence, using telephone,  
5 video or other technology, but excluding any portion of the meeting that  
6 is an executive session; (2) any such meeting is recorded or transcribed,  
7 excluding any portion of the meeting that is an executive session, and  
8 such recording or transcript is posted on the agency's Internet web site  
9 not later than seven days after the meeting, and made available in the  
10 agency's office or regular place of business within a reasonable period  
11 of time; (3) the notice and agenda for such meeting is posted on the  
12 agency's Internet web site and includes information about what  
13 technology will be used for the meeting and by what method the public  
14 can access the meeting; (4) any materials relevant to matters on the  
15 agenda, including, but not limited to, materials related to specific  
16 applications, if applicable, are submitted to the agency a minimum of

17 twenty-four hours prior to the meeting and posted on the agency's  
18 Internet web site for public inspection prior to, during and after the  
19 meeting, and any exhibits to be submitted by members of the public are,  
20 to the extent feasible, submitted to the agency a minimum of twenty-  
21 four hours prior to the meeting and posted on the agency's Internet web  
22 site for public inspection prior to, during and after the meeting; and (5)  
23 any person participating in any such meeting clearly states his or her  
24 name and title, if applicable, each time before speaking.

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

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 Section 1-225 of the general statutes is repealed and the  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

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

45 (b) Each such public agency of the state shall file not later than  
46 January thirty-first of each year in the office of the Secretary of the State  
47 the schedule of the regular meetings of such public agency for the  
48 ensuing year and shall post such schedule on such public agency's

49 Internet web site, if available, except that such requirements shall not  
50 apply to the General Assembly, either house thereof or to any committee  
51 thereof. Any other provision of the Freedom of Information Act  
52 notwithstanding, the General Assembly at the commencement of each  
53 regular session in the odd-numbered years, shall adopt, as part of its  
54 joint rules, rules to provide notice to the public of its regular, special,  
55 emergency or interim committee meetings. The chairperson or secretary  
56 of any such public agency of any political subdivision of the state shall  
57 file, not later than January thirty-first of each year, with the clerk of such  
58 subdivision the schedule of regular meetings of such public agency for  
59 the ensuing year, and no such meeting of any such public agency shall  
60 be held sooner than thirty days after such schedule has been filed. The  
61 chief executive officer of any multitown district or agency shall file, not  
62 later than January thirty-first of each year, with the clerk of each  
63 municipal member of such district or agency, the schedule of regular  
64 meetings of such public agency for the ensuing year, and no such  
65 meeting of any such public agency shall be held sooner than thirty days  
66 after such schedule has been filed.

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

81 (d) Notice of each special meeting of every public agency, except for

82 the General Assembly, either house thereof or any committee thereof,  
83 shall be posted not less than twenty-four hours before the meeting to  
84 which such notice refers on the public agency's Internet web site, if  
85 available, and given not less than twenty-four hours prior to the time of  
86 such meeting by filing a notice of the time and place thereof in the office  
87 of the Secretary of the State for any such public agency of the state, in  
88 the office of the clerk of such subdivision for any public agency of a  
89 political subdivision of the state and in the office of the clerk of each  
90 municipal member for any multitown district or agency. The secretary  
91 or clerk shall cause any notice received under this section to be posted  
92 in his office. Such notice shall be given not less than twenty-four hours  
93 prior to the time of the special meeting; provided, in case of emergency,  
94 except for the General Assembly, either house thereof or any committee  
95 thereof, any such special meeting may be held without complying with  
96 the foregoing requirement for the filing of notice but a copy of the  
97 minutes of every such emergency special meeting adequately setting  
98 forth the nature of the emergency and the proceedings occurring at such  
99 meeting shall be filed with the Secretary of the State, the clerk of such  
100 political subdivision, or the clerk of each municipal member of such  
101 multitown district or agency, as the case may be, not later than seventy-  
102 two hours following the holding of such meeting. The notice shall  
103 specify the time and place of the special meeting and the business to be  
104 transacted, and if to be held remotely, shall comply with the  
105 requirements of section 1 of this act. No other business shall be  
106 considered at such meetings by such public agency. In addition, such  
107 written notice shall be delivered to the usual place of abode of each  
108 member of the public agency or by electronic means at an address  
109 designated by such member, so that the same is received prior to such  
110 special meeting. The requirement of delivery of such written notice may  
111 be dispensed with as to any member who at or prior to the time the  
112 meeting convenes files with the clerk or secretary of the public agency a  
113 written waiver of delivery of such notice. Such waiver may be given [by  
114 telegram] electronically. The requirement of delivery of such written  
115 notice may also be dispensed with as to any member who is actually

116 present at the meeting at the time it convenes. Nothing in this section  
117 shall be construed to prohibit any agency from adopting more stringent  
118 notice requirements.

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

123 (f) A public agency may hold an executive session [, as defined in  
124 subdivision (6) of section 1-200,] upon an affirmative vote of two-thirds  
125 of the members of such body present and voting, taken at a public  
126 meeting or a remote meeting held pursuant to section 1 of this act and  
127 stating the reasons for such executive session. [, as defined in section 1-  
128 200.]

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

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

138 (a) At any meeting of a public agency which is open to the public,  
139 pursuant to the provisions of section 1-225, as amended by this act,  
140 proceedings of such public agency may be recorded, photographed,  
141 broadcast or recorded for broadcast, subject to such rules as such public  
142 agency may have prescribed prior to such meeting, by any person or by  
143 any newspaper, radio broadcasting company or television broadcasting  
144 company, provided any remote meeting shall be available for viewing  
145 and recorded in accordance with section 1 of this act. Any recording,  
146 radio, television or photographic equipment may be so located within

147 the meeting room as to permit the recording, broadcasting either by  
148 radio, or by television, or by both, or the photographing of the  
149 proceedings of such public agency. The photographer or broadcaster  
150 and its personnel, or the person recording the proceedings, shall be  
151 required to handle the photographing, broadcast or recording as  
152 inconspicuously as possible and in such manner as not to disturb the  
153 proceedings of the public agency. As used [herein] in this section, the  
154 term [television shall include] "television" includes the transmission of  
155 visual and audible signals by cable.

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

164 (c) Whenever there is a violation or the probability of a violation of  
165 subsections (a) and (b) of this section the superior court, or a judge  
166 thereof, for the judicial district in which such meeting is taking place  
167 shall, upon application made by affidavit that such violation is taking  
168 place or that there is reasonable probability that such violation will take  
169 place, issue a temporary injunction against any such violation without  
170 notice to the adverse party to show cause why such injunction should  
171 not be granted and without the plaintiff's giving bond. Any person or  
172 public agency so enjoined may immediately appear and be heard by the  
173 court or judge granting such injunction with regard to dissolving or  
174 modifying the same and, after hearing the parties and upon a  
175 determination that such meeting should not be open to the public, said  
176 court or judge may dissolve or modify the injunction. Any action taken  
177 by a judge upon any such application shall be immediately certified to  
178 the court to which such proceedings are returnable.

179 Sec. 4. Section 1-228 of the general statutes is repealed and the  
180 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

203 (A) Any executive, administrative or legislative office of the state or  
204 any political subdivision of the state and any state or town agency, any  
205 department, institution, bureau, board, commission, authority or official  
206 of the state or of any city, town, borough, municipal corporation, school  
207 district, regional district or other district or other political subdivision of  
208 the state, including any committee of, or created by, any such office,  
209 subdivision, agency, department, institution, bureau, board,

210 commission, authority or official, and also includes any judicial office,  
211 official, or body or committee thereof but only with respect to its or their  
212 administrative functions, and for purposes of this subparagraph,  
213 "judicial office" includes, but is not limited to, the Division of Public  
214 Defender Services;

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

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

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

238 (3) "Caucus" means (A) a convening or assembly of the enrolled  
239 members of a single political party who are members of a public agency  
240 within the state or a political subdivision, or (B) the members of a  
241 multimember public agency, which members constitute a majority of



242 the membership of the agency, or the other members of the agency who  
243 constitute a minority of the membership of the agency, who register  
244 their intention to be considered a majority caucus or minority caucus, as  
245 the case may be, for the purposes of the Freedom of Information Act,  
246 provided (i) the registration is made with the office of the Secretary of  
247 the State for any such public agency of the state, in the office of the clerk  
248 of a political subdivision of the state for any public agency of a political  
249 subdivision of the state, or in the office of the clerk of each municipal  
250 member of any multitown district or agency, (ii) no member is  
251 registered in more than one caucus at any one time, (iii) no such  
252 member's registration is rescinded during the member's remaining term  
253 of office, and (iv) a member may remain a registered member of the  
254 majority caucus or minority caucus regardless of whether the member  
255 changes his or her party affiliation under chapter 143.

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

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

264 (6) "Executive sessions" means a meeting of a public agency at which  
265 the public is excluded for one or more of the following purposes: (A)  
266 Discussion concerning the appointment, employment, performance,  
267 evaluation, health or dismissal of a public officer or employee, provided  
268 that such individual may require that discussion be held at an open  
269 meeting; (B) strategy and negotiations with respect to pending claims or  
270 pending litigation to which the public agency or a member thereof,  
271 because of the member's conduct as a member of such agency, is a party  
272 until such litigation or claim has been finally adjudicated or otherwise  
273 settled; (C) matters concerning security strategy or the deployment of

274 security personnel, or devices affecting public security; (D) discussion  
275 of the selection of a site or the lease, sale or purchase of real estate by the  
276 state or a political subdivision of the state when publicity regarding such  
277 site, lease, sale, purchase or construction would adversely impact the  
278 price of such site, lease, sale, purchase or construction until such time as  
279 all of the property has been acquired or all proceedings or transactions  
280 concerning same have been terminated or abandoned; and (E)  
281 discussion of any matter which would result in the disclosure of public  
282 records or the information contained therein described in subsection (b)  
283 of section 1-210.

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

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

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

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

302 (11) "Governmental function" means the administration or  
303 management of a program of a public agency, which program has been  
304 authorized by law to be administered or managed by a person, where

305 (A) the person receives funding from the public agency for  
306 administering or managing the program, (B) the public agency is  
307 involved in or regulates to a significant extent such person's  
308 administration or management of the program, whether or not such  
309 involvement or regulation is direct, pervasive, continuous or day-to-  
310 day, and (C) the person participates in the formulation of governmental  
311 policies or decisions in connection with the administration or  
312 management of the program and such policies or decisions bind the  
313 public agency. "Governmental function" shall not include the mere  
314 provision of goods or services to a public agency without the delegated  
315 responsibility to administer or manage a program of a public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	1-225
Sec. 3	<i>from passage</i>	1-226
Sec. 4	<i>from passage</i>	1-228
Sec. 5	<i>from passage</i>	1-200

**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.

S.B. 183