



House of Representatives

General Assembly

File No. 481

February Session, 2022

Substitute House Bill No. 5211

House of Representatives, April 14, 2022

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN CEMETERY ASSOCIATIONS.

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

1 Section 1. Section 19a-296 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) Cemetery associations shall be organized in accordance with the
4 provisions of sections 33-1025 to 33-1047, inclusive, and shall not be
5 conducted for the purposes of speculation in cemetery lots and
6 property, or for private gain, either directly or indirectly, to any of the
7 members of any such association; and land for the enlargement of a
8 cemetery may be taken in accordance with the provisions of section 48-
9 18.

10 (b) The board of directors or board of trustees of any cemetery
11 association shall hold an annual meeting of the association. At such
12 annual meeting, the board shall accept an annual financial statement
13 that shall contain an accounting of income and expenses of the cemetery

14 association for the preceding fiscal year and an accounting of assets
15 owned by the association. Such financial statement shall be included in
16 the minutes of the annual meeting at which such financial statement was
17 accepted. The board shall retain the minutes of such annual meeting for
18 a period of not less than twenty years after the date of such meeting.

19 (c) No officer, director or trustee of a cemetery association may serve
20 as an officer, director or trustee of any company that manages or
21 operates any aspect of the cemetery.

22 (d) Any interested party may petition the [probate court] Probate
23 Court for the district within which the cemetery owned or controlled by
24 a cemetery association is located to require disclosure of the minutes of
25 an annual meeting of the cemetery association including any financial
26 statement required to be included in such minutes. The court may, after
27 hearing, with notice to all interested parties, grant the petition and
28 require disclosure of such minutes for such periods of time as it
29 determines are reasonable and necessary on finding that: (1) The
30 petitioner has an interest in the minutes sufficient to warrant disclosure,
31 and (2) the petition is not for the purpose of harassment.

32 (e) Any cemetery association, organized in accordance with the
33 provisions of sections 33-1025 to 33-1047, inclusive, that receives or
34 expends any public funds, as defined in section 7-401, shall be deemed
35 a public agency for purposes of the Freedom of Information Act, as
36 defined in section 1-200.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	19a-296

Statement of Legislative Commissioners:

In Subsec. (e), "shall be a "public agency" and subject to the provisions of the Freedom of Information Act, as defined in section 1-200", was changed to "shall be deemed a public agency for purposes of the Freedom of Information Act, as defined in section 1-200", for accuracy and clarity.

JUD *Joint Favorable Subst. -LCO*

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

This bill, which deems a cemetery association to be a public agency under the Freedom of Information Act if it meets certain criteria, does not result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5211*****AN ACT CONCERNING THE APPLICATION OF THE FREEDOM OF INFORMATION ACT TO CERTAIN CEMETERY ASSOCIATIONS.*****SUMMARY**

This bill deems a cemetery association to be a public agency under the Freedom of Information Act (FOIA) if it (1) is incorporated under state law as a nonstock corporation and (2) receives or spends public funds.

Under the bill, “public funds” are moneys collected or received by, or in the custody of, any person and belonging to, or held in trust for, a municipality, including money the municipality holds in trust or for some public or charitable purpose.

Generally, under FOIA, a “public agency” is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is deemed to be the functional equivalent of these agencies (CGS § 1-200(1)).

Among other things, FOIA requires public agencies, with limited exceptions, to (1) make their records and files available to the public for inspection and copying, (2) post their meeting agendas and minutes, and (3) allow the public to attend their meetings (CGS §§ 1-210 & 1-225).

The bill also makes technical changes.

EFFECTIVE DATE: July 1, 2022

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 24 Nay 15 (03/29/2022)