



# House of Representatives

General Assembly

**File No. 282**

February Session, 2022

House Bill No. 5362

*House of Representatives, April 4, 2022*

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY of the 133rd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT REQUIRING PUBLIC COMMENT PERIODS AT PUBLIC AGENCY MEETINGS.**

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 Section 1-225 of the general statutes is repealed and the  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 October 1, 2022*):

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 In any such meeting that is open to the public, each public agency shall  
6 provide members of the public an opportunity to present oral testimony  
7 on any item appearing on the agenda of such public agency for such  
8 meeting during a public comment period designated by such public  
9 agency. Each public agency may adopt rules and restrictions regarding  
10 such comment periods, including, but not limited to, a limit on the total  
11 amount of time allocated for public comment on specific agenda items  
12 and for each individual speaker. The votes of each member of any [such]  
13 public agency upon any issue before such public agency shall be

14 reduced to writing and made available for public inspection within  
15 forty-eight hours and shall also be recorded in the minutes of the session  
16 at which taken. Not later than seven days after the date of the session to  
17 which such minutes refer, such minutes shall be available for public  
18 inspection and posted on such public agency's Internet web site, if  
19 available, except that no public agency of a political subdivision of the  
20 state shall be required to post such minutes on an Internet web site. Each  
21 public agency shall make, keep and maintain a record of the  
22 proceedings of its meetings.

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

45 (c) The agenda of the regular meetings of every public agency, except  
46 for the General Assembly, shall be available to the public and shall be  
47 filed, not less than twenty-four hours before the meetings to which they

48 refer, (1) in such agency's regular office or place of business, and (2) in  
49 the office of the Secretary of the State for any such public agency of the  
50 state, in the office of the clerk of such subdivision for any public agency  
51 of a political subdivision of the state or in the office of the clerk of each  
52 municipal member of any multitown district or agency. For any such  
53 public agency of the state, such agenda shall be posted on the public  
54 agency's and the Secretary of the State's Internet web sites. Upon the  
55 affirmative vote of two-thirds of the members of a public agency present  
56 and voting, any subsequent business not included in such filed agendas  
57 may be considered and acted upon at such meetings.

58 (d) Notice of each special meeting of every public agency, except for  
59 the General Assembly, either house thereof or any committee thereof,  
60 shall be posted not less than twenty-four hours before the meeting to  
61 which such notice refers on the public agency's Internet web site, if  
62 available, and given not less than twenty-four hours prior to the time of  
63 such meeting by filing a notice of the time and place thereof in the office  
64 of the Secretary of the State for any such public agency of the state, in  
65 the office of the clerk of such subdivision for any public agency of a  
66 political subdivision of the state and in the office of the clerk of each  
67 municipal member for any multitown district or agency. The secretary  
68 or clerk shall cause any notice received under this section to be posted  
69 in his office. Such notice shall be given not less than twenty-four hours  
70 prior to the time of the special meeting; provided, in case of emergency,  
71 except for the General Assembly, either house thereof or any committee  
72 thereof, any such special meeting may be held without complying with  
73 the foregoing requirement for the filing of notice but a copy of the  
74 minutes of every such emergency special meeting adequately setting  
75 forth the nature of the emergency and the proceedings occurring at such  
76 meeting shall be filed with the Secretary of the State, the clerk of such  
77 political subdivision, or the clerk of each municipal member of such  
78 multitown district or agency, as the case may be, not later than seventy-  
79 two hours following the holding of such meeting. The notice shall  
80 specify the time and place of the special meeting and the business to be  
81 transacted. No other business shall be considered at such meetings by  
82 such public agency. In addition, such written notice shall be delivered

83 to the usual place of abode of each member of the public agency so that  
 84 the same is received prior to such special meeting. The requirement of  
 85 delivery of such written notice may be dispensed with as to any member  
 86 who at or prior to the time the meeting convenes files with the clerk or  
 87 secretary of the public agency a written waiver of delivery of such  
 88 notice. Such waiver may be given by telegram. The requirement of  
 89 delivery of such written notice may also be dispensed with as to any  
 90 member who is actually present at the meeting at the time it convenes.  
 91 Nothing in this section shall be construed to prohibit any agency from  
 92 adopting more stringent notice requirements.

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	1-225

**PD**      *Joint Favorable*

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*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.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

Under the Freedom of Information Act, public agencies must make their meetings, other than executive sessions, open to the public. This bill requires that members of the public be allowed to give oral testimony on any of these meetings' agenda items during a public comment period.

This bill is not anticipated to have a fiscal impact as it allows public agencies to adopt rules and restrictions on public comment periods, including limiting the amount of time for each speaker or specific agenda items.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****HB 5362*****AN ACT REQUIRING PUBLIC COMMENT PERIODS AT PUBLIC AGENCY MEETINGS.*****SUMMARY**

Under the Freedom of Information Act, public agencies must make their meetings, other than executive sessions, open to the public. This bill requires that members of the public be allowed to give oral testimony on any of these meetings' agenda items during a public comment period. It allows public agencies to adopt rules and restrictions on public comment periods, including those limiting the amount of time for each speaker or specific agenda items.

Under existing law, public agencies include any (1) state or local governmental agency, department, institution, bureau, board, or commission, including any executive, administrative, or legislative office, and the administrative functions of any judicial office, including the Division of Public Defender Services or (2) entity that is the functional equivalent of any such agency (CGS § 1-200).

EFFECTIVE DATE: October 1, 2022

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable

Yea 26 Nay 0 (03/18/2022)