



House of Representatives

General Assembly

File No. 626

January Session, 2023

House Bill No. 6906

House of Representatives, April 17, 2023

The Committee on Government Administration and Elections reported through REP. BLUMENTHAL of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING MEMBER PARTICIPATION DURING REMOTE AND HYBRID MUNICIPAL PUBLIC AGENCY MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.

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

1 Section 1. Section 1-225a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) As used in this section, "public agency", "meeting", "executive
4 session", "electronic equipment" and "electronic transmission" have the
5 same meanings as provided in section 1-200 and "municipal public
6 agency" means any (1) municipal board of selectmen, city council, board
7 of representatives or equivalent legislative body except for a town
8 meeting; (2) local or regional board of education; (3) board of finance or
9 equivalent board with budget-making authority; (4) zoning commission
10 or combined planning and zoning commission; (5) board of ethics,
11 charter revision commission, police commission, fire commission or
12 inland wetlands or equivalent commission; and (6) zoning board of

13 appeals.

14 (b) On and after July 1, 2021, a public agency may hold a public
15 meeting that is accessible to the public by means of electronic equipment
16 or by means of electronic equipment in conjunction with an in-person
17 meeting, in accordance with the provisions of this section. Not less than
18 forty-eight hours before any public agency, except for the General
19 Assembly, conducts a regular meeting by means of electronic
20 equipment, such agency shall provide direct notification in writing or
21 by electronic transmission to each member of the public agency and post
22 a notice that such agency intends to conduct the meeting solely or in
23 part by means of electronic equipment (1) in the agency's regular office
24 or place of business, (2) in the office and on the Internet web site of the
25 Secretary of the State for any such public agency of the state or quasi-
26 public agency, in the office of the clerk of such subdivision for any
27 public agency of a political subdivision of the state that is not a quasi-
28 public agency, or in the office of the clerk of each municipal member of
29 any multitown district or agency, and (3) if the agency has an Internet
30 web site, on such Internet web site. Not less than twenty-four hours
31 prior to any such meeting, such agency shall post the agenda for any
32 such meeting in the same manner as the notice of the meeting in
33 accordance with subdivisions (1) to (3), inclusive, of this subsection.
34 Such notice and agenda shall include instructions for the public, to
35 attend and provide comment or otherwise participate in the meeting, by
36 means of electronic equipment or in person, as applicable and permitted
37 by law. Any such notice and agenda shall be posted in accordance with
38 the provisions of section 1-225.

39 [(b)] (c) Any public agency that conducts a meeting, other than an
40 executive session or special meeting, as described in this section, solely
41 by means of electronic equipment, shall (1) provide any member of the
42 public (A) upon a written request submitted not less than twenty-four
43 hours prior to such meeting, with a physical location and any electronic
44 equipment necessary to attend such meeting in real-time, and (B) the
45 same opportunities to provide comment or testimony and otherwise
46 participate in such meeting that such member of the public would be

47 accorded if such meeting were held in person, except that a public
48 agency is not required to adjourn or postpone a meeting if a member of
49 the public loses the ability to participate because of an interruption,
50 failure or degradation of such person's connection to the meeting by
51 electronic equipment; (2) ensure that such meeting is recorded or
52 transcribed, excluding any portion of the meeting that is an executive
53 session, and such transcription or recording is posted on the agency's
54 Internet web site and made available to the public to view, listen to and
55 copy in the agency's office or regular place of business not later than
56 seven days after the meeting and for not less than forty-five days
57 thereafter; and (3) if a quorum of the members of a public agency attend
58 a meeting by means of electronic equipment from the same physical
59 location, permit members of the public to attend such meeting in such
60 physical location. Any public agency that conducts a meeting shall
61 provide members of the public agency the opportunity to participate by
62 means of electronic equipment, except that a public agency is not
63 required to adjourn or postpone a meeting if a member loses the ability
64 to participate because of an interruption, failure or degradation of that
65 member's connection by electronic equipment, unless the member's
66 participation is necessary to form a quorum.

67 [(c)] (d) Any public agency other than the General Assembly that
68 conducts a special meeting shall include in the notice of such meeting
69 whether the meeting will be conducted solely or in part by means of
70 electronic equipment and, not less than twenty-four hours prior to such
71 meeting, shall post such notice and an agenda of the meeting in
72 accordance with the provisions of subsection (d) of section 1-225. If such
73 special meeting is to be conducted by means of electronic equipment,
74 such notice and agenda shall include instructions for the public, by
75 means of electronic equipment or in person, to attend and provide
76 comment or otherwise participate in the meeting, as applicable and
77 permitted by law.

78 [(d)] (e) Any vote taken at a meeting during which any member
79 participates by means of electronic equipment shall be taken by roll call,
80 unless the vote is unanimous. The minutes of the meeting shall record a

81 list of members that attended such meeting in person and a list of
82 members that attended such meeting by means of electronic equipment.
83 In the case of a member of a municipal public agency participating at a
84 meeting by means of electronic equipment, such member shall be visible
85 on such electronic equipment whenever speaking during the debate or
86 casting a vote during such meeting.

87 [(e)] (f) Any member of a public agency or the public who participates
88 orally in a meeting of a public agency conducted by means of electronic
89 equipment shall make a good faith effort to state such member's name
90 and title, if applicable, at the outset of each occasion that such member
91 participates orally during an uninterrupted dialogue or series of
92 questions and answers.

93 [(f)] (g) Whenever a meeting being conducted by means of electronic
94 equipment is interrupted by the failure, disconnection or, in the
95 chairperson's determination, unacceptable degradation of the electronic
96 means of conducting a meeting, or if a member necessary to form a
97 quorum loses the ability to participate because of the interruption,
98 failure or degradation of such member's connection by electronic
99 equipment, the public agency may, not less than thirty minutes and not
100 more than two hours from the time of the interruption or the
101 chairperson's determination, resume the meeting (1) in person, if a
102 quorum is present in person, or (2) if a quorum is restored by means of
103 electronic equipment, solely or in part by such electronic equipment. In
104 each case of resumption of such meeting, electronic access shall be
105 restored to the public if such capability has been restored. The public
106 agency shall, if practicable, post a notification on its Internet web site
107 and inform attendees by electronic transmission of the expected time of
108 resumption or of the adjournment or postponement of the meeting, as
109 applicable, and may announce at the beginning of any meeting what
110 preplanned procedures are in place for resumption of a meeting in the
111 event of an interruption as described in this subsection.

112 [(g)] (h) Nothing in this section shall be construed to require a public
113 agency to offer members of the public who attend a meeting by means

114 of electronic equipment the opportunity for public comment, testimony
115 or other participation if the provision of such opportunity is not
116 required by law for members of the public who attend such a meeting
117 in person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	1-225a

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 requires any member participating in a municipal public agency meeting through electronic means to be visible when speaking during a debate or casting a vote. This does not result in a fiscal impact to municipalities as it only changes requirements for the participating members.

The Out Years

There is no fiscal impact in the out years.

OLR Bill Analysis**HB 6906*****AN ACT CONCERNING MEMBER PARTICIPATION DURING REMOTE AND HYBRID MUNICIPAL PUBLIC AGENCY MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill requires that any member of a municipal public agency participating in a public meeting through electronic means be visible when speaking during a debate or casting a vote.

The bill applies to members of the following bodies:

1. municipal boards of selectmen, city councils, boards of representatives, or equivalent legislative bodies except for town meetings;
2. local or regional boards of education;
3. boards of finance or equivalent boards with budget-making authority;
4. zoning commissions or combined planning and zoning commissions;
5. boards of ethics, charter revision commissions, police commissions, fire commissions or inland wetlands or equivalent commissions; and
6. zoning boards of appeals.

The Freedom of Information Act generally requires public agencies to make their meetings, other than executive sessions, open to the public. Existing law allows public agencies to hold publicly accessible

meetings through electronic equipment (e.g., by telephone, video, or other conferencing platforms) or electronic equipment combined with an in-person meeting (hybrid meetings). (Presumably, the bill's visibility requirement prohibits municipal public agency members from participating solely by telephone if they are speaking during a debate or casting a vote.)

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 16 Nay 2 (03/27/2023)