



# Senate

General Assembly

**File No. 479**

February Session, 2022

Substitute Senate Bill No. 467

*Senate, April 14, 2022*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PERMITTING REMOTE PUBLIC MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.***

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

1 Section 1. Subsection (a) of section 149 of public act 21-2 of the June  
2 special session is repealed and the following substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) As used in this section, "public agency", "meeting", "executive  
5 session", "electronic equipment" and "electronic transmission" have the  
6 same meanings as provided in section 1-200 of the general statutes. On  
7 and after [the effective date of this section until April 30, 2022] July 1,  
8 2021, a public agency may hold a public meeting that is accessible to the  
9 public by means of electronic equipment or by means of electronic  
10 equipment in conjunction with an in-person meeting, in accordance  
11 with the provisions of this section. Not less than forty-eight hours before  
12 any public agency, except for the General Assembly, conducts a regular  
13 meeting by means of electronic equipment, such agency shall provide

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	PA 21-2 of the June Sp. Sess., Sec. 149(a)

**GAE**      *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Freedom of Information Com.	GF - Potential Cost	See Below	See Below
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	See Below	See Below
Various State Agencies	Various - Cost	Minimal	Minimal

Note: GF=General Fund; Various=Various

### Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

### Explanation

This bill allows public agencies to continue holding remote and hybrid meetings after April 30, 2022. Depending on the caseload increase related to the ongoing requirements of this bill, the Freedom of Information Commission may need to hire one Staff Attorney 2 position, with a potential cost of \$99,513 and fringe benefit cost of \$40,333 to the Office of the State Comptroller.

Municipalities and state agencies that continue to offer electronic meetings after April 30, 2022, will continue to incur any ongoing costs associated with such meetings. These costs, which are expected to be minimal, include annual software licensing renewal, or replacement of

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

electronic equipment.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

sSB 467

***AN ACT PERMITTING REMOTE PUBLIC MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

Under the state's Freedom of Information Act, public agencies must generally make their meetings, other than executive sessions, open to the public. Current law allows these agencies, until April 30, 2022, to hold meetings that are accessible to the public through electronic equipment (e.g., by telephone, video, or other conferencing platforms) or electronic equipment combined with an in-person meeting (hybrid meetings) (PA 21-2, June Special Session (JSS), § 149).

This bill removes the sunset date and allows public agencies to continue holding remote and hybrid meetings, as long as they comply with existing law's requirements.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Remote and Hybrid Meeting Requirements***

PA 21-2, JSS, § 149, established requirements for public agencies to hold remote or hybrid meetings. For example, for remote meetings, agencies must provide members of the public with a physical location and the equipment needed to attend the meeting in real-time, if requested, and the same opportunities to participate they would have if the meeting were held in-person. It also (1) requires agencies to, among other things, create recordings or transcripts of remote public meetings and make them available to the public for at least 45 days and (2) establishes the conditions under which remote meetings that are interrupted may be resumed.

**RELATED BILL**

sHB 5269, favorably reported by the Planning and Development committee, also removes the sunset date in PA 21-2, JSS, § 149.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 12 Nay 6 (03/29/2022)