



General Assembly

Amendment

January Session, 2021

LCO No. 9643



Offered by:

REP. CANDELORA, 86th Dist.

REP. PERILLO, 113th Dist.

REP. DEVLIN, 134th Dist.

REP. REBIMBAS, 70th Dist.

REP. O'DEA, 125th Dist.

REP. ZUPKUS, 89th Dist.

To: Subst. House Bill No. 6193

File No. 497

Cal. No. 364

"AN ACT SUBJECTING CERTAIN NONSTATE ENTITIES THAT SERVE A GOVERNMENTAL FUNCTION TO THE FREEDOM OF INFORMATION ACT AND THE CODES OF ETHICS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1-200 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 As used in this chapter, the following words and phrases shall have
6 the following meanings, except where such terms are used in a context
7 which clearly indicates the contrary:

8 (1) "'Public agency" or "agency" means:

9 (A) Any executive, administrative or legislative office of the state or
10 any political subdivision of the state and any state or town agency, any
11 department, institution, bureau, board, commission, authority or official

12 of the state or of any city, town, borough, municipal corporation, school
13 district, regional district or other district or other political subdivision of
14 the state, including any committee of, or created by, any such office,
15 subdivision, agency, department, institution, bureau, board,
16 commission, authority or official, and also includes any judicial office,
17 official, or body or committee thereof but only with respect to its or their
18 administrative functions, and for purposes of this subparagraph,
19 "judicial office" includes, but is not limited to, the Division of Public
20 Defender Services;

21 (B) Any entity that (i) has as a member of its board of directors or as
22 part of its corporate governance any person described in subparagraph
23 (C) of this subdivision, (ii) is not a state agency or quasi-public agency,
24 (iii) carries out a public purpose, and (iv) is authorized to expend public
25 funds or receives public funds as part of such entity's operations;

26 (C) Any person appointed by a member of the General Assembly, a
27 state-wide elected officer, the Governor or an appointee of the Governor
28 to serve on the board of an entity that (i) is not a state agency or quasi-
29 public agency, (ii) carries out a public purpose, and (iii) is authorized to
30 expend public funds or receives public funds as part of such entity's
31 operations;

32 [(B)] (D) Any person to the extent such person is deemed to be the
33 functional equivalent of a public agency pursuant to law; or

34 [(C)] (E) Any "implementing agency", as defined in section 32-222.

35 (2) "Meeting" means any hearing or other proceeding of a public
36 agency, any convening or assembly of a quorum of a multimember
37 public agency, and any communication by or to a quorum of a
38 multimember public agency, whether in person or by means of
39 electronic equipment, to discuss or act upon a matter over which the
40 public agency has supervision, control, jurisdiction or advisory power.
41 "Meeting" does not include: Any meeting of a personnel search
42 committee for executive level employment candidates; any chance
43 meeting, or a social meeting neither planned nor intended for the

44 purpose of discussing matters relating to official business; strategy or
45 negotiations with respect to collective bargaining; a caucus of members
46 of a single political party notwithstanding that such members also
47 constitute a quorum of a public agency; an administrative or staff
48 meeting of a single-member public agency; and communication limited
49 to notice of meetings of any public agency or the agendas thereof. A
50 quorum of the members of a public agency who are present at any event
51 which has been noticed and conducted as a meeting of another public
52 agency under the provisions of the Freedom of Information Act shall not
53 be deemed to be holding a meeting of the public agency of which they
54 are members as a result of their presence at such event.

55 (3) "Caucus" means (A) a convening or assembly of the enrolled
56 members of a single political party who are members of a public agency
57 within the state or a political subdivision, or (B) the members of a
58 multimember public agency, which members constitute a majority of
59 the membership of the agency, or the other members of the agency who
60 constitute a minority of the membership of the agency, who register
61 their intention to be considered a majority caucus or minority caucus, as
62 the case may be, for the purposes of the Freedom of Information Act,
63 provided (i) the registration is made with the office of the Secretary of
64 the State for any such public agency of the state, in the office of the clerk
65 of a political subdivision of the state for any public agency of a political
66 subdivision of the state, or in the office of the clerk of each municipal
67 member of any multitown district or agency, (ii) no member is
68 registered in more than one caucus at any one time, (iii) no such
69 member's registration is rescinded during the member's remaining term
70 of office, and (iv) a member may remain a registered member of the
71 majority caucus or minority caucus regardless of whether the member
72 changes his or her party affiliation under chapter 143.

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

75 (5) "Public records or files" means any recorded data or information
76 relating to the conduct of the public's business prepared, owned, used,

77 received or retained by a public agency, or to which a public agency is
78 entitled to receive a copy by law or contract under section 1-218,
79 whether such data or information be handwritten, typed, tape-recorded,
80 printed, photostated, photographed or recorded by any other method.

81 (6) "Executive sessions" means a meeting of a public agency at which
82 the public is excluded for one or more of the following purposes: (A)
83 Discussion concerning the appointment, employment, performance,
84 evaluation, health or dismissal of a public officer or employee, provided
85 that such individual may require that discussion be held at an open
86 meeting; (B) strategy and negotiations with respect to pending claims or
87 pending litigation to which the public agency or a member thereof,
88 because of the member's conduct as a member of such agency, is a party
89 until such litigation or claim has been finally adjudicated or otherwise
90 settled; (C) matters concerning security strategy or the deployment of
91 security personnel, or devices affecting public security; (D) discussion
92 of the selection of a site or the lease, sale or purchase of real estate by the
93 state or a political subdivision of the state when publicity regarding such
94 site, lease, sale, purchase or construction would adversely impact the
95 price of such site, lease, sale, purchase or construction until such time as
96 all of the property has been acquired or all proceedings or transactions
97 concerning same have been terminated or abandoned; and (E)
98 discussion of any matter which would result in the disclosure of public
99 records or the information contained therein described in subsection (b)
100 of section 1-210.

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

107 (8) "Pending claim" means a written notice to an agency which sets
108 forth a demand for legal relief or which asserts a legal right stating the
109 intention to institute an action in an appropriate forum if such relief or

110 right is not granted.

111 (9) "Pending litigation" means (A) a written notice to an agency which
112 sets forth a demand for legal relief or which asserts a legal right stating
113 the intention to institute an action before a court if such relief or right is
114 not granted by the agency; (B) the service of a complaint against an
115 agency returnable to a court which seeks to enforce or implement legal
116 relief or a legal right; or (C) the agency's consideration of action to
117 enforce or implement legal relief or a legal right.

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

119 [(11) "Governmental function" means the administration or
120 management of a program of a public agency, which program has been
121 authorized by law to be administered or managed by a person, where
122 (A) the person receives funding from the public agency for
123 administering or managing the program, (B) the public agency is
124 involved in or regulates to a significant extent such person's
125 administration or management of the program, whether or not such
126 involvement or regulation is direct, pervasive, continuous or day-to-
127 day, and (C) the person participates in the formulation of governmental
128 policies or decisions in connection with the administration or
129 management of the program and such policies or decisions bind the
130 public agency. "Governmental function" shall not include the mere
131 provision of goods or services to a public agency without the delegated
132 responsibility to administer or manage a program of a public agency.]

133 Sec. 2. Section 1-218 of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective July 1, 2021*):

135 (a) As used in this section, "governmental function" means the
136 administration or management of a program of a public agency, which
137 program has been authorized by law to be administered or managed by
138 a person, where (1) the person receives funding from the public agency
139 for administering or managing the program, (2) the public agency is
140 involved in or regulates to a significant extent such person's
141 administration or management of the program, whether or not such

142 involvement or regulation is direct, pervasive, continuous or day-to-
143 day, and (3) the person participates in the formulation of governmental
144 policies or decisions in connection with the administration or
145 management of the program and such policies or decisions bind the
146 public agency. "Governmental function" does not include the mere
147 provision of goods or services to a public agency without the delegated
148 responsibility to administer or manage a program of a public agency.

149 [(a)] (b) Each contract in excess of two million five hundred thousand
150 dollars between a public agency and a person for the performance of a
151 governmental function shall (1) provide that the public agency is
152 entitled to receive a copy of records and files related to the performance
153 of the governmental function, and (2) indicate that such records and files
154 are subject to the Freedom of Information Act and may be disclosed by
155 the public agency pursuant to the Freedom of Information Act. No
156 request to inspect or copy such records or files shall be valid unless the
157 request is made to the public agency in accordance with the Freedom of
158 Information Act. Any complaint by a person who is denied the right to
159 inspect or copy such records or files shall be brought to the Freedom of
160 Information Commission in accordance with the provisions of sections
161 1-205 and 1-206.

162 Sec. 3. Subdivision (11) of section 1-79 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective July 1,*
164 *2021*):

165 (11) "Public official" means any state-wide elected officer, any
166 member or member-elect of the General Assembly, any person
167 appointed to any office of the legislative, judicial or executive branch of
168 state government by the Governor or an appointee of the Governor,
169 with or without the advice and consent of the General Assembly, any
170 public member or representative of the teachers' unions or state
171 employees' unions appointed to the Investment Advisory Council
172 pursuant to subsection (a) of section 3-13b, any person appointed or
173 elected by the General Assembly or by any member of either house
174 thereof, any member or director of a quasi-public agency, [and] the

175 spouse of the Governor and any person appointed by a member of the
 176 General Assembly, a state-wide elected officer, the Governor or an
 177 appointee of the Governor to serve on the board of an entity that is not
 178 a state or quasi-public agency but carries out a public purpose, and is
 179 authorized to expend public funds or receives public funds as part of
 180 such entity's operations, but does not include a member of an advisory
 181 board, a judge of any court either elected or appointed or a senator or
 182 representative in Congress."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	1-200
Sec. 2	July 1, 2021	1-218
Sec. 3	July 1, 2021	1-79(11)