

Legislative History for Connecticut Act

SB 1238	PA 47	1997
Senate - 1255-1257, 1271-1272		(5)
House: 1829-1831		(3)
GAE: 1189, 1252-1253, 1263		(4)
	Total -	12p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate
and House of Representatives Proceedings

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

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1083-1433

SEN. SMITH:

Thank you, Madam President. But it's just the common usage of directory that defines what we're trying to do here.

SEN. DAILY:

Thank you, yes.

SEN. SMITH:

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further on the bill? Will you remark further? Senator Daily.

SEN. DAILY:

Thank you, Madam President. If there's no objection, I would like to move this to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. DAILY:

Thank you.

THE CLERK:

Calendar Page 12, Calendar 217, File 355, Substitute for SB1238 An Act Concerning Technical Amendments to Freedom of Information, Government Administration and Elections Statutes. Favorable

Report of the Committee on Government, Administration
and Elections.

THE CHAIR:

Senator LeBeau.

SEN. LEBEAU:

Madam President, I move acceptance of the
Committee's Report and passage of the bill.

THE CHAIR:

The question is on passage. Will you remark?

SEN. LEBEAU:

Very simply, Madam President, that this bill is in
truth totally technical. What it does, it takes all of
the FOI statutes and puts them under one title which
will make it easier for everyone, including the public,
to interpret the statutes.

There are other clarifications in the bill. It
takes out a typographical error. There's some movement
around of some different sections of different sections
to make the FOI statutes essentially easier to read.

THE CHAIR:

Will you remark further on the bill? Will you
remark further? Senator LeBeau.

SEN. LEBEAU:

Without objection, I move that this be put on the
Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent
Calendar. Without objection, so ordered.

SEN. LEBEAU:

Thank you.

THE CLERK:

Calendar Page 15, Calendar 235, Files 125 and 386,
Substitute for HB6569 An Act Concerning Referral for
Fact Finding and Arbitration, as amended by House
Amendment Schedule "A" which is LCO5386, Favorable
Report of the Committee on Judiciary.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move acceptance of
the Joint Committee's Report and passage of the bill in
concurrence with the House and House "A".

THE CHAIR:

The question is on passage in concurrence with the
House. Will you remark?

SEN. WILLIAMS:

Madam President, in 1982, legislation was passed
concerning alternative dispute resolution and allowing
fact finding and arbitration in contract in civil jury
cases.

Calendar Page 9, Calendar 198, SB604.

Calendar Page 10, Calendar 203, SB941.

Calendar Page 12, Calendar 217, Substitute for
SB1238.

Calendar Page 14, Calendar 226, SB1223.

Calendar 230, HB6789.

Calendar Page 15, Calendar 234, Substitute for
HB6568.

Calendar 235, Substitute for HB6569.

Calendar 236, HB6872.

Calendar Page 16, Calendar 237, HB6873.

Calendar 239, Substitute for HB6562.

Calendar Page 17, Calendar 243, Substitute for
HB6834.

Calendar 244, HB6694.

Calendar Page 22, Calendar 56, Substitute for
SB472.

Calendar 58, Substitute for SB52.

Calendar Page 23, Calendar 105, SB895.

Madam President, that completes the Consent
Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you please once again
announce a roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted? If so, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Consent Calendar No. 1. Total number voting, 35; necessary for adoption 18. Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted. At this time, the Chair will entertain points of personal privilege or announcements. Senator Penn.

SEN. PENN:

Thank you, Madam President. I rise for purpose of an announcement. I'd just like to extend to the circle to come to the Black and Puerto Rican Caucus Annual Spring Fling this evening. It will be at the Officers Club. Thank you.

6:00, from 6 to 11, and it's our annual spring

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

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1567-1965

kmr

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House of Representatives Wednesday, April 30, 1997

Seated in the well is Vanessa Flint from Litchfield who came up today to not only visit us with UConn Day, but to tour this building. In fact I am very appreciative the Appropriations Committee did run over an hour since we had the opportunity to walk around and as an art history major herself, she very much appreciated this building. I would ask my colleagues to afford her our usual warm welcome. Thank you.

APPLAUSE.

SPEAKER RITTER:

Welcome. Any other points of personal privilege? Alright, let's start with our Calendar, let's get some work done. Clerk please call Calendar 379 please.

CLERK:

The state of Connecticut House of Representatives Calendar for Wednesday, April 30, 1997. On page 20, Calendar 379, substitute for SB1238, AN ACT CONCERNING TECHNICAL AMENDMENTS TO FREEDOM OF INFORMATION GOVERNMENT ADMINISTRATION AND ELECTIONS STATUTES. Favorable report of the Committee on Government Administration and Elections.

SPEAKER RITTER:

The Honorable Chair of the GAE Committee, Representative Bysiewicz you have the floor madam.

REP. BYSIEWICZ: (100th)

kmr

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House of Representatives Wednesday, April 30, 1997

Thank you Mr. Speaker. Mr. Speaker I move acceptance and passage of the Joint Committee's favorable report and passage the bill.

SPEAKER RITTER:

Motion is on acceptance and passage in concurrence with the Senate, please proceed madam.

REP. BYSIEWICZ: (100th)

Thank you Mr. Speaker. Mr. Speaker, this makes technical changes to the freedom of information act. It comes to us from the legislative commissioner's office and I urge adoption.

SPEAKER RITTER:

Will you remark further madam? Will you remark further? If not, staff and guests please come to the well of the house, the machine will be open.

CLERK:

The House of Representatives is voting by roll call, members to the chamber. The House is voting by roll call, members to the chamber please.

SPEAKER RITTER:

Have all members voted? Please check the roll call machine to make sure your vote is properly cast. If all the members have voted the machine will be locked. Clerk please take the tally. Clerk please announce the tally.

kmr

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House of Representatives Wednesday, April 30, 1997

CLERK:

Senate Bill Number 1238 in concurrence with the
Senate.

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	149
Those voting Nay	0
Those absent and not voting	3

SPEAKER RITTER:

Bill passes. Clerk please call Calendar 234.

CLERK:

On page twenty-six, Calendar 234, substitute for
HB6962, AN ACT CLARIFYING THE RIGHT OF PROCEDURES OF
VOTERS WHO ARE NOT ELECTORS TO VOTE ON REFERENDA HELD
IN CONJUNCTION WITH THE STATE OR MUNICIPAL ELECTION.
Favorable report of the Committee on Planning and
Development.

SPEAKER RITTER:

Representative Bysiewicz.

REP. BYSIEWICZ: (100th)

Thank you Mr. Speaker. Mr. Speaker I move
acceptance and passage of the Joint Committee's
favorable report and passage of the bill.

SPEAKER RITTER:

Motion on acceptance and passage please proceed

JOINT
STANDING
COMMITTEE
HEARINGS

GOVERNMENT
ADMINISTRATION
AND
ELECTIONS
PART 4

1052-1336

1997

to be followed by Alan Plofsky.

ERIC TURNER: (Microphone is not on-barely audible) Good afternoon, Representative Bysiewicz, Senator LeBeau and other members of the Committee. My name is Eric Turner. I'm the director of public education for the Freedom of Information Commission.

The Freedom of Information Commission supports technical changes proposed in SB1238. The Freedom of Information (inaudible-mike not on) one of the most complex laws on the books and we believe this bill would improve people's understanding of the Freedom of Information and have it help them know their rights.

The bill does not change the act in any substantive way. This bill only proposed technical changes to the act, but our only concern is that this bill would not be viewed as a vehicle to make substantive amendments to the law. Thank you very much. Do you have any questions?

REP. BYSIEWICZ: Yes, Mr. Turner. I'm just looking at testimony from the chief state's attorney's office. Were you aware that they are opposed to this bill?

ERIC TURNER: No. I was not.

REP. BYSIEWICZ: Okay. And they are saying, I guess, that from the way I'm reading this is that that office believes this is an attempt to reverse the Supreme Court's ruling in Gifford vs. FOIC, 1993 case.

ERIC TURNER: (Inaudible-mike not on)

REP. BYSIEWICZ: Yeah, that might be helpful. Further questions from Committee members? Seeing none, thank you very much.

ERIC TURNER: Thank you.

REP. BYSIEWICZ: Alan Plofsky, to be followed by Kevin Guernier, to be followed by Paul Doyle.

ALAN PLOFSKY: Good afternoon, Senator LeBeau,

001252



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF
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TO: Members
Government Administration and Elections Committee

FROM: John M. Bailey *JMB*
Chief State's Attorney

DATE: March 7, 1996

RE: S.B. 652 A.A.C. Recodification of the Freedom of
Information Act

I would like to direct your attention to Section 45, line 1229 of the above "recodification" of the Freedom of Information Act.

Enactment of Section 45 would eliminate the exclusion given to the Division of Criminal Justice from Freedom of Information disclosure for criminal cases while these cases are being prosecuted in Superior Court. In effect, prosecutors would have to share all of their police reports, witnesses' statements and trial strategies to newspapers upon request. It would virtually paralyze the prosecution process in Connecticut.

What is particularly distressing to me and to Connecticut State's Attorneys is that the Freedom of Information Commission has attempted to "sneak" this particular clause in several different pieces of legislation over the years without success. It becomes a yearly "scavenger hunt" to find which proposal contains what is now Section 45 of S.B. 652.

The Freedom of Information Commission has been equally unsuccessful in litigating this issue against the Division of Criminal Justice. I would refer you to Judge Arthur Spada's decision in Gifford v. F.O.I.C. (May 1992) where he characterized the F.O.I.C.'s efforts to order police records released while the case was pending as "in violation of statutory provisions, in excess of the agency's authority, clearly erroneous...., and a clearly unwarranted exercise of discretion." (Pages 15, 16.)

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To characterize S.B. 652 in its Statement of Purpose as a recodification of the Freedom of Information Act and a rearrangement of certain "existing" provisions of the Freedom of Information Act and to include Section.45 is a clear insult to those involved in the legislative process.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

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TO: Government Administration and Elections Committee

FROM: John M. Bailey
Chief State's Attorney

DATE: March 17, 1997

RE: S.B. 1238 A.A.C. Technical Amendments To Freedom
Of Information

I am opposed to S.B. 1238 for the following reasons:

-- As has happened in other years, a 44 page proposal which can have major impact on numerous State and local agencies is published one day prior to its public hearing;

-- There are numerous aspects of this proposal that could effect the Division of Criminal Justice in its day-to-day operations. In the last year, no effort was made on the part of its proponents to discuss these issues prior to its publication;

-- Section 56 once again repeals C.G.S. 1-19c. This has become an annual effort on the part of the Freedom of Information Commission to reverse the Supreme Court's ruling in Gifford v. F.O.I.C., 227 CT 641 (1993). I have included my comments from the 1996 Session when this proposal appeared as S.B. 652