

**PA12-003**

HB5303

House	275-323	49
Senate	197-217	<u>21</u>
		<b>70</b>

**H – 1123**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
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The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

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

THE CLERK:

Emergency Certified Bill 5301.

Total number voting 137

Necessary for adoption 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 14

DEPUTY SPEAKER GODFREY:

The emergency certified bill is passed.

Will the Clerk please call Emergency Certified Bill 5303.

THE CLERK:

Emergency Certified Bill 5303, AN ACT CONCERNING  
THE EXEMPTION FROM DISCLOSURE OF CERTAIN ADDRESSES  
UNDER THE FREEDOM OF INFORMATION ACT, LCO Number 1396,  
introduced by Representative Donovan and Senator

Williams.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Government Administration and Elections Committee, Representative Morin.

REP. MORIN (28th):

Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon.

REP. MORIN (28th):

I move passage of the emergency certified bill.

DEPUTY SPEAKER GODFREY:

The question is on passage of the emergency certified bill.

Will you explain the bill please, sir.

REP. MORIN (28th):

Thank you, Mr. Speaker.

Last year a supreme court ruling interpreted the Freedom of Information statutes such that public agencies would be required to redact the residential addresses of a certain class of public employees from all records. This decision has been -- has placed a heavy and unworkable burden on our public agencies. This legislation this evening attempts to minimize the

burden on these agencies while also offering a level of protection for those affected employees.

As we go on, I just want to say every day that goes by is another day that the public records are not being provided to the public that so values them based on some interpretations that municipal legal counsels are providing to their town clerks and such.

So with that, the Clerk has an amendment, LCO 1458. I would ask that the Clerk please call the amendment and that I be granted leave of the Chamber to summarize.  
DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 1458, which will be designated House Amendment Schedule "A." Will the Clerk please call.

THE CLERK:

LCO 1458, House "A," offered by Representative Morin and Senator Slossberg.

DEPUTY SPEAKER GODFREY:

The gentleman has asked leave of the Chamber to summarize. Is there any objection? Hearing none, please summarize other Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker.

Clearly this, this amendment clarifies the only

records that have to be redacted in section 2 subsection C2. And I think it's pretty self-explanatory. It also adds at the end, it adds some protection for the public agencies that wasn't in the original language. And I urge adoption.

DEPUTY SPEAKER GODFREY:

The question is on adoption.

Representative Cafero. No?

Representative Mikutel.

REP. MIKUTEL (45th):

Yes. Thank you, Mr. Speaker.

Mr. Speaker, a few questions for the proponent of the bill.

DEPUTY SPEAKER GODFREY:

We're on House Amendment "A." Do you mean the amendment, sir?

REP. MIKUTEL (45th):

Of the amendment, I hope.

DEPUTY SPEAKER GODFREY:

Please frame your questions.

REP. MORIN (28th):

Mr. Speaker, I'm going to wait until the bill.

DEPUTY SPEAKER GODFREY:

Very good, sir.

Will you remark further on the amendment? Will you remark further on the amendment? If not, let me try your minds. All those in favor, signify it by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. The amendment is adopted.

The question is on passage of the bill as amended.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

A few questions to the proponent of the bill as amended.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. CAFERO (142nd):

Thank you.

First of all, ladies and gentlemen of the Chamber we've heard about some about this bill from varying members that we represent, somewhere who are on the protected list of people that we want and should protect because they are dealing every day within law

enforcement. And unfortunately, many of them have been sent to threats, physical threats, violent threats. And we as a General Assembly have decided that it is our job to put into law things that protect their identity and their addresses, to protect they and their families. A good thing to do.

However like with most good things, sometimes it runs in conflict with other good things. We as a General Assembly and a State have led the way with regard to freedom of information, the public's right to know. And the reason that this is before us is because a supreme court decision this past summer brought those two things to a head.

Because it was interpreted as to say that any public official who releases a list or information that contains the name of someone on that protected list, corrections officer, police officer, judge, prosecutor, et cetera, is in violation of the law. So those people, especially our town clerks, rightfully were saying, we don't want to be in violation of the law so we're not going to release much of anything, voter lists, et cetera because we don't know whether or not we will be purposely violating the law. So you guys up in Hartford fix the problem. And that's why



we're here.

So the question is in making that delicate balance between protecting the public's right to know freedom of information and protecting our certain classes of our state employees and citizens who are subject to threats, et cetera, how did we work all that out? And did we do so in a reasonable way that can be followed by the very people who are asked to vote? Those are our public officials, our town clerks, registrar of voters, our building officials, planning and zoning officials, et cetera, et cetera.

And this, after much discussion, is my understanding -- is the solution. The Governor had a solution which many of the town clerks liked, signed up, let us know that they liked, but this is not the Governor's bill.

So I guess I would like to ask, through you, Mr. Speaker, how does this bill that is before us today differ from the provisions that were put forth to the General Assembly by the Governor?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin, do you care to respond?

REP. MORIN (28th):

Through you, Mr. Speaker, of course.

I think after much discussion that was had between the affected parties because we certainly did listen to some of the concerns -- all of the concerns, actually. Really we want to make sure and ensure that there was more protection for those people that provided the important services to the people of our State in public-service, corrections officers, police officers, firefighters. I wanted to see along with others that there was more of a level of protection for them and that's what has guided us to get to this point.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

And that is very admirable. And I gather from your remarks, the remarks of Representative Morin that this bill is -- more errs on the side of protecting those protected-class individuals than maybe the Governor's bill did, and I appreciate that concern.

The first statement of the bill that's before us starting on line 3 says the following, no public agency may disclose under the Freedom of Information Act the

residential address of the following persons, and it gives a litany of those people. Let me focus on that sentence or sentences for a minute.

Is the intent of that sentence to say -- well, let me ask this. What is the purpose of adding the words, "under the Freedom of Information Act?"

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Frankly, because the requests that would come through typically are freedom of information requests that go to the public agencies, the towns and such. And in fact, hence the court decision that put us in this position. So that's why the language is there. This is the case that we're dealing with. This is what caused us to come to this point right now.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

The reason I asked the question, Representative Morin, is this. In reading it the way you stated, one

would assume that the only time that this legislation is triggered, if you will, is if somebody goes and asks for the information via a FOI request.

Which means that if someone just wandered into town hall and started looking through all the data that's available, no FOI request, no specific request, and came upon a list. Say, it's a list of people who own dogs and license those dogs. Or say it's a list of people who've recently applied for a building permit. Or say it's a list of people who have applied for a zoning variance, et cetera, et cetera.

If that was the case, does this statute require that the agency head go through that list and redact the address of that person who is on the subject of the protections in advance of any -- and in my example, there was no FOI request. But that information is out there. Is there an obligation on the part of that public agency head to have a list of the names of people who've opted in, who say I want my name on all public records, to go through all public records and redact those names and addresses, regardless of whether or not an FOI request was made?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker.

Through you. First of all, to the honorable Minority Leader, I just want to clarify, section 1, that language is already existing. That's not new language.

And to the second part of your question, there's three specific matters that would trigger this request -- trigger this. If it's a specific -- if you go in and specifically request information with a name, a specific name of a person, if they're on the protected list; if it's from an existing electronic database that you have, that would then have to be redacted.

And third, if the agency voluntarily decides to create a list, if they decide to create a list of dog licenses, as you've mentioned, then yes, then it would have to be redacted.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Mr. Speaker.

Then let me ask this question. There are many

town clerks who have put all of their land records on electronic databases where you could walk into a town clerk's office, click on a piece of property or put in a name and it will show you a series of transactions that individual was involved in.

So in my hypothetical, if John Brown who happens to be a Department of Corrections employee and is covered under the list, sends a letter to the officials in the City of Norwalk that, I want to opt in, I want my name redacted, is it the responsibility before any FOI request has been made for that town clerk to do an entire search of the land records? And if they come upon John Brown's name, to redact their address or information?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

No, those land records are exempt from this request.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker, would, in my other example, the dog licenses be exempt?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

The dog licenses are not exempt, however if you went in and specifically requested a protected class -- a protected person's name, then yes. If they were to provide the list they would have to redact it.

If you're looking specifically for the name of a protected person, if you ask for that name then they would have to redact it. If you generally to look at the list of dog licenses, no.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Okay. Thank you.

Through you, Mr. Speaker, that's a very key point and unfortunately it's not so clear in this. Because what you're saying, Representative Morin, is if I walk

in because I'm on the hunt for the address of John Brown because he's been treating a friend of mine badly, et cetera, or for whatever reason. And I walk in and I say, I would like to know if John Brown has a dog licenses in Town of Norwalk.

I'm the town clerk. I look at the list. John Brown has opted in. I could give him a list, but I have to redact his address and information. That seems clear. But if I just walk into the town clerk's office, not asking for John Brown, in fact, not asking anybody anything and I go to a computer that happens to have a database that includes all the people in my city who have dog licenses and John Brown is among them and it lists his name and address, did the public official, for allowing that list to exist and not redacting it, did he break this law?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

No.

DEPUTY SPEAKER GODFREY:

Representative Cafero.



REP. CAFERO (142nd):

Through you, Mr. Speaker .

Can you point to the section of the bill that would ensure me, as a public official, that I am not breaking the law because I didn't redact that name?

The reason I ask that, through you, Mr. Speaker, is because that first section that, as you indicate, currently exists in law doesn't say anything about, well, whether you're requested specifically, et cetera. It simply says, no public agency may disclose under Freedom of Information the residential address of any of the following. It doesn't say, not disclose upon her quest. It just says, they're not disclosing.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker. Yes, sir. Thank you, Mr. Speaker.

You know, I think the amendment that we just passed certainly clarifies it. There's really three specific areas, as I alluded to before. And it also says there's no redaction requirement for other requests. So I think what is -- and I hear what you're saying and I

respect the questions.

I would say that there has to be some willful misrepresentation by a municipal agency or something to purposefully mislead someone and not provide the information. That's not, you know, that's not the intent.

We want to make sure that, in my opinion, it's fairly clear. There's three areas where you can get this information, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Then for purposes of legislative intent and to put a lot of the public officials in the towns that we represent at ease, is it fair to say unequivocally that no public official will be in violation of this law unless they disclose the address of an individual who has opted in and that disclosure comes about based upon a specific FOI request for that individual?

In any other circumstance they have no obligation to redact that name unless there's a specific FOI request on that individual. Is that what I understand?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Again, it's through the other lists that I mentioned as well. You're right on that first point, Minority Leader Cafero. However it's the other lists that I mentioned, the three specific lists. Okay.

So if it's an electronic database list, if it's something that they create or that specific request that comes in under FOI.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

So through you, Mr. Speaker, if we were to pass this bill today, it's passed by the Senate and signed by the Governor, what we're saying is, to building officials, planning and zoning officials, tax assessors, tax collectors, registrar of voters, don't panic. You don't have to scour every record that you have as an electronic database and make sure it matches up every time someone opts in. You don't need to do any of that. You won't be held liable for not doing

that.

It is only when somebody makes a specific FOI request for that information on an individual that you find to be on that list, that when you comply with that request you must redact the address. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

I think -- and I thank the gentleman for his answers and his patience.

That point is key, ladies and gentlemen. Because if any of you have gotten the e-mails or the questions or the phone calls that I had, the bill, the way it was put forth, the way it has evolved sent shockwaves throughout those public officials. Because they thought that at any given time when any of the protected class has opted in, that they would be forced to scour

every record they had, every record they have to see if that individual who's opted in is listed on that and then redact their address without having anybody request anything. That's what they thought.

And what we've heard from the good gentleman, the chairman of GAE is that is not the case. That the only time they need to redact is when an affirmative request is made upon an individual, about an individual who is on the list.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Mikutel.

REP. MIKUTEL (45th):

Yes. Thank you, Mr. Speaker.

A few questions for the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. MIKUTEL (45th):

I'd like to know what happens when an employee who is fired or resigns, is that person going to remain in the protected-status class? Or will that person be forever covered, protected, even though he's no longer a member of the agency?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Thank you.

Through you, Mr. Speaker, to the good gentleman, it's an existing problem with the law as it exists and it is not clarified in this legislation and I think it's something that we will have to follow-up with.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Mikutel.

REP. MIKUTEL (45th):

Okay. Well, I thank you for that and I hope that we do correct it in the future, because certainly no one needs to be in that status if they're no longer a member of a public agency.

I just want to clarify that, through you, Mr. Speaker, that the bills does exempt land records, voter lists and grand lists from the court's ruling. Is that correct?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER GODFREY:

Representative Mikutel.

REP. MIKUTEL (45th):

Thank you.

And just for legislative intent again, does the bill remove the burden on the government agency not to disclose the information and make it the responsibility of the employee in the protected class by opting in?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER GODFREY:

Representative Mikutel.

REP. MIKUTEL (45th):

Thank you, Mr. Speaker.

I'd just like to conclude with saying that the original intent of this law was to protect a certain class of state employees, namely correctional officers who were worried that inmates were making FOI requests as for their information on where they lived. And then the law expanded greatly and we cover now 12 classes

of people.

You know, a good, good detective in 48 hours can find out where anyone lives. So how much we're really accomplishing with this law is debatable. But it leads -- what concerns me here is the integrity of the public records. And for 200 years we have had our town clerks and our local officials maintain the integrity of public records.

And the more we expand the protected classes under this law, the more we weaken and undermine the public confidence and the integrity of our government records. So I would caution us not to expand this protected class anymore.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative O'Brien.

REP. O'BRIEN (61st):

Thank you. Thank you, Mr. Speaker.

Through you, I have a couple of questions to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Please frame your questions, ma'am.

REP. O'BRIEN (61st):



For the purpose of legislative intent. Okay. If I am a protected class and I go to a board of education meeting and I speak, are those minutes still going to be available to the public?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes, indeed. If you're willingly going up and speaking on a matter, yes. Those would be available.

Through you.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

So the municipal agency, specifically the town clerk's office which would maintain all the minutes, it does not have a responsibility to redact the names from the minutes of any of the officials in the protected class. Correct?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

As posed, she's correct.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

If I'm a member of the protected class and I apply for a building permit and someone comes to the building department and asks for a copy of my building department, how am I protected from that being given to the public?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Again, I guess I would just have to go through the three specific areas that I've addressed before, are the areas that certainly will have, you know, will have to be addressed.

I think one of the things -- and forgive me if I'm straying a little bit -- but one part of this bill is section 3, is the Department of Labor is going to come up with some language and some ideas and policies to assist these protected-class employees on how to best protect themselves as we go forward. And I think that's going to be very helpful for all parties involved.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

From the way I read -- way I understand the bill is if you were -- if I were a member of a protected class and you, someone were to come to the building department and request a copy of my building permit, that would be allowed to be given out, but the address would be redacted.

If however someone came and asked for building permits for the month of February, then it wouldn't necessarily be redacted, correct?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

She's correct.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

My -- also understanding is that there are several areas that are exempted, land records, election records and the grand list. So if I were a title searcher and I were to come and research property records in any

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town, those records are still available to the public.

Correct?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Yes.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

If I'm collecting campaign finance forms and my name, I'm a member of the protected class and my name is on those campaign finance forms, as the town clerk I'm not required to redact those names. Correct?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Correct.

DEPUTY SPEAKER GODFREY:

Representative O'Brien.

REP. O'BRIEN (61st):

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, ma'am.

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, a question through you to the chairman.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. SAWYER (55th):

To continue on with the questioning that was for legislative intent. In the case where you have a person of a protected class and they have decided that they are going to have a library card, is the librarian then required to redact the information they keep on that card because they are a public agency in the case where it's a town library?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

Again, I guess if the request comes in under the three methods that I said before, if somebody wants to look at all the people who have taken out library cards, no. If they ask for the specific information

pertaining to one of the protected-class people, then yes. They would have to redact.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

In the case where someone wishes to have their name redacted, do they have to tell the librarian separately? Or is it incumbent upon the town clerk then to contact other agencies within the Town?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker. Thank you.

No. I don't -- the intent certainly is not for the protected person to bring in forms to every different location in town that they might have to. There should be one request to be redacted that would be brought to the -- most likely the Town itself, the town hall possibly, their town manager, selectmen's office, to address that and then they would be distributed to all the departments.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, if I might, another question.

So would this be then incumbent on each town to decide how they would set up this process where a person would go? Who would make the decision to be the purveyor of the information to the various town agencies?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I guess, as I said, the intent is for it to go through to the chief elected office or the administrative office, the administrative office in town. And then they would determine what's the best way to distribute it through to their various agencies. Each town is a little different in how they operate, but that's the intent.

For someone, a corrections officer, a firefighter to go into the town hall and provide that to other, most places in the town, like mine, the town manager's

office. Maybe in the other towns where there's a selectmen's office. And at that point the information would be distributed to the people as deemed.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Through you, Mr. Speaker.

So that it is your understanding? Or you believe it is in the underlying law? Or it is in this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I guess the Town is the agency. So for that, for your intents, I guess it would be up to the Town to determine how best to handle it.

Through you, Mr. Speaker.

REP. SAWYER (55th):

Thank you.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):



Thank you, Mr. Speaker.

I guess that puts a whole new complexion on this for me and it gives me great pause. So let me take another avenue.

For this someone, a person has come in and they said they want their name redacted. What happens in the case when the person passes away?

And the reason I ask that is many families in the state of Connecticut are very interested in genealogy and going back and looking for relatives in the past, but also coming forward and looking for second cousins, first cousins and sometimes it is for health reasons when they are trying to find familial -- where familial diseases have come down. And they're looking for other family members.

So -- but let's go back to the ancestry thing. We'll go with that and let's start with someone passes. Is their name -- will their name be redacted in perpetuity?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

And I think Representative Mikutel asked that at this point. There's no -- it's not very clear how that will be handled. That's something I think that we're going to have to continue to work on as we speak right now.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman for his answers.

I too was contacted, not by one, but by multiple town clerks who were very upset, upset that this bill is being brought forth as an e-cert bill. This bill that has been brought forth -- and they feel as almost that there's been four-months worth of discussions on it and suddenly, bang. Here we are doing it as an emergency certified bill. And they are not happy.

We know from what the good chairman has said that there are some questions as to how this is supposed work within a town. We have 169 towns. What a surprise it's going to be if a person goes from one town where -- and they moved to a new town and they want their name redacted, that they're not sure where to go. Do they go to the town clerk? Do they go to the

selectmen's office? Do they go somewhere else? To the mayor's office? Where do they go to have this done? So I think at some point we need to talk about uniformity and I appreciate the time.

Thank you very much, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker.

I have a question for the proponent of the bill through you.

I received a number of letters from town clerks and their concern is if somebody wants to be on the redacted list, do they specifically ask which list that the town hall has that they want to be off? Or can they walk in and just ask the town clerk, I want to be taken off all records?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

No, they certainly will have to go in. The onus

is on the protected employee to bring forth their paperwork requesting that they be redacted. However it's very specific, as I mentioned before, obviously land records, the grand list, the voting records; those are not available to be redacted. And they're a specific list, as I alluded to before, that will. If you make a specific request, if you go in and make a specific request then they have to redact it with a specific (inaudible). It's somebody's name and address.

If it's a list that's already been prepared and it's on an electronic database then they have to redact. Or if they decide they want to create a list based on a request. So you -- the protected people cannot just pick and choose what they want to be protected from. I guess that's a better way to answer it.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Adinolfi.

REP. ADINOLFI (103rd):

Through you, Mr. Speaker, one more question.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. ADINOLFI (103rd):

If the individual has gone before planning and zoning public hearings, as an example, or water pollution control authority public hearings, the first thing you do when you go up at a public hearing is state your name and address in order for the chairs and the committee to hear you.

Now this is put in the minutes. Now what would happen if somebody went in and asked to be put on the redact list for these meetings specifically? The town clerk would have to have staff to go back and research all the past minutes that were associated with this individual to take his name off.

I think this is just nothing but an unfunded -- now I'll make a statement. I believe that this is just an unfunded mandate added to our long list of unfunded mandates and putting more work on the town that might require more employees. In addition to that in this day and age with the technologies we have today, anyone of us in this room within minutes can find the name and address of any individual that we know the name of. In some cases we might have to pay for it, but in most cases we can get it free.

So I really believe that this bill that we're proposing now is really redundant. It is really a

waste of the taxpayers' money because all this information is available through all the outline search media that we have out there.

Thank you for your time and I will be voting no on this because of this.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Larry Miller. Representative Miller.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker. .

A couple of questions to the proponent.

DEPUTY SPEAKER GODFREY:

Of course, sir.

REP. L. MILLER (122nd):

My first question is, do you have any idea how many people this bill as amended would encompass?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

The number hasn't changed from what's in existing legislation, but Representative Miller, I have no idea.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. L. MILLER (122nd):

So it could possibly be, through you, Mr. Speaker,  
500 to a thousand people?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I suppose.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. L. MILLER (122nd):

In all of my district, through you, Mr. Speaker,  
we have town clerks that, they don't have a lot of  
employees under their command. There's generally one  
or two people in the office and they actually are busy  
doing a lot of other things. How do we tell them that  
they've got to stop doing things and adhere to this bill  
as amended?

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

I think through some discussions with other people, the clerks included and the protected class employees, we've narrowed this down to specific requests. I think once the Clerk's or -- whoever the affected agency in the town hall has a list of redacted people. It will be -- I don't think it will be as onerous as some are saying.

They'll have the names of the people that have to be redacted and they certainly are going to be specific to the three items that I've mentioned previously and previously that, so when that request comes in it's going to be pretty tightly framed as to what they can actually request.

So through you, Mr. Speaker, I don't believe that it's going to be quite as bad as some are saying.

DEPUTY SPEAKER GODFREY:

Representative Miller.

REP. L. MILLER (122nd):

Thank you. And though you again, Mr. Speaker.

Both fiscal notes on the bill and the amendment say there's no impact to the municipality. And I have some concerns about that. I think that it's going to impact them somewhat. They're going to spend some time, and away from their noble duties to make sure that



these people are all protected under this bill and -- as amended.

And so there is an impact. So I don't know who makes up the fiscal recommendations there with no impact, but there's going to be in impact in my opinion.

I thank you for your answers and I thank you, Mr. Chairman.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, if I can ask to the proponent of the bill?

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker .

I have two, a couple of quick concerns. You know, we have exempted three different groups of -- or three different classes, the land records and the grand list and all of that.

And my question to you through the Speaker is, what is the rationale of having the names not being

redacted from those lists as well? Why not make it complete so none of those would be available to any person who comes in for that?

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

And frankly, that's what's happening now with some of the legal opinions they're giving out as towns are -- it can shut down town hall. It can shut down commerce from happening.

Anybody that wants to go in to buy a house, do title searches, if we don't exempt those specific areas, we -- business shuts down as we know it. And so that's obviously why we had to exempt certain things because that's -- otherwise nobody would be able to get any business done, and we recognize that.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker.

And that is the point, that if we are going to

accomplish what we want to accomplish and then we have all these exemptions because of town hall shutting down or municipalities not being able to cope, then what have you really accomplished by eliminating these three classes? That is my concern with eliminating or restricting these three classes.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Yeah. Is there a question in there?

REP. SRINIVASAN (31st):

Yes, Mr. Speaker.

You had said that the fiscal note as to when you had talked to the previous Representative, that you did not think that there would be in impact as far as the towns and the municipalities are concerned. And that is not what I have heard from my Town.

I've heard calls, multiple calls saying that their big concern is that if this has to be done, it is an unfunded mandate. It is work for them and they are concerned about how they're going to be able to accomplish this. Obviously, we as a State are not going to be giving any money to the towns or the municipalities to accomplish this. And it is, according to them, an unfunded mandate which they can

ill afford at this time.

And I would like to see how you feel that this work can be done without an extra expense or a significant expense to the towns and municipalities.

DEPUTY SPEAKER GODFREY:

How Representative Morin feels isn't really a question. The questions must be completely about facts coming from the bill, not about a personal opinion or a feeling by one of the members.

So if you could rephrase the question, please remembering that Representative Morin doesn't do the fiscal notes. OFA does.

REP. SRINIVASAN (31st):

Right. Thank you, Mr. Speaker, for bringing that to my attention. I appreciate that very much.

So the question, rephrasing the question is, the mandate is going to be an expense to the Town. And to say that it will not have an impact, is what I heard earlier in the discussion, is the fiscal note on this says there is none whatsoever, but I still don't believe that that is true.

So there's somewhere something is remiss and I would like to have an answer as to how that is going to happen.

DEPUTY SPEAKER GODFREY:

Again, the fiscal note is done by the Office of Fiscal Analysis, not Representative Morin.

Now if Representative Morin would like to respond, that's certainly his prerogative. But just understand that the House does not do the fiscal notes. And the decisions on whether a thing is a municipal mandate or not, we have traditionally left to the Office of Fiscal Analysis.

But Representative Morin, do you care to respond to Representative Srinivasan's concern?

REP. MORIN (28th):

Through you, Mr. Speaker. Sure. I'm going to try.

I understand where the good Representative is going. You know, right now what we're doing is a whole lot better and helps the towns a whole lot more than what they're dealing with. Right now they're getting legal opinions they can't release anything.

So people are going in and if town clerks can say, no. No. We can't do anything. So what we're doing is giving specifics -- based on the negotiations, discussions with all the players we've taken specifics, narrowed it down so there's only specific things that

you can go into and, you know, that are going to be covered by this legislation. So it's not a broad view of every type of information that towns might have in their hands. It's three separate things.

And I think I understand where the towns are coming from and whenever there's something new, people may have some issues, but just today with the amendment that we brought forth, it was passed and supported by all of us. It's tightened these things up. I think it makes it even better and will help the municipalities.

And I -- once we get going of course we're going to -- we'll continue in the GAE Committee to listen to the town clerks and all the various folks. If there's concerns that arise we're certainly going to listen to them with an open mind. And like we often do on different parts of legislation, we will continue to listen.

Through you, Mr. Speaker. I hope that was helpful.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker.

I do want to thank you for answering that and I

appreciate that very much, regardless of the fact, as you said, the fiscal note is not something that we necessarily discuss here.

Through you, Mr. Speaker, one more question if you'll permit me.

DEPUTY SPEAKER GODFREY:

Sure.

REP. SRINIVASAN (31st):

The concern by the town officials and the town clerks is, will they be violating some law? And what impact will it have if by error a redacted address is given inadvertently in this process? That's a big concern for all of them.

And through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Morin.

REP. MORIN (28th):

Through you, Mr. Speaker.

And again, I just go back to where we are right now. That's where they're at. If they release anything they could -- in opinion of some legal counsels for towns, that's where they could be.

And I think in line 116 we inserted, public agency, under the list of protected -- if there was any issues

or complaints that in the original language it would be against a public official or employee of a public agency. We also added public agency in to offer the municipality, for lack of better terms, that protection in case there is something.

But any complaint that will go forth goes through to the Freedom of Information Commission. So if your constituent goes in and feels they're not getting what they should be getting through this request, they can go to FOI and file a complaint.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

For the second time, Representative O'Brien.

REP. O'BRIEN (61st):

Thank you, Mr. Speaker.

In my other life I'm a town clerk and I support this bill for a number of reasons. Number one, it offers a certain level of protection to the protected classes because it forbids their employees from giving



out their names and addresses.

Number two, it also protects the permanent records that are on file in the town clerk's office. Those are the land records, election records, the grand list. Those are the records that the other members of the public need to conduct their business.

But it also protects members of the protected classes in terms of what I would call, temporary records. If someone comes in and asks by name for a record pertaining to a member of the protected class, that that information can't be given out without redacting their address. Therefore those members are protected that way.

It protects the minutes and records of meetings, as stated before, because when members get up and speak to the public their names are public record. So it's not going to alter the minutes of meetings. Those will still be maintained as they are now.

It's not going to alter the vital records. A question about genealogy was brought up a little while ago. Genealogy comes from what we call vital records, birth, marriage and death. Those cannot be altered, but they can be hidden from the public. Specifically birth records are confidential. But if a marriage

license or -- it really wouldn't apply to a death record because the person wouldn't be alive anymore. That address can be hidden if someone comes in and requests it.

So as I stated before, I am a town clerk and I do support this bill.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on the bill as amended? Will you remark further on the bill as amended? If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? All the members have voted. The machine will be locked. The Clerk will take the tally. And Mr. Clerk, if you could kindly announce the tally.

THE CLERK:

Emergency certified House Bill 5303 as amended by

House "A."

Total number voting	131
Necessary for adoption	66
Those voting Yea	120
Those voting Nay	11
Those absent and not voting	20

DEPUTY SPEAKER GODFREY:

The emergency certified bill as amended is passed.

Deputy Speaker Orange in the Chair.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call Emergency Certified  
Bill Number 5302.

THE CLERK:

Emergency Certified Bill, House Bill 5302, AN ACT  
CONCERNING MUNICIPALITIES AND SOLID WASTE FACILITIES,  
LCO Number 1398, introduced by Representative Donovan  
and Senator Williams.

DEPUTY SPEAKER ORANGE:

Representative Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Madam Speaker.

Madam Speaker, I move passage of the certified

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emergency certified bill on our calendar, on calendar page 9.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 9, Calendar Number 40, House Bill Number 5303,  
AN ACT CONCERNING THE EXEMPTION FROM DISCLOSURE OF  
CERTAIN ADDRESSES UNDER THE FREEDOM OF INFORMATION  
ACT, as amended by House Amendment Schedule "A."

THE CHAIR:

Senator Slossberg, good afternoon, again. ]

SENATOR SLOSSBERG:

Well, thank you, Madam President. After a moment to have a little bit of water, it's lovely to be back here. I move passage of the Emergency Certified Bill in concurrence with the House.

THE CHAIR:

On acceptance and passage of the bill, will you remark further?

SENATOR SLOSSBERG:

Yes, I will.

This bill attempts to strike a balance between two important, but competing interests. The public's right to public documents and the need to protect certain federal, state and local employees from potential harm. We're here today because a recent Supreme Court decision confirmed the interpretation of the Freedom of Information Act provision which prohibits the disclosure of residential addresses of certain federal, state and local employees. Though the court's decision addressed motor vehicle records, legal counsel for state and municipal agencies, as well as attorneys for the FOI commission, are advising that the court's decision will apply to all public

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records in all formats of records both printed and electronic.

Since this decision, many public agencies have simply denied the public access to document -- to documents citing that since they cannot comply with the court's decision, they will just not allow access. The bill before us opens the door to public access again while attempting to protect residential addresses of the protected employees. It has a number of provisions and specifically provides that the public agency employer cannot release the residential address of its own protected employees. This applies to personnel files, medical files and other similar files. A protected employee must opt in through written request of public agencies not to disclose his or her residential address. The protected employee does not have to be an employee of the public agency to request redaction.

There are three situations only where a public agency must redact the residential information of an opted-in employee. These new procedures become effective June 1, 2012. If a public -- the first instance is if there's a specific request for a specific person's record, under those circumstances, if that person is on the redacted list then the person who is going to hand out the document needs to take a moment, redact the address and then can disseminate. The second is if the public agency receives an FOI request to prepare a list and the agency chooses to compile that list. The agency will make a reasonable effort to redact residential addresses of the opted-in employees before they released a list. That's if they choose to make a list that is currently not existing.

And the third category is if a public agency receives an FOI request for an existing list that originates from an accessible electronic database. So in other words, all the information is stored on an accessible electronic database and it is in a format where the public agency is able to redact the residential addresses, then the agency needs to make a reasonable effort to redact residential addresses of opted-in employees before releasing the document. The only time our towns or public agencies need to be concerned with regard to liability is if an employee of a public

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agency knowingly and willingly disregards this law.  
Then that would go to FOIC and -- for deliberation.

Land records, grant lists and photo registry lists are not required to be redacted at all before disclosure. There's also a provision that the Department of Labor within 60 days of passage create an educational guide for protected employees that outlines their rights, how to exercise their rights under the law and how to otherwise protect their addresses from disclosure. And then additionally, that an advisory committee would consider whether and how to protect addresses from disclosure when they're part of some of those other documents. That advisory committee would happen under the auspices of the GAE Committee.

I would ask for the chamber's support.

THE CHAIR:

The question is on adoption.

Will you remark? Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you very much, Madam President.

Madam President, I understand that this particular bill does include however the building permits, trade names, dog lists, zoning files, fire incident reports, letters to the selectmen, beach passes and so on. And although, I believe that the Connecticut Association of Town Clerks is working on supporting this bill, they did have some concerns that they wanted us to clarify if we could.

And so through you, Madam President, may I ask a question to the proponent of the bill.

THE CHAIR:

Please proceed, madam.

SENATOR BOUCHER:

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Thank you very much.

I think the association is looking forward to at least having some representation that they can be involved on an advisory committee to alternatives to permitting the disclosure without redaction.

Through you, if this is an intention of the proponent of the bill?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you.

Through you, Madam Chair, yes, it is.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much.

Also, they did have some concerns in the area of removing such persons from the protected list when they leave their positions. And by making clarifications to the legislative intent which are that all towns implement the same procedures. Is this of the intent?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam Chair.

Through you, yes. When you ask the question of --



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yes, is this the intent of the advisory committee and the committee and GAE going forward for this session to fine tune this? Yes it is.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

I thank the proponent for the answers.

THE CHAIR:

Thank you.

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

Through you, if I may to the proponent of the bill?

THE CHAIR:

Senator Slossberg.

SENATOR SUZIO:

This is like a duet.

Through you, Madam President, I just wanted to make certain I understand. I think this bill is far from perfect, but we've got a difficult situation that needs to be corrected. And it attempts I think to alleviate some of the concerns in the town clerks by removing penalties from them if they comply with the statute in good faith.

And my question is, does this mandate an affirmative action on their part to their, meaning the town clerks, to identify the names of people who are supposed to be redacted? Or is it a passive obligation where they just merely respond to requests

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to be removed from the list?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Thank you.

Through you, Madam President, no. This would be a passive -- I don't recall what -- how you described it, but it's only in response to a request. They do not have an affirmative obligation to go and redact documents.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

And through you, Madam President, to my colleague to the immediate right, does this mean that basically then the only responsibility that's imposed on the clerks is if they get a request from someone who would be protected and would have the right to be redacted from the list? They must respond to that request and that's the extent of their obligation.

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you.

Yes, that is correct.

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Senator Suzio.

SENATOR SUZIO:

Well, thank you very much. And those are all the questions I have. Thank you very much.

THE CHAIR:

Thank you very much.

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

The weather is deteriorating and I just want to quickly ask a couple questions through you to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR RORABACK:

I think the supreme court had a case recently that interpreted -- they did their job, they read the language of the statute and said that town clerks had to conceal the names and residents' addresses of a whole category of people that might be at risk if the public knew where they lived.

Through you, Madam President to Senator Slossberg, is that right?

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam President.

I'm not sure. I'm not sure whether you're referring

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to a different case or the case that led to the reason that we're here today.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Through you, Madam President, the case that led to the effort that we're here today talking about.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Well, the case -- my understanding of the case that led us here today was regarded to motor -- in regard to motor vehicle records. But the way that the court ruled the -- we're discovering and we've been hearing from now for a little while, that legal counsel -- first the State and municipal agencies and the attorneys for FOI believe that it would be interpreted broadly.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Thank you, Madam President.

I think that was clearly the way the decision was received. And while it was a case about motor vehicles, the implications were that town clerks were going to have a world of hurt on their hands if they tried to comply with the strict letter of the ruling.

And what I'm trying to understand specifically now, this new law is going to change the rules a little bit and say to the person that doesn't want the public to know where they live, go in and tell the town clerk to put a lid on your residential address. And it will trigger an obligation to conceal that information from

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the public.

Speaking generally, through you, Madam President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes, that is correct.

SENATOR RORABACK:

And the question that I have is when you conceal somebody's -- in the world of mortgages and refinancing and the like, if someone has the ability to conceal their residential address, a lawyer doing a title search wanting to find out what encumbrances or what mortgages might be on a particular piece of property could be thwarted in that effort.

And through you, Madam President, I was wondering if Senator Slossberg had given any thought to that.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Thank you, Madam Chair.

Through you, land records are clearly exempt from any of this redaction at all. And the only time someone needs to -- the clerk needs to actually redact is if there's been a specific request for that specific person's document.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

Understood. And the question I'm asking is in the

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case where a specific person goes to the town clerk and says, please redact my name and my address from any documents that you have on file --

Through you, Madam President to Senator Slossberg.

SENATOR SLOSSBERG:

Thank you, Madam Chair.

I'm sorry. I'm shaking my head because there is not an affirmative obligation on the part of the town clerk to just go in and wipe clean the records and to redact the residential addresses.

The only time the town clerk has to redact is if someone walks in and says, I would like the dog license for, you know, so and so. And so and so happens to be on the list. In that case then the clerk would look at the dog license and say, oh, so-and-so is on the list. I need to redact their residential address. They would redact it, make a copy and hand it out. That's the circumstance.

The only other times that it is the other two categories where someone comes in and asks for a bulk list; I would like all of the dog licenses. If that is on an electronic database where the town clerk can then say, oh, all right. Well, I will, you know, I can print you out a list. And I'm going to go through and then redact because the way that my database is set up, it's not an issue for me to do that. And that has to be a reasonable good faith.

And the only other time that they have to actually make an affirmative action is if somebody says, I'd like the dog list, the dog license list. And the Clerk's says, well, we don't have a list, but I will make you a list. And if they go to make the list than they have -- while they're making the list they should have the redaction list next to them. Other than that, they do not have any obligation.

THE CHAIR:

Senator Roraback.

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SENATOR RORABACK:

And so if I go to a town clerk or a registrar and ask -- I might do this for a voter list, Madam President. Does that mean that the address of voters, that both the names and the addresses of voters would not be available to me if I wanted to secure that information if they had asked for it not to be disclosed?

Through you, Madam President to Senator Slossberg.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you. Through you, Madam President.

Voter lists are specifically exempt so they are not changed and they are not redacted.

THE CHAIR:

Senator Roraback.

SENATOR RORABACK:

And Madam President, I appreciate the good faith effort to address a court decision whose implications were very ominous for people on the ground.

But you have to ask yourself, if voter lists are exempt, if I'm a bad guy intent on finding out where somebody lives and if voter lists are exempt, then this seems like a futile effort at some level. Either we're going to protect the locations where these people live or we're not. But I think this is a case where it has been said in other venues, half measures will avail us nothing.

I'll support the bill, but I see it as a half measure because if this information is available in any context then, you know, tying ourselves up in knots to conceal it in other contexts seems like a lot of effort without achieving the stated purpose.

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Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President. Good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR McLACHLAN:

A brief question and a comment, if I may, through you to the proponent of the bill?

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you, Madam President.

Senator Slossberg, just a process question for you, if I may? As ranking member of the Government Administration and Elections Committee, you're bringing this bill forward as chair, but this bill did not come before us. Could you share with us why?

Through you, Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Through you, Madam Chair.

This was -- I believe there were a number of



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discussions in the building. And this bill, it was determined should be an emergency certified bill given the fact that we had heard from many, you know, from the entire coalition of clerks and other people, that the public was being denied access to public documents.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you. Thank you, Senator Slossberg.

I share some concerns of my fellow legislators about the challenge that we face for protected classes in a State of Connecticut. I think that I'm willing in wanting to continue that protection of the protected classes, but I must share a story with you, an experience that I had as we were having a phone conversation, a conference call about this topic in the interest of trying to identify ways to fix the problem after the court decision came down.

And that is as we were having a discussion, I was at my desk in my office at home in the district and simply opened up Internet Explorer to Google and Googled all of the Connecticut supreme court justices. And in five minutes I found five home addresses.

So here's a reality check of the protected class statute here in the State of Connecticut. I don't believe it's practical anymore. So let us just be sure that we understand that with today's technology, for this humble State Legislator who is by no means a techno geek by any shape of the imagination, I will tell you that it was very simple for me to find people in the protected class very quickly.

So is this a fix? Yeah. I suppose it fixes an expectation on the part of the protected classes that we're trying to do something about it, but the reality is this, with today's technology it really does not.

So I'll support the bill today. I'm hopeful that we stay very attentive to this issue in light of the

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long-standing statutes that prevail here in Connecticut, but practically speaking we're really not fixing the problem.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator McLachlan.

Senator Hartley.

SENATOR HARTLEY:

Good afternoon, Madam President. And a pleasure to be in your company, although I'm getting concerned about what's going on out there. So I will be brief.

THE CHAIR:

Thank you.

SENATOR HARTLEY:

I want to recognize the leadership of the GAE Committee for their incredible work on a difficult issue to get your arms around. And we all understand the angst of our town clerks and the town clerk association because they are so compliant and they are such a diligent group and they want to do this right. And of course the court case threw them in a bit of a tizzy. And I understand that they have been working very closely with the leadership of the committee and for that I am grateful to Senator Slossberg's leadership.

So please pardon me if this has been spoken about in other ways or through the course of this debate, but let me just very quickly, one, understand that this -- there would be no penalty for noncompliance if it could be assured that it was not willful or wanton conduct to try not to disclose.

SENATOR SLOSSBERG:

That is correct.

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THE CHAIR:

Senator Hartley.

SENATOR SLOSSBERG:

Sorry, Madam Chair.

SENATOR HARTLEY:

Thank you. Thank you, Madam President.

And as we continue to -- this, go through other iterations I am sure that we will have refinements. There is concern about the maintaining of the list. As for example, people change positions and are no longer in a sensitive position, that we keep the lists current.

Madam President.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Yes. Through you, Madam President.

Our expectation is the law previously did not deal with this. This particular iteration doesn't as well, but our expectation is that during the course of session GAE will take up that issue.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Thank you very much, Madam President. I appreciate the answer from our committee chair.

And lastly, the town clerks association, we're very concerned about the fact that it did not, in their estimation, have a hold-harmless clause, which I don't see the need for when I look at the actual underlining

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e-cert on line 99 which talks about no penalty unless there shall, once again, be a violation which is willful and knowing. So while that isn't exactly hold harmless, it clearly is talking about a genuine effort being made for compliance.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Slossberg.

SENATOR SLOSSBERG:

I don't believe that was a question, Madam President.

THE CHAIR:

I don't think so either.

Thank you.

SENATOR HARTLEY:

Thank you. Thank you, Madam President.

THE CHAIR:

Thank you very much.

Will you remark? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, I think the bill is well-intentioned, but once again, the issue here is it's an emergency cert. And what I found relatively bothersome is the only place that this bill was raised was in Planning and Development.

And Senator Cassano and myself as well as the cochair and co-ranking member was -- we were having a public hearing in which all the town clerks came, assessors

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came, Connecticut Bar Association came. And everybody came to talk about the bill which was the Governor's bill and talked about how that bill was a good bill. And they wanted to tweak this or tweak that as we normally see in the committee process to change the bill to make it a better bill, but clearly there was strong support for the Governor's bill.

And the hearing began at ten o'clock and about one o'clock, across my computer came the language that was going to be run in the House the next day. And we told all the people -- perhaps I told all the people that your voice didn't matter. Because clearly the language was being worked on before. 90 percent of it -- we all know how this building works -- was done before it became known to the minority party. And none of us in the room knew about it and none of the clerks had the opportunity to weigh in on it.

So the problem is, is the process again, I understand there's some heartache, but to emergency cert it, at least have that public hearing so people can say, here's the good and the bad and that didn't happen yet again. And how do you tell these clerks, you spend all day and your voices are not heard? Because it wasn't one thing that was changed once that bill that I saw at one o'clock was voted on by the House.

I will say with respect to this bill that the exemptions swallows up the rule, which is to say, if you're looking for somebody you go to grand list, you go to voters lists and you go to the assessor records. After that you're at tier two, tier three. So we're saying, you have to do all this redacting at tier two, tier three, but not on these bigger ones, which is where people are going to find whoever they're looking for.

I believe prison guards need to be protected because they have the god-awful work that they have to do and the stress and tension -- and prosecutors and judges and the like. But we should hear from clerks what's best, the best way and we can protect them in the way that makes the most sense. But it's almost like this session has been the session to say we don't need committee meetings. We know better.

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And we call this the people's House. Well, the doors are closing to the people's House. We're saying, we don't need the people. We're legislators. Behind closed doors without any comments we know what's right. I even understand when it came to this bill, not all the parties were interested in this bill -- were at the table. I knew the town clerks were, but there were others including proponents who began bills to help out this problem.

Now the town clerks have said, better this than nothing. Better this than nothing. And if supposed, the powers that be feels this -- feel this is an emergency-certification issue and we need to put this bill in, then I guess I'll vote for it for today. I am hoping that the town clerks continue to write and there's time before the end of session if need be. We could make changes to this bill and bring it back as an amendment to the other bills just like we're going to end up doing with this special district on zoning for the last bill.

Because their input matters and we have shut them out. And I kind of find it a little bit ironic that in a Freedom of Information bill there is no public input. There's something that sad, yet ironic at the same time.

Thank you, Madam President.

THE CHAIR:

Thank you, Senator.

Will you remark?

Senator Meyer.

SENATOR MEYER:

Thank you, Madam President.

I just want to acknowledge the helpful comments that I have received from the Town Clerk of North Branford, Lisa Valenti, and the Town Clerk of Durham, Kim Garvis. Senator Slossberg has addressed those concerns and I appreciate that. I think we're going

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to get this job done.

One of the comments they made to me that not sure we've talked about this afternoon has been on the advisory committee that's going to be created under this bill by the GAE Committee which Senator Slossberg is chair, should include town clerk members -- has some town clerk says members and I'm just urging my colleague to take that under consideration.

Thank you:

THE CHAIR:

Thank you.

Senator Markley.

SENATOR MARKLEY:

Thank you, Madam President.

I want to say amen to the comments of my colleague Senator Fasano. And again, briefly say that I think that the emergency-certification process is a dangerous tool in our hands. And I think that we are taking the concept of works in progress to a new level here when we actually are passing statutes with the expectation of correcting them somewhere down the line, as we seem to be doing today.

That said, clearly what was an unworkable situation is, by this legislation, apparently changed into a lousy situation which is an improvement. And I'm reassured by the comments of Senator Slossberg in her recognition of the needs to move forward on legislation. I think it could have been done by the normal committee process without having the questions and the continued uncertainty about it.

And it seems to be quite honestly that the main emergency that has provoked all this above everything is the fact that the voter lists are not available to the politicians who in the end are the protected class above all here at the capitol.

But I've been pleased to hear the concerns of the town

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and city clerks expressed. I think that they are, along with the registrars, in many cases the most admirable members of this whole process. And I hate to do anything that makes their lives more difficult, especially without accomplishing a higher purpose. And that's, I think, where we are right now with this bill.

As Senator McLachlan said, I don't believe we're really protecting the people that we are trying to protect. And we're still generating a great deal of what amounts to busywork for people that have better things to do. But with that said I'll support the bill with the assurance that further improvements will be forthcoming during the session.

THE CHAIR:

Thank you, Senator Markley.

Will you remark further? Will you remark further? If not, Mr. Clerk, will you call -- open the roll call and I will open the machines.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senate members to the Chamber, please. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked and the Clerk will call the tally.

THE CLERK:

Total Number voting	34
Necessary for adoption	18
Those voting Yea	34
Those voting Nay	0



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Those absent and not voting 2

THE CHAIR:

The emergency certification bill is now passed.

For points of personal privilege, call on Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President --

Kid, come on in. Come around the circle over here.

I'd like to introduce members from the Hamden Hall Country Day School community, part of the Amnesty program who came in for the press conference today and are avidly meeting with Senators. So you guys are going to get targeted by these guys.

They're strong advocates. They're lobbying the death penalty bill -- or to kill the death penalty bill. They do a great, great job. We have the two teachers here and they do a great, great job.

They've already, I know, approached some of the Senators and others are on your schedule. So you better hide when it's over, because they're going to find you.

And I just want the Senate circle to give them a warm welcome and thank them for coming.

THE CHAIR:

Welcome, all of you here. And just pick which seat you want, because I have a feeling you're the next ones that are going to be elected here. Keep up the good work. Thank you.

At this time, Senator Looney.

SENATOR LOONEY: