



General Assembly

Amendment

February Session, 2002

LCO No. 4736

HB0562504736HDO

Offered by:

REP. O'ROURKE, 32nd Dist.

SEN. RORABACK, 30th Dist.

REP. HAMZY, 78th Dist.

REP. FRITZ, 90th Dist.

SEN. FONFARA, 1st Dist.

REP. FERRARI, 62nd Dist.

To: Subst. House Bill No. 5625

File No. 324

Cal. No. 209

"AN ACT CONCERNING THE CONFIDENTIALITY OF MILITARY DISCHARGE DOCUMENTS."

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

3 "Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this
4 section: (1) "Armed forces" means the Army, Navy, Marine Corps,
5 Coast Guard or Air Force of the United States; (2) "veteran" means any
6 person honorably discharged from, or released under honorable
7 conditions from active service or reserve status in the armed forces; (3)
8 "military discharge document" means a United States Department of
9 Defense form, including, but not limited to, a DD 214 form, or any
10 valid paper that evidences the service, discharge or retirement of a
11 veteran from the armed forces that contains personal information such
12 as a service number or Social Security number; (4) "person" means any
13 individual or entity, including, but not limited to, a relative of a

14 veteran, a licensed funeral director or embalmer, an attorney-at-law, an
15 attorney-in-fact, an insurance company or a veterans' advocate; and (5)
16 "public agency" or "agency" means a public agency, as defined in
17 section 1-200 of the general statutes, as amended.

18 (b) A veteran or designee may file a military discharge document
19 with the town clerk of the town in which the veteran resides or with
20 any other public agency if the military discharge document is related
21 to the business of the town or other agency, and the town or agency
22 shall maintain and record the military discharge document in
23 accordance with this section.

24 (c) Notwithstanding any provision of chapter 55 of the general
25 statutes, or any provision of section 11-8 or 11-8a of the general
26 statutes, any military discharge document filed by or on behalf of a
27 veteran with a public agency before, on or after October 1, 2002, except
28 a military discharge document recorded before October 1, 2002, on the
29 land records of a town, shall be retained by the agency separate and
30 apart from the other records of the agency. The contents of such
31 document shall be confidential for at least seventy-five years from the
32 date the document is filed with the public agency, except that:

33 (1) The information contained in the document shall be available to
34 the veteran, or a conservator of the person of the veteran or a
35 conservator of the estate of the veteran, at all times;

36 (2) Any information contained in such military discharge document
37 which is necessary to establish, or that aids in establishing, eligibility
38 for any local, state or federal benefit or program applied for by, or on
39 behalf of, the veteran, including, but not limited to, the name of the
40 veteran, the veteran's residential address, dates of qualifying active or
41 reserve military service, or military discharge status, shall be available
42 to the public at all times; and

43 (3) Any information contained in the document, other than the
44 information available under subdivision (2) of this subsection, shall be
45 available to (A) any person who may provide a benefit to, or acquire a

46 benefit for, the veteran or the estate of the veteran, provided the person
47 needs the information to provide the benefit and submits satisfactory
48 evidence of such need to the agency, (B) the State Librarian as required
49 for the performance of his or her duties, and (C) a genealogical society
50 incorporated or authorized by the Secretary of the State to do business
51 or conduct affairs in this state or a member of such genealogical
52 society.

53 (d) The provisions of this section concerning the maintenance and
54 recording of Department of Defense documents shall not apply to the
55 State Library Board or the State Librarian.

56 Sec. 2. Subsection (a) of section 1-210 of the general statutes is
57 repealed and the following is substituted in lieu thereof (*Effective*
58 *October 1, 2002*):

59 (a) Except as otherwise provided by any federal law or state statute,
60 all records maintained or kept on file by any public agency, whether or
61 not such records are required by any law or by any rule or regulation,
62 shall be public records and every person shall have the right to (1)
63 inspect such records promptly during regular office or business hours,
64 [or to] (2) copy such records in accordance with subsection (g) of
65 section 1-212, as amended by this act, or (3) receive a copy of such
66 records in accordance with [the provisions of] section 1-212, as
67 amended by this act. Any agency rule or regulation, or part thereof,
68 that conflicts with the provisions of this subsection or diminishes or
69 curtails in any way the rights granted by this subsection shall be void.
70 Each such agency shall keep and maintain all public records in its
71 custody at its regular office or place of business in an accessible place
72 and, if there is no such office or place of business, the public records
73 pertaining to such agency shall be kept in the office of the clerk of the
74 political subdivision in which such public agency is located or of the
75 Secretary of the State, as the case may be. Any certified record
76 hereunder attested as a true copy by the clerk, chief or deputy of such
77 agency or by such other person designated or empowered by law to so
78 act, shall be competent evidence in any court of this state of the facts

79 contained therein. Each such agency shall make, keep and maintain a
80 record of the proceedings of its meetings.

81 Sec. 3. Section 1-212 of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective October 1, 2002*):

83 (a) Any person applying in writing shall receive, promptly upon
84 request, a plain or certified copy of any public record. The fee for any
85 copy provided in accordance with the Freedom of Information Act:

86 (1) By an executive, administrative or legislative office of the state, a
87 state agency or a department, institution, bureau, board, commission,
88 authority or official of the state, including a committee of, or created
89 by, such an office, agency, department, institution, bureau, board,
90 commission, authority or official, and also including any judicial office,
91 official or body or committee thereof but only in respect to its or their
92 administrative functions, shall not exceed twenty-five cents per page;
93 and

94 (2) By all other public agencies, as defined in section 1-200, as
95 amended, shall not exceed fifty cents per page. If any copy provided in
96 accordance with said Freedom of Information Act requires a
97 transcription, or if any person applies for a transcription of a public
98 record, the fee for such transcription shall not exceed the cost thereof
99 to the public agency.

100 (b) The fee for any copy provided in accordance with subsection (a)
101 of section 1-211 shall not exceed the cost thereof to the public agency.
102 In determining such costs for a copy, other than for a printout which
103 exists at the time that the agency responds to the request for such copy,
104 an agency may include only:

105 (1) An amount equal to the hourly salary attributed to all agency
106 employees engaged in providing the requested computer-stored public
107 record, including their time performing the formatting or
108 programming functions necessary to provide the copy as requested,
109 but not including search or retrieval costs except as provided in

110 subdivision (4) of this subsection;

111 (2) An amount equal to the cost to the agency of engaging an
112 outside professional electronic copying service to provide such
113 copying services, if such service is necessary to provide the copying as
114 requested;

115 (3) The actual cost of the storage devices or media provided to the
116 person making the request in complying with such request; and

117 (4) The computer time charges incurred by the agency in providing
118 the requested computer-stored public record where another agency or
119 contractor provides the agency with computer storage and retrieval
120 services. Notwithstanding any other provision of this section, the fee
121 for any copy of the names of registered voters shall not exceed three
122 cents per name delivered or the cost thereof to the public agency, as
123 determined pursuant to this subsection, whichever is less. The
124 Department of Information Technology shall monitor the calculation of
125 the fees charged for copies of computer-stored public records to ensure
126 that such fees are reasonable and consistent among agencies.

127 (c) A public agency may require the prepayment of any fee required
128 or permitted under the Freedom of Information Act if such fee is
129 estimated to be ten dollars or more. The sales tax provided in chapter
130 219 shall not be imposed upon any transaction for which a fee is
131 required or permissible under this section or section 1-227.

132 (d) The public agency shall waive any fee provided for in this
133 section when:

134 (1) The person requesting the records is an indigent individual;

135 (2) The records located are determined by the public agency to be
136 exempt from disclosure under subsection (b) of section 1-210, as
137 amended; [or]

138 (3) In its judgment, compliance with the applicant's request benefits
139 the general welfare; or

140 (4) The person requesting the record is an elected official of a
141 political subdivision of the state and the official (A) obtains the record
142 from an agency of the political subdivision in which the official serves,
143 and (B) certifies that the record pertains to the official's duties.

144 (e) Except as otherwise provided by law, the fee for any person who
145 has the custody of any public records or files for certifying any copy of
146 such records or files, or certifying to any fact appearing therefrom,
147 shall be for the first page of such certificate, or copy and certificate, one
148 dollar; and for each additional page, fifty cents. For the purpose of
149 computing such fee, such copy and certificate shall be deemed to be
150 one continuous instrument.

151 (f) The Secretary of the State, after consulting with the chairperson
152 of the Freedom of Information Commission, the Commissioner of
153 Correction and a representative of the Judicial Department, shall
154 propose a fee structure for copies of public records provided to an
155 inmate, as defined in section 18-84, in accordance with subsection (a) of
156 this section. The Secretary of the State shall submit such proposed fee
157 structure to the joint standing committee of the General Assembly
158 having cognizance of matters relating to government administration,
159 not later than January 15, 2000.

160 (g) Any individual may copy a public record through the use of a
161 hand-held scanner. A public agency may establish a fee structure not
162 to exceed ten dollars for an individual to pay each time the individual
163 copies records at the agency with a hand-held scanner. As used in this
164 section, "hand-held scanner" means a battery operated electronic
165 scanning device the use of which (1) leaves no mark or impression on
166 the public record, and (2) does not unreasonably interfere with the
167 operation of the public agency.

168 Sec. 4. Section 19a-411 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2002*):

170 (a) The Office of the Chief Medical Examiner shall keep full and
171 complete records properly indexed, giving the name, if known, of

172 every person whose death is investigated, the place where the body
173 was found, the date, cause and manner of death and containing all
174 other relevant information concerning the death and a copy of the
175 death certificate. The full report and detailed findings of the autopsy
176 and toxicological and other scientific investigation, if any, shall be a
177 part of the record in each case. The office shall promptly notify the
178 state's attorney having jurisdiction of such death and deliver to [him]
179 the state's attorney copies of all pertinent records relating to every
180 death in which further investigation may be advisable. Any state's
181 attorney, chief of police or other law enforcement official may, upon
182 request, secure copies of such records or other information deemed
183 necessary by [him to] such official for the performance of his or her
184 official duties.

185 (b) The report of examinations conducted by the Chief Medical
186 Examiner, Deputy Chief Medical Examiner, an associate medical
187 examiner or an authorized assistant medical examiner, and of the
188 autopsy and other scientific findings may be made available to the
189 public only through the Office of the Chief Medical Examiner and in
190 accordance with this section, section 1-210, as amended, and the
191 regulations of the commission. Any person may obtain copies of such
192 records upon such conditions and payment of such fees as may be
193 prescribed by the commission, [provided] except that no person with a
194 legitimate interest [therein] in the records shall be denied access to
195 such records, and no person may be denied access to records
196 concerning a person in the custody of the state at the time of death. As
197 used in this section, a "person in the custody of the state" is a person
198 committed to the custody of (1) the Commissioner of Correction for
199 confinement in a correctional institution or facility or a community
200 residence, (2) the Commissioner of Children and Families, or (3) the
201 Commissioner of Mental Retardation.

202 (c) Upon application by the Chief Medical Examiner or state's
203 attorney to the superior court for the judicial district in which the
204 death occurred, or to any judge of the superior court in such judicial

205 district when said court is not then sitting, said court or such judge
206 may limit such disclosure to the extent that there is a showing by the
207 Chief Medical Examiner or state's attorney of compelling public
208 interest against disclosure of any particular document or documents.
209 Public authorities, professional, medical, legal or scientific bodies or
210 universities or similar research bodies may, in the discretion of the
211 commission, have access to all records upon such conditions and
212 payment of such fees as may be prescribed by the commission. Where
213 such information is made available for scientific or research purposes,
214 such conditions shall include a requirement that the identity of the
215 deceased persons shall remain confidential and shall not be published.

216 Sec. 5. Section 7-19 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective January 1, 2003*):

218 Each town clerk may, unless otherwise provided by charter or
219 ordinance, appoint [not more than three] assistant town clerks, who,
220 [having been approved by one of the selectman and] having taken the
221 oath provided for town clerks, shall, in the absence or inability of the
222 town clerk, have all [his] the powers and perform all [his] the duties of
223 the town clerk. Within ten days after a town clerk appoints an assistant
224 town clerk, the town clerk shall file a notice of such appointment with
225 the Secretary of the State, indicating the name and address of the
226 person appointed, the date and method of such appointment and the
227 law under which the appointment was made. Within ten days after a
228 vacancy occurs in the office of assistant town clerk, the town clerk shall
229 notify the Secretary of the State of such vacancy.

230 Sec. 6. Section 7-38 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective January 1, 2003*):

232 The town clerk of any town who is, ex officio, registrar of vital
233 statistics in such town, and the registrar of vital statistics of any town
234 who is elected under a special law or otherwise appointed pursuant to
235 law, may, unless otherwise provided by charter or ordinance, [with the
236 approval of the selectmen,] appoint in writing suitable persons, not

237 exceeding four in number, as assistant registrars of vital statistics, who,
238 on being sworn, shall have the powers and perform the duties of such
239 registrar during the time for which they are appointed, not extending
240 beyond the term of office of such registrar. Within ten days after a
241 town clerk or registrar of vital statistics appoints an assistant registrar
242 of vital statistics, the town clerk or registrar of vital statistics shall file a
243 notice of such appointment with the Secretary of the State, indicating
244 the name and address of the person appointed, the date and method of
245 such appointment and the law under which the appointment was
246 made. Within ten days after a vacancy occurs in the office of assistant
247 registrar of vital statistics, the town clerk or registrar of vital statistics
248 shall notify the Secretary of the State of such vacancy.

249 Sec. 7. Section 21-37 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective October 1, 2002*):

251 Any town may make reasonable ordinances with reference to the
252 vending or hawking upon its public streets or upon any state highway,
253 except limited access highways, within such town or any land abutting
254 such streets or highways of any goods, wares or other merchandise at
255 public or private sale or auction, or to the vending or peddling of such
256 articles from house to house within its limits, including the imposition
257 of a fee, not exceeding two hundred dollars a year, applicable with
258 respect to any person engaged in such vending, hawking or peddling,
259 for the privilege of so vending, hawking or peddling such
260 merchandise. Any ordinance adopted pursuant to this section which
261 requires a permit may require that no such permit shall be issued to
262 any person who has not obtained a permit to engage in or transact
263 business as a seller within the state in accordance with section 12-409
264 and shall require that any permit issued pursuant to such ordinance
265 shall be conspicuously displayed at the place the activities are
266 undertaken. Such ordinances may provide that the authority issuing
267 such permit may waive the permit fee for a nonprofit organization
268 exempt from federal taxation by Section 501 of the Internal Revenue
269 Code of 1986, or any subsequent corresponding internal revenue code
270 of the United States, as from time to time amended, or a charitable

271 organization. No town shall require a permit fee from any resident of
272 this state who has resided within the state for a period of two years
273 next preceding the date of application for such permit, who is (1) a
274 veteran who served in time of war, as defined in section 27-103, (2) a
275 hawker or peddler as defined in section 21-36, and (3) a principal
276 pursuant to section 21-36. This section shall not apply to sales by
277 farmers and gardeners of the produce of their farms, gardens and
278 greenhouses, including fruit, vegetables and flowers, or to the sale,
279 distribution and delivery of milk, teas, coffees, spices, groceries, meats
280 and bakery goods, to sales on approval, to conditional sales of
281 merchandise, or to the taking of orders for merchandise for future
282 delivery when full payment is not required at the time of solicitation.
283 Nothing in this section shall be construed to limit in any manner the
284 Commissioner of Transportation's statutory authority concerning state
285 highways. Nothing in this section shall be construed as empowering
286 any municipality to prohibit, regulate, control or impose a fee on any
287 person operating any business on any state highway or land abutting
288 any state highway pursuant to a contract with the state.

289 Sec. 8. Section 12-182 of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective October 1, 2002*):

291 Whenever used in sections 12-182 to 12-194, inclusive, as amended
292 by this act, "municipality" has the meaning given it in section 12-141
293 and "tax" includes each property tax or assessment and each
294 installment and part thereof due a municipality, with any interest or
295 other lawful charges incident thereto. In addition to other remedies
296 provided by law, the tax collector of any municipality may bring in its
297 name an action in the nature of an action in rem to foreclose a tax lien
298 or liens on real estate the fair market value of which, in his judgment,
299 is less than the total of the amounts due upon the tax liens and other
300 encumbrances upon the property so liened and is not more than [fifty]
301 one hundred thousand dollars with respect to any one parcel. No
302 judgment shall be rendered in such proceeding for the recovery of a
303 personal judgment against the owner of the property subject to such
304 lien or liens or any person having an interest therein.

305 Sec. 9. Section 12-183 of the general statutes is repealed and the
306 following is substituted in lieu thereof (*Effective October 1, 2002*):

307 The tax collector may, by his attorney, not more than [once] twice in
308 each calendar year, file in the office of the clerk of the superior court
309 for the judicial district in which the property is situated, a petition in
310 the name of the municipality for the foreclosure of any tax lien or liens
311 on the respective properties so liened, and may include in one petition
312 any number of such properties, each of which shall be numbered
313 serially. Such petition shall be addressed to the court, as above stated,
314 and shall be substantially in the following form: "The of, acting
315 by its tax collector hereunto subscribing, herewith submits a list of
316 properties located in the of upon which are liens for unpaid taxes
317 and states that in his judgment the fair market value of each of such
318 properties is not more than [fifty] one hundred thousand dollars and
319 such value is less than the total amount due upon tax liens and other
320 encumbrances thereon." A list of the various parcels of property
321 sought to be foreclosed shall follow, containing, as to each parcel, the
322 following information: (a) A description sufficient to identify each
323 parcel affected by any such tax lien. The latest description of such
324 parcel as appears of record shall be considered a sufficient description
325 and, in all cases in which such parcel can be further identified by a
326 known street address, such address shall be included in the
327 description; (b) the name, residence and, if known, the address of the
328 owner or owners of such parcel as they appear on the most recent
329 assessment list of the taxing district wherein such property is located;
330 (c) the principal of such tax due thereon, the amount of which, with
331 interest, if any, and the fees and other charges, is secured by such lien
332 and the date or dates when the principal of such tax becomes due; (d)
333 the name, residence and, if known, the address, of each present record
334 holder of any interest in, or encumbrance on, such liened property and
335 the nature and amount thereof, as disclosed by the land records; (e) the
336 last day of the period during which such property may be redeemed,
337 which shall be the last day of the fourth month after the month in
338 which the list is filed in court. Such petition shall be verified by the

339 oath of the tax collector that the information contained therein is true
 340 to the best of his knowledge and belief.

341 Sec. 10. Section 12-185 of the general statutes is repealed and the
 342 following is substituted in lieu thereof (*Effective October 1, 2002*):

343 If the report of the appraisers shows that the fair market value of
 344 any parcel of property listed in such petition is greater than the total of
 345 the amounts due upon the tax lien or liens and the recorded principal
 346 amounts of all other encumbrances thereon or is more than [fifty] one
 347 hundred thousand dollars, the clerk shall write the word "Withdrawn"
 348 opposite the item of property on the list and thereafter such property
 349 shall not be within the scope of the proceeding."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>January 1, 2003</i>
Sec. 6	<i>January 1, 2003</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>