



General Assembly

**Substitute Bill No. 5576**

February Session, 2006

\* \_\_\_\_\_ HB05576GAE\_\_032406\_\_\_\_\_ \*

**AN ACT CONCERNING THE CONTENT OF MINUTES OF A MEETING UNDER THE FREEDOM OF INFORMATION ACT AND THE COPYING OF PUBLIC RECORDS.**

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

1 Section 1. Subsection (a) of section 1-225 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) The meetings of all public agencies, except executive sessions, as  
5 defined in subdivision (6) of section 1-200, shall be open to the public  
6 and shall be recorded by such public agency. The votes of each  
7 member of any such public agency upon any issue before such public  
8 agency shall be reduced to writing and made available for public  
9 inspection within forty-eight hours and shall also be recorded in the  
10 minutes of the session at which taken, which minutes shall be available  
11 for public inspection within seven days of the session to which they  
12 refer and shall, upon request, include a list of the speakers on any topic  
13 discussed during an agency meeting in addition to a summary of each  
14 speaker's comments that is adequate to provide the reader with a basic  
15 knowledge of what each speaker said and what transpired at such  
16 meeting. Any person making such request for minutes that contain a  
17 summary of each speaker's comments may request either an electronic  
18 version or paper transcript of such minutes which shall be provided by  
19 such public agency.

20 Sec. 2. Section 1-212 of the general statutes is repealed and the  
21 following is substituted in lieu thereof (*Effective from passage*):

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

25 (1) By an executive, administrative or legislative office of the state, a  
26 state agency or a department, institution, bureau, board, commission,  
27 authority or official of the state, including a committee of, or created  
28 by, such an office, agency, department, institution, bureau, board,  
29 commission, authority or official, and also including any judicial office,  
30 official or body or committee thereof but only in respect to its or their  
31 administrative functions, shall not exceed [twenty-five] ten cents per  
32 page; and

33 (2) By all other public agencies, as defined in section 1-200, shall not  
34 exceed [fifty] ten cents per page. If any copy provided in accordance  
35 with said Freedom of Information Act requires a transcription, or if  
36 any person applies for a transcription of a public record, the fee for  
37 such transcription shall not exceed the cost thereof to the public  
38 agency.

39 (b) The fee for any copy provided in accordance with subsection (a)  
40 of section 1-211 shall not exceed the lesser of the cost thereof to the  
41 public agency or the market rate. In determining such costs for a copy,  
42 other than for a printout which exists at the time that the agency  
43 responds to the request for such copy, an agency may include only:

44 (1) An amount equal to the hourly salary attributed to all agency  
45 employees engaged in providing the requested computer-stored public  
46 record, including their time performing the formatting or  
47 programming functions necessary to provide the copy as requested,  
48 but not including search or retrieval costs except as provided in  
49 subdivision (4) of this subsection;

50 (2) An amount equal to the cost to the agency of engaging an

51 outside professional electronic copying service to provide such  
52 copying services, if such service is necessary to provide the copying as  
53 requested;

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

56 (4) The computer time charges incurred by the agency in providing  
57 the requested computer-stored public record where another agency or  
58 contractor provides the agency with computer storage and retrieval  
59 services. Notwithstanding any other provision of this section, the fee  
60 for any copy of the names of registered voters shall not exceed three  
61 cents per name delivered or the cost thereof to the public agency, as  
62 determined pursuant to this subsection, whichever is less. The  
63 Department of Information Technology shall monitor the calculation of  
64 the fees charged for copies of computer-stored public records to ensure  
65 that such fees are reasonable and consistent among agencies.

66 (c) A public agency may require the prepayment of any fee required  
67 or permitted under the Freedom of Information Act if such fee is  
68 estimated to be ten dollars or more. The sales tax provided in chapter  
69 219 shall not be imposed upon any transaction for which a fee is  
70 required or permissible under this section or section 1-227.

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

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

74 (2) The records located are determined by the public agency to be  
75 exempt from disclosure under subsection (b) of section 1-210, as  
76 amended;

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

79 (4) The person requesting the record is an elected official of a

80 political subdivision of the state and the official (A) obtains the record  
81 from an agency of the political subdivision in which the official serves,  
82 and (B) certifies that the record pertains to the official's duties.

83 (e) Except as otherwise provided by law, the fee for any person who  
84 has the custody of any public records or files for certifying any copy of  
85 such records or files, or certifying to any fact appearing therefrom,  
86 shall be for the first page of such certificate, or copy and certificate, one  
87 dollar; and for each additional page, fifty cents. For the purpose of  
88 computing such fee, such copy and certificate shall be deemed to be  
89 one continuous instrument.

90 (f) The Secretary of the State, after consulting with the chairperson  
91 of the Freedom of Information Commission, the Commissioner of  
92 Correction and a representative of the Judicial Department, shall  
93 propose a fee structure for copies of public records provided to an  
94 inmate, as defined in section 18-84, in accordance with subsection (a) of  
95 this section. The Secretary of the State shall submit such proposed fee  
96 structure to the joint standing committee of the General Assembly  
97 having cognizance of matters relating to government administration,  
98 not later than January 15, 2000.

99 (g) Any individual may copy a public record through the use of any  
100 equipment or means provided by such individual, including, but not  
101 limited to, a hand-held scanner. A public agency may establish a fee  
102 structure not to exceed ten dollars for an individual to pay each time  
103 the individual copies records at the agency with a hand-held scanner.  
104 As used in this section, "hand-held scanner" means a battery operated  
105 electronic scanning device the use of which (1) leaves no mark or  
106 impression on the public record, and (2) does not unreasonably  
107 interfere with the operation of the public agency. A public agency shall  
108 provide for the use of an electric outlet by an individual when such  
109 individual provides his or her own equipment to copy a public record.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-225(a)
Sec. 2	<i>from passage</i>	1-212

**GAE**      *Joint Favorable Subst.*