

**THE FREEDOM OF INFORMATION COMMISSION  
STATEMENT IN SUPPORT OF RB 7372 (LCO 3713)  
AN ACT CONCERNING RECOMMENDATIONS CONTAINED IN THE FINAL  
REPORT OF THE COCHAIRPERSON AND VICE-CHAIRPERSON OF THE  
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE  
REGARDING EVENTS SURROUNDING STATE ELECTIONS  
ENFORCEMENT COMMISSION FILE NO. 2005-311**

This bill is critically important to the effectiveness of the Freedom of Information (FOI) Commission as an independent "watchdog" agency free from interference by politically appointed officials of the executive branch of state government.

As background, former Governor Rowland had drastically cut the appropriations available to the FOI Commission at a time when it was in the midst of deciding a number of cases involving his denial of access to records sought in connection with exposing corruption in his administration. This led to passage of Public Act 04-204, §11, which provides that the commission's request for appropriations shall go directly to the legislature -- bypassing possible cuts by OPM and the Governor -- and which also provides that in no event, shall the Governor reduce any allotment to the FOI Commission proscribed by the legislature.

Section 7 of this bill would prevent the Department of Administrative Services (DAS) from similarly interfering with necessary commission operations (as well as the operations of the State Elections Enforcement Commission and Office of State Ethics) by denying, or unduly delaying, the commission's ability to hire and retain the highest quality executive, managerial and confidential employees. Those employees must be free from political taint or the perception of political partisanship. Salaries for these classes of employees would be subject to legislative oversight because they would have to be established exclusively within the framework of appropriated funds. **The bill would not affect any personnel classes or actions that are subject to collective bargaining or collective bargaining agreements.**

Under the terms of this bill, the FOI Commission would continue to appoint all commission employees, consistent with current practice, within the limits of the commission's appropriated funds. All executive, managerial and confidential employees necessary to carry out the commission's statutory duties also will continue to be appointed by the Executive Director to positions established by the commission, but without DAS's approval. These employees would be exempt from the classified service, but could only be removed for "reasonable cause" in accordance with chapter 67 of the General Statutes (the State Personnel Act). Again, no classified position subject to collective bargaining would be affected by these new provisions. The proposed changes would affect only executive, managerial and confidential employee positions established by the commission and funded by the legislature.

The FOI Commission submitted testimony similar to this in connection with SB 1065, an FOIC-sponsored bill that has the same aim as this bill, but is limited to the FOI Commission. Since that testimony was offered, the FOI Commission has suggested revisions to the language of 1065 that the Commission believes will address concerns raised with that bill. These suggested revisions have been provided to the chairs of this committee.

The FOI Commission is willing to work with the GAE committee to revise the language of this bill, as needed,

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