

**STATEMENT OF COLLEEN M. MURPHY, EXECUTIVE DIRECTOR
CONNECTICUT FOI COMMISSION, OFFICE OF GOVERNMENTAL
ACCOUNTABILITY
TO THE JOINT COMMITTEE ON APPROPRIATIONS CONCERNING
GOVERNOR'S PROPOSED BUDGET FOR FYS 2014 -2015
FEBRUARY 20, 2013**

Good afternoon. My name is Colleen Murphy and I'm the Executive Director and General Counsel of the Freedom of Information Commission ("FOIC" or "FOI Commission"). Thank you for the opportunity to comment on the Governor's Proposed Budget for FYs 14 and 15. My remarks will be short. The Commission looks forward to working with the subcommittee members on the FOIC's budget for the next biennium in much greater detail.

The FOIC asks you to reject the Governor's proposal for the following reasons:

- The proposal is not in keeping with the FOIC's budgetary independence contained in Conn. Gen. Stat. 1-205a. The proposal before you is not the budget submitted/requested by the FOIC nor is it the budget that should be before you as required by Conn. Gen. Stat. 1-205a (Since 2004, Sec. 1-205a has prohibited the administration from reducing the FOIC's budget requests and requires the submission of the FOIC's budget directly to the legislature. This was done following a sweeping consolidation effort by Governor Rowland.).
- The proposal seeks to further consolidate the FOIC into the Office of Governmental Accountability ("OGA") in a manner that will lead to difficult and unnecessary conflicts and will undoubtedly lessen the public's faith in government transparency and accountability.
- The proposed overall savings to the OGA are modest (187k in FY 14 and 197k in FY 15) and can be achieved in other ways, without modifying the cohesive structure of the FOI Commission. We'd like to explore alternative methods to achieve the dollar savings with the subcommittee.
- The budget submitted by the FOIC for the upcoming biennium is lean: it is at, or very near, current services. Furthermore, the FOIC has participated in all previous requests for reductions and has been a partner throughout these difficult budgetary times. The most recent example of this partnership and participation occurred in January of this year when the Governor requested that the FOIC re-submit its budget and roll forward the savings from the FY 2013 Deficit Mitigation Plan ("2013 DMP") passed by the legislature. The FOIC did in fact re-submit its budget (as requested by the administration, but not required) to incorporate the reductions from the 2013 DMP, going forward into the next biennium. The FOIC should not be penalized any further, especially when it has participated fully in prior reduction requests on a large scale.

- Finally, the FOIC has done significant work despite the reductions that have occurred. Here is a partial list of its accomplishments:
 - the FOIC has processed an average of 750 formal complaints annually and has met the jurisdictional requirement that it hear and decide its cases within one year of filing;
 - the FOIC has already streamlined its operations and implemented a mediation and complaint review program, that results in the resolution of more than half of its cases, without the need for costly and time-consuming administrative hearings;
 - the FOIC continues to do significant outreach and education (conducting well over 100 speaking engagements for public officials and members of the public), essentially on a dime;
 - the FOIC staff responds, without delay, to thousands of informal telephone and written inquiries from the public and public officials alike annually, without expense or any unnecessary formality or bureaucracy;
 - the FOIC attorneys represent the Commission at all levels of court proceedings (averaging approximately 30 court appeals annually – it is the only agency that because of concerns about conflicts is statutorily required to represent itself in court, without utilizing the Office of the Attorney General).

Despite its accomplishments, the FOIC is now at its breaking point. It needs to do better for the citizens of our state, particularly with regard to its ability to adjudicate cases in a timely manner.

When it comes to transparency, time and agency credibility are critical. It is simply not good enough to resolve cases within the statutory time period. To be an effective watch dog, the FOIC must be able to act quickly and be free of conflicts. In order to act quickly and be free of conflicts, it must have an adequate level of resources and maintain its independence from the administration and from other agencies over which it has jurisdiction. The further reductions, streamlining and consolidations proposed by the Governor will be devastating to the public's right to know on both fronts. Their cost in the public's eye will be immeasurable and will far outweigh the dollars saved under the Governor's proposal.

Thank you for your consideration. I am happy to answer any questions you may have.

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