

**FREEDOM OF INFORMATION COMMISSION STATEMENT  
ON SB 203, AN ACT CONCERNING AMERICAN LEGION  
STATE FUND COMMISSION TRANSPARENCY**

**February 23, 2016**

The Freedom of Information Commission supports Senate Bill 203 which implements a recommendation of the Auditors of Public Accounts in their 2015 Annual Report to the General Assembly. The Auditors' recommendation would explicitly subject the records of the American Legion State Fund Commission to disclosure under the Freedom of Information Act.

In their 2015 Annual Report, the Auditors of Public Accounts recommend that the General Assembly "consider clarifying whether the State Fund Commission that administers the Soldiers', Sailors' and Marines' Fund [including the disbursement of funds] is a public agency subject to freedom of information laws." Prior to the transfer of the SSMF and its administration to the American Legion, it was clear that records regarding the funds, which are public funds, were subject to the FOI Act. When the American Legion took over full management, however, there were questions about the availability of records since the American Legion is clearly not a public agency as defined by the FOI Act.

The Auditors opined that "the State Fund Commission is essentially functioning as a public agency since it exists solely for the public purpose of administering a function that had previously been regarded as belonging to that of a state agency."<sup>1</sup> The FOI Commission agrees: such an entity should be accountable to the public.

The FOIC supports the increased access and supports the bill as written.

For further information contact: Colleen M. Murphy, Executive Director and General Counsel or Mary E. Schwind, Managing Director and Associate General Counsel at (860) 566-5682.

---

<sup>1</sup> See Auditors of Public Accounts 2015 Annual Report to the Connecticut General Assembly (page 27).