Bill No.: HB-5233
Title: AN ACT CONCERNING RECORDKEEPING DUTIES OF THE ADJUTANT GENERAL.
Vote Date: 3/14/2018
Vote Action: Joint Favorable
PH Date: 2/27/2018
File No.: 41

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**SPONSORS OF BILL:**
Veterans' Affairs Committee
State of Connecticut Military Department

**REASONS FOR BILL:**

The bill clarifies that requests for Military Department records that are required to be generated and maintained by federal law are made under and processed pursuant to the federal Freedom of Information Act, not the state FOIA. The military department states that they introduced this bill because recent FOIA requests have demonstrated a misunderstanding about the legal status of certain federal records accessible to members of the CT National Guard, and a 2015 case at the Freedom of Information Commission concluded that the records in question were outside the jurisdiction of the state level FOIA.

**RESPONSE FROM ADMINISTRATION/AGENCY:**

*Freedom of Information Commission:* The FIC wrote that they do not oppose the bill as written, however they also do not think it is necessary. They state that the language is an outgrowth of the 2015 case at the FIC regarding certain federal records, which concluded that the records at issue were outside the jurisdiction of the state level FOIA, not “public records” within the meaning of the state, and this decision was not appealed. They also note that the at the Commission’s level this issue arises very rarely, perhaps twice in the past 20 years.

*Major General Martin, Thaddeus J., The Adjutant General, State of CT Military Department (version 1) and (version 2):* The Major General wrote on behalf of the Military Department that the Connecticut National Guard has a unique dual-status standing giving it access to both federal and state records and information, and that recent FOIA requests have demonstrated a misunderstanding among members of the CTNG with regards to the legal
status of federal records. He states that the proper release of certain federal records requires a federal FOIA request, and that this fact is supported by the recent opinion from the FIC. He writes that this bill clarifies the legal status of these federal records and requires the Adjutant General to apply appropriate standards to recordkeeping.

NATURE AND SOURCES OF SUPPORT:
See Major General Martin on behalf of the State of CT Military Department above.

NATURE AND SOURCES OF OPPOSITION:
None Expressed.

Reported by: Edward Waters, Asst. Clerk Date: 3/26/18