Thank you for the opportunity to comment on the Governor’s Proposed Budget for the 2020 and 2021 Biennium, as contained in Governor’s Bill 7148, An Act Concerning the State Budget for the Biennium ending June 30, 2021, and Making Appropriations Therefor. I am Colleen Murphy, the Executive Director and General Counsel of the Freedom of Information Commission (FOIC or Commission).

By way of background, the FOIC is a small independent body with only one program – to administer and enforce the provisions of Connecticut’s Freedom of Information Act. But, its mission is large – to ensure that citizens of Connecticut have the most transparent and accountable government to which they are entitled and permitted by law. The FOIC is an entity that has a reputation for excellence throughout the world. It now has a nine member Commission that meets to hear individual access disputes and then twice a month to formally rule on those disputes. It is responsible for the adjudication of 750-900 formal citizen complaints a year. The Commission also makes mediation a focal point of its work and resolves on average approximately 65% of its caseload through mediation and complaint review. Further, its attorneys represent the Commission at all levels of court, on appeals of Commission decisions (approximately 20 court appeals per year).

Education is a significant component of the FOIC’s mission and to that end, FOIC staff conduct over one hundred speaking engagements each year. These engagements are held to educate the public and public officials alike. The FOIC also has two educational outreach programs – one for Spanish speaking individuals and one for middle school and high school aged youth. The FOIC staff handles thousands of telephone and in-person inquiries each year. Staff is also responsible for maintenance and production of a highly fluid web site, which provides visitors to it with the most up-to-date information on hearings, meetings, Commission and court decisions, upcoming speaking engagements and frequently asked questions.

The Commission has undergone numerous cutbacks in recent years, including a reduction in staff from its highest of 23 in 2011 (when the FOIC was consolidated into the Office of Governmental Accountability) to its status today of 14 filled positions. It has seen its budget decrease from a high of about 2.4 million to where it is today at just over 1.5 million. All of this has occurred during a period when the Commission’s caseload has grown (in both degree and complexity) considerably.

The cumulative effect of these budgetary cuts over the past several years continues to leave the FOIC struggling to fulfill its statutory duties. While the FOIC believes that it must be part of the solution to the fiscal burdens that face our state, it cannot endure any additional cuts, without jeopardizing its ability to carry out its multifaceted mission on behalf of Connecticut’s citizens.
Turning to the FOIC’s request for appropriation, the FOIC’s budget request was for **$1,624,438 in FY20 and $1,706,960 for FY21**. It supplied a detailed explanation of the small amount over baseline it needed to provide funding for mandatory wage adjustments, along with software updates, costs for attendance by Commissioners at hearings and meetings, postage, etc., along with its submission. In addition, at the direction of the Office of Policy and Management (OPM), the FOIC submitted a Budget Expansion Option (instead of requesting funding for it directly in its budget submission) for funding to fill one of two vacant positions (a Staff Attorney 1 position in the amount of $78,037 in FY20 and $84,159 in FY21).

The FOIC’s review of the Governor’s proposed budget for the next biennium contains a few areas of concern.

1. The Governor’s budget numbers are similar to those requested by the Commission, but are not precise (**$1,618,072 in FY20 and $1,707,192 for FY21**). More importantly, the manner that the numbers are broken out in the Governor’s Budget Summary (see Page B-10 of the Budget Summary) does not coincide with the Commission’s submission. The Budget Summary calls for $83,791 in FY20 and $172,911 in FY21, to annualize funding for state employee wage adjustments under Baseline Adjustments. These numbers are **HIGHER** than those submitted by the FOIC (as calculated using OPM’s budget software). The effect of this difference is that the Summary then recommends funding for Miscellaneous Costs in the amount of $28,805 for each of the two years in the biennium - amounts that are significantly **LOWER** than the amounts requested and needed by the FOIC. These may simply be errors but they will need to be clarified to ensure that the FOIC is appropriately funded.

2. Next, the Governor’s Proposed Budget does not appear to flow from the FOIC’s budget request, as prescribed in Conn. Gen. Stat. Sec. 1-205a; the Governor seeks a reduction (collectively from the FOIC, Office of State Ethics and the State Elections Enforcement Commission) for $69,507 in FY 20 and $87,714 in FY 21 (See Page C-14 of Proposed Appropriations). The Commission believes that the reduction does not comport with the intent of Conn. Gen. Stat. Sec.1-205a. While the reduction amount may not seem big, any amount is large to a tiny agency like the FOIC, with only one line item, particularly when 93% of that line item is for mandatory personnel costs (wages and mandatory salary adjustments), leaving only 7% to run the agency’s entire operation.

3. Finally, the Governor’s proposal does not include the Budget Option requested by the FOIC referenced above, as it should have.

The FOIC respectfully requests that this Committee review and give consideration to the FOIC’s actual budget submission and the supporting documentation it provided; and further that it provide funding for the Staff Attorney position.

The FOIC looks forward to discussing this matter in greater detail with the subcommittee in the very near future. I am happy to answer any questions you may have.