

Connecticut Town Clerks Association, Inc.

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Written Testimony

Mark H. Bernacki, Chair of the Legislative & Elections
Connecticut Town Clerks Association

HB 5011, An Act Concerning the Copying of Public Records Under Freedom of Information Act
Government, Administration & Elections (GAE) Committee
March 10, 2021

Good afternoon Senator Flexer, Representative Fox, Senator Sampson, Representative Mastrofrancesco, and the distinguished members of the Government Administration and Election Committee. My name is Mark Bernacki. I am the New Britain Town & City Clerk and the Chair of the Connecticut Town Clerks Association (CTCA) Legislative & Elections Committee. Thank you for affording me the opportunity to submit this testimony on **HB 5011, An Act Concerning the Copying of Public Records Under Freedom of Information Act.**

We thank the Committee for working with CTCA in exempting land records from this bill. Town clerks are responsible for permanently maintaining land records. Collectively, Connecticut town clerks maintain in excess of 100 million pages of land records. Our offices bear the cost of housing and storing land records in perpetuity. These costs include the use of expensive archival paper, protective heavy binders, microfilming and storage as well as the maintenance of a temperature / humidity controlled vault for permanent records retention.

During the pandemic real property commerce was not curtailed. Closings and recordings continued for deeds or mortgages and off-site 24/7 title searching allowed title searchers, financial institutions, and the legal community to access land records remotely without coming into town halls. For health and safety reasons many town halls had limited, if any, access to the public land record vaults. Having these images available for the searching public allowed for the uninterrupted free flow of commerce. The availability of online images would not have been a possibility without the funding generated from copy fees.

We also thank the Committee for expanding public access to documents available in the town clerk offices by allowing the use of cell phones and other electronic devices to capture non-land record images at no charge. CTCA supports the change in the legislation that, for the electronic capture of land records, Town Clerks cannot charge more than \$20 per day for cell phone or hand held scanner use as long as the public notifies the clerks of the intent.

Thank you for the opportunity to present this testimony.