

# Government Administration and Elections Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-1154

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF

**Title:** PUBLIC ACCOUNTS.

**Vote Date:** 03/22/2023

**Vote Action:** Joint Favorable

**PH Date:** 3/6/2023

**File No.:**

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### SPONSORS OF BILL:

Government Administration and Elections Committee

### REASONS FOR BILL:

To implement the recommendations of the Auditors of Public Accounts contained in their 2022 annual report, such recommendations include exempting the disclosure of whistleblower complaints received by the auditors to protect the identity of whistleblowers. To require the local legislative body or regional board of education to hold a public meeting before submitting a corrective action plan regarding certain audits and replace references to "comprehensive annual financial reports" with "annual comprehensive financial reports". To authorize the Department of Motor Vehicles to conduct periodic background checks of school bus and student transportation vehicle drivers, to ensure the safety of said children.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**William Tong, Attorney General, Office of The Attorney General:** Attorney General William Tong, notes his support for SB-1154, " which would amend the Connecticut Freedom of Information Act to specifically exclude complaints made under the Whistleblower Act from public disclosure". Mr. Tong notes that the whistleblower act is in place to protect individuals who report potential wrongdoing, and that confidentiality is an integral part of it. Mr. Tong concludes his testimony by citing that making these records public would have a "Chilling" effect on future complaints and on individuals who wish to blow the whistle on wrongdoing. The attorney general also asks that a revision be made in section #1.

**John Geragosian, State Auditors-Auditors of Public Accounts:** Mr. Geragosian notes SB-1154 is nearly identical to 2022's SB-438, which passed "overwhelmingly in this committee and unanimously in the Senate". They note several technical changes to which

they would be in support of and conclude by saying they would be happy to answer any questions.

#### **NATURE AND SOURCES OF SUPPORT:**

##### **Jean Cronin, Executive Director, Connecticut School Transportation Association**

**(COSTA):** Ms. Jean Cronin, and COSTA members note in their testimony, that they are not opposed to "the state requiring background checks of school bus drivers at the time of their license renewal" as stated in section #2. But notes how this could cause extreme logistical problems for both the DMV, and school bus drivers. Ms. Cronin asks that members of the committee speak with individuals at the DMV, and DESPP about the ability to process these background checks and ask that these background checks be seamless as school bus driver shortage is prevalent and they do not wish to give more reason for individuals to leave the profession.

#### **NATURE AND SOURCES OF OPPOSITION:**

##### **Jeffrey Daniels, Co-Chair, Legislative Committee of the Connecticut Council on**

**Freedom of Information:** Mr. Daniels opposes SB-1154 noting that it is an "effort to hide formal complaint documents by whistleblowers". Mr. Daniels states that the FOI believes that some whistleblower complaints should be made publicly available, but this should be decided on a case-by-case basis, believing it is in the public interest to view said complaints.

**Anonymous:** Anonymous opposes all bills

**Tom Darna:** Tom Darna opposes SB-1154, claiming that CT has a history of illegal actions by individuals in authority. Mr. Darna believes there should be no legislation that restricts the public's right to knowledge on this topic, and that the safeguards currently in place sufficiently protect an individual's identity.

**Colleen M. Murphy, Executive Director, and General Counsel, FOI Commission:** Ms. Murphy and the FOI commission strongly oppose SB-1154, noting that "not all whistleblower complaints should be exempt from disclosure. Such determinations must necessarily be made on a case-by-case basis". To conclude their testimony, the commission recommends that disclosure be required at the same level as the federal level, noting that "on the federal level, while there are statutory protections for the identity of the whistleblower, records pertaining to an investigation including the substance of the complaints themselves, even if unsubstantiated".

**Reported by: Thomas Togneri**

**Date: 03-22-2023**