



House of Representatives

General Assembly

File No. 465

January Session, 2021

Substitute House Bill No. 5011

House of Representatives, April 15, 2021

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS
UNDER THE FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-212 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2021*):

4 (a) Any person applying in writing shall receive, promptly upon
5 request, a plain, facsimile, electronic or certified copy of any public
6 record. The type of copy provided shall be within the discretion of the
7 public agency, except (1) the agency shall provide a certified copy
8 whenever requested, and (2) if the applicant does not have access to a
9 computer or facsimile machine, the public agency shall not send the
10 applicant an electronic or facsimile copy. [The] Except as provided in
11 subsection (g) of this section and section 7-34a, as amended by this act,
12 the fee for any copy of a record other than a land record provided by a
13 public agency in accordance with the Freedom of Information Act [:

14 (A) By an executive, administrative or legislative office of the state, a
15 state agency or a department, institution, bureau, board, commission,
16 authority or official of the state, including a committee of, or created by,
17 such an office, agency, department, institution, bureau, board,
18 commission, authority or official, and also including any judicial office,
19 official or body or committee thereof but only in respect to its or their
20 administrative functions, shall not exceed twenty-five cents per page;
21 and

22 (B) By all other public agencies, as defined in section 1-200,] shall not
23 exceed [fifty] fifteen cents per page. If any copy provided in accordance
24 with [said] the Freedom of Information Act requires a transcription, or
25 if any person applies for a transcription of a public record, the fee for
26 such transcription shall not exceed the cost thereof to the public agency.

27 Sec. 2. Subsection (e) of section 1-212 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective October*
29 *1, 2021*):

30 (e) Except as otherwise provided by law, the fee for any person who
31 has the custody of any public records or files for certifying any copy of
32 such records or files, or certifying to any fact appearing therefrom, shall
33 be for the first page of such certificate, or copy and certificate, one dollar;
34 and for each additional page, [fifty] fifteen cents. For the purpose of
35 computing such fee, such copy and certificate shall be deemed to be one
36 continuous instrument.

37 Sec. 3. Subsection (g) of section 1-212 of the general statutes is
38 repealed and the following is substituted in lieu thereof (*Effective October*
39 *1, 2021*):

40 (g) Any individual may copy a public record through the use of a
41 hand-held scanner. A public agency [may establish a fee structure not
42 to exceed twenty dollars for an] shall not charge a fee to any individual
43 [to pay each time the individual] who copies records at the agency with
44 a hand-held scanner, except that a public agency may establish a fee
45 structure not to exceed twenty dollars per day for the copying of land

46 records using a hand-held scanner. As used in this section, "hand-held
47 scanner" means a battery operated electronic scanning device the use of
48 which (1) leaves no mark or impression on the public record, and (2)
49 does not unreasonably interfere with the operation of the public agency.
50 "Hand-held scanner" includes, but is not limited to, a mobile telephone
51 or camera.

52 Sec. 4. Subdivision (1) of subsection (a) of section 7-34a of the general
53 statutes is repealed and the following is substituted in lieu thereof
54 (*Effective October 1, 2021*):

55 (a) (1) Town clerks shall receive, for recording any document, ten
56 dollars for the first page and five dollars for each subsequent page or
57 fractional part thereof, a page being not more than eight and one-half by
58 fourteen inches. Town clerks shall receive, for recording the information
59 contained in a certificate of registration for the practice of any of the
60 healing arts, five dollars. Town clerks shall receive, for recording
61 documents conforming to, or substantially similar to, section 47-36c,
62 which are clearly entitled "statutory form" in the heading of such
63 documents, as follows: For the first page of a warranty deed, a quitclaim
64 deed, a mortgage deed, or an assignment of mortgage, ten dollars; for
65 each additional page of such documents, five dollars; and for each
66 assignment of mortgage, subsequent to the first two assignments, two
67 dollars. Town clerks shall receive, for recording any document with
68 respect to which certain data must be submitted by each town clerk to
69 the Secretary of the Office of Policy and Management in accordance with
70 section 10-261b, two dollars in addition to the regular recording fee. Any
71 person who offers any written document for recording in the office of
72 any town clerk, which document fails to have legibly typed, printed or
73 stamped directly beneath the signatures the names of the persons who
74 executed such document, the names of any witnesses thereto and the
75 name of the officer before whom the same was acknowledged, shall pay
76 one dollar in addition to the regular recording fee. Town clerks shall
77 receive, for recording any deed, except a mortgage deed, conveying title
78 to real estate, which deed does not contain the current mailing address
79 of the grantee, five dollars in addition to the regular recording fee. Town

80 clerks shall receive, for filing any document, ten dollars; for receiving
 81 and keeping a survey or map, legally filed in the town clerk's office, ten
 82 dollars; and for indexing such survey or map, in accordance with section
 83 7-32, ten dollars, except with respect to indexing any such survey or map
 84 pertaining to a subdivision of land as defined in section 8-18, in which
 85 event town clerks shall receive twenty dollars for each such indexing.
 86 Town clerks shall receive, for a copy, in any format, of any document
 87 either recorded or filed in their offices that constitutes a land record, one
 88 dollar for each page or fractional part thereof, as the case may be; for
 89 certifying any copy of the same, two dollars; for making a copy of any
 90 survey or map, the actual cost thereof; and for certifying such copy of a
 91 survey or map, two dollars. Town clerks shall receive, for recording the
 92 commission and oath of a notary public, twenty dollars; and for
 93 certifying under seal to the official character of a notary, five dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	1-212(a)
Sec. 2	October 1, 2021	1-212(e)
Sec. 3	October 1, 2021	1-212(g)
Sec. 4	October 1, 2021	7-34a(a)(1)

Statement of Legislative Commissioners:

In Section 3, the second sentence was revised for conciseness.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Various State Agencies	All Funds - Revenue Loss	See Below	See Below

Note: All Funds=All Funds

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
All Municipalities	Revenue Loss	See Below	See Below

Explanation

This bill reduces or eliminates fees for copying certain public records under the Freedom of Information Act (FOIA). This will result in a revenue loss to municipalities and various state agencies. The revenue loss will depend on the number of public records copied and will vary by municipality.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5011*****AN ACT CONCERNING THE COPYING OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT.*****SUMMARY**

This bill reduces or eliminates fees for copying public records under the Freedom of Information Act (FOIA) as follows:

1. reduces the maximum fee public agencies (see BACKGROUND) may charge to \$0.15 per page, excluding land records, which may be charged up to \$1 per agency-copied page (under current law, state governmental entities may charge up to \$0.25 per page and other public agencies may charge up to \$0.50 per page);
2. reduces the fee that public agencies can charge for additional certified pages from \$0.50 to \$0.15 (the \$1.00 fee for the first certified page remains unchanged); and
3. prohibits public agencies from charging individuals a fee for copying public records, excluding land records, using a handheld scanner (e.g., mobile phone or camera).

Currently, public agencies may establish their own fee structure, up to a maximum of \$20 for each time an individual copies public records at the agency using a handheld scanner. For land records, the bill maintains public agencies' ability to charge these individuals up to \$20 per day. FOIA currently defines "handheld scanner" as a battery-operated electronic scanning device that (1) leaves no mark or impression on the public record and (2) does not unreasonably interfere with the public agency's operation.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Public Agency

Generally, under FOIA, a public agency is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is the functional equivalent of these agencies (CGS § 1-200(1)).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/29/2021)