



DENISE MERRILL
SECRETARY OF THE STATE
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**TESTIMONY OF SECRETARY OF THE STATE DENISE W. MERRILL REGARDING
SENATE BILL NO. 880, "AN ACT CONCERNING THE PUBLICATION OF
STATE AGENCY REGULATIONS ON THE INTERNET" BEFORE THE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE**

February 7, 2011

Senator Slossberg, Representative Morin, vice-chairs, ranking members and members of the Government Administration and Elections Committee, thank you for the opportunity to testify regarding Senate Bill 880, "An Act Concerning the Publication of State Agency Regulations on the Internet."

The Office of the Secretary of the State supports the goal of this bill. As Secretary of the State, I strongly support open, transparent government, and the ability of citizens to have ready access to government documents, including regulations. I am also fully supportive of efforts to harness technology to bring government closer to people, and this bill attempts to accomplish that.

My office's concern with this bill concerns the review process in subsection (c), lines 52-57. This language requires the Office of the Secretary of the State to review and certify that the regulation that will be posted on the agency's website is consistent with the regulation previously submitted to the Secretary of the State. This process would be very time consuming, and we do not have the staff available to complete this task.

Currently, the Office of the Secretary of the State accepts regulations from agencies for filing, keeps them on file and makes them available to the public. This ministerial function does not entail substantive review of the language nor does it result in the codification of the regulation by my office. A single regulation could have several independent amendments filed at different times. Our legal staff is working to capacity on the many functions they carry out in our Legislative and Elections Administration Division.

I respectfully suggest that the language be amended to require the agency to certify that the regulation posted is a true and accurate copy of the one officially on file, or that some other means be used to ensure accuracy. My office would be happy to work with the committee to amend the bill so that it can meet its laudable goal.

Thank you again, and please contact me with any questions.