



**Substitute Senate Bill No. 27**

**Public Act No. 12-92**

***AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT.***

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

Section 1. Section 4-167 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013, and applicable to regulations noticed on and after said date*):

(a) In addition to other regulation-making requirements imposed by law, each agency shall: (1) Adopt as a regulation a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests; (2) adopt as a regulation rules of practice setting forth the nature and requirements of all formal and informal procedures available provided such rules shall be in conformance with the provisions of this chapter; and (3) make available for public inspection, upon request, paper copies of all regulations and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions, and all forms and instructions used by the agency.

(b) No agency regulation is enforceable against any person or party, nor may it be invoked by the agency for any purpose, until (1) it has

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been made available for public inspection as provided in this section, and (2) the regulation or a notice of the adoption of the regulation has been published in the Connecticut Law Journal if noticed prior to July 1, 2013, or posted online by the Secretary of the State pursuant to section 4-173, as amended by this act, if noticed on or after July 1, 2013. This provision is not applicable in favor of any person or party who has actual notice or knowledge thereof. The burden of proving the notice or knowledge is on the agency. [The provisions of subdivision (2) of this subsection shall not apply to regulations adopted under subsection (f) of section 4-168.]

Sec. 2. Section 4-168 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013, and applicable to regulations noticed on and after said date*):

(a) Except as provided in [subsection] subsections (f) and (g) of this section, an agency, not less than thirty days prior to adopting a proposed regulation, shall [:(1) Give at least thirty days' notice] (1) give notice by [publication in the Connecticut Law Journal] having the Secretary of the State post a notice of its intended action online. The notice shall include (A) either a statement of the terms or of the substance of the proposed regulation or a description sufficiently detailed so as to apprise persons likely to be affected of the issues and subjects involved in the proposed regulation, (B) a statement of the purposes for which the regulation is proposed, (C) a reference to the statutory authority for the proposed regulation, (D) when, where and how interested persons may obtain a copy of the small business impact and regulatory flexibility analyses required pursuant to section 4-168a, and (E) when, where and how interested persons may present their views on the proposed regulation; (2) give notice electronically to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation; (3) give notice electronically or provide a paper copy to all persons who have made

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requests to the agency for advance notice of its regulation-making proceedings. The agency may charge a reasonable fee for such notice if not given electronically based on the estimated cost of providing the service; (4) provide a paper copy or electronic version of the proposed regulation to persons requesting it. The agency may charge a reasonable fee for paper copies in accordance with the provisions of section 1-212; and (5) [no later than the date of publication of the notice in the Connecticut Law Journal,] prepare a fiscal note, including an estimate of the cost or of the revenue impact (A) on the state or any municipality of the state, and (B) on small businesses in the state, including an estimate of the number of small businesses subject to the proposed regulation and the projected costs, including but not limited to, reporting, recordkeeping and administrative, associated with compliance with the proposed regulation and, if applicable, the regulatory flexibility analysis prepared under section 4-168a. The governing body of any municipality, if requested, shall provide the agency, within twenty working days, with any information that may be necessary for analysis in preparation of such fiscal note. [; (6) afford] Except as provided in subsections (f) and (g) of this section, any such agency shall also: Afford all interested persons reasonable opportunity to submit data, views or arguments, orally at a hearing if granted under [subdivision (7) of] this subsection or in writing, and to inspect and copy or view online and print the fiscal note prepared pursuant to subdivision (5) of this subsection; [(7)] grant an opportunity to present oral argument if requested by fifteen persons, by a governmental subdivision or agency or by an association having not less than fifteen members, if notice of the request is received by the agency [within] not later than fourteen days after the date of [publication] posting of the notice by the Secretary of the State; and [(8)] consider fully all written and oral submissions respecting the proposed regulation and revise the fiscal note prepared in accordance with the provisions of subdivision (5) of this subsection to indicate any changes made in the proposed regulation. Not later than five calendar days after such

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agency submits such notice and documents to the Secretary of the State, the Secretary shall post the notice and all accompanying documents prepared by the agency pursuant to this subsection online and shall electronically notify all persons who have requested to be notified of any regulation-making proceedings. Each agency shall also post the notice and all accompanying documents on its Internet web site. No regulation shall be found invalid due to the failure of an agency to give notice to each committee of cognizance pursuant to subdivision (2) of this subsection, provided one such committee has been so notified.

(b) If an agency is required by a public act to adopt regulations, the agency, ~~[within] not later than~~ five months after the effective date of the public act or by the time specified in the public act, shall ~~[publish in the Connecticut Law Journal the notice required by]~~ post online on its Internet web site notice of its intent to adopt regulations and submit to the office of the Secretary of the State for posting online pursuant to subsection (a) of this section [of its intent to adopt regulations] such notice. If the agency fails to ~~[publish] post~~ the notice within such five-month period or by the time specified in the public act, the agency shall submit ~~[a written] an electronic~~ statement of its reasons for failure to do so to the Governor, the joint standing committee having cognizance of the subject matter of the regulations and the standing legislative regulation review committee. The agency shall submit the required regulations to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, as amended by this act, not later than one hundred eighty days after ~~[publication of] posting~~ the notice of its intent to adopt regulations, or electronically submit a ~~[written] statement~~ of its reasons for failure to do so to the committee.

(c) An agency may begin the regulation-making process under this chapter before the effective date of the public act requiring or

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permitting the agency to adopt regulations, but no regulation may take effect before the effective date of such act.

(d) Upon reaching a decision on whether to proceed with the proposed regulation or to alter its text from that initially proposed, the agency, at least twenty days before submitting the proposed regulation to the standing legislative regulation review committee, shall (1) post on the agency's Internet web site, (2) submit to the office of the Secretary of the State for posting online, and (3) either electronically mail or mail a paper copy to all persons who have made submissions pursuant to [subdivision (6) of] subsection (a) of this section or who have made statements or oral arguments concerning the proposed regulation and who have requested notification, notice that it has decided to take action on the proposed regulation and that it has posted on the agency's Internet web site and has made available for copying and inspection pursuant to the Freedom of Information Act, as defined in section 1-200: [(1)] (A) The final wording of the proposed regulation; [(2)] (B) a statement of the principal reasons in support of its intended action; and [(3)] (C) a statement of the principal considerations in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.

(e) Except as provided in subsection (f) of this section, no regulation may be adopted, amended or repealed by any agency until it is (1) approved by the Attorney General as to legal sufficiency, as provided in section 4-169, (2) approved by the standing legislative regulation review committee, as provided in section 4-170, as amended by this act, and (3) [filed in] posted online by the office of the Secretary of the State, as provided in section 4-172, as amended by this act.

(f) (1) An agency may proceed to adopt an emergency regulation in accordance with this subsection without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable if (A)

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the agency finds that adoption of a regulation upon fewer than thirty days' notice is required (i) due to an imminent peril to the public health, safety or welfare or (ii) by the Commissioner of Energy and Environmental Protection in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, (B) the agency states in writing its reasons for that finding, and (C) the Governor approves such finding in writing.

(2) The original of such emergency regulation and an electronic copy shall be submitted to the standing legislative regulation review committee in the form prescribed in subsection (b) of section 4-170, as amended by this act, together with a statement of the terms or substance of the intended action, the purpose of the action and a reference to the statutory authority under which the action is proposed, not later than ten days, excluding Saturdays, Sundays and holidays, prior to the proposed effective date of such regulation. The committee may approve or disapprove the regulation, in whole or in part, within such ten-day period at a regular meeting, if one is scheduled, or may upon the call of either chairman or any five or more members hold a special meeting for the purpose of approving or disapproving the regulation, in whole or in part. Failure of the committee to act on such regulation within such ten-day period shall be deemed an approval. If the committee disapproves such regulation, in whole or in part, it shall notify the agency of the reasons for its action. An approved regulation, [filed in] posted online by the office of the Secretary of the State, may be effective for a period of not longer than one hundred twenty days renewable once for a period of not exceeding sixty days, provided notification of such sixty-day renewal is [filed in] posted online by the office of the Secretary of the State and [a] an electronic copy of such notice is [given] sent to the committee, but the adoption of an identical regulation in accordance with the

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provisions of subsections (a), (b) and (d) of this section is not precluded. The sixty-day renewal period may be extended an additional sixty days for emergency regulations described in subparagraph (A)(ii) of subdivision (1) of this subsection, provided the Commissioner of Energy and Environmental Protection requests of the standing legislative regulation review committee an extension of the renewal period at the time such regulation is submitted or not less than ten days before the first sixty-day renewal period expires and said committee approves such extension. Failure of the committee to act on such request within ten days shall be deemed an approval of the extension.

(3) If the necessary steps to adopt a permanent regulation, including [publication] the posting of notice of intent to adopt, preparation and submission of a fiscal note in accordance with the provisions of subsection (b) of section 4-170, as amended by this act, and approval by the Attorney General and the standing legislative regulation review committee, are not completed prior to the expiration date of an emergency regulation, the emergency regulation shall cease to be effective on that date.

(g) If an agency finds (1) that technical amendments to an existing regulation are necessary because of (A) the statutory transfer of functions, powers or duties from the agency named in the existing regulation to another agency, (B) a change in the name of the agency, (C) the renumbering of the section of the general statutes containing the statutory authority for the regulation, or (D) a correction in the numbering of the regulation, and no substantive changes are proposed, or (2) that the repeal of a regulation is necessary because the section of the general statutes under which the regulation has been adopted has been repealed and has not been transferred or reenacted, it may elect to comply with the requirements of subsection (a) of this section or may proceed without prior notice or hearing, provided the

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agency has posted such amendments to or repeal of a regulation on its Internet web site. Any such amendments to or repeal of a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, as amended by this act, to the Attorney General, as provided in section 4-169, and to the standing legislative regulation review committee, as provided in section 4-170, as amended by this act, for approval and upon approval shall be [filed in] submitted to the office of the Secretary of the State with, in the case of renumbering of sections only, a correlated table of the former and new section numbers.

(h) No regulation adopted after October 1, 1985, is valid unless adopted in substantial compliance with this section. A proceeding to contest any regulation on the ground of noncompliance with the procedural requirements of this section shall be commenced within two years from the effective date of the regulation.

Sec. 3. Section 4-168b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013, and applicable to regulations noticed on and after said date*):

(a) Each agency shall maintain an official regulation-making record for the period required by law for each regulation it proposes in accordance with the provisions of section 4-168, as amended by this act. The regulation-making record and materials incorporated by reference in the record shall be available for public inspection and copying and when required under any provision of this chapter, posted on the Internet web site of the agency.

(b) The agency regulation-making record shall contain: (1) Copies of all [publications in the Connecticut Law Journal with respect to the regulation or the proceeding upon which the regulation is based] notices of the agency's intent to adopt regulations submitted to the office of the Secretary of the State; (2) a copy of any written analysis

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prepared for the proceeding upon which the regulation is based, including the regulatory flexibility analyses required pursuant to section 4-168a; (3) all written petitions, requests, submissions, and comments received by the agency and considered by the agency in connection with the formulation, proposal or adoption of the regulation or the proceeding upon which the regulation is based; (4) the official transcript, if any, of proceedings upon which the regulation is based or, if not transcribed, any tape recording or stenographic record of such proceedings, and any memoranda prepared by any member or employee of the agency summarizing the contents of the proceedings; (5) a copy of all official documents relating to the regulation, including the regulation [filed in] submitted to the office of the Secretary of the State in accordance with section 4-172, as amended by this act, a statement of the principal considerations in opposition to the agency's action, and the agency's reasons for rejecting such considerations, as required pursuant to section 4-168, as amended by this act, and the fiscal note prepared pursuant to subsection (a) of [said] section 4-168 and section 4-170, as amended by this act; (6) a copy of any petition for the regulation filed pursuant to section 4-174; and (7) copies of all comments or communications between the agency and the legislative regulation review committee.

(c) The agency regulation-making record need not constitute the exclusive basis for agency action on that regulation or for judicial review thereof.

Sec. 4. Subsection (b) of section 4-170 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) (1) No adoption, amendment or repeal of any regulation, except a regulation issued pursuant to subsection (f) of section 4-168, as amended by this act, shall be effective until (A) the original of the proposed regulation approved by the Attorney General, as provided in

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section 4-169, the regulatory flexibility analyses as provided in section 4-168a and an electronic copy thereof are submitted to the standing legislative regulation review committee at the designated office of the committee, in a manner designated by the committee, by the agency proposing the regulation, (B) the regulation is approved by the committee, at a regular meeting or a special meeting called for the purpose, and (C) a certified copy of the regulation [is filed in] and an electronic copy are submitted to the office of the Secretary of the State by the agency, as provided in section 4-172, as amended by this act, and the regulation is posted online by the Secretary. (2) The date of submission for purposes of subsection (c) of this section shall be the first Tuesday of each month. Any regulation received by the committee on or before the first Tuesday of a month shall be deemed to have been submitted on the first Tuesday of that month. Any regulation submitted after the first Tuesday of a month shall be deemed to be submitted on the first Tuesday of the next succeeding month. (3) The form of proposed regulations which are submitted to the committee shall be as follows: New language added to an existing regulation shall be in capital letters or underlining, as determined by the committee; language to be deleted shall be enclosed in brackets and a new regulation or new section of a regulation shall be preceded by the word "(NEW)" in capital letters. Each proposed regulation shall have a statement of its purpose following the final section of the regulation. (4) The committee may permit any proposed regulation, including, but not limited to, a proposed regulation which by reference incorporates in whole or in part, any other code, rule, regulation, standard or specification, to be submitted in summary form together with a statement of purpose for the proposed regulation. On and after October 1, 1994, if the committee finds that a federal statute requires, as a condition of the state exercising regulatory authority, that a Connecticut regulation at all times must be identical to a federal statute or regulation, then the committee may approve a Connecticut regulation that by reference specifically incorporates future

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amendments to such federal statute or regulation provided the agency that proposed the Connecticut regulation shall submit for approval amendments to such Connecticut regulations to the committee not later than thirty days after the effective date of such amendment, and provided further the committee may hold a public hearing on such Connecticut amendments. (5) The agency shall append a copy of the fiscal note, prepared pursuant to subsection (a) of section 4-168, as amended by this act, to each copy of the proposed regulation. At the time of submission to the committee, the agency shall submit an electronic copy of the proposed regulation and the fiscal note to (A) the Office of Fiscal Analysis which, not later than seven days after receipt, shall submit an analysis of the fiscal note to the committee; and (B) each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation. No regulation shall be found invalid due to the failure of an agency to submit a copy of the proposed regulation and the fiscal note to each committee of cognizance, provided such regulation and fiscal note has been submitted to one such committee.

Sec. 5. Subsections (e) and (f) of section 4-170 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013, and applicable to regulations noticed on and after said date*):

(e) If the committee rejects a proposed regulation without prejudice, in whole or in part, it shall notify the agency of the reasons for the rejection and the agency shall resubmit the regulation in revised form, if the adoption of such regulation is required by the general statutes or any public or special act, not later than the first Tuesday of the second month following such rejection without prejudice and may so resubmit any other regulation, in the same manner as provided in this section for the initial submission with a summary of revisions identified by paragraph. The committee shall review and take action on such

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revised regulation no later than thirty-five days after the date of submission, as provided in subsection (b) of this section. [Publication] Posting of the notice [in the Connecticut Law Journal] online pursuant to the provisions of section 4-168, as amended by this act, shall not be required in the case of such resubmission.

(f) If an agency fails to [file] submit any regulation approved in whole or in part by the standing legislative regulation review committee [in] to the office of the Secretary of the State as provided in section 4-172, as amended by this act, [within] not later than fourteen days after the date of approval, the agency shall notify the committee, [within] not later than five days after such fourteen-day period, of its reasons for [not so filing] failing to submit such regulation. If any agency fails to comply with the time limits established under subsection (b) of section 4-168, as amended by this act, or under subsection (e) of this section, the administrative head of such agency shall submit to the committee a written explanation of the reasons for such noncompliance. The committee, upon the affirmative vote of two-thirds of its members, may grant an extension of the time limits established under subsection (b) of section 4-168, as amended by this act, and under subsection (e) of this section. If no such extension is granted, the administrative head of the agency shall personally appear before the standing legislative regulation review committee, at a time prescribed by the committee, to explain such failure to comply. After any such appearance, the committee may, upon the affirmative vote of two-thirds of its members, report such noncompliance to the Governor. Within fourteen days thereafter the Governor shall report to the committee concerning the action the Governor has taken to ensure compliance with the provisions of section 4-168, as amended by this act, and with the provisions of this section.

Sec. 6. Section 4-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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(a) After approval of a regulation as required by sections 4-169 and 4-170, as amended by this act, or after reversal of a decision of the standing committee by the General Assembly pursuant to section 4-171, each agency shall [file in] submit to the office of the Secretary of the State [two certified copies] a certified copy and an electronic copy of such regulation. The agency shall file with such electronic copy a statement from the department head of such agency certifying that such electronic copy is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170, as amended by this act. Each regulation when [filed] so electronically submitted shall be in the form intended for [publication] posting online, and each section of the regulation shall include the appropriate regulation section number and a section heading. The Secretary of the State shall, [keep a permanent register of the regulations open to public inspection] not later than five calendar days after the electronic submission by the agency, post each such regulation online.

(b) Each regulation hereafter adopted is effective upon [filing] its posting online by the Secretary of the State in accordance with this section, except that: (1) If a later date is required by statute or specified in the regulation, the later date is the effective date; (2) a regulation may not be effective before the effective date of the public act requiring or permitting the regulation; and (3) subject to applicable constitutional or statutory provisions, an emergency regulation becomes effective immediately upon [filing with] electronic submission to the Secretary of the State, or at a stated date less than twenty days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. The agency's finding and a brief statement of the reasons therefor shall be [filed] submitted with the regulation. The agency shall take appropriate measures to make emergency regulations known to the persons who may be affected by them including, but not limited to, by posting such emergency regulations on the agency's Internet web

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site.

[(c) The Secretary of the State, upon receipt of the certified copies of each regulation as provided in subsection (a) of this section, shall include the effective date of the particular regulation on one copy thereof, and forward the copy to the Commission on Official Legal Publications which shall publish the regulation in accordance with the provisions of section 4-173.]

Sec. 7. Section 4-173 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The [Commission on Official Legal Publications] Secretary of the State shall [publish and distribute] post online a compilation of all effective regulations adopted by all state agencies subsequent to October 27, 1970, [except regulations adopted pursuant to subsection (f) of section 4-168. Such publication may be a supplement to or revision of the most current compilation, and shall be published at least semiannually. The Commission on Official Legal Publications] in a manner that is easily accessible to and searchable by the public. The Secretary of the State may omit from such compilation (1) any regulation that is incorporated by reference into a Connecticut regulation and published by or otherwise available in printed or electronic form from a federal agency [,] or a government agency of another state, [or a commercial publishing company,] and (2) any regulation that [is too expensive to publish, or (3) any regulation the publication of which would be unduly cumbersome] is incorporated by reference into a Connecticut regulation and to which a third party holds the intellectual property rights, until such time as the Secretary of the Office of Policy and Management obtains a licensing agreement in accordance with section 8 of this act. If the [commission] Secretary of the State omits a regulation from the compilation, [it] the secretary shall publish in the compilation a notice identifying the omitted regulation, stating the general subject matter of the regulation and

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stating an address, telephone number, web site link, if applicable, and any other information needed to obtain a copy of the regulation. The Secretary of the State shall also provide a web site link, if applicable, to any regulation that is incorporated by reference into a Connecticut regulation. Such [address and telephone number] information shall be kept current [in each semiannual publication of the compilation. The commission shall publish any regulation that has been omitted from publication under subdivision (2) of this subsection as soon as the commission has sufficient funds] and updated not less than quarterly.

(b) All regulations posted online pursuant to subsection (a) of this section shall be accessible to the public and shall be the official version of the regulations of Connecticut state agencies for all purposes, including all legal and administrative proceedings. The Secretary of the State may adopt regulations, in accordance with the provisions of this chapter, specifying the format in which state agencies shall submit the final approved version of such regulations and all other documents required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-172, as amended by this act.

[(b) The Commission on Official Legal Publications shall in addition cause to be published in the Connecticut Law Journal at least monthly the text of all regulations received by the commission from the office of the Secretary of the State pursuant to section 4-172 during the preceding month. The commission may omit from the Connecticut Law Journal (1) any regulation submitted in accordance with subsection (g) of section 4-168, for the purposes of renumbering sections only, if a correlated table of the former and new section numbers is published in lieu of the full text, (2) any regulation that is incorporated by reference into a Connecticut regulation and published by or otherwise available in printed form from a federal agency, a government agency of another state or a commercial publishing company, and (3) any regulation the publication of which would be

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too expensive or unduly cumbersome. If the commission omits a regulation from publication in the Connecticut Law Journal under subdivision (2) or (3) of this subsection, the commission shall publish in the Connecticut Law Journal a notice identifying the omitted regulation, stating the general subject matter of the regulation and stating an address, telephone number and any other information needed to obtain a copy of the regulation.

(c) Each agency which adopts a regulation shall make the regulation available for inspection and copying at its main office.

(d) Any publication made pursuant to subsections (a) and (b) of this section shall be made available upon request to agencies and officials of this state free of charge, and to other persons at prices fixed by the Commission on Official Legal Publications, in accordance with section 51-216b.

(e) The compilation of regulations published under subsection (a) of this section and all Connecticut regulations omitted from the compilation under subsection (a) shall be maintained in the reference collection of each law library described in section 11-19a.]

Sec. 8. (NEW) (*Effective from passage*) The Secretary of the Office of Policy and Management shall seek to obtain one or more licensing agreements with the International Code Council, American Society of Mechanical Engineers, National Safety Council, National Fire Protection Association or other entity, as applicable, to permit the posting online in accordance with the provisions of chapter 54 of the general statutes of all codes or other standards incorporated by reference into regulations adopted in accordance with the provisions of chapter 54 of the general statutes by state agencies, including, but not limited to, the State Building Code, State Fire Safety Code, State Fire Prevention Code, Connecticut Safety Code for Elevators and Escalators, Safety Code for Passenger Tramways, Safety Code for

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Operation and Maintenance of Cranes, Oil Burning Equipment Code, Flammable and Combustible Liquids Code, Gas Equipment and Piping Code, Liquefied Petroleum Gas and Liquefied Natural Gas Code, Hazardous Chemicals Code and Model Rocketry Code.

Sec. 9. Section 17b-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Department of Social Services shall prepare and routinely update state medical services and public assistance manuals. The pages of such manuals shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure, written in clear and concise language. Said manuals shall be published by the department, posted on the Internet web site of the department and distributed so that they are available to (1) all regional and subregional offices of the Department of Social Services; (2) each town hall in the state; (3) all legal assistance programs in the state; and (4) any interested member of the public who requests a copy. All policy manuals of the department, as they exist on May 23, 1984, including the supporting bulletins but not including statements concerning only the internal management of the department and not affecting private rights or procedures available to the public, shall be construed to have been adopted as regulations in accordance with the provisions of chapter 54. After May 23, 1984, any policy issued by the department, except a policy necessary to conform to a requirement of a federal or joint federal and state program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, shall be adopted as a regulation in accordance with the provisions of chapter 54.

(b) The department shall adopt as a regulation in accordance with the provisions of chapter 54, any new policy necessary to conform to a requirement of an approved federal waiver application initiated in

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accordance with section 17b-8 and any new policy necessary to conform to a requirement of a federal or joint state and federal program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, but the department may operate under such policy while it is in the process of adopting the policy as a regulation, provided the Department of Social Services posts such policy on its Internet web site, submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulation in the Connecticut Law Journal [within] not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.

(c) On and after July 1, 2004, the department shall submit proposed regulations that are required by subsection (b) of this section to the standing legislative regulation review committee, as provided in subsection (b) of section 4-170, as amended by this act, not later than one hundred eighty days after publication of the notice of its intent to adopt regulations. The department shall include with the proposed regulation a statement identifying (1) the date on which the proposed regulation became effective as a policy as provided in subsection (b) of this section, and (2) any provisions of the proposed regulation that are no longer in effect on the date of the submittal of the proposed regulation, together with a list of all policies that the department has operated under, as provided in subsection (b) of this section, that superseded any provision of the proposed regulation.

(d) In lieu of submitting proposed regulations by the date specified in subsection (c) of this section, the department may submit to the legislative regulation review committee a notice not later than thirty-five days before such date that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not

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submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in subsection (c) of this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.

(e) If amendments to an existing regulation are necessary solely to conform the regulation to amendments to the general statutes, and if the amendments to the regulation do not entail any discretion by the department, the department may elect to comply with the requirements of subsection (a) of section 4-168, as amended by this act, or may proceed without prior notice or hearing, provided the department has posted such amendments on its Internet web site. Any such amendments to a regulation shall be submitted in the form and manner prescribed in subsection (b) of section 4-170, as amended by this act, to the Attorney General, as provided in section 4-169, and to the committee, as provided in section 4-170, as amended by this act, for approval and upon approval shall be [filed in] submitted to the office of the Secretary of the State for posting online in accordance with section 4-172, as amended by this act.

Sec. 10. Section 17b-423 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

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(a) The Department of Social Services shall prepare and routinely update a community services policy manual. The pages of such manual shall be consecutively numbered and indexed, containing all departmental policy regulations and substantive procedure. Such manual shall be published by the department, posted on the Internet web site of the department and distributed so that it is available to all district, subdistrict and field offices of the Department of Social Services. The Department of Social Services shall adopt such policy manual in regulation form in accordance with the provisions of chapter 54. The department may operate under any new policy necessary to conform to a requirement of a federal or joint state and federal program. The department may operate under any new policy while it is in the process of adopting the policy in regulation form, provided the Department of Social Services posts such policy on its Internet web site and submits such policy electronically to the Secretary of the State for posting online prior to adopting the policy and prints notice of intent to adopt the regulations in the Connecticut Law Journal [within] not later than twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective.

(b) The Department of Social Services shall write the community services policy manual using plain language as described in section 42-152. The manual shall include an index for frequent referencing and a separate section or manual which specifies procedures to follow to clarify policy.

Sec. 11. (NEW) (*Effective July 1, 2013*) Notwithstanding any provision of the general statutes, no policy or procedure that is implemented by any state agency while in the process of adopting such policy or procedure in regulation form shall become effective unless such agency has (1) posted such policy or procedure on its Internet web site prior to implementation, (2) electronically submitted

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such policy or procedure to the Secretary of the State to be posted in the online database on the Secretary's Internet web site prior to implementation, and (3) complied with every other requirement of the authorizing statute. Any state agency that has implemented such a policy or procedure prior to July 1, 2013, that is in effect on said date shall, not later than October 1, 2013, post such policy or procedure on its Internet web site and electronically submit such policy or procedure to the Secretary of the State to be posted in the online database on the Secretary's Internet web site. At the time of submission of adopted regulations that supersede such policy or procedure to the Secretary of the State in accordance with section 4-172 of the general statutes, as amended by this act, the agency shall notify the Secretary of the State that such policy or procedure is no longer in effect and the Secretary of the State shall remove such posted policy or procedure from its Internet web site.

Sec. 12. (NEW) (*Effective July 1, 2013*) Any state agency that has written a manual or other guidance document shall post such manual or document on its Internet web site. The provisions of this section shall not be construed to require the posting of any record that is (1) protected from disclosure under any provision of the general statutes or under federal law, or (2) exempt from disclosure under chapter 14 of the general statutes.

Sec. 13. Subsection (c) of section 51-216a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) [In addition to the publication of regulations pursuant to section 4-173, the] The commission shall publish in the Connecticut Law Journal except as they may be incorporated into any revision of the Connecticut Practice Book: (1) Rules adopted by the judges of the Supreme Court, including but not limited to the rules adopted by the Supreme Court for the courts of probate, (2) the rules of the Appellate

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Court, and (3) the rules of the Superior Court.

Sec. 14. Subsection (g) of section 51-216a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) All official legal publications published by the commission pursuant to this section [and each compilation of effective regulations published by the commission pursuant to section 4-173] shall be printed on paper that meets or exceeds the American National Standards Institute standards for permanent paper, unless such paper is not available.

Sec. 15. (*Effective from passage*) (a) There is established a Regulations Modernization task force. The task force shall consist of eleven members appointed by the Governor. All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the Governor. The Governor shall select the chairperson of the task force from among the members of the task force.

(b) The Department of Administrative Services shall provide administrative staff support for the task force.

(c) The task force, in consultation with the Secretary of the State and the State Librarian or the Public Records Administrator, shall develop a plan to ensure that by July 1, 2013, the regulations of Connecticut state agencies are available to the public in an easily accessible online format. The task force shall submit the plan not later than January 1, 2013, to the standing legislative regulation review committee and the Governor, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date it submits such plan or January 1, 2013, whichever is later. The plan shall include, but not be limited to:

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(1) An identification of all physical equipment and software needed to transition the regulations of Connecticut state agencies to an online format;

(2) A recommendation identifying the appropriate state agency to supervise continued maintenance of an online system once established;

(3) A description of all training that will be necessary to instruct existing staff on the use and maintenance of such system;

(4) A description of the anticipated additional workload and agency responsibilities that will be required to transition all such regulations to an online format and to maintain such system once established;

(5) A description of the anticipated reduction in workload and cost savings that will be achieved as a result of transitioning all such regulations to an online format;

(6) An estimate of the cost to implement and maintain such system along with recommendations on how the state may recover such costs; and

(7) Recommendations for any additional legislation the task force finds necessary to facilitate the transition of such regulations to an online format.

(d) The task force shall, if necessary, employ an expert consultant to advise the task force on technical aspects involved with implementing and maintaining an online system of the regulations of Connecticut state agencies. The task force may seek bond funds, through the Department of Administrative Services, to pay the costs of such consultant.

(e) The Legislative Commissioners' Office, the Commission on Official Legal Publications and all executive branch agencies shall

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cooperate and provide information to the task force as necessary to fulfill its duties.