



General Assembly

Amendment

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Offered by:

SEN. SLOSSBERG, 14th Dist.

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To: Subst. Senate Bill No. 27

File No. 152

Cal. No. 138

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 4-167 of the general statutes is repealed and the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

6 (a) In addition to other regulation-making requirements imposed by
7 law, each agency shall: (1) Adopt as a regulation a description of its
8 organization, stating the general course and method of its operations
9 and the methods whereby the public may obtain information or make
10 submissions or requests; (2) adopt as a regulation rules of practice
11 setting forth the nature and requirements of all formal and informal
12 procedures available provided such rules shall be in conformance with
13 the provisions of this chapter; and (3) make available for public
14 inspection, upon request, paper copies of all regulations and all other

15 written statements of policy or interpretations formulated, adopted or
16 used by the agency in the discharge of its functions, and all forms and
17 instructions used by the agency.

18 (b) No agency regulation is enforceable against any person or party,
19 nor may it be invoked by the agency for any purpose, until (1) it has
20 been made available for public inspection as provided in this section,
21 and (2) the regulation or a notice of the adoption of the regulation has
22 been published in the Connecticut Law Journal if noticed prior to July
23 1, 2013, or posted online by the Secretary of the State pursuant to
24 section 4-173, as amended by this act, if noticed on or after July 1, 2013.
25 This provision is not applicable in favor of any person or party who
26 has actual notice or knowledge thereof. The burden of proving the
27 notice or knowledge is on the agency. [The provisions of subdivision
28 (2) of this subsection shall not apply to regulations adopted under
29 subsection (f) of section 4-168.]

30 Sec. 2. Section 4-168 of the 2012 supplement to the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective July*
32 *1, 2013, and applicable to regulations noticed on and after said date*):

33 (a) Except as provided in [subsection] subsections (f) and (g) of this
34 section, an agency, not less than thirty days prior to adopting a
35 proposed regulation, shall [: (1) Give at least thirty days' notice] (1)
36 give notice by [publication in the Connecticut Law Journal] having the
37 Secretary of the State post a notice of its intended action online. The
38 notice shall include (A) either a statement of the terms or of the
39 substance of the proposed regulation or a description sufficiently
40 detailed so as to apprise persons likely to be affected of the issues and
41 subjects involved in the proposed regulation, (B) a statement of the
42 purposes for which the regulation is proposed, (C) a reference to the
43 statutory authority for the proposed regulation, (D) when, where and
44 how interested persons may obtain a copy of the small business impact
45 and regulatory flexibility analyses required pursuant to section 4-168a,
46 and (E) when, where and how interested persons may present their
47 views on the proposed regulation; (2) give notice electronically to each

48 joint standing committee of the General Assembly having cognizance
49 of the subject matter of the proposed regulation; (3) give notice
50 electronically or provide a paper copy to all persons who have made
51 requests to the agency for advance notice of its regulation-making
52 proceedings. The agency may charge a reasonable fee for such notice if
53 not given electronically based on the estimated cost of providing the
54 service; (4) provide a paper copy or electronic version of the proposed
55 regulation to persons requesting it. The agency may charge a
56 reasonable fee for paper copies in accordance with the provisions of
57 section 1-212; and (5) [no later than the date of publication of the notice
58 in the Connecticut Law Journal,] prepare a fiscal note, including an
59 estimate of the cost or of the revenue impact (A) on the state or any
60 municipality of the state, and (B) on small businesses in the state,
61 including an estimate of the number of small businesses subject to the
62 proposed regulation and the projected costs, including but not limited
63 to, reporting, recordkeeping and administrative, associated with
64 compliance with the proposed regulation and, if applicable, the
65 regulatory flexibility analysis prepared under section 4-168a. The
66 governing body of any municipality, if requested, shall provide the
67 agency, within twenty working days, with any information that may
68 be necessary for analysis in preparation of such fiscal note. [; (6) afford]
69 Except as provided in subsections (f) and (g) of this section, any such
70 agency shall also: Afford all interested persons reasonable opportunity
71 to submit data, views or arguments, orally at a hearing if granted
72 under [subdivision (7) of] this subsection or in writing, and to inspect
73 and copy or view online and print the fiscal note prepared pursuant to
74 subdivision (5) of this subsection; [(7)] grant an opportunity to present
75 oral argument if requested by fifteen persons, by a governmental
76 subdivision or agency or by an association having not less than fifteen
77 members, if notice of the request is received by the agency [within] not
78 later than fourteen days after the date of [publication] posting of the
79 notice by the Secretary of the State; and [(8)] consider fully all written
80 and oral submissions respecting the proposed regulation and revise
81 the fiscal note prepared in accordance with the provisions of
82 subdivision (5) of this subsection to indicate any changes made in the

83 proposed regulation. Not later than five calendar days after such
84 agency submits such notice and documents to the Secretary of the
85 State, the Secretary shall post the notice and all accompanying
86 documents prepared by the agency pursuant to this subsection online
87 and shall electronically notify all persons who have requested to be
88 notified of any regulation-making proceedings. Each agency shall also
89 post the notice and all accompanying documents on its Internet web
90 site. No regulation shall be found invalid due to the failure of an
91 agency to give notice to each committee of cognizance pursuant to
92 subdivision (2) of this subsection, provided one such committee has
93 been so notified.

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

113 (c) An agency may begin the regulation-making process under this
114 chapter before the effective date of the public act requiring or
115 permitting the agency to adopt regulations, but no regulation may take

116 effect before the effective date of such act.

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

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

143 (f) (1) An agency may proceed to adopt an emergency regulation in
144 accordance with this subsection without prior notice or hearing or
145 upon any abbreviated notice and hearing that it finds practicable if (A)
146 the agency finds that adoption of a regulation upon fewer than thirty
147 days' notice is required (i) due to an imminent peril to the public
148 health, safety or welfare or (ii) by the Commissioner of Energy and

149 Environmental Protection in order to comply with the provisions of
150 interstate fishery management plans adopted by the Atlantic States
151 Marine Fisheries Commission or to meet unforeseen circumstances or
152 emergencies affecting marine resources, (B) the agency states in
153 writing its reasons for that finding, and (C) the Governor approves
154 such finding in writing.

155 (2) The original of such emergency regulation and an electronic
156 copy shall be submitted to the standing legislative regulation review
157 committee in the form prescribed in subsection (b) of section 4-170, as
158 amended by this act, together with a statement of the terms or
159 substance of the intended action, the purpose of the action and a
160 reference to the statutory authority under which the action is
161 proposed, not later than ten days, excluding Saturdays, Sundays and
162 holidays, prior to the proposed effective date of such regulation. The
163 committee may approve or disapprove the regulation, in whole or in
164 part, within such ten-day period at a regular meeting, if one is
165 scheduled, or may upon the call of either chairman or any five or more
166 members hold a special meeting for the purpose of approving or
167 disapproving the regulation, in whole or in part. Failure of the
168 committee to act on such regulation within such ten-day period shall
169 be deemed an approval. If the committee disapproves such regulation,
170 in whole or in part, it shall notify the agency of the reasons for its
171 action. An approved regulation, [filed in] posted online by the office of
172 the Secretary of the State, may be effective for a period of not longer
173 than one hundred twenty days renewable once for a period of not
174 exceeding sixty days, provided notification of such sixty-day renewal
175 is [filed in] posted online by the office of the Secretary of the State and
176 [a] an electronic copy of such notice is [given] sent to the committee,
177 but the adoption of an identical regulation in accordance with the
178 provisions of subsections (a), (b) and (d) of this section is not
179 precluded. The sixty-day renewal period may be extended an
180 additional sixty days for emergency regulations described in
181 subparagraph (A)(ii) of subdivision (1) of this subsection, provided the
182 Commissioner of Energy and Environmental Protection requests of the

183 standing legislative regulation review committee an extension of the
184 renewal period at the time such regulation is submitted or not less
185 than ten days before the first sixty-day renewal period expires and said
186 committee approves such extension. Failure of the committee to act on
187 such request within ten days shall be deemed an approval of the
188 extension.

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

197 (g) If an agency finds (1) that technical amendments to an existing
198 regulation are necessary because of (A) the statutory transfer of
199 functions, powers or duties from the agency named in the existing
200 regulation to another agency, (B) a change in the name of the agency,
201 (C) the renumbering of the section of the general statutes containing
202 the statutory authority for the regulation, or (D) a correction in the
203 numbering of the regulation, and no substantive changes are
204 proposed, or (2) that the repeal of a regulation is necessary because the
205 section of the general statutes under which the regulation has been
206 adopted has been repealed and has not been transferred or reenacted,
207 it may elect to comply with the requirements of subsection (a) of this
208 section or may proceed without prior notice or hearing, provided the
209 agency has posted such amendments to or repeal of a regulation on its
210 Internet web site. Any such amendments to or repeal of a regulation
211 shall be submitted in the form and manner prescribed in subsection (b)
212 of section 4-170, as amended by this act, to the Attorney General, as
213 provided in section 4-169, and to the standing legislative regulation
214 review committee, as provided in section 4-170, as amended by this
215 act, for approval and upon approval shall be [filed in] submitted to the

216 office of the Secretary of the State with, in the case of renumbering of
217 sections only, a correlated table of the former and new section
218 numbers.

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

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

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

234 (b) The agency regulation-making record shall contain: (1) Copies of
235 all [publications in the Connecticut Law Journal with respect to the
236 regulation or the proceeding upon which the regulation is based]
237 notices of the agency's intent to adopt regulations submitted to the
238 office of the Secretary of the State; (2) a copy of any written analysis
239 prepared for the proceeding upon which the regulation is based,
240 including the regulatory flexibility analyses required pursuant to
241 section 4-168a; (3) all written petitions, requests, submissions, and
242 comments received by the agency and considered by the agency in
243 connection with the formulation, proposal or adoption of the
244 regulation or the proceeding upon which the regulation is based; (4)
245 the official transcript, if any, of proceedings upon which the regulation
246 is based or, if not transcribed, any tape recording or stenographic
247 record of such proceedings, and any memoranda prepared by any

248 member or employee of the agency summarizing the contents of the
249 proceedings; (5) a copy of all official documents relating to the
250 regulation, including the regulation [filed in] submitted to the office of
251 the Secretary of the State in accordance with section 4-172, as amended
252 by this act, a statement of the principal considerations in opposition to
253 the agency's action, and the agency's reasons for rejecting such
254 considerations, as required pursuant to section 4-168, as amended by
255 this act, and the fiscal note prepared pursuant to subsection (a) of
256 [said] section 4-168 and section 4-170, as amended by this act; (6) a
257 copy of any petition for the regulation filed pursuant to section 4-174;
258 and (7) copies of all comments or communications between the agency
259 and the legislative regulation review committee.

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

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

266 (b) (1) No adoption, amendment or repeal of any regulation, except
267 a regulation issued pursuant to subsection (f) of section 4-168, as
268 amended by this act, shall be effective until (A) the original of the
269 proposed regulation approved by the Attorney General, as provided in
270 section 4-169, the regulatory flexibility analyses as provided in section
271 4-168a and an electronic copy thereof are submitted to the standing
272 legislative regulation review committee at the designated office of the
273 committee, in a manner designated by the committee, by the agency
274 proposing the regulation, (B) the regulation is approved by the
275 committee, at a regular meeting or a special meeting called for the
276 purpose, and (C) a certified copy of the regulation [is filed in] and an
277 electronic copy are submitted to the office of the Secretary of the State
278 by the agency, as provided in section 4-172, as amended by this act,
279 and the regulation is posted online by the Secretary. (2) The date of
280 submission for purposes of subsection (c) of this section shall be the

281 first Tuesday of each month. Any regulation received by the committee
282 on or before the first Tuesday of a month shall be deemed to have been
283 submitted on the first Tuesday of that month. Any regulation
284 submitted after the first Tuesday of a month shall be deemed to be
285 submitted on the first Tuesday of the next succeeding month. (3) The
286 form of proposed regulations which are submitted to the committee
287 shall be as follows: New language added to an existing regulation shall
288 be in capital letters or underlining, as determined by the committee;
289 language to be deleted shall be enclosed in brackets and a new
290 regulation or new section of a regulation shall be preceded by the
291 word "(NEW)" in capital letters. Each proposed regulation shall have a
292 statement of its purpose following the final section of the regulation.
293 (4) The committee may permit any proposed regulation, including, but
294 not limited to, a proposed regulation which by reference incorporates
295 in whole or in part, any other code, rule, regulation, standard or
296 specification, to be submitted in summary form together with a
297 statement of purpose for the proposed regulation. On and after
298 October 1, 1994, if the committee finds that a federal statute requires,
299 as a condition of the state exercising regulatory authority, that a
300 Connecticut regulation at all times must be identical to a federal statute
301 or regulation, then the committee may approve a Connecticut
302 regulation that by reference specifically incorporates future
303 amendments to such federal statute or regulation provided the agency
304 that proposed the Connecticut regulation shall submit for approval
305 amendments to such Connecticut regulations to the committee not
306 later than thirty days after the effective date of such amendment, and
307 provided further the committee may hold a public hearing on such
308 Connecticut amendments. (5) The agency shall append a copy of the
309 fiscal note, prepared pursuant to subsection (a) of section 4-168, as
310 amended by this act, to each copy of the proposed regulation. At the
311 time of submission to the committee, the agency shall submit an
312 electronic copy of the proposed regulation and the fiscal note to (A) the
313 Office of Fiscal Analysis which, not later than seven days after receipt,
314 shall submit an analysis of the fiscal note to the committee; and (B)
315 each joint standing committee of the General Assembly having

316 cognizance of the subject matter of the proposed regulation. No
317 regulation shall be found invalid due to the failure of an agency to
318 submit a copy of the proposed regulation and the fiscal note to each
319 committee of cognizance, provided such regulation and fiscal note has
320 been submitted to one such committee.

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

325 (e) If the committee rejects a proposed regulation without prejudice,
326 in whole or in part, it shall notify the agency of the reasons for the
327 rejection and the agency shall resubmit the regulation in revised form,
328 if the adoption of such regulation is required by the general statutes or
329 any public or special act, not later than the first Tuesday of the second
330 month following such rejection without prejudice and may so resubmit
331 any other regulation, in the same manner as provided in this section
332 for the initial submission with a summary of revisions identified by
333 paragraph. The committee shall review and take action on such
334 revised regulation no later than thirty-five days after the date of
335 submission, as provided in subsection (b) of this section. [Publication]
336 Posting of the notice [in the Connecticut Law Journal] online pursuant
337 to the provisions of section 4-168, as amended by this act, shall not be
338 required in the case of such resubmission.

339 (f) If an agency fails to [file] submit any regulation approved in
340 whole or in part by the standing legislative regulation review
341 committee [in] to the office of the Secretary of the State as provided in
342 section 4-172, as amended by this act, [within] not later than fourteen
343 days after the date of approval, the agency shall notify the committee,
344 [within] not later than five days after such fourteen-day period, of its
345 reasons for [not so filing] failing to submit such regulation. If any
346 agency fails to comply with the time limits established under
347 subsection (b) of section 4-168, as amended by this act, or under
348 subsection (e) of this section, the administrative head of such agency

349 shall submit to the committee a written explanation of the reasons for
350 such noncompliance. The committee, upon the affirmative vote of two-
351 thirds of its members, may grant an extension of the time limits
352 established under subsection (b) of section 4-168, as amended by this
353 act, and under subsection (e) of this section. If no such extension is
354 granted, the administrative head of the agency shall personally appear
355 before the standing legislative regulation review committee, at a time
356 prescribed by the committee, to explain such failure to comply. After
357 any such appearance, the committee may, upon the affirmative vote of
358 two-thirds of its members, report such noncompliance to the
359 Governor. Within fourteen days thereafter the Governor shall report to
360 the committee concerning the action the Governor has taken to ensure
361 compliance with the provisions of section 4-168, as amended by this
362 act, and with the provisions of this section.

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

365 (a) After approval of a regulation as required by sections 4-169 and
366 4-170, as amended by this act, or after reversal of a decision of the
367 standing committee by the General Assembly pursuant to section 4-
368 171, each agency shall [file in] submit to the office of the Secretary of
369 the State [two certified copies] a certified copy and an electronic copy
370 of such regulation. The agency shall file with such electronic copy a
371 statement from the department head of such agency certifying that
372 such electronic copy is a true and accurate copy of the regulation
373 approved in accordance with sections 4-169 and 4-170, as amended by
374 this act. Each regulation when [filed] so electronically submitted shall
375 be in the form intended for [publication] posting online, and each
376 section of the regulation shall include the appropriate regulation
377 section number and a section heading. The Secretary of the State shall,
378 [keep a permanent register of the regulations open to public
379 inspection] not later than five calendar days after the electronic
380 submission by the agency, post each such regulation online.

381 (b) Each regulation hereafter adopted is effective upon [filing] its

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

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

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

406 (a) The [Commission on Official Legal Publications] Secretary of the
407 State shall [publish and distribute] post online a compilation of all
408 effective regulations adopted by all state agencies subsequent to
409 October 27, 1970, [except regulations adopted pursuant to subsection
410 (f) of section 4-168. Such publication may be a supplement to or
411 revision of the most current compilation, and shall be published at
412 least semiannually. The Commission on Official Legal Publications] in
413 a manner that is easily accessible to and searchable by the public. The
414 Secretary of the State may omit from such compilation (1) any

415 regulation that is incorporated by reference into a Connecticut
416 regulation and published by or otherwise available in printed or
417 electronic form from a federal agency [,] or a government agency of
418 another state, [or a commercial publishing company,] and (2) any
419 regulation that [is too expensive to publish, or (3) any regulation the
420 publication of which would be unduly cumbersome] is incorporated
421 by reference into a Connecticut regulation and to which a third party
422 holds the intellectual property rights, until such time as the Secretary
423 of the Office of Policy and Management obtains a licensing agreement
424 in accordance with section 8 of this act. If the [commission] Secretary of
425 the State omits a regulation from the compilation, [it] the secretary
426 shall publish in the compilation a notice identifying the omitted
427 regulation, stating the general subject matter of the regulation and
428 stating an address, telephone number, web site link, if applicable, and
429 any other information needed to obtain a copy of the regulation. The
430 Secretary of the State shall also provide a web site link, if applicable, to
431 any regulation that is incorporated by reference into a Connecticut
432 regulation. Such [address and telephone number] information shall be
433 kept current [in each semiannual publication of the compilation. The
434 commission shall publish any regulation that has been omitted from
435 publication under subdivision (2) of this subsection as soon as the
436 commission has sufficient funds] and updated not less than quarterly.

437 (b) All regulations posted online pursuant to subsection (a) of this
438 section shall be accessible to the public and shall be the official version
439 of the regulations of Connecticut state agencies for all purposes,
440 including all legal and administrative proceedings. The Secretary of
441 the State may adopt regulations, in accordance with the provisions of
442 this chapter, specifying the format in which state agencies shall submit
443 the final approved version of such regulations and all other documents
444 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-
445 172, as amended by this act.

446 [(b) The Commission on Official Legal Publications shall in addition
447 cause to be published in the Connecticut Law Journal at least monthly

448 the text of all regulations received by the commission from the office of
449 the Secretary of the State pursuant to section 4-172 during the
450 preceding month. The commission may omit from the Connecticut
451 Law Journal (1) any regulation submitted in accordance with
452 subsection (g) of section 4-168, for the purposes of renumbering
453 sections only, if a correlated table of the former and new section
454 numbers is published in lieu of the full text, (2) any regulation that is
455 incorporated by reference into a Connecticut regulation and published
456 by or otherwise available in printed form from a federal agency, a
457 government agency of another state or a commercial publishing
458 company, and (3) any regulation the publication of which would be
459 too expensive or unduly cumbersome. If the commission omits a
460 regulation from publication in the Connecticut Law Journal under
461 subdivision (2) or (3) of this subsection, the commission shall publish
462 in the Connecticut Law Journal a notice identifying the omitted
463 regulation, stating the general subject matter of the regulation and
464 stating an address, telephone number and any other information
465 needed to obtain a copy of the regulation.

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

468 (d) Any publication made pursuant to subsections (a) and (b) of this
469 section shall be made available upon request to agencies and officials
470 of this state free of charge, and to other persons at prices fixed by the
471 Commission on Official Legal Publications, in accordance with section
472 51-216b.

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

477 Sec. 8. (NEW) (*Effective from passage*) The Secretary of the Office of
478 Policy and Management shall seek to obtain one or more licensing
479 agreements with the International Code Council, American Society of

480 Mechanical Engineers, National Safety Council, National Fire
481 Protection Association or other entity, as applicable, to permit the
482 posting online in accordance with the provisions of chapter 54 of the
483 general statutes of all codes or other standards incorporated by
484 reference into regulations adopted in accordance with the provisions
485 of chapter 54 of the general statutes by state agencies, including, but
486 not limited to, the State Building Code, State Fire Safety Code, State
487 Fire Prevention Code, Connecticut Safety Code for Elevators and
488 Escalators, Safety Code for Passenger Tramways, Safety Code for
489 Operation and Maintenance of Cranes, Oil Burning Equipment Code,
490 Flammable and Combustible Liquids Code, Gas Equipment and
491 Piping Code, Liquefied Petroleum Gas and Liquefied Natural Gas
492 Code, Hazardous Chemicals Code and Model Rocketry Code.

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

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

513 department, including, but not limited to, the state supplement
514 program to the Supplemental Security Income Program, shall be
515 adopted as a regulation in accordance with the provisions of chapter
516 54.

517 (b) The department shall adopt as a regulation in accordance with
518 the provisions of chapter 54, any new policy necessary to conform to a
519 requirement of an approved federal waiver application initiated in
520 accordance with section 17b-8 and any new policy necessary to
521 conform to a requirement of a federal or joint state and federal
522 program administered by the department, including, but not limited
523 to, the state supplement program to the Supplemental Security Income
524 Program, but the department may operate under such policy while it is
525 in the process of adopting the policy as a regulation, provided the
526 Department of Social Services posts such policy on its Internet web
527 site, submits such policy electronically to the Secretary of the State for
528 posting online prior to adopting the policy and prints notice of intent
529 to adopt the regulation in the Connecticut Law Journal [within] not
530 later than twenty days after adopting the policy. Such policy shall be
531 valid until the time final regulations are effective.

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

545 (d) In lieu of submitting proposed regulations by the date specified

546 in subsection (c) of this section, the department may submit to the
547 legislative regulation review committee a notice not later than thirty-
548 five days before such date that the department will not be able to
549 submit the proposed regulations on or before such date and shall
550 include in such notice (1) the reasons why the department will not
551 submit the proposed regulations by such date, and (2) the date by
552 which the department will submit the proposed regulations. The
553 legislative regulation review committee may require the department to
554 appear before the committee at a time prescribed by the committee to
555 further explain such reasons and to respond to any questions by the
556 committee about the policy. The legislative regulation review
557 committee may request the joint standing committee of the General
558 Assembly having cognizance of matters relating to human services to
559 review the department's policy, the department's reasons for not
560 submitting the proposed regulations by the date specified in
561 subsection (c) of this section and the date by which the department will
562 submit the proposed regulations. Said joint standing committee may
563 review the policy, such reasons and such date, may schedule a hearing
564 thereon and may make a recommendation to the legislative regulation
565 review committee.

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

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

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

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

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

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

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

635 Sec. 13. Subsection (c) of section 51-216a of the general statutes is
636 repealed and the following is substituted in lieu thereof (*Effective July*
637 *1, 2013*):

638 (c) [In addition to the publication of regulations pursuant to section
639 4-173, the] The commission shall publish in the Connecticut Law
640 Journal except as they may be incorporated into any revision of the
641 Connecticut Practice Book: (1) Rules adopted by the judges of the
642 Supreme Court, including but not limited to the rules adopted by the
643 Supreme Court for the courts of probate, (2) the rules of the Appellate
644 Court, and (3) the rules of the Superior Court.

645 Sec. 14. Subsection (g) of section 51-216a of the general statutes is
646 repealed and the following is substituted in lieu thereof (*Effective July*
647 *1, 2013*):

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

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

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

663 (c) The task force, in consultation with the Secretary of the State and
664 the State Librarian or the Public Records Administrator, shall develop
665 a plan to ensure that by July 1, 2013, the regulations of Connecticut
666 state agencies are available to the public in an easily accessible online
667 format. The task force shall submit the plan not later than January 1,
668 2013, to the standing legislative regulation review committee and the
669 Governor, in accordance with the provisions of section 11-4a of the
670 general statutes. The task force shall terminate on the date it submits
671 such plan or January 1, 2013, whichever is later. The plan shall include,
672 but not be limited to:

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

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

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

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

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

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

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

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

698 (e) The Legislative Commissioners' Office, the Commission on
699 Official Legal Publications and all executive branch agencies shall
700 cooperate and provide information to the task force as necessary to
701 fulfill its duties."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-167
Sec. 2	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-168
Sec. 3	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-168b
Sec. 4	<i>July 1, 2013</i>	4-170(b)
Sec. 5	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-170(e) and (f)
Sec. 6	<i>July 1, 2013</i>	4-172
Sec. 7	<i>July 1, 2013</i>	4-173
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>July 1, 2013</i>	17b-10
Sec. 10	<i>July 1, 2013</i>	17b-423
Sec. 11	<i>July 1, 2013</i>	New section
Sec. 12	<i>July 1, 2013</i>	New section
Sec. 13	<i>July 1, 2013</i>	51-216a(c)
Sec. 14	<i>July 1, 2013</i>	51-216a(g)
Sec. 15	<i>from passage</i>	New section