

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

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S.B. 27 -- Online state agency regulations

Government Administration and Elections Committee public hearing -- March 2, 2012
Testimony of Raphael L. Podolsky

Recommended Committee action: **APPROVAL OF THE BILL
WITH ADDITIONS AND MODIFICATIONS**

The modernization of public access to state agency regulations is long overdue. We therefore support the underlying concept of this bill. We believe, however, that some changes and additions in the bill are necessary to carry out that concept in a way that provides adequate public access. We therefore ask the Committee to look more closely at the following issues:

- * Public awareness that a regulation is being proposed or is in process: The bill appears to eliminate notice in the Connecticut Law Journal (l. 19, l. 31, and elsewhere). Merely posting on a website does not provide notice that agency action is pending. Connecticut Law Journal notice should be retained. In addition, there should be an electronic alert system by which members of the public can receive automatic notices at each stage of the regulation-writing process.
- Proposed regulations: In recent years, the legislature has allowed DSS to operate under proposed regulations while their adoption is pending. To the extent that an agency implements proposed regulations before they become final, they should be included in all publications of regulations of that agency.
- * Bulky regulations and policy manuals: Regulations that are now not published in full because of their bulk should be fully included in any online publication. This includes the DSS Uniform Policy Manual, which is now available only from DSS.
- * Linkage: Agency websites that describe their programs should have a link to the program regulations.
- * Searchability: The online publication of regulations should be searchable. The separate regulations of each agency should be technologically linked so that all can be searched simultaneously.
- * Proprietary regulations: A system should be devised so that regulations which adopt private regulations (e.g., the State Building Code) can be accessed by the public without charge, in a manner equivalent to reading them in a library.

We would be pleased to make ourselves available to participate in any additional work on this bill being done by the Committee.