



House of Representatives

File No. 874

General Assembly

January Session, 2013

(Reprint of File No. 362)

Substitute House Bill No. 6362
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 30, 2013

***AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY
OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.***

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

1 Section 1. (NEW) (*Effective July 1, 2013*) (a) The Secretary of the State
2 shall establish and maintain the eRegulations System, which shall
3 consist of the regulations of Connecticut state agencies adopted by all
4 state agencies subsequent to October 27, 1970. The Commission on
5 Official Legal Publications shall, within available appropriations,
6 provide any assistance requested by the Secretary of the State in the
7 creation of the eRegulations System. On and after October 1, 2014, the
8 eRegulations System shall also include the official electronic
9 regulation-making record described in section 4-168b of the general
10 statutes, as amended by this act. On and after the date the Secretary of
11 the State certifies the eRegulations System as sufficient pursuant to this
12 section, the regulations of Connecticut state agencies maintained by
13 the Secretary on said system shall be the official version of the
14 regulations of Connecticut state agencies for all purposes, including all
15 legal and administrative proceedings. The eRegulations System shall

16 be easily accessible to and searchable by the public. The Secretary of
17 the State may specify the format in which state agencies shall submit
18 the final approved version of such regulations and all other documents
19 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-
20 172 of the general statutes, as amended by public act 12-92 and this act,
21 and all state agencies shall follow the instructions of the Secretary of
22 the State with respect to agency submissions to the Secretary. On and
23 after July 1, 2013, the Secretary of the State shall post on the
24 eRegulations System all effective regulations of Connecticut state
25 agencies as provided by the Commission on Official Legal
26 Publications. The Secretary of the State shall designate such posting as
27 an unofficial version of the regulations of Connecticut state agencies
28 until such time as the Secretary certifies in writing that the
29 eRegulations System is technologically sufficient to serve as the official
30 version of the regulations of Connecticut state agencies. Such
31 certification shall be made on or before October 1, 2014, and shall be
32 published on the Secretary's Internet web site and in the Connecticut
33 Law Journal. Until such time as the Secretary makes such certification:
34 (1) The Secretary, upon receipt of the certified electronic copy of an
35 approved regulation in accordance with section 4-172 of the general
36 statutes, as amended by this act, shall forward an electronic copy of
37 such regulation to the Commission on Official Legal Publications for
38 publication in accordance with this section, (2) the Commission on
39 Official Legal Publications shall continue to publish the regulations of
40 Connecticut state agencies, and (3) such published version shall be the
41 official version of said regulations.

42 (b) Each agency and quasi-public agency with regulatory authority
43 shall post a conspicuous web site link to the eRegulations System on
44 the agency's or quasi-public agency's Internet web site and shall, if
45 practicable, link to the specific provisions of the regulations of
46 Connecticut state agencies that concern the agency's or quasi-public
47 agency's particular programs.

48 (c) Not later than January 1, 2014, the Secretary of the State shall
49 develop and implement a plan to maintain a paper copy at the office of

50 the Secretary of the State of all of the regulations of Connecticut state
51 agencies posted on the eRegulations System.

52 Sec. 2. Section 4-167 of the general statutes, as amended by section 1
53 of public act 12-92, is repealed and the following is substituted in lieu
54 thereof (*Effective July 1, 2013, and applicable to regulations noticed on and*
55 *after said date*):

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

68 (b) No agency regulation is enforceable against any person or party,
69 nor may it be invoked by the agency for any purpose, until (1) it has
70 been made available for public inspection as provided in this section,
71 and (2) the regulation or a notice of the adoption of the regulation has
72 been published in the Connecticut Law Journal if noticed prior to July
73 1, 2013, or posted [online by the Secretary of the State] on the
74 eRegulations System pursuant to section [4-173] 4-172, as amended by
75 this act, and section 1 of this act, if noticed on or after July 1, 2013. This
76 provision is not applicable in favor of any person or party who has
77 actual notice or knowledge thereof. The burden of proving the notice
78 or knowledge is on the agency.

79 Sec. 3. Section 4-168 of the general statutes, as amended by section 2
80 of public act 12-92, is repealed and the following is substituted in lieu
81 thereof (*Effective July 1, 2013, and applicable to regulations noticed on and*

82 *after said date*):

83 (a) Except as provided in subsections (f) and (g) of this section, an
84 agency, not less than thirty days prior to adopting a proposed
85 regulation, shall (1) give notice by [having the Secretary of the State
86 post] posting a notice of its intended action [online] on the
87 eRegulations System. The notice shall include (A) either a statement of
88 the terms or of the substance of the proposed regulation or a
89 description sufficiently detailed so as to apprise persons likely to be
90 affected of the issues and subjects involved in the proposed regulation,
91 (B) a statement of the purposes for which the regulation is proposed,
92 (C) a reference to the statutory authority for the proposed regulation,
93 (D) when, where and how interested persons may obtain a copy of the
94 small business impact and regulatory flexibility analyses required
95 pursuant to section 4-168a, and (E) when, where and how interested
96 persons may present their views on the proposed regulation; (2) give
97 notice electronically to each joint standing committee of the General
98 Assembly having cognizance of the subject matter of the proposed
99 regulation; (3) give notice electronically or provide a paper copy to all
100 persons who have made requests to the agency for advance notice of
101 its regulation-making proceedings. The agency may charge a
102 reasonable fee for such notice if not given electronically based on the
103 estimated cost of providing the service; (4) provide a paper copy or
104 electronic version of the proposed regulation to persons requesting it.
105 The agency may charge a reasonable fee for paper copies in accordance
106 with the provisions of section 1-212; and (5) prepare a fiscal note,
107 including an estimate of the cost or of the revenue impact (A) on the
108 state or any municipality of the state, and (B) on small businesses in
109 the state, including an estimate of the number of small businesses
110 subject to the proposed regulation and the projected costs, including
111 but not limited to, reporting, recordkeeping and administrative,
112 associated with compliance with the proposed regulation and, if
113 applicable, the regulatory flexibility analysis prepared under section 4-
114 168a. The governing body of any municipality, if requested, shall
115 provide the agency, within twenty working days, with any

116 information that may be necessary for analysis in preparation of such
117 fiscal note. Except as provided in subsections (f) and (g) of this section,
118 any such agency shall also: Afford all interested persons reasonable
119 opportunity to submit data, views or arguments, orally at a hearing if
120 granted under this subsection or in writing, and to inspect and copy or
121 view online and print the fiscal note prepared pursuant to subdivision
122 (5) of this subsection; grant an opportunity to present oral argument if
123 requested by fifteen persons, by a governmental subdivision or agency
124 or by an association having not less than fifteen members, if notice of
125 the request is received by the agency not later than fourteen days after
126 the date of posting of the notice by the [Secretary of the State] agency
127 on the eRegulations System; and consider fully all written and oral
128 submissions respecting the proposed regulation and revise the fiscal
129 note prepared in accordance with the provisions of subdivision (5) of
130 this subsection to indicate any changes made in the proposed
131 regulation. [Not later than five calendar days after such agency
132 submits such notice and documents to the Secretary of the State, the
133 Secretary] On and after October 1, 2014, each agency shall post [the
134 notice and] all [accompanying] documents prepared by the agency
135 pursuant to this subsection [online and] on the eRegulations System.
136 Each agency shall electronically notify [all persons who have
137 requested] and, if requested, provide a paper copy of such notice to
138 any person who requests to be notified of any regulation-making
139 proceedings. [Each agency shall also post the notice and all
140 accompanying documents on its Internet web site.] No regulation shall
141 be found invalid due to the failure of an agency to give notice to each
142 committee of cognizance pursuant to subdivision (2) of this subsection,
143 provided one such committee has been so notified.

144 (b) If an agency is required by a public act to adopt regulations, the
145 agency, not later than five months after the effective date of the public
146 act or by the time specified in the public act, shall post [online on its
147 Internet web site] on the eRegulations System notice of its intent to
148 adopt regulations. [and submit to the office of the Secretary of the State
149 for posting online pursuant to subsection (a) of this section such

150 notice.] If the agency fails to post the notice within such five-month
151 period or by the time specified in the public act, the agency shall
152 submit an electronic statement of its reasons for failure to do so to the
153 Governor, the joint standing committee having cognizance of the
154 subject matter of the regulations and the standing legislative regulation
155 review committee and on and after October 1, 2014, post such
156 statement on the eRegulations System. The agency shall submit the
157 required regulations to the standing legislative regulation review
158 committee, as provided in subsection (b) of section 4-170, as amended
159 by this act, not later than one hundred eighty days after posting the
160 notice of its intent to adopt regulations, or electronically submit a
161 statement of its reasons for failure to do so to the committee.

162 (c) An agency may begin the regulation-making process under this
163 chapter before the effective date of the public act requiring or
164 permitting the agency to adopt regulations, but no regulation may take
165 effect before the effective date of such act.

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

184 considerations.

185 (e) Except as provided in subsection (f) of this section, no regulation
186 may be adopted, amended or repealed by any agency until it is (1)
187 approved by the Attorney General as to legal sufficiency, as provided
188 in section 4-169, as amended by this act, (2) approved by the standing
189 legislative regulation review committee, as provided in section 4-170,
190 as amended by this act, and (3) posted [online] on the eRegulations
191 System by the office of the Secretary of the State, as provided in section
192 4-172, as amended by this act, and section 1 of this act.

193 (f) (1) An agency may proceed to adopt an emergency regulation in
194 accordance with this subsection without prior notice or hearing or
195 upon any abbreviated notice and hearing that it finds practicable if (A)
196 the agency finds that adoption of a regulation upon fewer than thirty
197 days' notice is required (i) due to an imminent peril to the public
198 health, safety or welfare or (ii) by the Commissioner of Energy and
199 Environmental Protection in order to comply with the provisions of
200 interstate fishery management plans adopted by the Atlantic States
201 Marine Fisheries Commission or to meet unforeseen circumstances or
202 emergencies affecting marine resources, (B) the agency states in
203 writing its reasons for that finding, and (C) the Governor approves
204 such finding in writing.

205 (2) The original of such emergency regulation and an electronic
206 copy shall be submitted to the standing legislative regulation review
207 committee in the form prescribed in subsection (b) of section 4-170, as
208 amended by this act, together with a statement of the terms or
209 substance of the intended action, the purpose of the action and a
210 reference to the statutory authority under which the action is
211 proposed, not later than ten days, excluding Saturdays, Sundays and
212 holidays, prior to the proposed effective date of such regulation. The
213 committee may approve or disapprove the regulation, in whole or in
214 part, within such ten-day period at a regular meeting, if one is
215 scheduled, or may upon the call of either chairman or any five or more
216 members hold a special meeting for the purpose of approving or

217 disapproving the regulation, in whole or in part. Failure of the
218 committee to act on such regulation within such ten-day period shall
219 be deemed an approval. If the committee disapproves such regulation,
220 in whole or in part, it shall notify the agency of the reasons for its
221 action. An approved regulation, posted [online] on the eRegulations
222 System by the office of the Secretary of the State, may be effective for a
223 period of not longer than one hundred twenty days renewable once for
224 a period of not exceeding sixty days, provided notification of such
225 sixty-day renewal is posted [online] on the eRegulations System by the
226 office of the Secretary of the State and an electronic copy of such notice
227 is sent to the committee, but the adoption of an identical regulation in
228 accordance with the provisions of subsections (a), (b) and (d) of this
229 section is not precluded. The sixty-day renewal period may be
230 extended an additional sixty days for emergency regulations described
231 in subparagraph (A)(ii) of subdivision (1) of this subsection, provided
232 the Commissioner of Energy and Environmental Protection requests of
233 the standing legislative regulation review committee an extension of
234 the renewal period at the time such regulation is submitted or not less
235 than ten days before the first sixty-day renewal period expires and said
236 committee approves such extension. Failure of the committee to act on
237 such request within ten days shall be deemed an approval of the
238 extension.

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

246 (g) If an agency finds (1) that technical amendments to an existing
247 regulation are necessary because of (A) the statutory transfer of
248 functions, powers or duties from the agency named in the existing
249 regulation to another agency, (B) a change in the name of the agency,
250 (C) the renumbering of the section of the general statutes containing

251 the statutory authority for the regulation, or (D) a correction in the
252 numbering of the regulation, and no substantive changes are
253 proposed, or (2) that the repeal of a regulation is necessary because the
254 section of the general statutes under which the regulation has been
255 adopted has been repealed and has not been transferred or reenacted,
256 it may elect to comply with the requirements of subsection (a) of this
257 section or may proceed without prior notice or hearing, provided the
258 agency has posted such amendments to or repeal of a regulation on [its
259 Internet web site] the eRegulations System. Any such amendments to
260 or repeal of a regulation shall be submitted in the form and manner
261 prescribed in subsection (b) of section 4-170, as amended by this act, to
262 the Attorney General, as provided in section 4-169, as amended by this
263 act, and to the standing legislative regulation review committee, as
264 provided in section 4-170, as amended by this act, for approval and
265 upon approval shall be submitted to the office of the Secretary of the
266 State for posting on the eRegulations System with, in the case of
267 renumbering of sections only, a correlated table of the former and new
268 section numbers.

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

274 Sec. 4. Section 4-168b of the general statutes, as amended by section
275 3 of public act 12-92, is repealed and the following is substituted in lieu
276 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*
277 *and after said date*):

278 (a) Each agency shall [maintain] create an official electronic
279 regulation-making record that shall be retained on the eRegulations
280 System for the period required by law for each regulation [it proposes]
281 proposed in accordance with the provisions of section 4-168, as
282 amended by this act. The regulation-making record and materials
283 incorporated by reference in the record shall be available for public

284 inspection and copying. [and when required under any provision of
285 this chapter, posted on the Internet web site of the agency.]

286 (b) The [agency] regulation-making record shall contain: (1) [Copies
287 of all notices of the] The agency's notice of intent to adopt regulations;
288 [submitted to the office of the Secretary of the State; (2) a copy of] (2)
289 any written analysis prepared for the proceeding upon which the
290 regulation is based, including the regulatory flexibility analyses
291 required pursuant to section 4-168a; (3) all written petitions, requests,
292 submissions, and comments received by the agency and considered by
293 the agency in connection with the formulation, proposal or adoption of
294 the regulation or the proceeding upon which the regulation is based;
295 (4) the official transcript, if any, of proceedings upon which the
296 regulation is based or, if not transcribed, any tape recording or
297 stenographic record of such proceedings, and any memoranda
298 prepared by any member or employee of the agency summarizing the
299 contents of the proceedings; (5) [a copy of] all official documents
300 relating to the regulation, including the regulation submitted to the
301 office of the Secretary of the State in accordance with section 4-172, as
302 amended by this act, a statement of the principal considerations in
303 opposition to the agency's action, and the agency's reasons for rejecting
304 such considerations, as required pursuant to section 4-168, as amended
305 by this act, and the fiscal note prepared pursuant to subsection (a) of
306 section 4-168, as amended by this act, and section 4-170, as amended
307 by this act; (6) [a copy of] any petition for the regulation filed pursuant
308 to section 4-174; and (7) [copies of] all comments or communications
309 between the agency and the legislative regulation review committee.
310 No audio recording of a hearing held pursuant to section 4-168, as
311 amended by this act, shall be posted on the eRegulations System
312 unless the Secretary of the State confirms that such posting will not
313 constitute a violation of any state or federal law regarding accessibility
314 for persons with disabilities. Any audio recording of a hearing held
315 pursuant to section 4-168, as amended by this act, that is not posted on
316 the eRegulations System shall be maintained by the agency and made
317 available to the public upon request.

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

321 Sec. 5. Section 4-169 of the general statutes is repealed and the
322 following is substituted in lieu thereof (*Effective July 1, 2014, and*
323 *applicable to regulations noticed on and after said date*):

324 No adoption, amendment or repeal of any regulation, except a
325 regulation issued pursuant to subsection (f) of section 4-168, as
326 amended by this act, shall be effective until the original of the
327 proposed regulation and any revision of a regulation to be resubmitted
328 to the standing legislative regulation review committee has been
329 submitted electronically to the Attorney General by the agency
330 proposing such regulation and approved by the Attorney General or
331 by some other person designated by the Attorney General for such
332 purpose. The review of such regulations by the Attorney General shall
333 be limited to a determination of the legal sufficiency of the proposed
334 regulation. If the Attorney General or the Attorney General's
335 designated representative fails to give notice to the agency of any legal
336 insufficiency within thirty days of the receipt of the proposed
337 regulation, the Attorney General shall be deemed to have approved
338 the proposed regulation for purposes of this section. The approval of
339 the Attorney General shall be [indicated on the original of the
340 proposed regulation which] provided to the agency electronically and
341 shall be submitted electronically by the agency to the standing
342 legislative regulation review committee. As used in this section "legal
343 sufficiency" means (1) the absence of conflict with any general statute
344 or regulation, federal law or regulation or the Constitution of this state
345 or of the United States, and (2) compliance with the notice and hearing
346 requirements of section 4-168, as amended by this act.

347 Sec. 6. Section 4-170 of the general statutes, as amended by sections
348 4 and 5 of public act 12-92, is repealed and the following is substituted
349 in lieu thereof (*Effective July 1, 2014, and applicable to regulations noticed*
350 *on and after said date*):

351 (a) There shall be a standing legislative committee to review all
352 regulations of the several state departments and agencies following the
353 proposal thereof, which shall consist of eight members of the House of
354 Representatives, four from each major party, to be appointed on the
355 first Wednesday after the first Monday in January in the odd-
356 numbered years, by the speaker of said House, and six members of the
357 Senate, three from each major party, to be appointed on or before said
358 dates by the president pro tempore of the Senate. The members shall
359 serve for the balance of the term for which they were elected.
360 Vacancies shall be filled by appointment by the authority making the
361 appointment. [The members of the committee shall elect from among
362 their members two cochairpersons, one of whom shall be a member of
363 the Senate and one of whom shall be a member of the House of
364 Representatives, and either of whom] There shall be two
365 cochairpersons, one of whom shall be a member of the Senate and one
366 of whom shall be a member of the House of Representatives, each
367 appointed by the applicable appointing authority, provided the
368 cochairpersons shall not be members of the same political party and
369 shall be from alternate parties in the respective houses in each
370 successive term. For purposes of this section, "appointing authority"
371 means the speaker or minority leader of the House of Representatives
372 and the president pro tempore or minority leader of the Senate, as
373 appropriate according to the respective house and party of the member
374 to be appointed. Each chairperson may call meetings of the committee
375 for the performance of its duties.

376 (b) (1) No adoption, amendment or repeal of any regulation, except
377 a regulation issued pursuant to subsection (f) of section 4-168, as
378 amended by this act, shall be effective until (A) the original and an
379 electronic copy of the proposed regulation approved by the Attorney
380 General, as provided in section 4-169, as amended by this act, and an
381 electronic copy of the regulatory flexibility analyses as provided in
382 section 4-168a [and an electronic copy thereof] are submitted to the
383 standing legislative regulation review committee [at the designated
384 office of the committee,] in a manner designated by the committee, by

385 the agency proposing the regulation, (B) the regulation is approved by
386 the committee, at a regular meeting or a special meeting called for the
387 purpose, and (C) a certified electronic copy of the regulation [and an
388 electronic copy are] is submitted to the office of the Secretary of the
389 State by the agency, as provided in section 4-172, as amended by this
390 act, and the regulation is posted [online] on the eRegulations System
391 by the Secretary. (2) The date of submission for purposes of subsection
392 (c) of this section shall be the first Tuesday of each month. Any
393 regulation received by the committee on or before the first Tuesday of
394 a month shall be deemed to have been submitted on the first Tuesday
395 of that month. Any regulation submitted after the first Tuesday of a
396 month shall be deemed to be submitted on the first Tuesday of the next
397 succeeding month. (3) The form of proposed regulations which are
398 submitted to the committee shall be as follows: New language added
399 to an existing regulation shall be [in capital letters or underlining, as
400 determined by the committee] underlined; language to be deleted shall
401 be enclosed in brackets and a new regulation or new section of a
402 regulation shall be preceded by the word "(NEW)" in capital letters.
403 Each proposed regulation shall have a statement of its purpose
404 following the final section of the regulation. (4) The committee may
405 permit any proposed regulation, including, but not limited to, a
406 proposed regulation which by reference incorporates in whole or in
407 part, any other code, rule, regulation, standard or specification, to be
408 submitted in summary form together with a statement of purpose for
409 the proposed regulation. On and after October 1, 1994, if the committee
410 finds that a federal statute requires, as a condition of the state
411 exercising regulatory authority, that a Connecticut regulation at all
412 times must be identical to a federal statute or regulation, then the
413 committee may approve a Connecticut regulation that by reference
414 specifically incorporates future amendments to such federal statute or
415 regulation provided the agency that proposed the Connecticut
416 regulation shall submit for approval amendments to such Connecticut
417 regulations to the committee not later than thirty days after the
418 effective date of such amendment, and provided further the committee
419 may hold a public hearing on such Connecticut amendments. (5) The

420 agency shall [append] attach a copy of the fiscal note, prepared
421 pursuant to subsection (a) of section 4-168, as amended by this act, to
422 each copy of the proposed regulation. At the time of submission to the
423 committee, the agency shall submit an electronic copy of the proposed
424 regulation and the fiscal note to (A) the Office of Fiscal Analysis which,
425 not later than seven days after receipt, shall submit an analysis of the
426 fiscal note to the committee; and (B) each joint standing committee of
427 the General Assembly having cognizance of the subject matter of the
428 proposed regulation. No regulation shall be found invalid due to the
429 failure of an agency to submit [a] an electronic copy of the proposed
430 regulation and the fiscal note to each committee of cognizance,
431 provided such regulation and fiscal note [has] have been electronically
432 submitted to one such committee.

433 (c) The committee shall review all proposed regulations and, in its
434 discretion, may hold public hearings thereon, and may approve,
435 disapprove or reject without prejudice, in whole or in part, any such
436 regulation. If the committee fails to so approve, disapprove or reject
437 without prejudice a proposed regulation, within sixty-five days after
438 the date of submission as provided in subsection (b) of this section, the
439 committee shall be deemed to have approved the proposed regulation
440 for purposes of this section.

441 (d) If the committee disapproves a proposed regulation in whole or
442 in part, it shall give notice of the disapproval and the reasons for the
443 disapproval to the agency, and no agency shall thereafter issue any
444 regulation or directive or take other action to implement such
445 disapproved regulation or part thereof, as the case may be, except that
446 the agency may adopt a substantively new regulation in accordance
447 with the provisions of this chapter, provided the General Assembly
448 may reverse such disapproval under the provisions of section 4-171. If
449 the committee disapproves any regulation proposed for the purpose of
450 implementing a federally subsidized or assisted program, the General
451 Assembly shall be required to either sustain or reverse the
452 disapproval.

453 (e) If the committee rejects a proposed regulation without prejudice,
454 in whole or in part, it shall notify the agency of the reasons for the
455 rejection and the agency shall resubmit the regulation in revised form,
456 if the adoption of such regulation is required by the general statutes or
457 any public or special act, not later than the first Tuesday of the second
458 month following such rejection without prejudice and may so resubmit
459 any other regulation, in the same manner as provided in this section
460 for the initial submission with a summary of revisions identified by
461 paragraph. The committee shall review and take action on such
462 revised regulation no later than thirty-five days after the date of
463 submission, as provided in subsection (b) of this section. Posting of the
464 notice [online] on the eRegulations System pursuant to the provisions
465 of section 4-168, as amended by this act, shall not be required in the
466 case of such resubmission.

467 (f) If an agency fails to submit any regulation approved in whole or
468 in part by the standing legislative regulation review committee to the
469 office of the Secretary of the State as provided in section 4-172, as
470 amended by this act, not later than fourteen days after the date of
471 approval, the agency shall notify the committee, not later than five
472 days after such fourteen-day period, of its reasons for failing to submit
473 such regulation. If any agency fails to comply with the time limits
474 established under subsection (b) of section 4-168, as amended by this
475 act, or under subsection (e) of this section, the administrative head of
476 such agency shall submit to the committee a written explanation of the
477 reasons for such noncompliance. The committee, upon the affirmative
478 vote of two-thirds of its members, may grant an extension of the time
479 limits established under subsection (b) of section 4-168, as amended by
480 this act, and under subsection (e) of this section. If no such extension is
481 granted, the administrative head of the agency shall personally appear
482 before the standing legislative regulation review committee, at a time
483 prescribed by the committee, to explain such failure to comply. After
484 any such appearance, the committee may, upon the affirmative vote of
485 two-thirds of its members, report such noncompliance to the
486 Governor. Within fourteen days thereafter the Governor shall report to

487 the committee concerning the action the Governor has taken to ensure
488 compliance with the provisions of section 4-168, as amended by this
489 act, and with the provisions of this section.

490 Sec. 7. Section 4-172 of the general statutes, as amended by section 6
491 of public act 12-92, is repealed and the following is substituted in lieu
492 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*
493 *and after said date*):

494 (a) After approval of a regulation as required by sections 4-169, as
495 amended by this act, and 4-170, as amended by this act, or after
496 reversal of a decision of the standing legislative regulation review
497 committee by the General Assembly pursuant to section 4-171, each
498 agency shall submit to the office of the Secretary of the State a certified
499 [copy and an] electronic copy of such regulation. [The] Concomitantly,
500 the agency shall electronically file with [such] the electronic copy of the
501 regulation a statement from the department head of such agency
502 certifying that [such] the electronic copy of the regulation is a true and
503 accurate copy of the regulation approved in accordance with sections
504 4-169, as amended by this act, and 4-170, as amended by this act. Each
505 regulation when so electronically submitted shall be in the form
506 [intended] prescribed by the Secretary of the State for posting [online]
507 on the eRegulations System, and each section of the regulation shall
508 include the appropriate regulation section number and a section
509 heading. The Secretary of the State shall, not later than five calendar
510 days after the electronic submission by the agency, post each such
511 regulation [online] on the eRegulations System.

512 (b) Each regulation hereafter adopted is effective upon its posting
513 [online] on the eRegulations System by the Secretary of the State in
514 accordance with this section, except that: (1) If a later date is required
515 by statute or specified in the regulation, the later date is the effective
516 date; (2) a regulation may not be effective before the effective date of
517 the public act requiring or permitting the regulation; and (3) subject to
518 applicable constitutional or statutory provisions, an emergency
519 regulation becomes effective immediately upon electronic submission

520 to the Secretary of the State, or at a stated date less than twenty days
521 thereafter, if the agency finds that this effective date is necessary
522 because of imminent peril to the public health, safety, or welfare. The
523 agency's finding and a brief statement of the reasons therefor shall be
524 submitted with the regulation. The agency shall take appropriate
525 measures to make emergency regulations known to the persons who
526 may be affected by them including, but not limited to, by posting such
527 emergency regulations on the [agency's Internet web site] eRegulations
528 System.

529 Sec. 8. Section 4-173 of the general statutes, as amended by section 7
530 of public act 12-92, is repealed and the following is substituted in lieu
531 thereof (*Effective July 1, 2013*):

532 [(a) The Secretary of the State shall post online a compilation of all
533 effective regulations adopted by all state agencies subsequent to
534 October 27, 1970, in a manner that is easily accessible to and searchable
535 by the public.] The Secretary of the State may omit from [such
536 compilation] the eRegulations System (1) any regulation that is
537 incorporated by reference into a Connecticut regulation and published
538 by or otherwise available in printed or electronic form from a federal
539 agency or a government agency of another state, and (2) any regulation
540 that is incorporated by reference into a Connecticut regulation and to
541 which a third party holds the intellectual property rights, until such
542 time as the Secretary of the Office of Policy and Management obtains a
543 licensing agreement in accordance with section 4-67q. [If] On and after
544 October 1, 2014, if the Secretary of the State omits a regulation from the
545 [compilation] eRegulations System, the Secretary shall [publish] post
546 in the [compilation] system a notice identifying the omitted regulation,
547 stating the general subject matter of the regulation and stating an
548 address, telephone number, web site link, if applicable, and any other
549 information needed to obtain a copy of the regulation. The Secretary of
550 the State shall also provide a web site link, if applicable, to any
551 regulation that is incorporated by reference into a Connecticut
552 regulation. Such information shall be kept current and updated not
553 less than quarterly.

554 [(b) All regulations posted online pursuant to subsection (a) of this
555 section shall be accessible to the public and shall be the official version
556 of the regulations of Connecticut state agencies for all purposes,
557 including all legal and administrative proceedings. The Secretary of
558 the State may adopt regulations, in accordance with the provisions of
559 this chapter, specifying the format in which state agencies shall submit
560 the final approved version of such regulations and all other documents
561 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-
562 172.]

563 Sec. 9. Section 17b-10 of the general statutes, as amended by section
564 9 of public act 12-92, is repealed and the following is substituted in lieu
565 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*
566 *and after said date*):

567 (a) The Department of Social Services shall prepare and routinely
568 update state medical services and public assistance manuals. The
569 pages of such manuals shall be consecutively numbered and indexed,
570 containing all departmental policy regulations and substantive
571 procedure, written in clear and concise language. Said manuals shall
572 be published by the department [, posted on the Internet web site of
573 the department and distributed so that they are available to (1) all
574 regional and subregional offices of the Department of Social Services;
575 (2) each town hall in the state; (3) all legal assistance programs in the
576 state; and (4) any interested member of the public who requests a
577 copy] and, on or before October 1, 2014, be posted on the eRegulations
578 System. Any updates of said manuals subsequent to October 1, 2014,
579 shall be posted on the eRegulations System. All policy manuals of the
580 department, as they exist on May 23, 1984, including the supporting
581 bulletins but not including statements concerning only the internal
582 management of the department and not affecting private rights or
583 procedures available to the public, shall be construed to have been
584 adopted as regulations in accordance with the provisions of chapter 54.
585 After May 23, 1984, any policy issued by the department, except a
586 policy necessary to conform to a requirement of a federal or joint
587 federal and state program administered by the department, including,

588 but not limited to, the state supplement program to the Supplemental
589 Security Income Program, shall be adopted as a regulation in
590 accordance with the provisions of chapter 54.

591 (b) The department shall adopt as a regulation in accordance with
592 the provisions of chapter 54, any new policy necessary to conform to a
593 requirement of an approved federal waiver application initiated in
594 accordance with section 17b-8 and any new policy necessary to
595 conform to a requirement of a federal or joint state and federal
596 program administered by the department, including, but not limited
597 to, the state supplement program to the Supplemental Security Income
598 Program, but the department may operate under such policy while it is
599 in the process of adopting the policy as a regulation, provided the
600 [Department of Social Services] department posts such policy on [its
601 Internet web site, submits such policy electronically to the Secretary of
602 the State for posting online prior to adopting the policy and prints
603 notice of intent to adopt the regulation in the Connecticut Law Journal
604 not later than twenty days after adopting the policy] the eRegulations
605 System prior to adopting the policy. Such policy shall be valid until the
606 time final regulations are effective.

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

621 (d) In lieu of submitting proposed regulations by the date specified
622 in subsection (c) of this section, the department may electronically
623 submit to the legislative regulation review committee a notice not later
624 than thirty-five days before such date that the department will not be
625 able to submit the proposed regulations on or before such date and
626 shall include in such notice (1) the reasons why the department will
627 not submit the proposed regulations by such date, and (2) the date by
628 which the department will submit the proposed regulations. The
629 legislative regulation review committee may require the department to
630 appear before the committee at a time prescribed by the committee to
631 further explain such reasons and to respond to any questions by the
632 committee about the policy. The legislative regulation review
633 committee may request the joint standing committee of the General
634 Assembly having cognizance of matters relating to human services to
635 review the department's policy, the department's reasons for not
636 submitting the proposed regulations by the date specified in
637 subsection (c) of this section and the date by which the department will
638 submit the proposed regulations. Said joint standing committee may
639 review the policy, such reasons and such date, may schedule a hearing
640 thereon and may make a recommendation to the legislative regulation
641 review committee.

642 (e) If amendments to an existing regulation are necessary solely to
643 conform the regulation to amendments to the general statutes, and if
644 the amendments to the regulation do not entail any discretion by the
645 department, the department may elect to comply with the
646 requirements of subsection (a) of section 4-168, as amended by this act,
647 or may proceed without prior notice or hearing, provided the
648 department has posted such amendments on [its Internet web site] the
649 eRegulations System. Any such amendments to a regulation shall be
650 submitted in the form and manner prescribed in subsection (b) of
651 section 4-170, as amended by this act, to the Attorney General, as
652 provided in section 4-169, as amended by this act, and to the
653 committee, as provided in section 4-170, as amended by this act, for
654 approval and upon approval shall be submitted to the office of the

655 Secretary of the State for posting [online] on the eRegulations System
656 in accordance with section 4-172, as amended by this act.

657 Sec. 10. Section 17b-423 of the general statutes, as amended by
658 section 10 of public act 12-92, is repealed and the following is
659 substituted in lieu thereof (*Effective October 1, 2014, and applicable to*
660 *regulations noticed on and after said date*):

661 [(a) The Department of Social Services shall prepare and routinely
662 update a community services policy manual. The pages of such
663 manual shall be consecutively numbered and indexed, containing all
664 departmental policy regulations and substantive procedure. Such
665 manual shall be published by the department, posted on the Internet
666 web site of the department and distributed so that it is available to all
667 district, subdistrict and field offices of the Department of Social
668 Services. The Department of Social Services shall adopt such policy
669 manual in regulation form in accordance with the provisions of
670 chapter 54.] The Department on Aging shall adopt regulations, in
671 accordance with the provisions of chapter 54, to carry out the
672 purposes, programs and services authorized pursuant to the Older
673 Americans Act of 1965, as amended from time to time. The department
674 may operate under any new policy necessary to conform to a
675 requirement of a federal or joint state and federal program [. The
676 department may operate under any new policy] while it is in the
677 process of adopting the policy in regulation form, provided the
678 [Department of Social Services] department posts such policy on [its
679 Internet web site and submits such policy electronically to the
680 Secretary of the State for posting online prior to adopting the policy
681 and prints notice of intent to adopt the regulations in the Connecticut
682 Law Journal] the eRegulations System not later than twenty days after
683 adopting the policy. Such policy shall be valid until the time final
684 regulations are effective.

685 [(b) The Department of Social Services shall write the community
686 services policy manual using plain language as described in section 42-
687 152. The manual shall include an index for frequent referencing and a

688 separate section or manual which specifies procedures to follow to
 689 clarify policy.]

690 Sec. 11. (NEW) (*Effective July 1, 2013*) The Department of Social
 691 Services shall make technical and structural changes to the Uniform
 692 Policy Manual to conform to the numbering system, organization,
 693 form and style of the regulations of Connecticut state agencies.
 694 Notwithstanding the provisions of chapter 54 of the general statutes,
 695 the department may make such changes without complying with the
 696 provisions of said chapter concerning regulation-making proceedings.
 697 The department shall submit such changes to the standing legislative
 698 regulations review committee for review in accordance with this
 699 section. Any review of such changes by said committee shall be limited
 700 to confirming that such changes are technical and structural in nature
 701 in accordance with this section. If the committee does not act in
 702 response to the department's submission not later than forty-five days
 703 after such submission, such changes shall be deemed approved. Upon
 704 approval, the department shall transmit a certified electronic copy of
 705 such changes to the Secretary of the State for the Secretary to post on
 706 the eRegulations System. At the time that the Secretary posts such
 707 changes on the eRegulations System, the corresponding sections of the
 708 Uniform Policy Manual shall be deemed superseded.

709 Sec. 12. Sections 4-60t and 4-173a of the general statutes are
 710 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-167
Sec. 3	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-168

Sec. 4	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	4-168b
Sec. 5	<i>July 1, 2014, and applicable to regulations noticed on and after said date</i>	4-169
Sec. 6	<i>July 1, 2014, and applicable to regulations noticed on and after said date</i>	4-170
Sec. 7	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	4-172
Sec. 8	<i>July 1, 2013</i>	4-173
Sec. 9	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	17b-10
Sec. 10	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	17b-423
Sec. 11	<i>July 1, 2013</i>	New section
Sec. 12	<i>from passage</i>	Repealer section

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

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Secretary of the State	GF - Cost	Less than 500	100,500
State Comptroller - Fringe Benefits ¹	GF - Cost	None	34,540
Judicial Dept.	GF - Savings	None	Less than \$1,000
Various State Agencies	GF - Potential Savings	None	Less than \$1,000

Municipal Impact: None

Explanation

The bill, which establishes an on-line system to house the regulations of state agencies, is anticipated to result in a cost to the Secretary of the State (SOTS) of less than \$500 in FY 14 and \$100,500 in FY 15. The SOTS is anticipated to require a full-time position to administer and manage the system and associated programmatic requirements. The SOTS is anticipated to incur a cost of \$100,000 in FY 15 and annually thereafter arising from this additional position. Correspondingly, the Comptroller is anticipated to realize \$34,540 in FY 15 arising from fringe benefit costs. sHB 6350, the FY 14 and FY 15 budget bill, as favorably reported by the Appropriations Committee, appropriated funding for this purpose.

In addition, the SOTS is anticipated to incur costs of less than \$500

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

in FY 14 and FY 15 to maintain a paper copy of the regulations in accordance with the provisions of the bill.

The Judicial Department will realize a savings of less than \$1,000 in FY 15 arising from its ability to stop publishing and distributing paper copies of state regulations when the SOTS certifies that the on-line system is technologically sufficient to manage the regulations posting process.

When the system is implemented, various state agencies may realize a potential savings of less than \$1,000 in FY 15 arising from the transition to the electronic system for public posting of various notices and proposed regulations.

House "A" added a requirement that the SOTS maintain a paper copy of the regulations resulting in a cost of less than \$500 in both FY 14 and FY 15.

Background

The State Bonding Commission allocated \$1,758,583 in its January 25, 2013, meeting to support the capital costs of implementing the program.

The Out Years

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

OLR Bill Analysis**sHB 6362 (as amended by House "A")*****AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.****SUMMARY:**

PA 12-92 requires that, on and after July 1, 2013, state agency regulations be available to the public on the secretary of the state's and regulating agency's Internet websites, rather than published in the *Connecticut Law Journal*. It establishes the same requirement for notices of proposed regulations and their accompanying documents.

This bill modifies several of the provisions in PA 12-92. It delays, from July 1, 2013 until a date no later than October 1, 2014, a requirement that online regulations posted by the secretary of the state be the "official version" of the regulations of state agencies for "all purposes, including all legal and administrative proceedings." It requires the Commission on Official Legal Publications (COLP) to continue publishing regulations in the *Connecticut Law Journal* until this time.

The bill names the electronic regulations compilation as the "eRegulations System" and requires (1) agencies, and not the secretary, to post to the system notices of proposed regulations and regulation-related documents and (2) the secretary to post the final regulations. It eliminates requirements for agencies to post regulations and regulation-related documents (e.g., notices of a proposed action) on their own websites.

The bill eliminates several provisions that require a regulation to be submitted in hard copy. However, it requires the secretary, by January

1, 2014, to develop and implement a plan to maintain at her office a paper copy of all regulations posted on the eRegulations System.

The bill revises the requirements for selecting the legislative Regulation Review Committee's co-chairpersons to conform the law to practice. It also requires that several manuals published by the Department of Social Services (DSS) be posted on the eRegulations System. Lastly, it repeals requirements, due to take effect on July 1, 2013, that agencies (1) post all manuals and guidance documents online and (2) post on their websites policies that are implemented before being adopted in regulation form (§ 12, effective upon passage).

The bill also makes numerous technical and conforming changes.

*House Amendment "A" (1) adds provisions on hyperlinking by agencies and a plan by the secretary for maintaining hard copies; (2) eliminates a provision that removed from the official regulation-making record tape recordings and stenographic records and instead requires that they be posted online only if the secretary confirms that it would not violate federal or state law; and (3) allows the Regulation Review Committee 45, rather than 60, days to review certain technical changes to DSS's Uniform Policy Manual.

EFFECTIVE DATE: Various, see below

§§ 1-4 & 8 — EREGULATIONS SYSTEM

§§ 1 & 8 — *Official Version of State Agency Regulations*

PA 12-92 requires the secretary of the state, beginning July 1, 2013, to post online a compilation of all effective state agency regulations, including emergency regulations, adopted on and after October 27, 1970. It (1) requires that the compilation be easily accessible to, and searchable by, the public and (2) designates it as the "official version" of the regulations of state agencies for "all purposes, including all legal and administrative proceedings."

The bill delays the date on which the electronic regulations compilation (which the bill names as the "eRegulations System")

becomes the official version until the time that the secretary certifies, in writing, that the system is technologically sufficient for this purpose. Under the bill, this certification must be (1) made by the secretary by October 1, 2014 and (2) published on the secretary's website and in the *Connecticut Law Journal*.

The bill retains PA 12-92's requirement that, beginning July 1, 2013, existing regulations be posted online, but it specifies that these regulations will be unofficial until the secretary makes the above certification. However, it retains a requirement that regulations noticed on and after July 1, 2013 be posted online in order to be enforceable.

By law, certain regulations that are incorporated by reference into another regulation may be omitted from publication (1) in the *Connecticut Law Journal*, until July 1, 2013, and (2) on the eRegulations System on and after July 1, 2013. Under current law, in both instances, a notice must be published (in the journal or on the system, as appropriate) that identifies an omitted regulation, its subject matter, and information on where one can learn more about the regulation. The bill delays, from July 1, 2013 until October 1, 2014, the requirement that this notice be published on the eRegulations System, thus eliminating the publication of this notice for this 15-month period.

The bill requires COLP, within available appropriations, to provide any assistance requested by the secretary in the creation of the eRegulations System. This assistance includes providing the secretary with all effective regulations for posting online.

EFFECTIVE DATE: July 1, 2013

§ 1 — Publication in the Connecticut Law Journal

Under current law, COLP's publication of regulations in the *Connecticut Law Journal* ceases on July 1, 2013. The bill requires that, until the secretary certifies that the eRegulations System is ready to be the official version, (1) COLP continue publishing regulations in the journal and (2) the secretary forward an electronic copy of each

certified regulation to COLP. Additionally, the bill designates the COLP-published regulations as the official version until this time.

Under provisions in current law that are repealed effective July 1, 2013, COLP must follow several requirements when publishing regulations. For example, it must publish (1) in the *Connecticut Law Journal*, a monthly update of approved regulations and (2) a semiannual compilation of all adopted state agency regulations. A regulation or notice of a regulation's adoption must also appear in the journal in order to be enforceable.

The bill does not specify requirements for COLP's publication of regulations on and after July 1, 2013, and it eliminates COLP's ability to omit certain regulations from publication on and after this date (see above). Additionally, even though COLP must publish the official version of the regulations, they do not have to appear in the *Connecticut Law Journal* to be enforceable if they are noticed on and after July 1, 2013. Conversely, although the eRegulations System is not the official version until certified by the secretary of the state, regulations noticed on and after July 1, 2013 must be posted on the eRegulations System in order to be enforceable.

EFFECTIVE DATE: July 1, 2013

§ 3 — Notices of Proposed Regulations

Under PA 12-92, agencies must, beginning July 1, 2013, (1) post on their websites notices of proposed regulations and regulation-related documents and (2) submit these notices and documents to the secretary of the state for posting on the online compilation. The bill eliminates these requirements and instead requires agencies to post these notices and, on and after October 1, 2014, the regulation-related documents, on the eRegulations System. It thus delays, from July 1, 2013 until October 1, 2014, the requirement that the regulation-related documents be posted online.

By law, an agency may propose, without prior notice, (1) technical

amendments to regulations when necessary to conform to certain changes or (2) a repeal of a regulation if the authorizing statute is repealed. The bill requires the agency to post any such proposed technical amendments or repeals on the eRegulations System, rather than its own website.

By law, any agency that fails to post notice of intent to adopt required regulations by the applicable deadline must explain its reasons in an electronic statement to the governor, legislative committee of cognizance of the regulation's subject matter, and Legislative Regulation Review Committee. The bill requires that, on and after October 1, 2014, the agency also post this statement on the eRegulations System.

EFFECTIVE DATE: July 1, 2013 and applicable to regulations noticed on and after that date.

§ 4 — Official Regulation-Making Record

The law requires agencies to create an official regulation-making record that includes, among other things, the notice of intent to adopt regulations, written analyses upon which the regulation is based, submissions and comments received by the agency, and official documents related to the regulation.

The bill requires that agencies post this record on the eRegulations System, rather than maintain it as current law requires. It prohibits posting of audio recordings of hearings on the system unless the secretary confirms that posting them would not violate any state or federal law regarding accessibility for people with disabilities. The bill requires agencies to maintain audio recordings that are not posted on the eRegulations System and make them available to the public upon request.

EFFECTIVE DATE: October 1, 2014 and applicable to regulations noticed on and after that date.

§ 1 — Hyperlink on Agency Websites

The bill requires each state agency and quasi-public agency with regulatory authority to post on its website a conspicuous link to the eRegulations System and, if practicable, link to the specific regulatory provisions that concern the agency or quasi-public agency's particular programs.

EFFECTIVE DATE: July 1, 2013

§§ 5-7 — REGULATION ADOPTION

By law, proposed regulations must be approved by the attorney general for legal sufficiency before being submitted to the Regulation Review Committee for approval. The bill specifies that this requirement also applies to proposed regulations that are re-submitted to the committee. It also requires that (1) proposed regulations be submitted electronically to the attorney general and (2) the attorney general's approval be provided to the agency electronically and submitted by the agency electronically to the Regulation Review Committee. Under current law, the attorney general's approval is indicated on the original of the proposed regulation, which is then submitted to the committee. The bill retains current law's requirement that the agency submit the original of the proposed regulation to the committee.

By law, once the committee approves a regulation, the agency must submit it to the secretary of the state. Effective July 1, 2013, current law requires agencies to submit one certified and one electronic copy of an approved regulation to the secretary along with a statement from the department head certifying that the electronic version is a true and accurate copy of the approved regulation. The bill instead requires that, for regulations noticed on and after October 1, 2014, (1) agencies submit only a certified electronic copy to the secretary and (2) the department head's statement be filed electronically.

EFFECTIVE DATE: July 1, 2014 and applicable to regulations noticed on and after that date, except that the provision on filing with the secretary is effective October 1, 2014 and applicable to regulations

noticed on and after that date.

§ 6 — Regulation Review Committee Co-Chairpersons

The bill conforms the law to current practice by revising the procedures for selecting the co-chairpersons of the legislature's Regulation Review Committee. It requires that (1) the committee's co-chairpersons be from different political parties, (2) the House chair and Senate chair alternate between political parties in successive terms, and (3) the co-chairpersons be appointed by either the Senate president pro tempore or minority leader or the House speaker or minority leader, as appropriate. Current law requires the committee to elect its co-chairpersons, one from the House and one from the Senate.

EFFECTIVE DATE: July 1, 2014

§§ 9-11 — DEPARTMENT OF SOCIAL SERVICES

§§ 9 & 10 — eRegulations Posting Requirements

The bill eliminates, effective October 1, 2014, requirements that DSS (1) distribute its medical services and public assistance manuals to its regional and subregional offices, town halls, and legal assistance programs and (2) post the manuals and any updates to them on its website (which it must do beginning July 1, 2013). It instead requires DSS to post these manuals and updates on the eRegulations System.

By law, DSS must adopt as regulations policies necessary to conform to certain federal or joint federal and state program requirements. The law allows the department to operate under such policies while in the process of adopting them in regulation form. Under current law, DSS must publish a notice of intent to adopt the regulations in the *Connecticut Law Journal* and, effective July 1, 2013, post the policies on its website and electronically submit them to the secretary of the state for online posting. The bill, effective October 1, 2014, eliminates these requirements and instead requires DSS, like other agencies, to post them on the eRegulations System. However, for other agencies, this change is effective July 1, 2013.

By law, DSS, instead of submitting these proposed regulations to the Regulation Review Committee, may submit a notice to the committee (1) explaining why it will not meet the submission deadline, and (2) stating when it will submit them. The bill requires this notice to be electronic.

The bill also eliminates DSS's community services policy manual and instead requires the newly-formed Department of Aging to adopt (and post to the eRegulations System) regulations to carry out the purposes of the federal Older Americans Act of 1965. This provision conforms to the transfer of DSS's Aging Services Division to the Department of Aging, as both the manual and the act address services for older adults. The bill extends to the Department of Aging (1) DSS's authority to operate under a policy before adopting it in regulation and (2) the requirements DSS must follow when doing this (see above).

EFFECTIVE DATE: October 1, 2014 and applicable to regulations noticed on and after that date.

§ 11 — DSS Uniform Policy Manual

The bill requires DSS to make technical and structural changes to its Uniform Policy Manual so that it conforms to the numbering, organization, form, and style of state agency regulations. The bill allows DSS to make these changes without following the law's requirements concerning regulation-making proceedings.

DSS must submit the changes to the Regulation Review Committee for review. The bill (1) limits the committee's review to confirming that the changes are technical and structural and (2) deems the changes approved if the committee does not act within 45 days of the submission.

Upon the committee's approval, DSS must transfer a certified electronic copy of the changes to the secretary of the state for posting on the eRegulations System. The bill deems the corresponding sections of the Uniform Policy Manual as superseded once she does this.

EFFECTIVE DATE: July 1, 2013

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 3 (03/15/2013)

Appropriations Committee

Joint Favorable

Yea 47 Nay 1 (04/30/2013)