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H.B. 6362 -- Regulations of Connecticut State Agencies

Government Administration and Elections Committee public hearing -- February 25, 2013
Testimony of Raphael L. Podolsky

Recommended Committee action: AMENDMENT REQUESTED

This bill implements an eRegulations System, effective October 1, 2014. We have concerns about two of the changes made by the bill and ask that the Committee review them carefully. We would be pleased to assist the Committee in that review.

(1) Posting on agency websites: Existing law requires that agencies post notices and regulations both on their own website and with the Secretary of the State for posting on the Secretary's website. This bill substitutes the eRegulations System for the Secretary of the State's website; but it also eliminates the requirement that the agency post on its own website as well. See l. 121, l. 129, l. 153, l. 160, l. 267, l. 563, l. 641, and perhaps some other lines we have missed. It is, however, often easier to find the regulations of a particular agency through the agency's own website than through a compilation of all state regulations. In addition, agency websites commonly provide listings of all of the agency's programs, and it is plainly convenient to be able to link from a program description on the agency's website to the regulations for that program. As a result, we believe that, in addition to any posting on the eRegulations System, all state agencies should continue to be required to post regulatory materials on their own websites. Indeed, there should be an explicit requirement that every agency website should have a compilation of all of the agency's regulations. At the very least, if an agency's regulations are not on its own website, there should be a direct link from each agency website to the location where each portion of its own regulations are posted.

(2) Audio tapes: We are puzzled by the wording of the bill at lines 279-280 and lines 292-295. Existing law (l. 279-280) requires that the regulation-making record include, if there is no transcript, the tape recordings or stenographic records of the agency hearing. H.B. 6362 deletes that provision and substitutes (l. 292-295) a requirement that any audio recording of a hearing be kept by the agency and made available to the public upon request. We don't understand why, in the absence of a transcript, the audio recording of a hearing should no longer be part of the regulation-making record.