



DENISE W. MERRILL

SECRETARY OF THE STATE
CONNECTICUT

TESTIMONY OF ATTORNEY BERNARD LIU ON BEHALF OF SECRETARY OF THE STATE DENISE MERRILL ON SENATE BILL 235, AN ACT CONCERNING THE ADOPTION OF THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT

JUDICIARY COMMITTEE

FEBRUARY 13, 2013

Senator Coleman, Representative Fox and other members of the Judiciary Committee,

My name is Bernard Liu and I am here today on behalf of Secretary of the State Denise Merrill. Thank you for this opportunity to testify on Senate Bill 235, *AN ACT CONCERNING THE ADOPTION OF THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT*. This office lauds the committee's effort to bring Connecticut's government into the modern age. This is a noble goal which will bring greater access to information for the citizens who elected us.

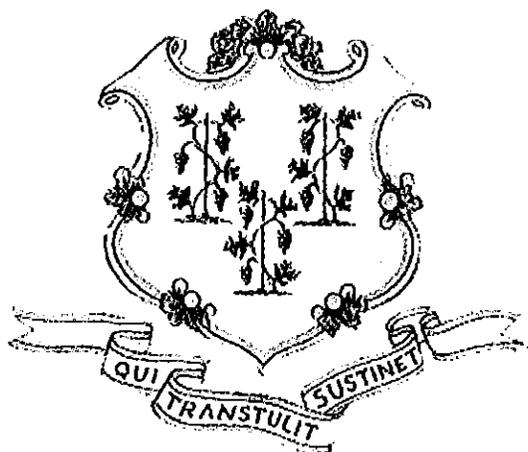
The Office of the Secretary of the State has one concern over the bill as it is currently written, the effective date of the bill July 1, 2013. Last year the legislature passed Public Act 12-92, *AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT*. This is another noble effort by the legislature to modernize our state government and public access to government regulations. Within this legislation, the Office of the Secretary of the State was charged with creating an online database for regulations of state agencies. The task force created has been working diligently to create a database which will give meaningful, easy access to this information. This has been a monumental task with many inter-agency requirements that will take time to sort through. This is why the Secretary of the State's Office has been working with Governor's office on House Bill 6362, *AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES*. This new legislation will allow for the gradual roll out of this database. Attached to this testimony is a final report from task force created under PA 12-92 which outlines the process. This office asks that the committee consider this report and change SB 235 to accommodate this timeframe. This office believes that the electronic materials covered in SB 235 can be incorporated into the regulations database and thereby saving effort, time and money in creating this virtual library of state legal material.

Thank you for considering these concerns.

Enclosure: Report of the Regulations Modernization Task Force, 2/1/2013

REPORT OF THE REGULATIONS MODERNIZATION TASK FORCE

February 1, 2013



PRESENTED TO:
GOVERNOR DANIEL P. MALLOY
LEGISLATIVE REGULATIONS REVIEW COMMITTEE



Table of Contents

1.0 TASK FORCE.....	- 3 -
2.0 EXECUTIVE SUMMARY	- 4 -
3.0 CURRENT PROCESS.....	- 5 -
3.1 CURRENT PROCESS FLOWCHART	- 7 -
3.2 CURRENT PRINTING PROCESS FLOW CHARTS	- 8 -
4.0 PROCESS ESTABLISHED BY PUBLIC ACT 12-92.....	- 11 -
4.1 PROCESS ESTABLISHED BY PA 12-92 FLOW CHART	- 13 -
5.0 PROBLEMS IDENTIFIED	- 14 -
5.1 RECOMMENDED SOLUTIONS	- 15 -
6.0 PLAN FOR MODERNIZATION OF THE REGULATIONS PROCESS	- 18 -
6.1 REGULATION-MAKING PROCESS / RECORD.....	- 19 -
6.2 INTERNET ACCESS TO THE FINAL REGULATION TEXT.....	- 21 -
6.3 PHYSICAL EQUIPMENT & SOFTWARE NEEDED.....	- 22 -
6.4 CONTINUED MAINTENANCE & OPERATION OF THE SYSTEM	- 23 -
6.5 NECESSARY TRAINING	- 24 -
6.6 ANTICIPATED WORKLOAD & WORKLOAD SAVINGS.....	- 25 -
6.7 COST ESTIMATE / SAVINGS.....	- 26 -
6.8 SUMMARY OF PROPOSED BILL	- 27 -
7.0 CONCLUSION	- 29 -
8.0 ACKNOWLEDGEMENTS	- 30 -

1.0 TASK FORCE

MEMBERS

John Barrett: Barrett Outdoor Communications, Inc.
Chris Drake (Chair): Office of the Governor
Bob Frankel: House Democrats
Rich Hanratty: Legislative Commissioners' Office
Dick Hemenway: Commission on Official Legal Publications
Hon. Denise Merrill: Secretary of the State
Brenda Parrella: Department of Social Services
Angela Taetz: Department of Administrative Services
John Vittner: Office of Policy and Management
Kendall Wiggin: State Librarian

Business Analyst Consultant - Krithika Deepa: Online Systems, Inc.

2.0 EXECUTIVE SUMMARY

The Regulations Modernization Task Force was established by Public Act 12-92. The purpose of the Task Force is to “develop a plan to ensure that by July 1, 2013, the regulations of Connecticut state agencies are available to the public in an easily accessible online format.” Currently, the publication of state regulations is completely paper based. While some agencies do post their regulations online, there is no requirement for them to do so and no control over whether the version posted is up-to-date or comprehensive. Regulations are law and, therefore, the regulated community is expected to comply with them. Among other things, non-compliance can lead to loss of state benefits, rejection of an application for a license or a permit, or a monetary fine. However, there is currently no central online repository for the regulated community to look-up the regulations that apply to them. It is unfair for the government to enforce laws that are not easy to find and review. In addition, every other state in the country has some sort of central online repository for their state regulations.

The Task Force’s first meeting took place on September 12, 2012. All minutes, agendas and other documents generated by the Task Force have been posted on the web at <http://www.governor.ct.gov/malloy/cwp/view.asp?a=3997&q=509682>.

Pursuant to the authority provided by PA 12-92, the Task Force procured a business analyst consultant to document the functional requirements of the proposed solution. The Task Force focused much of its effort on creating a business requirements document for the new online system. The Business Requirements document is attached at Appendix 9.1. This document describes how the new system should function from the perspective of the public, state agencies, and other entities in the regulation-making process. The document does not focus on design or the look and feel of the system. As outlined further in Section 5.1, the Task Force recommends that a steering committee should be organized to move this project through design and implementation, using this Business Requirements document as its guide.

While procuring the consultant, the Task Force documented the current regulation process and the process after PA 12-92 becomes effective. These flowcharts are incorporated into this report in Sections 3.1 and 4.1 and depict in visual form Connecticut’s regulatory process.

The Task Force also created a subcommittee to discuss and draft legislative changes to the regulation-making process based on the decisions made regarding how the new system should operate. The proposed statutory changes agreed to by the entire Task Force are attached at Appendix 9.2 and summarized in Section 6.8.

The recommendations contained in this report are a result of the discussions and consensus reached by the Task Force. Every member of the Task Force devoted many hours to this project by participating in meetings, reviewing various documents, gathering relevant information, and compiling portions of this report. The members are proud of what they have accomplished in a relatively short period of time. This report has been adopted by the Task Force unanimously.

3.0 CURRENT PROCESS

Regulations are adopted in Connecticut pursuant to the Uniform Administrative Procedure Act (C.G.S. §§ 4-166 - 4-189g) and the rules of the legislative Regulation Review Committee. Generally, a regulation must (1) be properly noticed, (2) have a public comment period, (3) be approved by the Attorney General as to legal sufficiency, (4) be approved by the Regulation Review Committee, and (5) be filed in the Secretary of the State's office. There are exceptions for emergency regulations, regulations that are disapproved by the Regulation Review Committee and for technical amendments.

Agencies may only adopt regulations that are authorized by Connecticut statute. Some agencies have very broad authority to adopt regulations, while other agencies have more limited authority that is often limited to a particular topic. With some exceptions, an agency's regulation-making authority generally falls into two categories, mandatory and permissive. Mandatory regulations are those that an agency is required to promulgate pursuant to a public act. Many agencies also have permissive regulatory authority. For example, the Commissioner of Social Services is empowered to "adopt and enforce such regulations . . . as are necessary to implement the purposes of the department as established by statute. . . ." Conn. Gen. Stat. § 17b-3.

An agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal* at least 30 days prior to submitting the proposed regulation to the Regulation Review Committee. Regulations mandated by a public act must be noticed not later than five months after the effective date of the public act, or the time specified in the act. Proposed regulations must be submitted to the Regulation Review Committee not later than 180 days after publication in the *Connecticut Law Journal*.

Agencies are required to prepare a fiscal note for a proposed regulation no later than the date of publication of the notice of intent. The fiscal note must include the estimated cost to or revenue impact on the state and any municipality of the state and on small businesses in the state. It must also contain a small business impact statement and a regulatory flexibility analysis, if applicable.

All interested persons must be afforded an opportunity to submit data, views or arguments concerning a proposed regulation. Comments may be written or may be given orally if an agency holds a public hearing. An agency is required to hold a public hearing on a proposed regulation if required by authorizing legislation or, if within 14 days after notice has been published, a hearing is requested by at least 15 persons, a governmental subdivision or agency or an association that has at least 15 members. An agency is required to fully consider all written and oral submissions.

An agency may decide to proceed with the regulation as proposed or may revise the text of the regulation based on the public comment received. It must respond by mail to all persons who made written or oral comments and who have requested notification. The agency response must include the final wording of the proposed regulation, along with an explanation of its reasons for rejecting requested changes.

All regulations, except emergency regulations, must be approved by the Attorney General for legal sufficiency. A proposed regulation is deemed approved by the Attorney General if he or she fails to give notice of legal insufficiency to the agency within 30 days of receipt of the regulation.

If the Attorney General approves the proposed regulation for legal sufficiency, the agency then submits an original and an electronic copy of the proposed regulation and supporting material (including a certification page signed by the agency commissioner and the Attorney General, a fiscal note, etc.) to the legislative Regulation Review Committee for consideration. The legislative Office of Fiscal Analysis and the Legislative Commissioners' Office review the proposed regulation and prepare reports for the committee. The committee then meets to consider the proposed regulation and may (1) approve, (2) disapprove, or (3) reject without prejudice, in whole or in part. Mandated regulations that are rejected without prejudice must be resubmitted by the agency by the first Tuesday of the second month following rejection.

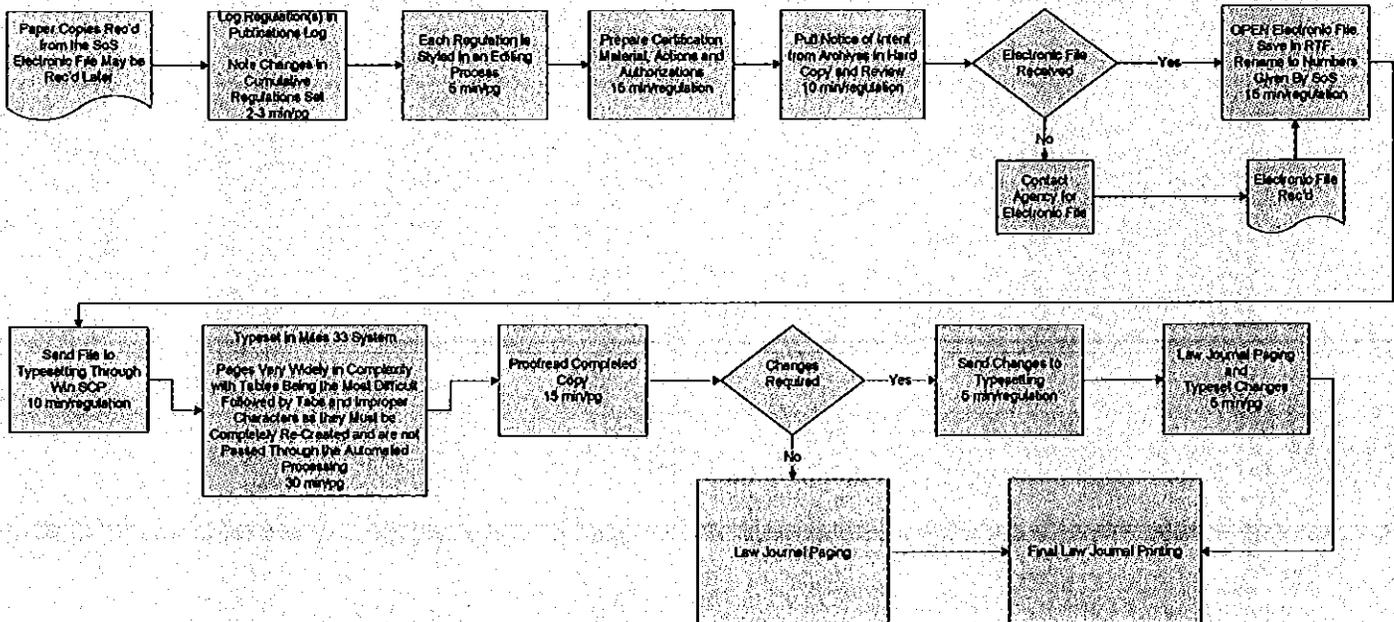
All regulations approved by the committee must be filed by the agency in the Secretary of the State's office. The regulation is effective upon filing, unless a later date is required by statute or specified in the regulation.

The Secretary of the State forwards a copy of the regulation to the Commission on Official Legal Publications (COLP), which is required to publish the regulation in hard copy in a supplement to the regulations of Connecticut state agencies. COLP is required by statute to publish the supplement at least every six months. COLP's preparation and printing process is depicted in Section 3.2.

3.2 CURRENT PRINTING PROCESS FLOW CHARTS

Regulations Processing for Law Journal Printing

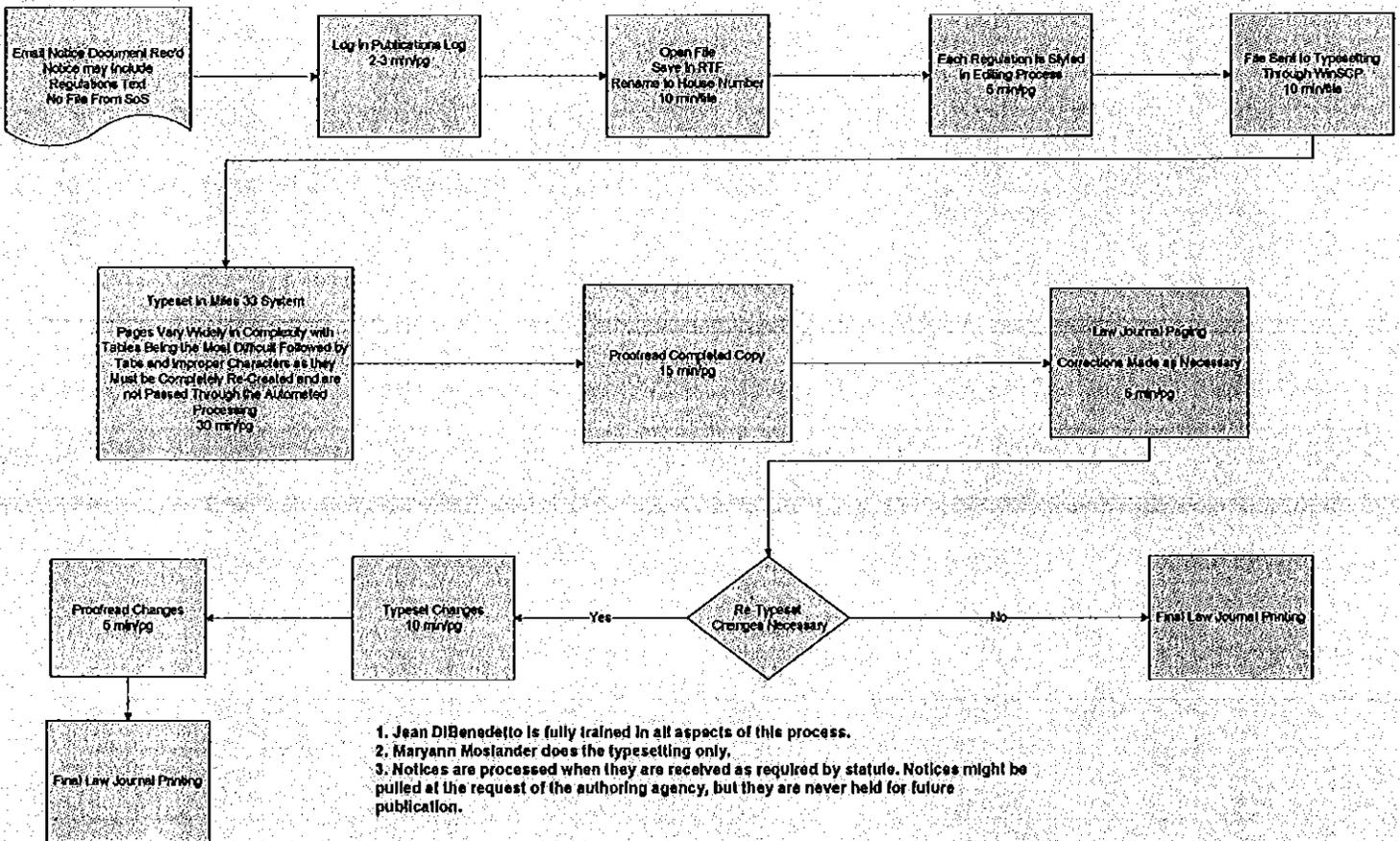
All Times Are Averages Unless Otherwise Noted



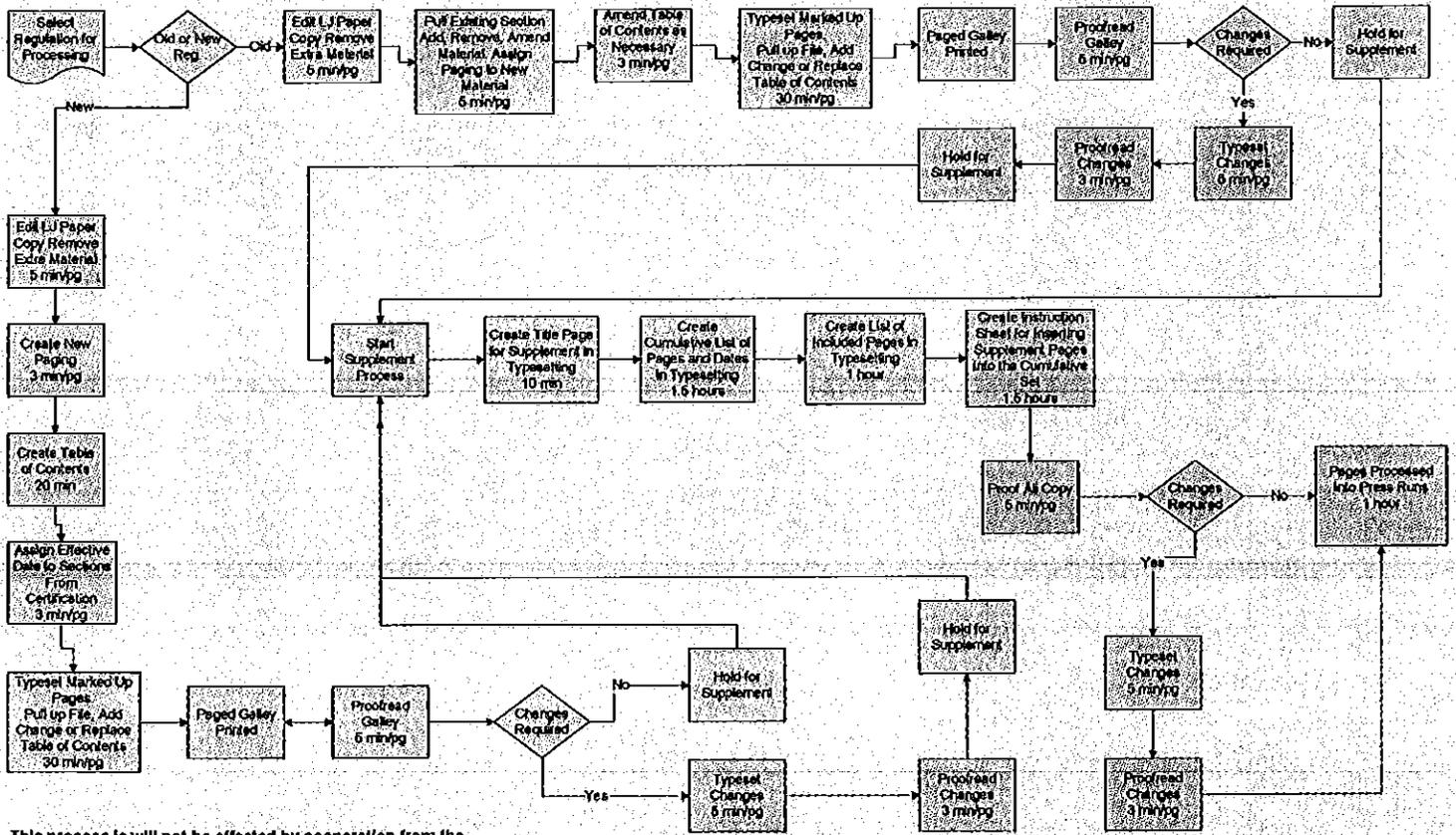
1. Regulations vary widely in the number of pages. The approximate maximum that could be allowed for Law Journal Printing is 80 pages.
2. Jean DiBenedetto is fully trained in all aspects of this process.
3. Maryann Moslander does the typesetting only.
4. Regulations are processed when they are received as required by statute. They must be published within one month of filing with the Secretary of the State.
6. Even if full cooperation is received from agencies in submitting clean copy, Regulations must still be checked for errors and to ensure proper styling. No steps can be eliminated, but some time savings will be realized in the typesetting process.

**Notices of Intent Processing for Law Journal
Publication**

All Times are Average Times Except Where Noted



Preparation of Official Regulations Set Supplements
All Times are Averages Unless Otherwise Noted



This process is will not be effected by cooperation from the agencies in submitting "clean copy" as the agencies are not involved at this point.

Average Number of Pages in a Supplement
800 - 900

4.0 PROCESS ESTABLISHED BY PUBLIC ACT 12-92¹

Pursuant to Public Act 12-92, agencies will follow the same general procedures for the adoption of regulations on and after July 1, 2013, but several procedures will transition to an online format and several additional agency requirements will go into effect, as noted below.

Specifically, a notice of the adoption of the regulation will no longer be published in the *Connecticut Law Journal*. Rather, agencies will provide such notice to the Office of the Secretary of the State for posting online by the Secretary. Not later than five days after receipt of such notice and the fiscal note, including the small business impact analysis and any applicable regulatory flexibility analysis, the Secretary will be required to post such information on the Secretary's website. The agency will also be required to post such information on the agency's website.

On and after July 1, 2013, the text of any regulation that an agency chooses to adopt will be posted on the agency's website, as well as the Secretary of the State's website. Also, persons who made submissions to the agency in response to notice of the proposed regulation will receive an electronic mail or paper copy of the regulation that will proceed.

Additionally, while the general procedure for the adoption of an emergency regulation will remain the same after July 1, 2013, an approved emergency regulation will be posted on the Secretary of the State's website. Such emergency regulations will also be required to be posted on the adopting agency's website.

Another change required by Public Act 12-92 will be the posting on the agency's website of any portion of the regulation-making record that is required to be posted online.

Perhaps the most significant change that will occur after July 1, 2013 is that a regulation will not be effective until such regulation is electronically submitted to the Secretary of the State and posted online by the Secretary. The Secretary will have five days from the agency's submission of the approved regulation to his or her office to post such regulation online. Moreover, the Secretary of the State will no longer transmit the regulation to the COLP for publication. Rather, the Secretary of the State will be responsible for posting such adopted regulations, along with a compilation of regulations adopted by all state agencies subsequent to October 27, 1970, online and in a manner that is easily accessible and searchable by the public. Once such regulations are posted online by the Secretary, they will be the official version of the regulations for all purposes.

Under Public Act 12-92, the Secretary of the State is also required to seek licensing agreements with

¹ This section describes the process established by Public Act 12-92 only. PA 12-92 does not become effective until July 1, 2013. The Task Force is recommending improvements to this process, which are described in the subsequent sections. If the Task Force recommendations are adopted, they would supersede Public Act 12-92.

applicable organizations to post online any codes and other standards incorporated by reference in the Regulations of Connecticut State Agencies.

Not later than July 1, 2013, the Department of Social Services will be required to post the agency's community services, state medical services and public assistance manuals on its website. Additionally, when the agency determines to operate pursuant to a policy that is not yet adopted and approved in regulation, the agency, beforehand, will be required to post such policy on its website and submit a copy of such policy to the Secretary of the State for online posting.

Finally, Public Act 12-92 requires that all state agencies post on their website any manual or guidance document that such agency has written.

5.0 PROBLEMS IDENTIFIED

Below is a list of high-level problems that the Task Force has identified with the current regulation process and the process established by PA 12-92.

- The current printing process relies on a proprietary typesetting system maintained by the COLP, an office of the Information Technology Division of the Judicial Branch. COLP has limited staff trained in operating the system and COLP's primary function is printing Judicial Branch-related materials, including the *Connecticut Law Journal* (including Supreme and Appellate Court decisions, legal notices, *Connecticut Practice Book* changes, and Regulations of Connecticut State Agencies) and all Judicial Branch forms. Reliance on hard copy publication produces delays. For example, agencies must submit notices of intent ten days in advance in order to ensure publication. In addition, a supplement to the hard copy regulations is updated only twice a year.
- The *Connecticut Law Journal* and the compiled version of the Regulations of Connecticut State Agencies are not easily or freely accessible to the public in an electronic format. Some agencies do not consistently make their regulations available to the public on their agency websites, and those versions are not always reliable or updated.
- Public Act 12-92 contains a number of dual posting requirements that are unnecessary and potentially confusing. For example, Section 2 of PA 12-92 requires publication of many of the documents that make up the regulation-making record both on the website to be maintained by the Secretary of the State and each agency's own website. There is no need for these dual posting requirements if – as the Task Force recommends – a centralized system is established that gives the public access to all current regulations, as well as the regulation-making record. Dual posting has the potential to create multiple conflicting versions of regulations as regulations get updated and modified, and confusion for parties trying to obtain the official version of a given regulation.
- There is no central coordinator for regulations to ensure quality control and accuracy of the regulation process.
- There is no official review of documents submitted to the Secretary of the State by an agency to verify that changes required by the Regulation Review Committee have been made.
- Public Act 12-92 requires the Office of Policy & Management to seek to obtain licenses to post proprietary materials that are incorporated by reference to the state regulations, which is problematic.

5.1 RECOMMENDED SOLUTIONS

The Task Force recommends changes to Public Act 12-92 as well as other changes to the regulation-making process as set forth in the Uniform Administrative Procedures Act. A fully drafted version of the statutory changes recommended is attached as Appendix 9.2. This bill is part of the Governor's 2013 legislative package. Below is a summary of the relevant legislative changes:

- All current regulations and the entire regulation-making record should be compiled in one central online location that is easily accessible and searchable by the public (hereinafter the "eRegulations System"). The dual posting requirements called for in Public Act 12-92 should be eliminated in favor of this centralized system.
- The timing for implementation of the eRegulations System should be phased in. The task force believes that regulations currently printed by COLP can be put online and made searchable to the public by July 1, 2013. However, to ensure that the system is kept up-to-date, made sustainable in the future, and to remove COLP from the process, the entire regulation-making process must be made electronic. This will require a greater information technology effort. A realistic timeframe for developing the entire system is about 18 months.
- Access to the eRegulations System should be through the Secretary of the State's website. Agency websites should link to this central repository.
- The online version of the Regulations of Connecticut State Agencies should be the official version of the state's regulations, once the entire system is ready for public use.
- Agencies should have access to the eRegulations System to upload the documents required by the regulation-making process, so the burden is not placed on the Secretary of the State's Office.
- The eRegulations System should be used to store the entire regulation-making record, thereby eliminating the current requirement for agencies to retain a hard copy and making the record easily accessible to the public.
- The Secretary of the State should have the sole authority to publish the final approved version of a regulation after determining that the version provided by the agency contains all changes required by the legislative Regulation Review Committee. No other authorized users of the system – including agency personnel – should have access to alter the compilation of regulations.
- The eRegulations System should include all regulations, including emergency regulations and regulations that agencies are statutorily permitted to implement while proceeding through the regulation-making process, such as the Department of Social Services' authority under Section 17b-10 of the General Statutes.
- While not in the current plan, the eRegulations System should eventually include all regulations that were superseded or repealed prior to full implementation of the system on or before October 1, 2014.

- Regulations should be effective upon publication on the eRegulations System, unless otherwise specified in the authorizing statute or in the regulation itself. This change corresponds with the view that regulations should not be effective until they are accessible to the public and will allow the public to immediately know when regulations are effective.
- The Department of Social Services' Uniform Policy Manual (UPM) should be made available to the public in the same manner as all other regulations. DSS should be provided with limited expedited authority to make technical revisions to the UPM to conform to standard regulation formatting to facilitate publication on the eRegulations System.

Regulations Coordinator

Most states have an office dedicated to supervising the regulation-making process and publishing the effective regulations, usually called a regulations coordinator or administrator. The Task Force recommends that such a position be created in Connecticut. Because the Secretary of the State will provide the portal to the new system, the regulations coordinator may be placed appropriately in her office. However, because regulation-making is a core executive branch function (*i.e.*, a function exercised by agencies under the direction of the Governor) it may be sensible for this position to be placed inside another executive branch agency. For administrative flexibility, the Task Force does not believe that such position should be created by statute. Rather, the Secretary of the State should be statutorily responsible for maintaining the eRegulations System and should be given the flexibility of establishing the mechanisms by which she will discharge this responsibility.

The primary responsibilities of a regulations coordinator would be to:

- Function as the business-side system administrator for the eRegulations System. This responsibility would include: providing authorized users with access to the system and establishing their authority within the system; changing business rules to account for changes to the regulation-making process, agency name changes, removing erroneous material from the regulation-making record; creating forms and templates for use within the system; and assisting authorized users and the public in accessing and using the system.
- Act as the business owner of the system through development and implementation.
- Review the final approved version of a regulation to ensure that all changes required by the legislative Regulations Review Committee have been made and, if authorized by the Secretary of the State, upload final regulation text to the system.
- Assist agencies with the regulation-making process.
- Facilitate future enhancements to the system, such as uploading prior regulation versions (*i.e.*, regulations that have been repealed or superseded) and coding documents within the regulation-making record with relevant information to enhance searching capabilities.
- Work with information technology staff to suggest and make improvements to the system.

Recommendations for Project Success

Under the terms of PA 12-92, the Task Force will end upon submission of this report. However, there is much more to be done to ensure that the plan outlined is successful. Critically, an IT project of this size

needs a business owner – someone who is vested in seeing the project succeed. The Task Force believes that the Regulations Coordinator should be that owner. There is no single agency or other state entity that is involved with the entire regulation-making process to fill this need. Without an owner, the project will likely fail, because of lack of leadership.

The Regulations Coordinator cannot ensure success alone. He or she must be supported by a project team and steering committee. A steering committee is established for most IT projects of this size, and is BEST's preferred method of high-end governance for a project. A steering committee does not make day-to-day decisions, rather, it provides governance and decision making for the project team; removes barriers to progress; and reviews and approves critical deliverables. The steering committee, appointed by the Governor, should be small (no more than five people) and should consist of high-ranking business and IT officials within the core agencies and legislative management.

The project team should be established through collaboration between the Secretary of the State, Office of Policy & Management, DAS/BEST and the Governor's Office. The composition of the project team should include both business and technical members. Technical leads will likely be IT consultants or provided by a vendor. However, the project team will need members experienced in the business process, which should come from state government. The business leads are critical to ensure that progress is made and that the technical leads have the information needed to design and build the system properly. As the system is designed and implemented, it is critical that public and business community input is sought, to ensure the system provides needed functionality and design.

The Task Force recommends creating a comprehensive electronic system for regulation-making. This will require completing a system development project following established system development methodology. Establishing a steering committee and project team as outlined in the preceding paragraph is part of that standard system development methodology. The Task Force has already spent much time creating the Business Requirements document, which is the foundation of an IT project. The requirements alone, however, are not detailed enough to build a system. Rather, the project team should use these requirements as a guide to proceed with further phases of development, such as creating a project plan, documenting detailed technical requirements, and creating a system architecture. Throughout the process, the Task Force was conscious that its goal was not to design a system, but to describe what the system should do.

The requirements have been prioritized into "priority 1" and "priority 2" categories. This does not mean that certain aspects should be left out of the system completely. With limited exceptions, the project should not be considered complete until the system that is built satisfies all of the requirements laid out by the Task Force. "Priority 1" items are simply those that the Task Force believes must be included in an initial rollout of the system. If some or all of the priority 2 items can be included, they should also be included in the initial rollout. And all priority 2 items should be completed no later than October 1, 2014.

6.0 PLAN FOR MODERNIZATION OF THE REGULATIONS PROCESS

The Task Force believes that a comprehensive approach is required to make the entire regulations process electronic. While the current printing process allows for an electronic output of the codified regulations, doing so relies on a system that is designed to produce a printed final product. The printing process is slow and lacks public access and transparency. A more modern approach is called for, to provide online public access to all effective regulations. Further, to ensure that the regulations are kept up-to-date and available in real time, a completely electronic workflow should also be created.

The solution contemplated by the Task Force is two-fold: (1) create a back-end process for all agencies and other participants in the regulation-making process to upload the documents (or their content) that comprise the current regulation-making record; and (2) create a web interface so that the public can easily search and browse all current regulations and the regulation-making record. The following subsections detail the Task Force's plan for accomplishing these two goals.

6.1 REGULATION-MAKING PROCESS / RECORD

The regulation-making process is governed by the Uniform Administrative Procedure Act, Chapter 54 of the General Statutes. The standard regulation-making process is described in Section 3.0 above. There are, however, two exceptions to the standard regulation-making process: the process for adopting emergency regulations pursuant to Conn. Gen. Stat. § 4-168(f) and an agency's authority to implement a regulation while moving through the regulation-making process (hereinafter "expedited implementation"). For example, Section 17b-10(b) of the General Statutes currently provides that DSS:

. . . shall adopt as a regulation in accordance with the provisions of chapter 54, any new policy necessary to conform to a requirement of an approved federal waiver application initiated in accordance with section 17b-8 and any new policy necessary to conform to a requirement of a federal or joint state and federal program administered by the department, including, but not limited to, the state supplement program to the Supplemental Security Income Program, but the department may operate under such policy while it is in the process of adopting the policy as a regulation, provided the Department of Social Services prints notice of intent to adopt the regulation in the Connecticut Law Journal within twenty days after adopting the policy. Such policy shall be valid until the time final regulations are effective. (emphasis added)

When necessary, the Task Force recommendations will distinguish between how the system should treat the standard regulation-making process as opposed to the emergency regulation-making process and/or the expedited implementation process.

During the regulation-making process, multiple documents are created that are collectively referred to as the "regulation-making record." Currently, section 4-168(a) of the General Statutes requires each agency to maintain and make available for public inspection the regulation-making record, which current law defines as:

- 1) Copies of all publications in the Connecticut Law Journal with respect to the regulation or the proceeding upon which the regulation is based;
- 2) a copy of any written analysis prepared for the proceeding upon which the regulation is based, including the regulatory flexibility analyses required pursuant to section 4-168a;
- 3) all written petitions, requests, submissions, and comments received by the agency and considered by the agency in connection with the formulation, proposal or adoption of the regulation or the proceeding upon which the regulation is based;
- 4) the official transcript, if any, of proceedings upon which the regulation is based or, if not transcribed, any tape recording or stenographic record of such proceedings, and any memoranda prepared by any member or employee of the agency summarizing the contents of the proceedings;
- 5) a copy of all official documents relating to the regulation, including the regulation filed in the office of the Secretary of the State, a statement of the principal considerations in opposition to the agency's action, and the agency's reasons for rejecting such considerations, as required pursuant to section 4-168 and the fiscal note prepared pursuant to subsection (a) of said section 4-168 and section 4-170;
- 6) a copy of any petition for the regulation filed pursuant to section 4-174; and

- 7) copies of all comments or communications between the agency and the legislative regulation review committee.

The Task Force believes that the eRegulations System should electronically capture and make publicly available online all of these documents and the associated workflow (*i.e.*, the stage in the regulation-making process). With limited exceptions, all regulation-making – whether simply amending a small section of an existing regulation or proposing a comprehensive set of new regulations – requires agencies to follow the same process. The eRegulations System will be designed to replicate and enforce this standard workflow. All records related to emergency regulations and expedited implementation regulations should also be included in the system, but will follow a different workflow. A comprehensive description of how the new system should function with respect to the regulation-making record is included in the Business Requirements document attached as Appendix 9.1.

Creating an electronic regulation-making process achieves several positive results. First, it increases transparency. Agencies currently keep the regulation-making record in hard copy. To access the record, members of the public must go to the agency's central office and request the file, or issue a freedom of information request. The eRegulations System will eliminate the need for the agency to maintain a hard copy regulation-making record and will make all documents accessible to the public on a website.

Second, using an electronic system will allow the final regulation text to be updated in real time. The system will be built to immediately update the final regulation text with newly approved language. The public will no longer need to wait for hard copy publication in the *Connecticut Law Journal* or the regulations supplement (under the current processes this can take months).

Third, the regulation-making process will become more efficient once automated. It is estimated that the average regulation-making process – from proposal to final adoption – takes approximately 6 to 12 months. This time should be reduced substantially by eliminating the need to wait for hard copy publication in the *Connecticut Law Journal*, enforcing existing time limitations embedded in the process, and by automatically routing documents to the proper entity. Speeding up the regulation-making process is a positive, particularly with respect to regulations that are mandated by state or federal law.

6.2 INTERNET ACCESS TO THE FINAL REGULATION TEXT

The central focus of PA 12-92 is to require online public access to currently effective regulations by July 1, 2013. The Task Force believes strongly that this deadline should be met. To meet this deadline, the Task Force proposes a two-step approach.

First, within available resources, the Department of Administrative Services' Bureau of Enterprise Services and Technology (BEST), has the ability to create a new temporary subsite on the Secretary of the State's website to display the regulations that were codified by COLP as of May 2012. This subsite would be very basic, providing the public browse access to portable digital format (.pdf) versions of the current regulations and a simple text search. The website would also provide .pdf versions of regulations approved by the Regulations Review Committee after May 2012. If COLP completes another supplement before the new system is available, then new .pdf versions of the compiled regulations can be uploaded to the temporary site. The temporary site would also display .pdf copies of Notices of Intent to adopt regulations and emergency regulations that are currently printed in the *Connecticut Law Journal*. Because the temporary site will require time-consuming manual uploading of documents, it is not recommended that the temporary site include the entire regulation-making record. Rather, agencies should continue to keep a hard copy of the regulation-making record until the new system is in place.

The temporary subsite is a stopgap measure until the new system is ready and should not be viewed as a permanent solution. The temporary website relies on COLP to create the supplement and to generate a .pdf version of the compiled regulations. One of the central purposes of moving to an electronic system is to eliminate COLP from the process. The temporary site will also only be able to provide basic access to the regulations and Notices of Intent.

The long-term solution is the eRegulations System, with enhanced ability to search and browse in-effect regulations and the regulation-making record. The Task Force has determined that creating a web portal for public access to in-effect regulations should be the next priority. Accordingly, while the entire eRegulations System as described in this report and the attached Business Requirements document (*see* Appendix 9.1) should be developed, the next priority of the project should be to focus on public access to the in-effect regulations. Implementation of this new solution will depend on the technology that is chosen, which is why the Task Force proposes the temporary subsite as a first step to meet the July 1, 2013 deadline.

6.3 PHYSICAL EQUIPMENT & SOFTWARE NEEDED

The Business Requirements document attached as Appendix 9.1 details the functional requirements of the new system as determined by the Task Force. These business requirements should drive the technical solution. Due to time limitations, the Task Force is not in a position to determine exactly what physical equipment and software will be needed to implement the solution. Document management products with which BEST has experience, should be considered. However, there are other products, particularly electronic content management products, that may be more appropriate solutions for some or all of the aspects of this project. The Task Force recommends that vendors currently under state contract be contacted to propose various solutions. A statement of work should be developed and provided to these vendors and others to elicit proposed solutions.

Any solution will inevitably require purchasing software licenses, but may not require purchasing physical hardware if there is excess capacity within BEST's current infrastructure. In addition, there are other IT projects currently underway in the state which may be able to provide licenses and hardware.

6.4 CONTINUED MAINTENANCE & OPERATION OF THE SYSTEM

Maintenance of the new system is really two questions: who will provide the business-side maintenance and who will provide the technical-side maintenance? As described in Section 5.1, the proposed Regulations Coordinator should be the business-side system administrator. Like most IT systems, the eRegulations System must be built to be changed based on future circumstances. Among other things, authorized users must be added and deleted, agencies may be created, eliminated, or consolidated, the regulation-making process may statutorily change, and inadvertently filed documents may need to be removed or edited. The new system should be designed to allow for the Regulations Coordinator to make relevant changes easily, without IT experience.

Without a Regulations Coordinator, there will be no one to perform the above functions. Moreover, the Regulations Coordinator can provide uniformity and consistency in the regulation-making process. Both in law and in practice, Connecticut has a relatively complicated and long process for promulgating regulations. A Regulations Coordinator could help agencies navigate this process and ensure that the documents created are uniform and accurate. Finally, the IT project is unlikely to be successful without a true business owner. Because this is a cross-agency problem, there is no one entity to see that the system is developed successfully and remains viable into the future. The Regulations Coordinator would fill this need.

On the other hand, there will be a need for IT maintenance to the system. The products chosen for the solution and host infrastructure may be upgraded, enhancements and configuration changes may need to be applied, or other issues may require changes to the computer code that forms the backbone of the system. The most cost effective way to handle this maintenance is to include BEST personnel in the design and implementation of the system, so that they are capable of maintaining the system after it goes live. A long-term maintenance contract with the vendor that designs and constructs the system is not recommended, however contract terms that require the vendor to make comprehensive alterations or updates to the system may be appropriate in instances where BEST lacks the relevant expertise and/or the personnel.

6.5 NECESSARY TRAINING

The training necessary for authorized users to operate the system will depend on the solution chosen. A solution that utilizes a document management product will probably require less training, because users will be creating documents in standard Microsoft Word. However, this type of solution may not provide the flexibility needed. If an electronic content management solution is chosen (*i.e.*, a product that stores text, rather than documents), then more training will probably be required, because users will have to be taught to create relevant documents directly in the system. Regardless of the solution chosen, the contract with the vendor that is brought in to design and construct the system should include training for all authorized users. The Regulations Coordinator should be provided more extensive training, so that they are capable of providing training to other authorized users in the future.

6.6 ANTICIPATED WORKLOAD & WORKLOAD SAVINGS

Once the new system is fully implemented, there will be significant workload savings for COLP and agencies with regulation-making authority. COLP will no longer be required to print regulations in the *Connecticut Law Journal* or in the supplement. Therefore, COLP will save both personnel time and on materials such as paper and ink.

Agencies with regulation-making authority should also experience increased personnel efficiency. The new system will provide agencies with an editable electronic copy of their current regulations, so that agencies can be sure that they are amending existing law. Additionally, the new system should enforce standard regulation formatting such that agencies do not need to spend as much time manually editing their proposed regulations. Most importantly, by storing the entire record centrally and electronically, no documents will be lost and no time will be wasted transmitting documents from entity to entity.

The new system will require some additional work, which should be more than offset by the workload savings identified above. All authorized entities will need to be trained in the new system and there will be a learning curve. But this system should be no more complicated than other IT systems familiar to state personnel, such as CORE, or the Judicial Branch's case management system.

The Regulations Coordinator is a proposed new position important to the success of this project. Centralizing the responsibilities with one office will ensure that the regulations process is carried out consistently, accurately, and efficiently.

6.7 COST ESTIMATE / SAVINGS

Funding for the new system has already been requested through the Information Technology Capital Investment Program established by Section 2a of Public Act 12-189. The fund is administered by the Executive Information Technology Strategy and Investment Committee, which requires the submission of an application and financial spreadsheet before recommending an allocation of funds.

Copies of the materials submitted to the committee are attached as Appendix 9.3 and fully describe the financial needs, potential cost savings, and revenue generation potential attributable to the project. On January 25, 2014, the Bond Commission approved an allocation of \$1.7 million in bond funds for this project.

The proposal submitted to the committee is believed to be a high-end estimate, based on contracting out all of the IT duties related to developing and constructing the system, utilizing predetermined hourly rates under existing BEST contracts (typically referred to as the BEST “body shop” contracts). A vendor that has all of the needed resources on staff would likely be more cost effective, because they can more efficiently manage their resources over their various projects. In other words, unlike independent contractors, a resource that is not currently being utilized on this project can be shifted to another of the vendor’s projects where that resource is needed.

As described above, the Task Force recommends seeking proposals from various vendors currently under state contract. In addition, the Task Force recommends engaging an independent project manager to act as a liaison between the state and the vendor to protect the state’s interests and to manage the flow of information to and from the vendor. The materials submitted to the committee also include estimates for software licensing, training, and other required activities related to migrating the current regulations into the new system.

6.8 SUMMARY OF PROPOSED BILL

While Public Act 12-92 was a good first step towards modernization of the regulations process, the Task Force does recommend several statutory changes, primarily to account for the view that a central repository of all regulation material is the best solution. A fully drafted version of the statutory changes proposed by the Task Force is attached as Appendix 9.2. Below is a summary of the changes.

- **Section 1.** Creates and defines the eRegulations System. Requires all effective regulations to be put online by July 1, 2013. Requires regulation-making documents to be put online by October 1, 2014. The new system will be the official version of the Regulations of Connecticut State Agencies, once the Secretary of State certifies that the new system is technologically sufficient to function as the official version. Requires COLP to continue to print regulations until the Secretary of the State makes such certification or October 1, 2014.
- **Section 2.** Requires notices of intent to be posted on the eRegulations System by July 1, 2013, which eliminates the printing requirement in the *Connecticut Law Journal*.
- **Section 3.** Makes parallel changes made in Sections 1 and 2, above, with regard to posting of the approved regulations, notices of intent and the other regulation-making records (*i.e.*, approved regulations and notices of intent must be put on online as of July 1, 2013, all other regulation-making records by October 1, 2014). Eliminates a dual posting requirement that agencies also post notices of intent and other regulation-making records on their websites. This is consistent with the view that a centralized repository is better than a bifurcated system. Requires emergency regulations to be put on the eRegulations System by July 1, 2013.
- **Section 4.** Moves the effective date for putting the regulation-making record online from July 1, 2013 to October 1, 2014.
- **Section 5.** Specifies that agency submissions to the AG and the response from the AG will be electronic.
- **Section 6.** Makes corresponding changes to wording concerning submission to the LRRC and specifies that a regulation will become effective upon publication online, unless otherwise specified in the authorizing legislation or in the regulation itself.
- **Section 7.** Makes corresponding changes to wording concerning rejection without prejudice by the LRRC.
- **Section 8.** Same as Section 6, regulations are only effective upon publication online, unless otherwise specified.
- **Section 9.** Removes redundant language that has now been placed in Section 1.
- **Section 10.** Requires the DSS Uniform Policy Manual (UPM) to be posted on the new system by October 1, 2014, but retains the requirement in current law that DSS prepare and routinely update such document. Eliminates a requirement that DSS post the UPM on its website (dual posting requirement).

- **Section 11.** Makes similar changes as Section 10 for the community services policy manual, which now falls under the jurisdiction of the Department of Aging.
- **Section 12. (New Language).** Allows DSS to make technical changes to the UPM to conform to standard regulation formatting through an expedited regulation-making process. The DSS UPM represents approximately 10% of all state regulations. Giving DSS this authority will provide a method to make this important source of regulations more accessible to the public in the future.
- **Section 13.** Repeals Sections 11 and 12 of PA 12-92. Section 11 of PA 12-92 required any agency with authority to implement while proceeding with the regulation-making process to “(1) post such policy or procedure on its Internet web site prior to implementation, (2) electronically submit such policy or procedure to the Secretary of the State to be posted in the online database on the Secretary’s Internet web site prior to implementation, and (3) comply with every other requirement of the authorizing statute.” This requirement is no longer necessary if such policies are posted online prior to implementation pursuant to this proposed legislation. Section 12 required agencies to post on their websites “any written manual or other guidance document.”

7.0 CONCLUSION

The modernization effort outlined in this report is essential to making Connecticut a better place to do business. The businesses of this state and residents regulated by state agencies should have one place to go to find the rules that apply to them and their activities. Connecticut is the only state that does not have some form of central repository for its state regulations. The status quo is unacceptable and unsustainable. The plan outlined in this report is comprehensive, innovative and forward-thinking. If implemented, Connecticut would go from arguably the worst state in terms of transparency and access to its regulations and regulation-making process to one of the best. Moreover, once complete, this project will allow other regulation reform efforts to proceed more effectively, such as eliminating unnecessary or outdated regulations and updating and streamlining those that remain.

Efforts to improve and update this process have been tried and failed several times before for many reasons, but primarily due to lack of leadership and funding. With the support of the Governor and the Secretary of the State, and through the creation of the proposed Regulations Coordinator position, the Task Force believes that the proper leadership is in place to see this effort through. Also, the General Assembly's creation of the Information Technology Capital Investment Program provided a funding mechanism that had not been available in previous efforts. Thus, leadership and funding are available where they have not been before. All that is needed now is the statutory framework to enact the plan laid out in this Report. The Task Force urges the General Assembly to adopt the proposed statutory language and support implementation of this important project.

8.0 ACKNOWLEDGEMENTS

The Task Force would like to thank the following individuals who provided useful feedback, attended Task Force meetings, took minutes, and otherwise provided invaluable assistance in the creation of this report and assembled documents.

Jean DeBenedetto, Commission on Official Legal Publications
Benjamin Elliott, Office of the Governor
Peter Hadler, Department of Social Services
Andrea Keilty, Department of Administrative Services
James Spallone, Deputy Secretary of the State
Laura Stefon, Office of the Governor
Brad Towson, Legislative Commissioner's Office
April Wang, Office of the Governor

9.0 APPENDIX

9.1 BUSINESS REQUIREMENTS

Connecticut eRegulations Requirements

Req Id	Requirement Description	Requirement Type	Capability	Sub Capability	Priority
Work In Progress. The Following Requirements are for discussion purposes only. They are yet to be validated.					
<i>The following represent the high level requirements for the modernization effort into the regulations for Connecticut. The requirements may change based on the approach taken to develop the solution and based on information gathered during the design phase.</i>					
1.0.0.0	System Administration				
1.0.0.1	The system shall support all aspects of storing and maintaining the regulations and the regulation-making record	Functional	System Administration	General	
1.0.0.2	The system shall perform pre-defined case management functions with respect to managing current and future amendments to the regulations	Functional	System Administration	General	Priority 1
1.0.0.3	Prior versions of the regulations that are no longer current law shall be included in the system	Functional	System Administration	General	Priority 2
1.0.0.4	The system shall be designed to assume that users will have basic technical experience such as accessing websites and using search engines like Google and therefore the system should be as user friendly and easy to use as possible	Functional	System Administration	General	Priority 1
1.0.0.5	The system shall be designed with a System Administration component that supports the maintenance of regulations	Functional	System Administration	General	Priority 1
1.0.0.6	The System Administration component of the system shall comprise the following aspects: - Persona / Profile Management - System Maintenance - System Security	Functional	System Administration	General	Priority 1
1.0.0.7	The Profile Management component shall support the configuration and maintenance of information about the actors of the system	Functional	System Administration	General	Priority 1
1.0.0.8	The system shall maintain a basic hierarchy to include the actors of the system managed by a system administrator	Functional	System Administration	General	Priority 1
1.0.0.9	The system hierarchy shall consist of agencies being represented by one or more agency users	Functional	System Administration	General	Priority 1

Connecticut eRegulations Requirements

1.0.0.10	The System Maintenance component shall support the configuration and maintenance of business rules that are common to all system users	Functional	System Administration	General	Priority 2
1.0.0.11	The System Security component shall support role based access to system functionalities to maintain the integrity of business and system processes	Functional	System Administration	General	Priority 1
1.0.0.12	Authorized users shall have access to the System Administration Component via user interface(s) to facilitate all business aspects of system maintenance (e.g. update agency name, updates to business rules, system settings, etc.) with little to no IT development work effort	Functional	System Administration	General	Priority 2
1.1.0.0	Persona / Profile Management				
1.1.0.1	There shall be no restriction on the number of agencies and users that can be added to the system at a given point of time	Functional	System Administration	Persona	Priority 1
1.1.0.2	The system shall maintain the following profile groups: - Agency Profile - User Profile	Functional	System Administration	Persona	Priority 1
1.1.0.3	The system shall maintain a separate profile for each agency that will be a part of the regulations process	Functional	System Administration	Persona	Priority 1
1.1.0.4	The Agency Profile shall consist of the following attributes: - Agency Name - Agency Address (Street, City, State, Zip)	Functional	System Administration	Persona	Priority 1
1.1.0.5	Each agency shall have users associated to it that are authorized to perform the regulation-making process functions	Functional	System Administration	Persona	Priority 1
1.1.0.6	Each user belonging to an agency shall have a unique profile in the system	Functional	System Administration	Persona	Priority 1
1.1.0.7	A User Profile shall consist of the following attributes: - First Name - Last Name - Name Of Agency - Title Of The User - Address (Street, City, State Zip) - Contact Phone - Contact Email	Functional	System Administration	Persona	Priority 1

Connecticut eRegulations Requirements

1.1.0.8	The system shall accommodate the creation of profiles for public users in the event such a need arises	Functional	System Administration	Persona	Priority 1
1.1.0.9	The system shall not be required to perform validation of addresses put into the system	Functional	System Administration	Persona	Priority 1
1.2.0.0	System Maintenance				
1.2.0.1	The Secretary Of The State (SOTS) shall be defined by the system as a Business Administrator	Functional	System Administration	System Maintenance	Priority 1
1.2.0.2	The following elements shall be configurable in the system: - Authorized entities defined for a regulation-making process - Regulation-making work flow - Time frames - List of Agencies - List Of Users - List of Agencies authorized to use the expedited implementation indicator (DSS) - List of Agencies authorized to receive the 2nd extension on emergency regs (DEEP currently)	Functional	System Administration	System Maintenance	Priority 2
1.2.0.3	The following time frames shall be configurable: - Public Comment Period (>=30 days) - 30 Day Approval Period by the AG - 180 Day timeframe for Mandatory Regs - Back Dating of the effective date of an expedited implementation regulation after agency triggers posting of NOI to the public (can be back dated up to 20 days from the trigger) - 120 Day effective period after approval by LARRC for emergency regs - 60 Day period of 1st extension of emergency reg - 60 day period of 2nd extension of emergency reg	Functional	System Administration	System Maintenance	Priority 2
1.2.0.4	All information recorded in the system shall remain in the database. No information shall be physically deleted from the database. In the event information needs to be masked from view or access to users, the data shall be flagged accordingly to denote the action	Functional	System Administration	System Maintenance	Priority 1
1.2.0.5	The system shall provide the option to purge records	Functional	System Administration	System Maintenance	Priority 3
1.3.0.0	System Security				
1.3.1.0	General				

Connecticut eRegulations Requirements

1.3.1.1	The public shall have read only access to the regulations and the regulation-making records	Non Functional	System Administration	System Security	Priority 1
1.3.1.2	The system shall provide agencies and other authorized users access to the system through a secured login id and password	Non Functional	System Administration	System Security	Priority 1
1.3.1.4	More requirements for security shall be detailed after JAD sessions with the security administrators	Non Functional	System Administration	System Security	
1.3.2.0	Audit Trail				
1.3.2.1	Any information that gets created or removed or updated in the system shall be logged in the form of an audit trail	Non Functional	Security	Audit Trail	Priority 1
1.3.2.2	The system shall capture audit information for each regulation and accompanying documents involved in the regulation-making workflow	Non Functional	Security	Audit Trail	Priority 1
1.3.2.3	The audit information shall consist of the following attributes: - Last Modified By - Last Modified Date (MM/DD/YYYY) - Identification of the document being modified	Non Functional	Security	Audit Trail	Priority 1
1.3.2.4	The last modified by attribute shall consist of the user id of the person who processed the latest change to a regulation	Non Functional	Security	Audit Trail	Priority 1
1.3.2.5	The system shall not allow any user irrespective of their role to modify information captured for the audit	Non Functional	Security	Audit Trail	Priority 1
1.3.2.6	The audit trail shall be viewable by a system administrator in the event a need for verification of system usage arises	Non Functional	Security	Audit Trail	Priority 1
2.0.0.0	Regulations				
2.1.0.0	General				
2.1.0.1	The system shall define a regulation as the outcome of an agency's compliance with a legal statutory authority	Functional	Regulations	General	Priority 1

Connecticut eRegulations Requirements

2.1.0.2	<p>Attributes for a regulation proposed in the system shall be grouped into one of the following data groups:</p> <ul style="list-style-type: none"> - Structure Of Regulation (Required) - Type of Regulation (Required) - Other <ul style="list-style-type: none"> - Short Name (Required) - Subject Matter (At least one) - Expedited implementation Indicator (Optional) - Notes (SOP) - Optional - File Date (<i>Not Editable</i> - <i>automatically prefilled by the system</i>) - Last Action (<i>Not editable</i> - <i>automatically prefilled by the system</i>) - Last Action Entity (<i>Not editable</i> - <i>automatically prefilled by the system</i>) - Last Action Date (<i>Not editable</i> - <i>automatically prefilled by the system</i>) 	Functional	Regulations	General	Priority 1
2.1.0.3	<p>The structure of a regulation shall consist of the following attributes:</p> <ul style="list-style-type: none"> - Title Number with Title Heading - Chapter Number <ul style="list-style-type: none"> - Section Number with Section Heading 	Functional	Regulations	General	Priority 1
2.1.0.4	<p>While proposing a regulation in the system agencies shall be required to choose the structure for the regulation</p>	Functional	Regulations	General	Priority 1
2.1.0.5	<p>A regulation at a given point of time shall only be related to a single title</p>	Functional	Regulations	General	Priority 1
2.1.0.6	<p>The title number and title heading shall correspond to the title number and title heading contained in the Connecticut General Statutes</p>	Functional	Regulations	General	Priority 1
2.1.0.7	<p>The system shall support the title of a regulation to consist of one or more chapters</p>	Functional	Regulations	General	Priority 1
2.1.0.8	<p>The system shall support the chapter of a regulation to consist of one or more sections</p>	Functional	Regulations	General	Priority 1
2.1.0.9	<p>Refer to "Regulations Structure" tab for more details on the structure of a regulation</p>	Functional	Regulations	General	Priority 1
2.1.0.14	<p>Each regulation section shall contain the following attributes:</p> <ul style="list-style-type: none"> - Regulation section text - Amendment history 	Functional	Regulations	General	Priority 1

Connecticut eRegulations Requirements

2.1.0.15	In the event an agency uploads a regulation and accompanying documents for proposal, and if the system finds the section(s) to be existing in the system as an effective regulation(s), then the system shall record that the regulations being proposed are amendments to regulation in effect	Functional	Regulations	General	Priority 1
2.1.0.16	The amendment history shall be displayed underneath each regulation section text	Functional	Regulations	General	Priority 1
2.1.0.17	The amendment history shall be displayed in different font and color from the regulation section text	Functional	Regulations	General	Priority 1
2.1.0.18	The amendment history shall contain the date the amendment became effective	Functional	Regulations	General	Priority 1
2.1.0.19	The amendment history shall be organized to display the information starting with the oldest amendment to the newest amendment from left to right	Functional	Regulations	General	Priority 1
2.1.0.20	Each date in the amendment history shall be linked to the corresponding regulation-making record	Functional	Regulations	General	Priority 1
2.1.0.21	Regulations shall be displayed in a format that allows copying and markups	Functional	Regulations	General	Priority 1
2.1.0.22	In the event an agency uploads a regulation and accompanying documents for proposal, the initiating agency shall be given the option to choose the type of regulation as either: Mandated by State Law (180 Day Rule) Or Emergency Or Expedited Implementation (With Ability To Cite The Statutory Authority)	Functional	Regulations	General	Priority 1
2.1.0.23	Based on the type of regulation chosen, the rules for the regulation-making process for that regulation varies. Refer to the "Regulation- Making Process" section for more details	Functional	Regulations	General	Priority 1
2.1.0.24	The system shall provide agencies with an effective date extension option for emergency regulations that have been approved by the LRRC	Functional	Regulations	General	Priority 1
2.2.0.0	Browse Regulations				

Connecticut eRegulations Requirements

<p>2.2.0.1</p>	<p>For purposes of clarity, the system shall categorize regulations under the following sub-groups: - In Effect Regulations - Proposed Regulations - Emergency Regulations</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.2</p>	<p>All regulations sub-groups shall be displayed in table format</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.3</p>	<p>All currently effective regulations shall be codified under the heading called the "Regulations of Connecticut State Agencies" or "RCSA"</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.4</p>	<p>The RCSA shall not contain any regulations that have not been fully adopted, e.g., prior versions of regulations, proposed regulations, emergency regulations, and regulations indicated as expedited implementation, to the extent they have not been fully adopted</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.5</p>	<p>The RCSA shall have the following attributes: - Title Number - Title Heading - Some capability to view the effective text of the regulation</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.6</p>	<p>The default sort for the RCSA shall be in ascending order on the Title Number</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 1</p>
<p>2.2.0.7</p>	<p>Regulations that are in the regulation-making process shall be placed under the "Proposed Regulations" sub-group</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 2</p>
<p>2.2.0.8</p>	<p>The "Proposed Regulations" sub group shall have the following attributes: - Title Number - Title Heading - Tracking Number (Linked to the regulation-making record for that tracking number) - Name Of Filing Agency - Section Number(s) - Regulation Short Name - Subject (s_ - Status - Last Action - File Date</p>	<p>Functional</p>	<p>Regulations</p>	<p>Browse Regulations</p>	<p>Priority 2</p>

Connecticut eRegulations Requirements

2.2.0.9	<p>The proposed regulations sub-group shall contain regulations that have the following statuses:</p> <ul style="list-style-type: none"> - In Progress - In Progress (<Effective Until>) - For Expedited Implementation Only - Disapproved - Withdrawn 	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.10	Regulations that are in the regulation-making process (except expedited implementation) shall display a status of "In Progress"	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.11	Expedited Implementation Regulations that are in the regulation-making process shall display a status of "In Progress (Effective As Of)"<Effective As Of Date in mm/dd/yyyy format>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.12	Regulations that were in the regulation-making process and were disapproved shall display the status "Disapproved"	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.13	Regulations that were in the regulation-making process and were withdrawn by the agency shall display the status "Withdrawn"	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.14	In the event a regulation is published by the SOTS, the system shall remove the display of the regulation from the "Proposed Regulations" sub-group and display the regulation under the corresponding title under the RCSA sub-group	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.15	<p>The last action attribute shall display the following information: <Last Actions> " By " <Last Action Entity> " on " <Last Action Date (mm/dd/yyyy) format>.</p> <p>For e.g. if the regulation was approved by the OPM and routed to the governor's office for a decision, the last action column shall display "Approved by the OPM on 12/04/2012"</p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.16	Regulations with type="Emergency" shall be displayed under the Emergency Regulations sub-group	Functional	Regulations	Browse Regulations	Priority 2

Connecticut eRegulations Requirements

2.2.0.17	<p>The list of "Emergency Regulations" sub-group shall have the following attributes:</p> <ul style="list-style-type: none"> - Tracking Number (Linked to the regulation-making record for that tracking number) - Name Of Filing Agency - Section Number(s) - Regulation Short Name - Subject(s) - Status - Last Action 	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.18	<p>The emergency regulations sub-group shall contain only one row for each regulation that is in the regulation-making process and after.</p> <p>i.e. The system shall write only one row for each tracking number. The system shall replace the status of the corresponding regulation as and when it goes through the authorized entities that are a part of the regulation-making process</p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.19	<p>An emergency regulation that is in the regulation-making process shall reflect a status of "In Progress" until it is approved or disapproved by the OTG</p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.20	<p>An emergency regulation that is approved by the OTG shall display a status of "In Progress (Effective Until)" <120 days + date approved by the LARC in mm/dd/yyyy format></p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.21	<p>An emergency regulation that is disapproved by the OTG shall display a status of "Disapproved by the OTG On" <date disapproved by the OTG in mm/dd/yyyy format></p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.22	<p>An emergency regulation that has been extended for the first time shall display a status of "Extended Until" <extended date in mm/dd/yyyy format></p>	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.23	<p>An emergency regulation that has been extended for the second time shall display a status of "Extended Until" <extended date in mm/dd/yyyy format></p>	Functional	Regulations	Browse Regulations	Priority 2

Connecticut eRegulations Requirements

2.2.0.24	For each sub-group of the regulations, in the event a title has no regulation associated to it, the corresponding title shall not display in the list	Functional	Regulations	Browse Regulations	Priority 2
2.2.0.25	For each sub-group of the regulations, users shall have the ability to select any chapter to be brought to a list of all sections within that chapter	Functional	Regulations	Browse Regulations	Priority 2
2.3.0.0	Regulation-Making Process				
2.3.1.0	General				
2.3.1.1	The "Regulation-Making Process" shall be defined by the system to include all of the mandatory rules that an agency must follow to adopt a regulation as specified in Chapter 54, Sections 4-166 through 4-174 inclusive of the General Statutes	Functional	Regulation-Making Process	General	Priority 2
2.3.1.2	Time-limitations to various stages in the regulation-making process shall not be imposed unless stated otherwise	Functional	Regulation-Making Process	General	Priority 2
2.3.1.3	Please refer to the "Proposed RegulationsMakingProcess" tab for the work flow	Functional	Regulation-Making Process	General	Priority 2
2.3.1.4	The system shall assign a unique tracking number to each regulation-making process and change the status of the regulation to "Under Review" upon uploading the initiating documents into the system for the work flow	Functional	Regulation-Making Process	General	Priority 2
2.3.1.5	The tracking number shall be in a pre-defined format (Pending decision on format for the tracking number)	Functional	Regulation-Making Process	General	Priority 2
2.3.1.6	The documents produced during the regulation-making process and identified in section 4-168b of the General Statutes, as amended, shall be referred to as the "Regulation-Making Record"	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2
2.3.1.7	The system shall display the entire regulation-making record with respect to each regulation submitted through the regulation-making process under the heading "Regulation-Making Record"	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2

Connecticut eRegulations Requirements

<p>2.3.1.8</p>	<p>The regulation-making record shall be displayed using the following attributes: Regulation Tracking Number Title Number Chapter & Section(s) Regulation Short Name - Serial Id - Date Submitted - Submitted By (Name Of The Authorizing Entity) - Action Taken (By Authorizing Entity) - Notes (optional) (e.g., Revised Regulation Text following public comment) - Some method to view the list of documents (with versions) routed for the corresponding stage hyperlinked to the actual documents to view their contents</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.9</p>	<p>No information shall be removed from the regulation-making record unless it is removed by a system administrator</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.10</p>	<p>Irrespective of the status of a regulation in the system, the regulation-making record shall remain active and accessible by anyone, unless it is deactivated for public view by a system administrator</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.11</p>	<p>To support the creation of the regulation-making record, the system shall provide agencies with the ability to upload documents into the system. (This requirement may change based on the solution opted for the project)</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.12</p>	<p>The system shall accommodate the fact that the documents related to the regulation-making-process can contain text and/or illustrations and/or Forms</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.13</p>	<p>All authorized users shall have the ability to view the documents that comprise the regulation-making record as it is developed through the regulation-making process</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>
<p>2.3.1.14</p>	<p>The general public (i.e., someone with read-only access to the system) shall have the ability to only view documents that are public from the regulation-making record as it is developed through the regulation-making process</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Regulation-Making Record</p>	<p>Priority 2</p>

Connecticut eRegulations Requirements

2.3.1.15	The regulation-making record shall be sorted in descending order on the date submitted	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2
2.3.1.16	The system shall allow the users to change the sort order on the regulation-making record by clicking on any of the attributes	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2
2.3.1.17	To sort the regulation-making record in ascending order on a selected attribute the users shall use a single click	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2
2.3.1.18	To sort the regulation-making record in descending order on a selected attribute the users shall use the double click option	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2
2.3.1.19	<p>The following entities ("authorized entities") shall be a part of the regulation-making process:</p> <ul style="list-style-type: none"> - Initiating Agency - Office Of Policy & Management (OPM) - Office Of The Governor (OTG) - Attorney General (AG) - Legislative Regulations Review Committee (LRRC) - Legislative Commissioner's Office (LCO) - Office of Fiscal Analysis (OFA) - Secretary Of The State (SOTS) 	Functional	Regulation-Making Process	Authorized Entities	Priority 2
2.3.1.20	<p>The following authorized entities shall have the ability to make a decision or take an action on the regulation and its accompanying documents:</p> <ul style="list-style-type: none"> - Initiating Agency - OPM - OTG - AG - LRRC - SOTS 	Functional	Regulation-Making Process	Authorized Entities	Priority 2

Connecticut eRegulations Requirements

2.3.1.21	<p>Authorized entities shall have the ability to take one of the following actions to the information routed in the regulation-making process</p> <ul style="list-style-type: none"> - Approve - Disapprove - Request Change - Rejected Without Prejudice - Withdraw - Close (With Ability to record notes, if needed) 	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.22	<p>Only the initiating agency shall have the ability to "Withdraw" or "Close" the regulation-making process</p>	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.23	<p>Only the LPRC shall have the ability to choose "Rejected Without Prejudice" as an action on a regulation and its accompanying documents in the regulation-making process</p>	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.24	<p>Authorized entities shall have the ability to take no action to the information routed in the regulation-making process</p>	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.25	<p>In the event an authorized entity approves the regulation routed to it during the regulation-making process, the entity shall choose one of the following options:</p> <ul style="list-style-type: none"> - Approved with technical changes - Approved with no changes - Approved - Other (Provision to enter some notes) 	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.26	<p>In the event an authorized entity disapproves the proposed regulation routed to it during the regulation-making process, the entity shall choose the "Disapprove" option with the ability to enter notes, if needed</p>	Functional	Regulation-Making Process	Process Actions	Priority 2
2.3.1.27	<p>The "initiating agency" shall be defined by the system to mean the agency initiating the regulation-making process</p>	Functional	Regulation-Making Process	Regulation-Making Record	Priority 2

Connecticut eRegulations Requirements

<p>2.3.1.28</p>	<p>The initiating agency shall be required to upload the following documents to begin the regulation-making process:</p> <ul style="list-style-type: none"> - Proposed regulation with statement of purpose (RSOP) (C.G.S. § 4-170(B)(3)) - Notice Of Intent(NOI) (C.G.S. § 4-168(a)) - Small Business Impact Statement with regulatory flexibility analysis, if necessary (SBIS) (C.G.S. § 4-168a(b)) - Fiscal Note(FN) (C.G.S. § 4-168(a)(5)) <p>The above-referenced documents shall be defined by the system as the "initiating documents."</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>
<p>2.3.1.29</p>	<p>Of the authorized entities, only the SOTS and the initiating agency shall have the ability to edit or make changes to the regulation-making record</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>
<p>2.3.1.30</p>	<p>The following documents shall not be viewable by the general public:</p> <ul style="list-style-type: none"> - OPM Notes / Technical Corrections - OTG Notes / Technical Corrections - AG Advice / Comments 	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>
<p>2.3.1.31</p>	<p>The initiating agency shall have the ability to submit subsequent drafts of each document comprising the regulation-making record at any time in the regulation-making process. Each subsequent draft shall be identified as a different version.</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>
<p>2.3.1.32</p>	<p>Throughout a regulation-making process, the system shall route the latest versions of each document associated in the workflow, from the notifying entity to the receiving entity.</p> <p>For e.g. Consider a scenario where an agency uploads the proposed regulation (version v1) and the notice of intent (v1) and routes it to the OPM. The OPM proposes changes to the regulation and uploads the document v2 and approves the documents, then the OTG shall receive v2 of the proposed regulation and v1 of the notice of intent since the notice of intent incurred no change</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>
<p>2.3.1.33</p>	<p>For each stage within the record making process, the system shall provide authorized entities the ability to send system notifications via email to other authorized users defined within the regulation-making process</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Initiating Agency</p>	<p>Priority 2</p>

Connecticut eRegulations Requirements

	Functional	Regulation-Making Process	Initiating Agency	Priority 2
2.3.1.34	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.35	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.36	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.37	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.38	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.39	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.40	Functional	Regulation-Making Process	OPM	Priority 2
2.3.1.41	Functional	Regulation-Making Process	OTG	Priority 2
2.3.1.42	Functional	Regulation-Making Process	OTG	Priority 2
2.3.1.43	Functional	Regulation-Making Process	OTG	Priority 2

Connecticut eRegulations Requirements

<p>2.3-1.44</p>	<p>In the event the OTG approves the regulation and accompanying documents, the system shall record the following values to the attributes listed below</p> <ul style="list-style-type: none"> - Last Action = "Approved" - Last Action Entry = "OTG" - Last Action Date = <date approved by the OTG> 	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>OTG</p>	<p>Priority 2</p>
<p>2.3-1.45</p>	<p>If the OTG disapproves the regulation the system shall send a system notification to the initiating agency and the regulation-making record shall be closed</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>OTG</p>	<p>Priority 2</p>
<p>2.3-1.46</p>	<p>In the event the OTG disapproves the regulation the system shall record the following values to the attributes listed below</p> <ul style="list-style-type: none"> - Last Action = "Disapproved" - Last Action Entry = "OTG" - Last Action Date = <date disapproved by the OTG> 	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>OTG</p>	<p>Priority 2</p>
<p>2.3-1.47</p>	<p>The system shall require the initiating agency to confirm certification of incorporation of changes from the OPM & the OTG before making the documents available for public comment</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>OTG</p>	<p>Priority 2</p>
<p>2.3-1.48</p>	<p>The initiating agency shall trigger an action in the system to make the version of the regulation and accompanying documents that contains changes from the OPM and the OTG as incorporated by the initiating agency to be available to the public for comment. This shall be the start of the public version of the regulation-making record. This shall also change the status of the regulation to "In Progress"</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Comment Period</p>	<p>Priority 2</p>
<p>2.3-1.49</p>	<p>The system shall record the following values to the attributes listed below when the initiating agency triggers the action to start the public comment period:</p> <ul style="list-style-type: none"> - Last Action = "Public Comment Begin" - Last Action Entry = <Name of agency> - Last Action Date = <Public comment trigger date> 	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Comment Period</p>	<p>Priority 2</p>
<p>2.3-1.50</p>	<p>At the end of the comment period as defined in section 2.5.0.0 the system shall send a reminder notification to the initiating agency of the close of the comment period</p>	<p>Functional</p>	<p>Regulation-Making Process</p>	<p>Comment Period</p>	<p>Priority 2</p>

Connecticut eRegulations Requirements

	Functional	Regulation-Making Process	Comment Period	Priority 2
<p>2.3.1.51</p> <p>The system shall record the following values to the attributes listed below at the end of the public comment period: - Last Action = "Public Comment End" - Last Action Entity =<Name of agency> - Last Action Date =<Public comment end date></p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.52</p> <p>At the agency's discretion, the initiating agency may incorporate changes to the documents based on the public comments received and shall then route the documents to the AG</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.53</p> <p>The initiating agency shall have the ability to trigger a system notification to the AG that the regulation is ready for review</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.54</p> <p>The system notification to the AG shall also indicate the deadline for AG review as the notification trigger date + 30 days</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.55</p> <p>If the AG approves the regulation subject to technical changes, the system shall route all documents, including the technical changes required by the AG, if any, to the initiating agency</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.56</p> <p>If the AG approves the regulation in whole the system shall route all documents and notify the initiating agency</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.57</p> <p>In the event the AG approves the regulation and accompanying documents, the system shall record the following values to the attributes listed below - Last Action = "Approved" - Last Action Entity = "AG" - Last Action Date =<date approved by the AG></p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.58</p> <p>If the AG approves the regulation the system shall notify the initiating agency</p>	Functional	Regulation-Making Process	AG	Priority 2
<p>2.3.1.59</p> <p>If the AG does not approve the regulation the system shall send a notification to the initiating agency that the regulation has not been approved by the AG and provide the initiating agency with the option to close the regulation-making record or to resubmit the regulation to the AG</p>	Functional	Regulation-Making Process	AG	Priority 2