



General Assembly

January Session, 2013

**Governor's Bill No. 6362**

LCO No. 2958



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:

REP. SHARKEY, 88<sup>th</sup> Dist.  
REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.

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

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

1 Section 1. (NEW) (*Effective July 1, 2013*) The Secretary of the State  
2 shall establish and maintain the eRegulations System, which shall  
3 consist of the regulations of Connecticut state agencies adopted by all  
4 state agencies subsequent to October 27, 1970. On and after October 1,  
5 2014, the eRegulations System shall also include the regulation  
6 adoption activities undertaken by agencies pursuant to chapter 54 of  
7 the general statutes. On and after the date the Secretary of the State  
8 certifies the eRegulations System as sufficient pursuant to this section,  
9 the regulations of Connecticut state agencies maintained by the  
10 Secretary on said system shall be the official version of the regulations  
11 of Connecticut state agencies for all purposes, including all legal and

12 administrative proceedings. The eRegulations System shall be easily  
13 accessible to and searchable by the public. The Secretary of the State  
14 may specify the format in which state agencies shall submit the final  
15 approved version of such regulations and all other documents  
16 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-  
17 172 of the general statutes, as amended by public act 12-92 and this act,  
18 and all state agencies shall follow the instructions of the Secretary of  
19 the State with respect to agency submissions to the Secretary. On and  
20 after July 1, 2013, the Secretary of the State shall post on the  
21 eRegulations System all effective regulations of Connecticut state  
22 agencies as provided by the Commission on Official Legal  
23 Publications. The Secretary of the State shall designate such posting as  
24 an unofficial version of the regulations of Connecticut state agencies  
25 until such time as the Secretary certifies in writing that the  
26 eRegulations System is technologically sufficient to serve as the official  
27 version of the regulations of Connecticut state agencies. Such  
28 certification shall be made on or before October 1, 2014, and shall be  
29 published on the Secretary's web site and in the Connecticut Law  
30 Journal. Within available appropriations, the Commission on Official  
31 Legal Publications shall provide assistance as requested by the  
32 Secretary of the State in the creation of the eRegulations System and  
33 shall continue to publish the official version of the regulations of  
34 Connecticut state agencies until the Secretary makes such certification.

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

39 (a) In addition to other regulation-making requirements imposed by  
40 law, each agency shall: (1) Adopt as a regulation a description of its  
41 organization, stating the general course and method of its operations  
42 and the methods whereby the public may obtain information or make  
43 submissions or requests; (2) adopt as a regulation rules of practice  
44 setting forth the nature and requirements of all formal and informal

45 procedures available provided such rules shall be in conformance with  
46 the provisions of this chapter; and (3) make available for public  
47 inspection, upon request, [paper] copies of all regulations and all other  
48 written statements of policy or interpretations formulated, adopted or  
49 used by the agency in the discharge of its functions, and all forms and  
50 instructions used by the agency.

51 (b) No agency regulation is enforceable against any person or party,  
52 nor may it be invoked by the agency for any purpose, until (1) it has  
53 been made available for public inspection as provided in this section,  
54 and (2) the regulation or a notice of the adoption of the regulation has  
55 been published in the Connecticut Law Journal if noticed prior to July  
56 1, 2013, or posted [online by the Secretary of the State] on the  
57 eRegulations System pursuant to section 4-173, as amended by this act,  
58 if noticed on or after July 1, 2013. This provision is not applicable in  
59 favor of any person or party who has actual notice or knowledge  
60 thereof. The burden of proving the notice or knowledge is on the  
61 agency.

62 Sec. 3. Section 4-168 of the general statutes, as amended by section 2  
63 of public act 12-92, is repealed and the following is substituted in lieu  
64 thereof (*Effective July 1, 2013, and applicable to regulations noticed on and*  
65 *after said date*):

66 (a) Except as provided in subsections (f) and (g) of this section, an  
67 agency, not less than thirty days prior to adopting a proposed  
68 regulation, shall (1) give notice by [having the Secretary of the State  
69 post] posting a notice of its intended action [online] on the  
70 eRegulations System. The notice shall include (A) either a statement of  
71 the terms or of the substance of the proposed regulation or a  
72 description sufficiently detailed so as to apprise persons likely to be  
73 affected of the issues and subjects involved in the proposed regulation,  
74 (B) a statement of the purposes for which the regulation is proposed,  
75 (C) a reference to the statutory authority for the proposed regulation,  
76 (D) when, where and how interested persons may obtain a copy of the

77 small business impact and regulatory flexibility analyses required  
78 pursuant to section 4-168a, and (E) when, where and how interested  
79 persons may present their views on the proposed regulation; (2) give  
80 notice electronically to each joint standing committee of the General  
81 Assembly having cognizance of the subject matter of the proposed  
82 regulation; (3) give notice electronically or provide a paper copy to all  
83 persons who have made requests to the agency for advance notice of  
84 its regulation-making proceedings. The agency may charge a  
85 reasonable fee for such notice if not given electronically based on the  
86 estimated cost of providing the service; (4) provide a paper copy or  
87 electronic version of the proposed regulation to persons requesting it.  
88 The agency may charge a reasonable fee for paper copies in accordance  
89 with the provisions of section 1-212; and (5) prepare a fiscal note,  
90 including an estimate of the cost or of the revenue impact (A) on the  
91 state or any municipality of the state, and (B) on small businesses in  
92 the state, including an estimate of the number of small businesses  
93 subject to the proposed regulation and the projected costs, including  
94 but not limited to, reporting, recordkeeping and administrative,  
95 associated with compliance with the proposed regulation and, if  
96 applicable, the regulatory flexibility analysis prepared under section 4-  
97 168a. The governing body of any municipality, if requested, shall  
98 provide the agency, within twenty working days, with any  
99 information that may be necessary for analysis in preparation of such  
100 fiscal note. Except as provided in subsections (f) and (g) of this section,  
101 any such agency shall also: Afford all interested persons reasonable  
102 opportunity to submit data, views or arguments, orally at a hearing if  
103 granted under this subsection or in writing, and to inspect and copy or  
104 view online and print the fiscal note prepared pursuant to subdivision  
105 (5) of this subsection; grant an opportunity to present oral argument if  
106 requested by fifteen persons, by a governmental subdivision or agency  
107 or by an association having not less than fifteen members, if notice of  
108 the request is received by the agency not later than fourteen days after  
109 the date of posting of the notice by the [Secretary of the State] agency  
110 on the eRegulations System; and consider fully all written and oral

111 submissions respecting the proposed regulation and revise the fiscal  
112 note prepared in accordance with the provisions of subdivision (5) of  
113 this subsection to indicate any changes made in the proposed  
114 regulation. [Not later than five calendar days after such agency  
115 submits such notice and documents to the Secretary of the State, the  
116 Secretary] On and after October 1, 2014, each agency shall post [the  
117 notice and] all accompanying documents prepared by the agency  
118 pursuant to this subsection [online] on the eRegulations System and  
119 shall electronically notify [all persons who have requested] and, if  
120 requested, provide a hard copy notice to any person who requests to  
121 be notified of any regulation-making proceedings. [Each agency shall  
122 also post the notice and all accompanying documents on its Internet  
123 web site.] No regulation shall be found invalid due to the failure of an  
124 agency to give notice to each committee of cognizance pursuant to  
125 subdivision (2) of this subsection, provided one such committee has  
126 been so notified.

127 (b) If an agency is required by a public act to adopt regulations, the  
128 agency, not later than five months after the effective date of the public  
129 act or by the time specified in the public act, shall post [online on its  
130 Internet web site] on the eRegulations System notice of its intent to  
131 adopt regulations. [and submit to the office of the Secretary of the State  
132 for posting online pursuant to subsection (a) of this section such  
133 notice.] If the agency fails to post the notice within such five-month  
134 period or by the time specified in the public act, the agency shall  
135 submit an electronic statement of its reasons for failure to do so to the  
136 Governor, the joint standing committee having cognizance of the  
137 subject matter of the regulations and the standing legislative regulation  
138 review committee and on and after October 1, 2014, post such  
139 statement on the eRegulations System. The agency shall submit the  
140 required regulations to the standing legislative regulation review  
141 committee, as provided in subsection (b) of section 4-170, as amended  
142 by this act, not later than one hundred eighty days after posting the  
143 notice of its intent to adopt regulations, or electronically submit a

144 statement of its reasons for failure to do so to the committee.

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

149 (d) Upon reaching a decision on whether to proceed with the  
150 proposed regulation or to alter its text from that initially proposed, the  
151 agency, at least twenty days before submitting the proposed regulation  
152 to the standing legislative regulation review committee, shall (1) post  
153 on the [agency's Internet web site, (2) submit to the office of the  
154 Secretary of the State for posting online, and (3) either electronically  
155 mail or mail a paper copy] eRegulations System, and (2) send to all  
156 persons who have made submissions pursuant to subsection (a) of this  
157 section or who have made statements or oral arguments concerning  
158 the proposed regulation and who have requested notification, notice  
159 that it has decided to take action on the proposed regulation [and that  
160 it has posted on the agency's Internet web site] and has made such  
161 available for copying and inspection pursuant to the Freedom of  
162 Information Act, as defined in section 1-200: (A) The final wording of  
163 the proposed regulation; (B) a statement of the principal reasons in  
164 support of its intended action; and (C) a statement of the principal  
165 considerations in opposition to its intended action as urged in written  
166 or oral comments on the proposed regulation and its reasons for  
167 rejecting such considerations.

168 (e) Except as provided in subsection (f) of this section, no regulation  
169 may be adopted, amended or repealed by any agency until it is (1)  
170 approved by the Attorney General as to legal sufficiency, as provided  
171 in section 4-169, as amended by this act, (2) approved by the standing  
172 legislative regulation review committee, as provided in section 4-170,  
173 as amended by this act, and (3) posted [online] on the eRegulations  
174 System by the office of the Secretary of the State, as provided in section  
175 4-172, as amended by this act.

176 (f) (1) An agency may proceed to adopt an emergency regulation in  
177 accordance with this subsection without prior notice or hearing or  
178 upon any abbreviated notice and hearing that it finds practicable if (A)  
179 the agency finds that adoption of a regulation upon fewer than thirty  
180 days' notice is required (i) due to an imminent peril to the public  
181 health, safety or welfare or (ii) by the Commissioner of Energy and  
182 Environmental Protection in order to comply with the provisions of  
183 interstate fishery management plans adopted by the Atlantic States  
184 Marine Fisheries Commission or to meet unforeseen circumstances or  
185 emergencies affecting marine resources, (B) the agency states in  
186 writing its reasons for that finding, and (C) the Governor approves  
187 such finding in writing.

188 (2) The original of such emergency regulation and an electronic  
189 copy shall be submitted to the standing legislative regulation review  
190 committee in the form prescribed in subsection (b) of section 4-170, as  
191 amended by this act, together with a statement of the terms or  
192 substance of the intended action, the purpose of the action and a  
193 reference to the statutory authority under which the action is  
194 proposed, not later than ten days, excluding Saturdays, Sundays and  
195 holidays, prior to the proposed effective date of such regulation. The  
196 committee may approve or disapprove the regulation, in whole or in  
197 part, within such ten-day period at a regular meeting, if one is  
198 scheduled, or may upon the call of either chairman or any five or more  
199 members hold a special meeting for the purpose of approving or  
200 disapproving the regulation, in whole or in part. Failure of the  
201 committee to act on such regulation within such ten-day period shall  
202 be deemed an approval. If the committee disapproves such regulation,  
203 in whole or in part, it shall notify the agency of the reasons for its  
204 action. An approved regulation, posted [online] on the eRegulations  
205 System by the office of the Secretary of the State, may be effective for a  
206 period of not longer than one hundred twenty days renewable once for  
207 a period of not exceeding sixty days, provided notification of such  
208 sixty-day renewal is posted [online] on the eRegulations System by the

209 office of the Secretary of the State and an electronic copy of such notice  
210 is sent to the committee, but the adoption of an identical regulation in  
211 accordance with the provisions of subsections (a), (b) and (d) of this  
212 section is not precluded. The sixty-day renewal period may be  
213 extended an additional sixty days for emergency regulations described  
214 in subparagraph (A)(ii) of subdivision (1) of this subsection, provided  
215 the Commissioner of Energy and Environmental Protection requests of  
216 the standing legislative regulation review committee an extension of  
217 the renewal period at the time such regulation is submitted or not less  
218 than ten days before the first sixty-day renewal period expires and said  
219 committee approves such extension. Failure of the committee to act on  
220 such request within ten days shall be deemed an approval of the  
221 extension.

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

229 (g) If an agency finds (1) that technical amendments to an existing  
230 regulation are necessary because of (A) the statutory transfer of  
231 functions, powers or duties from the agency named in the existing  
232 regulation to another agency, (B) a change in the name of the agency,  
233 (C) the renumbering of the section of the general statutes containing  
234 the statutory authority for the regulation, or (D) a correction in the  
235 numbering of the regulation, and no substantive changes are  
236 proposed, or (2) that the repeal of a regulation is necessary because the  
237 section of the general statutes under which the regulation has been  
238 adopted has been repealed and has not been transferred or reenacted,  
239 it may elect to comply with the requirements of subsection (a) of this  
240 section or may proceed without prior notice or hearing, provided the  
241 agency has posted such amendments to or repeal of a regulation on [its



242 Internet web site] the eRegulations System. Any such amendments to  
243 or repeal of a regulation shall be submitted in the form and manner  
244 prescribed in subsection (b) of section 4-170, as amended by this act, to  
245 the Attorney General, as provided in section 4-169, as amended by this  
246 act, and to the standing legislative regulation review committee, as  
247 provided in section 4-170, as amended by this act, for approval and  
248 upon approval shall be submitted to the office of the Secretary of the  
249 State for posting on the eRegulations System with, in the case of  
250 renumbering of sections only, a correlated table of the former and new  
251 section numbers.

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

257 Sec. 4. Section 4-168b of the general statutes, as amended by section  
258 3 of public act 12-92, is repealed and the following is substituted in lieu  
259 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*  
260 *and after said date*):

261 (a) Each agency shall [maintain] create an official electronic  
262 regulation-making record that shall be retained on the eRegulations  
263 System for the period required by law for each regulation [it proposes]  
264 proposed in accordance with the provisions of section 4-168, as  
265 amended by this act. The regulation-making record and materials  
266 incorporated by reference in the record shall be available for public  
267 inspection and copying. [and when required under any provision of  
268 this chapter, posted on the Internet web site of the agency.]

269 (b) The [agency] regulation-making record shall contain: (1) [Copies  
270 of all notices of the] The agency's intent to adopt regulations;  
271 [submitted to the office of the Secretary of the State;] (2) [a copy of] any  
272 written analysis prepared for the proceeding upon which the

273 regulation is based, including the regulatory flexibility analyses  
274 required pursuant to section 4-168a; (3) all written petitions, requests,  
275 submissions, and comments received by the agency and considered by  
276 the agency in connection with the formulation, proposal or adoption of  
277 the regulation or the proceeding upon which the regulation is based;  
278 (4) the official transcript, if any, of proceedings upon which the  
279 regulation is based [or, if not transcribed, any tape recording or  
280 stenographic record of such proceedings,] and any memoranda  
281 prepared by any member or employee of the agency summarizing the  
282 contents of the proceedings; (5) [a copy of] all official documents  
283 relating to the regulation, including the regulation submitted to the  
284 office of the Secretary of the State in accordance with section 4-172, as  
285 amended by this act, a statement of the principal considerations in  
286 opposition to the agency's action, and the agency's reasons for rejecting  
287 such considerations, as required pursuant to section 4-168, as amended  
288 by this act, and the fiscal note prepared pursuant to subsection (a) of  
289 section 4-168 and section 4-170, as amended by this act; (6) [a copy of]  
290 any petition for the regulation filed pursuant to section 4-174; and (7)  
291 [copies of] all comments or communications between the agency and  
292 the legislative regulation review committee. Any audio recording of a  
293 hearing held pursuant to section 4-168, as amended by this act, shall be  
294 maintained by the agency and made available to the public upon  
295 request.

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

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

302 No adoption, amendment or repeal of any regulation, except a  
303 regulation issued pursuant to subsection (f) of section 4-168, as  
304 amended by this act, shall be effective until the original of the

305 proposed regulation has been submitted electronically to the Attorney  
306 General by the agency proposing such regulation and approved by the  
307 Attorney General or by some other person designated by the Attorney  
308 General for such purpose. The review of such regulations by the  
309 Attorney General shall be limited to a determination of the legal  
310 sufficiency of the proposed regulation. If the Attorney General or the  
311 Attorney General's designated representative fails to give notice to the  
312 agency of any legal insufficiency within thirty days of the receipt of the  
313 proposed regulation, the Attorney General shall be deemed to have  
314 approved the proposed regulation for purposes of this section. The  
315 approval of the Attorney General shall be [indicated on the original of  
316 the proposed regulation which] provided to the agency electronically  
317 and shall be submitted electronically by the agency to the standing  
318 legislative regulation review committee. As used in this section "legal  
319 sufficiency" means (1) the absence of conflict with any general statute  
320 or regulation, federal law or regulation or the Constitution of this state  
321 or of the United States, and (2) compliance with the notice and hearing  
322 requirements of section 4-168, as amended by this act.

323 Sec. 6. Section 4-170 of the general statutes, as amended by sections  
324 4 and 5 of public act 12-92, is repealed and the following is substituted  
325 in lieu thereof (*Effective July 1, 2014, and applicable to regulations noticed*  
326 *on and after said date*):

327 (a) There shall be a standing legislative committee to review all  
328 regulations of the several state departments and agencies following the  
329 proposal thereof, which shall consist of eight members of the House of  
330 Representatives, four from each major party, to be appointed on the  
331 first Wednesday after the first Monday in January in the odd-  
332 numbered years, by the speaker of said House, and six members of the  
333 Senate, three from each major party, to be appointed on or before said  
334 dates by the president pro tempore of the Senate. The members shall  
335 serve for the balance of the term for which they were elected.  
336 Vacancies shall be filled by appointment by the authority making the  
337 appointment. The members of the committee shall elect from among

338 their members two cochairpersons, one of whom shall be a member of  
339 the Senate and one of whom shall be a member of the House of  
340 Representatives, and either of whom may call meetings of the  
341 committee for the performance of its duties.

342 (b) (1) No adoption, amendment or repeal of any regulation, except  
343 a regulation issued pursuant to subsection (f) of section 4-168, as  
344 amended by this act, shall be effective until (A) [the original] an  
345 electronic copy of the proposed regulation approved by the Attorney  
346 General, as provided in section 4-169, as amended by this act, and an  
347 electronic copy of the regulatory flexibility analyses as provided in  
348 section 4-168a [and an electronic copy thereof] are submitted to the  
349 standing legislative regulation review committee [at the designated  
350 office of the committee,] in a manner designated by the committee, by  
351 the agency proposing the regulation, (B) the regulation is approved by  
352 the committee, at a regular meeting or a special meeting called for the  
353 purpose, and (C) a certified electronic copy of the regulation [and an  
354 electronic copy are] is submitted to the office of the Secretary of the  
355 State by the agency, as provided in section 4-172, as amended by this  
356 act, and the regulation is posted [online] on the eRegulations System  
357 by the Secretary. (2) The date of submission for purposes of subsection  
358 (c) of this section shall be the first Tuesday of each month. Any  
359 regulation received by the committee on or before the first Tuesday of  
360 a month shall be deemed to have been submitted on the first Tuesday  
361 of that month. Any regulation submitted after the first Tuesday of a  
362 month shall be deemed to be submitted on the first Tuesday of the next  
363 succeeding month. (3) The form of proposed regulations which are  
364 submitted to the committee shall be as follows: New language added  
365 to an existing regulation shall be [in capital letters or underlining, as  
366 determined by the committee] underlined; language to be deleted shall  
367 be enclosed in brackets and a new regulation or new section of a  
368 regulation shall be preceded by the word "(NEW)" in capital letters.  
369 Each proposed regulation shall have a statement of its purpose  
370 following the final section of the regulation. (4) The committee may

371 permit any proposed regulation, including, but not limited to, a  
372 proposed regulation which by reference incorporates in whole or in  
373 part, any other code, rule, regulation, standard or specification, to be  
374 submitted in summary form together with a statement of purpose for  
375 the proposed regulation. On and after October 1, 1994, if the committee  
376 finds that a federal statute requires, as a condition of the state  
377 exercising regulatory authority, that a Connecticut regulation at all  
378 times must be identical to a federal statute or regulation, then the  
379 committee may approve a Connecticut regulation that by reference  
380 specifically incorporates future amendments to such federal statute or  
381 regulation provided the agency that proposed the Connecticut  
382 regulation shall submit for approval amendments to such Connecticut  
383 regulations to the committee not later than thirty days after the  
384 effective date of such amendment, and provided further the committee  
385 may hold a public hearing on such Connecticut amendments. (5) The  
386 agency shall [append] attach a copy of the fiscal note, prepared  
387 pursuant to subsection (a) of section 4-168, to [each] the electronic copy  
388 of the proposed regulation. At the time of submission to the  
389 committee, the agency shall submit an electronic copy of the proposed  
390 regulation and the fiscal note to (A) the Office of Fiscal Analysis which,  
391 not later than seven days after receipt, shall submit an analysis of the  
392 fiscal note to the committee; and (B) each joint standing committee of  
393 the General Assembly having cognizance of the subject matter of the  
394 proposed regulation. No regulation shall be found invalid due to the  
395 failure of an agency to submit [a] an electronic copy of the proposed  
396 regulation and the fiscal note to each committee of cognizance,  
397 provided such regulation and fiscal note has been electronically  
398 submitted to one such committee.

399 (c) The committee shall review all proposed regulations and, in its  
400 discretion, may hold public hearings thereon, and may approve,  
401 disapprove or reject without prejudice, in whole or in part, any such  
402 regulation. If the committee fails to so approve, disapprove or reject  
403 without prejudice a proposed regulation, within sixty-five days after

404 the date of submission as provided in subsection (b) of this section, the  
405 committee shall be deemed to have approved the proposed regulation  
406 for purposes of this section.

407 (d) If the committee disapproves a proposed regulation in whole or  
408 in part, it shall give notice of the disapproval and the reasons for the  
409 disapproval to the agency, and no agency shall thereafter issue any  
410 regulation or directive or take other action to implement such  
411 disapproved regulation or part thereof, as the case may be, except that  
412 the agency may adopt a substantively new regulation in accordance  
413 with the provisions of this chapter, provided the General Assembly  
414 may reverse such disapproval under the provisions of section 4-171. If  
415 the committee disapproves any regulation proposed for the purpose of  
416 implementing a federally subsidized or assisted program, the General  
417 Assembly shall be required to either sustain or reverse the  
418 disapproval.

419 (e) If the committee rejects a proposed regulation without prejudice,  
420 in whole or in part, it shall notify the agency of the reasons for the  
421 rejection and the agency shall resubmit the regulation in revised form,  
422 if the adoption of such regulation is required by the general statutes or  
423 any public or special act, not later than the first Tuesday of the second  
424 month following such rejection without prejudice and may so resubmit  
425 any other regulation, in the same manner as provided in this section  
426 for the initial submission with a summary of revisions identified by  
427 paragraph. The committee shall review and take action on such  
428 revised regulation no later than thirty-five days after the date of  
429 submission, as provided in subsection (b) of this section. Posting of the  
430 notice [online] on the eRegulations System pursuant to the provisions  
431 of section 4-168, as amended by this act, shall not be required in the  
432 case of such resubmission.

433 (f) If an agency fails to submit any regulation approved in whole or  
434 in part by the standing legislative regulation review committee to the  
435 office of the Secretary of the State as provided in section 4-172, as

436 amended by this act, not later than fourteen days after the date of  
437 approval, the agency shall notify the committee, not later than five  
438 days after such fourteen-day period, of its reasons for failing to submit  
439 such regulation. If any agency fails to comply with the time limits  
440 established under subsection (b) of section 4-168, as amended by this  
441 act, or under subsection (e) of this section, the administrative head of  
442 such agency shall submit to the committee a written explanation of the  
443 reasons for such noncompliance. The committee, upon the affirmative  
444 vote of two-thirds of its members, may grant an extension of the time  
445 limits established under subsection (b) of section 4-168, as amended by  
446 this act, and under subsection (e) of this section. If no such extension is  
447 granted, the administrative head of the agency shall personally appear  
448 before the standing legislative regulation review committee, at a time  
449 prescribed by the committee, to explain such failure to comply. After  
450 any such appearance, the committee may, upon the affirmative vote of  
451 two-thirds of its members, report such noncompliance to the  
452 Governor. Within fourteen days thereafter the Governor shall report to  
453 the committee concerning the action the Governor has taken to ensure  
454 compliance with the provisions of section 4-168, as amended by this  
455 act, and with the provisions of this section.

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

460 (a) After approval of a regulation as required by sections 4-169 and  
461 4-170, as amended by this act, or after reversal of a decision of the  
462 standing legislative regulation review committee by the General  
463 Assembly pursuant to section 4-171, each agency shall submit to the  
464 office of the Secretary of the State [a certified copy and] an electronic  
465 copy of such regulation. [The] Concomitantly, the agency shall  
466 electronically file with such electronic copy of the regulation a  
467 statement from the department head of such agency certifying that  
468 such electronic copy of the regulation is a true and accurate copy of the

469 regulation approved in accordance with sections 4-169 and 4-170, as  
470 amended by this act. Each regulation when so electronically submitted  
471 shall be in the form [intended] prescribed by the Secretary of the State  
472 for posting [online] on the eRegulations System, and each section of  
473 the regulation shall include the appropriate regulation section number  
474 and a section heading. The Secretary of the State shall, not later than  
475 five calendar days after the electronic submission by the agency, post  
476 each such regulation [online] on the eRegulations System.

477 (b) Each regulation hereafter adopted is effective upon its posting  
478 [online] on the eRegulations System by the Secretary of the State in  
479 accordance with this section, except that: (1) If a later date is required  
480 by statute or specified in the regulation, the later date is the effective  
481 date; (2) a regulation may not be effective before the effective date of  
482 the public act requiring or permitting the regulation; and (3) subject to  
483 applicable constitutional or statutory provisions, an emergency  
484 regulation becomes effective immediately upon electronic submission  
485 to the Secretary of the State, or at a stated date less than twenty days  
486 thereafter, if the agency finds that this effective date is necessary  
487 because of imminent peril to the public health, safety, or welfare. The  
488 agency's finding and a brief statement of the reasons therefor shall be  
489 submitted with the regulation. The agency shall take appropriate  
490 measures to make emergency regulations known to the persons who  
491 may be affected by them including, but not limited to, by posting such  
492 emergency regulations on the [agency's Internet web site] eRegulations  
493 System.

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

497 [(a) The Secretary of the State shall post online a compilation of all  
498 effective regulations adopted by all state agencies subsequent to  
499 October 27, 1970, in a manner that is easily accessible to and searchable  
500 by the public.] The Secretary of the State may omit from [such



501 compilation] the eRegulations System (1) any regulation that is  
502 incorporated by reference into a Connecticut regulation and published  
503 by or otherwise available in printed or electronic form from a federal  
504 agency or a government agency of another state, and (2) any regulation  
505 that is incorporated by reference into a Connecticut regulation and to  
506 which a third party holds the intellectual property rights, until such  
507 time as the Secretary of the Office of Policy and Management obtains a  
508 licensing agreement in accordance with section 4-67q. [If] On and after  
509 October 1, 2014, if the Secretary of the State omits a regulation from the  
510 compilation, the Secretary shall publish in the compilation a notice  
511 identifying the omitted regulation, stating the general subject matter of  
512 the regulation and stating an address, telephone number, web site link,  
513 if applicable, and any other information needed to obtain a copy of the  
514 regulation. The Secretary of the State shall also provide a web site link,  
515 if applicable, to any regulation that is incorporated by reference into a  
516 Connecticut regulation. Such information shall be kept current and  
517 updated not less than quarterly.

518 [(b) All regulations posted online pursuant to subsection (a) of this  
519 section shall be accessible to the public and shall be the official version  
520 of the regulations of Connecticut state agencies for all purposes,  
521 including all legal and administrative proceedings. The Secretary of  
522 the State may adopt regulations, in accordance with the provisions of  
523 this chapter, specifying the format in which state agencies shall submit  
524 the final approved version of such regulations and all other documents  
525 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-  
526 172.]

527 Sec. 9. Section 17b-10 of the general statutes, as amended by section  
528 9 of public act 12-92, is repealed and the following is substituted in lieu  
529 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*  
530 *and after said date*):

531 (a) The Department of Social Services shall prepare and routinely  
532 update state medical services and public assistance manuals. The

533 pages of such manuals shall be consecutively numbered and indexed,  
534 containing all departmental policy regulations and substantive  
535 procedure, written in clear and concise language. Said manuals shall  
536 be published by the department [, posted on the Internet web site of  
537 the department and distributed so that they are available to (1) all  
538 regional and subregional offices of the Department of Social Services;  
539 (2) each town hall in the state; (3) all legal assistance programs in the  
540 state; and (4) any interested member of the public who requests a  
541 copy] and, on or before October 1, 2014, be posted on the eRegulations  
542 System. All policy manuals of the department, as they exist on May 23,  
543 1984, including the supporting bulletins but not including statements  
544 concerning only the internal management of the department and not  
545 affecting private rights or procedures available to the public, shall be  
546 construed to have been adopted as regulations in accordance with the  
547 provisions of chapter 54. After May 23, 1984, any policy issued by the  
548 department, except a policy necessary to conform to a requirement of a  
549 federal or joint federal and state program administered by the  
550 department, including, but not limited to, the state supplement  
551 program to the Supplemental Security Income Program, shall be  
552 adopted as a regulation in accordance with the provisions of chapter  
553 54.

554 (b) The department shall adopt as a regulation in accordance with  
555 the provisions of chapter 54, any new policy necessary to conform to a  
556 requirement of an approved federal waiver application initiated in  
557 accordance with section 17b-8 and any new policy necessary to  
558 conform to a requirement of a federal or joint state and federal  
559 program administered by the department, including, but not limited  
560 to, the state supplement program to the Supplemental Security Income  
561 Program, but the department may operate under such policy while it is  
562 in the process of adopting the policy as a regulation, provided the  
563 [Department of Social Services] department posts such policy on [its  
564 Internet web site, submits such policy electronically to the Secretary of  
565 the State for posting online prior to adopting the policy and prints

566 notice of intent to adopt the regulation in the Connecticut Law Journal  
567 not later than twenty days after adopting the policy] the eRegulations  
568 System prior to adopting the policy. Such policy shall be valid until the  
569 time final regulations are effective.

570 (c) On and after July 1, 2004, the department shall submit proposed  
571 regulations that are required by subsection (b) of this section to the  
572 standing legislative regulation review committee, as provided in  
573 subsection (b) of section 4-170, as amended by this act, not later than  
574 one hundred eighty days after [publication] posting of the notice of its  
575 intent to adopt regulations on the eRegulations System. The  
576 department shall include with the proposed regulation a statement  
577 identifying (1) the date on which the proposed regulation became  
578 effective as a policy as provided in subsection (b) of this section, and  
579 (2) any provisions of the proposed regulation that are no longer in  
580 effect on the date of the submittal of the proposed regulation, together  
581 with a list of all policies that the department has operated under, as  
582 provided in subsection (b) of this section, that superseded any  
583 provision of the proposed regulation.

584 (d) In lieu of submitting proposed regulations by the date specified  
585 in subsection (c) of this section, the department may electronically  
586 submit to the legislative regulation review committee a notice not later  
587 than thirty-five days before such date that the department will not be  
588 able to submit the proposed regulations on or before such date and  
589 shall include in such notice (1) the reasons why the department will  
590 not submit the proposed regulations by such date, and (2) the date by  
591 which the department will submit the proposed regulations. The  
592 legislative regulation review committee may require the department to  
593 appear before the committee at a time prescribed by the committee to  
594 further explain such reasons and to respond to any questions by the  
595 committee about the policy. The legislative regulation review  
596 committee may request the joint standing committee of the General  
597 Assembly having cognizance of matters relating to human services to  
598 review the department's policy, the department's reasons for not

599 submitting the proposed regulations by the date specified in  
600 subsection (c) of this section and the date by which the department will  
601 submit the proposed regulations. Said joint standing committee may  
602 review the policy, such reasons and such date, may schedule a hearing  
603 thereon and may make a recommendation to the legislative regulation  
604 review committee.

605 (e) If amendments to an existing regulation are necessary solely to  
606 conform the regulation to amendments to the general statutes, and if  
607 the amendments to the regulation do not entail any discretion by the  
608 department, the department may elect to comply with the  
609 requirements of subsection (a) of section 4-168, as amended by this act,  
610 or may proceed without prior notice or hearing, provided the  
611 department has posted such amendments on [its Internet web site] the  
612 eRegulations System. Any such amendments to a regulation shall be  
613 submitted in the form and manner prescribed in subsection (b) of  
614 section 4-170, as amended by this act, to the Attorney General, as  
615 provided in section 4-169, as amended by this act, and to the  
616 committee, as provided in section 4-170, as amended by this act, for  
617 approval and upon approval shall be submitted to the office of the  
618 Secretary of the State for posting [online] on the eRegulations System  
619 in accordance with section 4-172, as amended by this act.

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

624 [(a)] The Department [of Social Services] on Aging shall [prepare  
625 and routinely update a community services policy manual. The pages  
626 of such manual shall be consecutively numbered and indexed,  
627 containing all departmental policy regulations and substantive  
628 procedure. Such manual shall be published by the department, posted  
629 on the Internet web site of the department and distributed so that it is  
630 available to all district, subdistrict and field offices of the Department

631 of Social Services. The Department of Social Services shall adopt such  
632 policy manual in regulation form in accordance with the provisions of  
633 chapter 54] adopt regulations, in accordance with the provisions of  
634 chapter 54, to carry out the purposes, programs and services  
635 authorized pursuant to the Older Americans Act of 1965, as amended  
636 from time to time. The department may operate under any new policy  
637 necessary to conform to a requirement of a federal or joint state and  
638 federal program [. The department may operate under any new policy]  
639 while it is in the process of adopting the policy in regulation form,  
640 provided the [Department of Social Services] department posts such  
641 policy on [its Internet web site and submits such policy electronically  
642 to the Secretary of the State for posting online prior to adopting the  
643 policy and prints notice of intent to adopt the regulations in the  
644 Connecticut Law Journal] the eRegulations System not later than  
645 twenty days after adopting the policy. Such policy shall be valid until  
646 the time final regulations are effective.

647 [(b) The Department of Social Services shall write the community  
648 services policy manual using plain language as described in section 42-  
649 152. The manual shall include an index for frequent referencing and a  
650 separate section or manual which specifies procedures to follow to  
651 clarify policy.]

652 Sec. 11. (NEW) (*Effective July 1, 2013*) The Department of Social  
653 Services shall make technical and structural changes to the Uniform  
654 Policy Manual to conform to the numbering system, organization,  
655 form and style of the regulations of Connecticut state agencies.  
656 Notwithstanding the regulation-making proceedings and  
657 requirements of chapter 54 of the general statutes, the department shall  
658 submit such changes to the standing legislative regulations review  
659 committee for review. Any review of such changes by said committee  
660 shall be limited to confirming that such changes are technical and  
661 structural in nature in accordance with this section. If the committee  
662 does not act in response to the department's submission not later than  
663 thirty days after such submission, such changes shall be deemed

664 approved. Upon approval, the department shall transmit a certified  
 665 electronic copy of such changes to the Secretary of the State for the  
 666 Secretary to post on the eRegulations System. At the time that the  
 667 Secretary posts such changes on the eRegulations System, the  
 668 corresponding sections of the Uniform Policy Manual shall be deemed  
 669 superseded.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section
Sec. 2	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-167
Sec. 3	<i>July 1, 2013, and applicable to regulations noticed on and after said date</i>	4-168
Sec. 4	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	4-168b
Sec. 5	<i>July 1, 2014, and applicable to regulations noticed on and after said date</i>	4-169
Sec. 6	<i>July 1, 2014, and applicable to regulations noticed on and after said date</i>	4-170
Sec. 7	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	4-172
Sec. 8	<i>July 1, 2013</i>	4-173

Sec. 9	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	17b-10
Sec. 10	<i>October 1, 2014, and applicable to regulations noticed on and after said date</i>	17b-423
Sec. 11	<i>July 1, 2013</i>	New section
Sec. 12	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*