



General Assembly

**Substitute Bill No. 6362**

January Session, 2013



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

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

1 Section 1. (NEW) (*Effective July 1, 2013*) The Secretary of the State  
2 shall establish and maintain the eRegulations System, which shall  
3 consist of the regulations of Connecticut state agencies adopted by all  
4 state agencies subsequent to October 27, 1970. The Commission on  
5 Official Legal Publications shall, within available appropriations,  
6 provide any assistance requested by the Secretary of the State in the  
7 creation of the eRegulations System. On and after October 1, 2014, the  
8 eRegulations System shall also include the official electronic  
9 regulation-making record described in section 4-168b of the general  
10 statutes, as amended by this act. On and after the date the Secretary of  
11 the State certifies the eRegulations System as sufficient pursuant to this  
12 section, the regulations of Connecticut state agencies maintained by  
13 the Secretary on said system shall be the official version of the  
14 regulations of Connecticut state agencies for all purposes, including all  
15 legal and administrative proceedings. The eRegulations System shall  
16 be easily accessible to and searchable by the public. The Secretary of  
17 the State may specify the format in which state agencies shall submit  
18 the final approved version of such regulations and all other documents  
19 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-  
20 172 of the general statutes, as amended by public act 12-92 and this act,

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

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

46 (a) In addition to other regulation-making requirements imposed by  
47 law, each agency shall: (1) Adopt as a regulation a description of its  
48 organization, stating the general course and method of its operations  
49 and the methods whereby the public may obtain information or make  
50 submissions or requests; (2) adopt as a regulation rules of practice  
51 setting forth the nature and requirements of all formal and informal  
52 procedures available provided such rules shall be in conformance with  
53 the provisions of this chapter; and (3) make available for public

54 inspection, upon request, [paper] copies of all regulations and all other  
55 written statements of policy or interpretations formulated, adopted or  
56 used by the agency in the discharge of its functions, and all forms and  
57 instructions used by the agency.

58 (b) No agency regulation is enforceable against any person or party,  
59 nor may it be invoked by the agency for any purpose, until (1) it has  
60 been made available for public inspection as provided in this section,  
61 and (2) the regulation or a notice of the adoption of the regulation has  
62 been published in the Connecticut Law Journal if noticed prior to July  
63 1, 2013, or posted [online by the Secretary of the State] on the  
64 eRegulations System pursuant to section [4-173] 4-172, as amended by  
65 this act, and section 1 of this act, if noticed on or after July 1, 2013. This  
66 provision is not applicable in favor of any person or party who has  
67 actual notice or knowledge thereof. The burden of proving the notice  
68 or knowledge is on the agency.

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

73 (a) Except as provided in subsections (f) and (g) of this section, an  
74 agency, not less than thirty days prior to adopting a proposed  
75 regulation, shall (1) give notice by [having the Secretary of the State  
76 post] posting a notice of its intended action [online] on the  
77 eRegulations System. The notice shall include (A) either a statement of  
78 the terms or of the substance of the proposed regulation or a  
79 description sufficiently detailed so as to apprise persons likely to be  
80 affected of the issues and subjects involved in the proposed regulation,  
81 (B) a statement of the purposes for which the regulation is proposed,  
82 (C) a reference to the statutory authority for the proposed regulation,  
83 (D) when, where and how interested persons may obtain a copy of the  
84 small business impact and regulatory flexibility analyses required  
85 pursuant to section 4-168a, and (E) when, where and how interested  
86 persons may present their views on the proposed regulation; (2) give

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

122 submits such notice and documents to the Secretary of the State, the  
123 Secretary] On and after October 1, 2014, each agency shall post [the  
124 notice and] all [accompanying] documents prepared by the agency  
125 pursuant to this subsection [online and] on the eRegulations System.  
126 Each agency shall electronically notify [all persons who have  
127 requested] and, if requested, provide a paper copy of such notice to  
128 any person who requests to be notified of any regulation-making  
129 proceedings. [Each agency shall also post the notice and all  
130 accompanying documents on its Internet web site.] No regulation shall  
131 be found invalid due to the failure of an agency to give notice to each  
132 committee of cognizance pursuant to subdivision (2) of this subsection,  
133 provided one such committee has been so notified.

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

152 (c) An agency may begin the regulation-making process under this  
153 chapter before the effective date of the public act requiring or  
154 permitting the agency to adopt regulations, but no regulation may take

155 effect before the effective date of such act.

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

175 (e) Except as provided in subsection (f) of this section, no regulation  
176 may be adopted, amended or repealed by any agency until it is (1)  
177 approved by the Attorney General as to legal sufficiency, as provided  
178 in section 4-169, as amended by this act, (2) approved by the standing  
179 legislative regulation review committee, as provided in section 4-170,  
180 as amended by this act, and (3) posted [online] on the eRegulations  
181 System by the office of the Secretary of the State, as provided in section  
182 4-172, as amended by this act, and section 1 of this act.

183 (f) (1) An agency may proceed to adopt an emergency regulation in  
184 accordance with this subsection without prior notice or hearing or  
185 upon any abbreviated notice and hearing that it finds practicable if (A)  
186 the agency finds that adoption of a regulation upon fewer than thirty  
187 days' notice is required (i) due to an imminent peril to the public

188 health, safety or welfare or (ii) by the Commissioner of Energy and  
189 Environmental Protection in order to comply with the provisions of  
190 interstate fishery management plans adopted by the Atlantic States  
191 Marine Fisheries Commission or to meet unforeseen circumstances or  
192 emergencies affecting marine resources, (B) the agency states in  
193 writing its reasons for that finding, and (C) the Governor approves  
194 such finding in writing.

195 (2) The original of such emergency regulation and an electronic  
196 copy shall be submitted to the standing legislative regulation review  
197 committee in the form prescribed in subsection (b) of section 4-170, as  
198 amended by this act, together with a statement of the terms or  
199 substance of the intended action, the purpose of the action and a  
200 reference to the statutory authority under which the action is  
201 proposed, not later than ten days, excluding Saturdays, Sundays and  
202 holidays, prior to the proposed effective date of such regulation. The  
203 committee may approve or disapprove the regulation, in whole or in  
204 part, within such ten-day period at a regular meeting, if one is  
205 scheduled, or may upon the call of either chairman or any five or more  
206 members hold a special meeting for the purpose of approving or  
207 disapproving the regulation, in whole or in part. Failure of the  
208 committee to act on such regulation within such ten-day period shall  
209 be deemed an approval. If the committee disapproves such regulation,  
210 in whole or in part, it shall notify the agency of the reasons for its  
211 action. An approved regulation, posted [online] on the eRegulations  
212 System by the office of the Secretary of the State, may be effective for a  
213 period of not longer than one hundred twenty days renewable once for  
214 a period of not exceeding sixty days, provided notification of such  
215 sixty-day renewal is posted [online] on the eRegulations System by the  
216 office of the Secretary of the State and an electronic copy of such notice  
217 is sent to the committee, but the adoption of an identical regulation in  
218 accordance with the provisions of subsections (a), (b) and (d) of this  
219 section is not precluded. The sixty-day renewal period may be  
220 extended an additional sixty days for emergency regulations described  
221 in subparagraph (A)(ii) of subdivision (1) of this subsection, provided

222 the Commissioner of Energy and Environmental Protection requests of  
223 the standing legislative regulation review committee an extension of  
224 the renewal period at the time such regulation is submitted or not less  
225 than ten days before the first sixty-day renewal period expires and said  
226 committee approves such extension. Failure of the committee to act on  
227 such request within ten days shall be deemed an approval of the  
228 extension.

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

236 (g) If an agency finds (1) that technical amendments to an existing  
237 regulation are necessary because of (A) the statutory transfer of  
238 functions, powers or duties from the agency named in the existing  
239 regulation to another agency, (B) a change in the name of the agency,  
240 (C) the renumbering of the section of the general statutes containing  
241 the statutory authority for the regulation, or (D) a correction in the  
242 numbering of the regulation, and no substantive changes are  
243 proposed, or (2) that the repeal of a regulation is necessary because the  
244 section of the general statutes under which the regulation has been  
245 adopted has been repealed and has not been transferred or reenacted,  
246 it may elect to comply with the requirements of subsection (a) of this  
247 section or may proceed without prior notice or hearing, provided the  
248 agency has posted such amendments to or repeal of a regulation on [its  
249 Internet web site] the eRegulations System. Any such amendments to  
250 or repeal of a regulation shall be submitted in the form and manner  
251 prescribed in subsection (b) of section 4-170, as amended by this act, to  
252 the Attorney General, as provided in section 4-169, as amended by this  
253 act, and to the standing legislative regulation review committee, as  
254 provided in section 4-170, as amended by this act, for approval and



255 upon approval shall be submitted to the office of the Secretary of the  
256 State for posting on the eRegulations System with, in the case of  
257 renumbering of sections only, a correlated table of the former and new  
258 section numbers.

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

264 Sec. 4. Section 4-168b of the general statutes, as amended by section  
265 3 of public act 12-92, is repealed and the following is substituted in lieu  
266 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*  
267 *and after said date*):

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

276 (b) The [agency] regulation-making record shall contain: (1) [Copies  
277 of all notices of the] The agency's notice of intent to adopt regulations;  
278 [submitted to the office of the Secretary of the State; (2) a copy of] (2)  
279 any written analysis prepared for the proceeding upon which the  
280 regulation is based, including the regulatory flexibility analyses  
281 required pursuant to section 4-168a; (3) all written petitions, requests,  
282 submissions, and comments received by the agency and considered by  
283 the agency in connection with the formulation, proposal or adoption of  
284 the regulation or the proceeding upon which the regulation is based;  
285 (4) the official transcript, if any, of proceedings upon which the  
286 regulation is based [or, if not transcribed, any tape recording or

287 stenographic record of such proceedings,] and any memoranda  
288 prepared by any member or employee of the agency summarizing the  
289 contents of the proceedings; (5) [a copy of] all official documents  
290 relating to the regulation, including the regulation submitted to the  
291 office of the Secretary of the State in accordance with section 4-172, as  
292 amended by this act, a statement of the principal considerations in  
293 opposition to the agency's action, and the agency's reasons for rejecting  
294 such considerations, as required pursuant to section 4-168, as amended  
295 by this act, and the fiscal note prepared pursuant to subsection (a) of  
296 section 4-168, as amended by this act, and section 4-170, as amended  
297 by this act; (6) [a copy of] any petition for the regulation filed pursuant  
298 to section 4-174; and (7) [copies of] all comments or communications  
299 between the agency and the legislative regulation review committee.  
300 Any audio recording of a hearing held pursuant to section 4-168, as  
301 amended by this act, shall be maintained by the agency and made  
302 available to the public upon request.

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

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

309 No adoption, amendment or repeal of any regulation, except a  
310 regulation issued pursuant to subsection (f) of section 4-168, as  
311 amended by this act, shall be effective until the original of the  
312 proposed regulation and any revision of a regulation to be resubmitted  
313 to the standing legislative regulation review committee has been  
314 submitted electronically to the Attorney General by the agency  
315 proposing such regulation and approved by the Attorney General or  
316 by some other person designated by the Attorney General for such  
317 purpose. The review of such regulations by the Attorney General shall  
318 be limited to a determination of the legal sufficiency of the proposed  
319 regulation. If the Attorney General or the Attorney General's

320 designated representative fails to give notice to the agency of any legal  
321 insufficiency within thirty days of the receipt of the proposed  
322 regulation, the Attorney General shall be deemed to have approved  
323 the proposed regulation for purposes of this section. The approval of  
324 the Attorney General shall be [indicated on the original of the  
325 proposed regulation which] provided to the agency electronically and  
326 shall be submitted electronically by the agency to the standing  
327 legislative regulation review committee. As used in this section "legal  
328 sufficiency" means (1) the absence of conflict with any general statute  
329 or regulation, federal law or regulation or the Constitution of this state  
330 or of the United States, and (2) compliance with the notice and hearing  
331 requirements of section 4-168, as amended by this act.

332 Sec. 6. Section 4-170 of the general statutes, as amended by sections  
333 4 and 5 of public act 12-92, is repealed and the following is substituted  
334 in lieu thereof (*Effective July 1, 2014, and applicable to regulations noticed*  
335 *on and after said date*):

336 (a) There shall be a standing legislative committee to review all  
337 regulations of the several state departments and agencies following the  
338 proposal thereof, which shall consist of eight members of the House of  
339 Representatives, four from each major party, to be appointed on the  
340 first Wednesday after the first Monday in January in the odd-  
341 numbered years, by the speaker of said House, and six members of the  
342 Senate, three from each major party, to be appointed on or before said  
343 dates by the president pro tempore of the Senate. The members shall  
344 serve for the balance of the term for which they were elected.  
345 Vacancies shall be filled by appointment by the authority making the  
346 appointment. [The members of the committee shall elect from among  
347 their members two cochairpersons, one of whom shall be a member of  
348 the Senate and one of whom shall be a member of the House of  
349 Representatives, and either of whom] There shall be two  
350 cochairpersons, one of whom shall be a member of the Senate and one  
351 of whom shall be a member of the House of Representatives, each  
352 appointed by the applicable appointing authority, provided the

353 cochairpersons shall not be members of the same political party and  
354 shall be from alternate parties in the respective houses in each  
355 successive term. For purposes of this section, "appointing authority"  
356 means the speaker or minority leader of the House of Representatives  
357 and the president pro tempore or minority leader of the Senate, as  
358 appropriate according to the respective house and party of the member  
359 to be appointed. Each chairperson may call meetings of the committee  
360 for the performance of its duties.

361 (b) (1) No adoption, amendment or repeal of any regulation, except  
362 a regulation issued pursuant to subsection (f) of section 4-168, as  
363 amended by this act, shall be effective until (A) the original and an  
364 electronic copy of the proposed regulation approved by the Attorney  
365 General, as provided in section 4-169, as amended by this act, and an  
366 electronic copy of the regulatory flexibility analyses as provided in  
367 section 4-168a [and an electronic copy thereof] are submitted to the  
368 standing legislative regulation review committee [at the designated  
369 office of the committee,] in a manner designated by the committee, by  
370 the agency proposing the regulation, (B) the regulation is approved by  
371 the committee, at a regular meeting or a special meeting called for the  
372 purpose, and (C) a certified electronic copy of the regulation [and an  
373 electronic copy are] is submitted to the office of the Secretary of the  
374 State by the agency, as provided in section 4-172, as amended by this  
375 act, and the regulation is posted [online] on the eRegulations System  
376 by the Secretary. (2) The date of submission for purposes of subsection  
377 (c) of this section shall be the first Tuesday of each month. Any  
378 regulation received by the committee on or before the first Tuesday of  
379 a month shall be deemed to have been submitted on the first Tuesday  
380 of that month. Any regulation submitted after the first Tuesday of a  
381 month shall be deemed to be submitted on the first Tuesday of the next  
382 succeeding month. (3) The form of proposed regulations which are  
383 submitted to the committee shall be as follows: New language added  
384 to an existing regulation shall be [in capital letters or underlining, as  
385 determined by the committee] underlined; language to be deleted shall  
386 be enclosed in brackets and a new regulation or new section of a

387 regulation shall be preceded by the word "(NEW)" in capital letters.  
388 Each proposed regulation shall have a statement of its purpose  
389 following the final section of the regulation. (4) The committee may  
390 permit any proposed regulation, including, but not limited to, a  
391 proposed regulation which by reference incorporates in whole or in  
392 part, any other code, rule, regulation, standard or specification, to be  
393 submitted in summary form together with a statement of purpose for  
394 the proposed regulation. On and after October 1, 1994, if the committee  
395 finds that a federal statute requires, as a condition of the state  
396 exercising regulatory authority, that a Connecticut regulation at all  
397 times must be identical to a federal statute or regulation, then the  
398 committee may approve a Connecticut regulation that by reference  
399 specifically incorporates future amendments to such federal statute or  
400 regulation provided the agency that proposed the Connecticut  
401 regulation shall submit for approval amendments to such Connecticut  
402 regulations to the committee not later than thirty days after the  
403 effective date of such amendment, and provided further the committee  
404 may hold a public hearing on such Connecticut amendments. (5) The  
405 agency shall [append] attach a copy of the fiscal note, prepared  
406 pursuant to subsection (a) of section 4-168, as amended by this act, to  
407 each copy of the proposed regulation. At the time of submission to the  
408 committee, the agency shall submit an electronic copy of the proposed  
409 regulation and the fiscal note to (A) the Office of Fiscal Analysis which,  
410 not later than seven days after receipt, shall submit an analysis of the  
411 fiscal note to the committee; and (B) each joint standing committee of  
412 the General Assembly having cognizance of the subject matter of the  
413 proposed regulation. No regulation shall be found invalid due to the  
414 failure of an agency to submit [a] an electronic copy of the proposed  
415 regulation and the fiscal note to each committee of cognizance,  
416 provided such regulation and fiscal note [has] have been electronically  
417 submitted to one such committee.

418 (c) The committee shall review all proposed regulations and, in its  
419 discretion, may hold public hearings thereon, and may approve,  
420 disapprove or reject without prejudice, in whole or in part, any such

421 regulation. If the committee fails to so approve, disapprove or reject  
422 without prejudice a proposed regulation, within sixty-five days after  
423 the date of submission as provided in subsection (b) of this section, the  
424 committee shall be deemed to have approved the proposed regulation  
425 for purposes of this section.

426 (d) If the committee disapproves a proposed regulation in whole or  
427 in part, it shall give notice of the disapproval and the reasons for the  
428 disapproval to the agency, and no agency shall thereafter issue any  
429 regulation or directive or take other action to implement such  
430 disapproved regulation or part thereof, as the case may be, except that  
431 the agency may adopt a substantively new regulation in accordance  
432 with the provisions of this chapter, provided the General Assembly  
433 may reverse such disapproval under the provisions of section 4-171. If  
434 the committee disapproves any regulation proposed for the purpose of  
435 implementing a federally subsidized or assisted program, the General  
436 Assembly shall be required to either sustain or reverse the  
437 disapproval.

438 (e) If the committee rejects a proposed regulation without prejudice,  
439 in whole or in part, it shall notify the agency of the reasons for the  
440 rejection and the agency shall resubmit the regulation in revised form,  
441 if the adoption of such regulation is required by the general statutes or  
442 any public or special act, not later than the first Tuesday of the second  
443 month following such rejection without prejudice and may so resubmit  
444 any other regulation, in the same manner as provided in this section  
445 for the initial submission with a summary of revisions identified by  
446 paragraph. The committee shall review and take action on such  
447 revised regulation no later than thirty-five days after the date of  
448 submission, as provided in subsection (b) of this section. Posting of the  
449 notice [online] on the eRegulations System pursuant to the provisions  
450 of section 4-168, as amended by this act, shall not be required in the  
451 case of such resubmission.

452 (f) If an agency fails to submit any regulation approved in whole or  
453 in part by the standing legislative regulation review committee to the

454 office of the Secretary of the State as provided in section 4-172, as  
455 amended by this act, not later than fourteen days after the date of  
456 approval, the agency shall notify the committee, not later than five  
457 days after such fourteen-day period, of its reasons for failing to submit  
458 such regulation. If any agency fails to comply with the time limits  
459 established under subsection (b) of section 4-168, as amended by this  
460 act, or under subsection (e) of this section, the administrative head of  
461 such agency shall submit to the committee a written explanation of the  
462 reasons for such noncompliance. The committee, upon the affirmative  
463 vote of two-thirds of its members, may grant an extension of the time  
464 limits established under subsection (b) of section 4-168, as amended by  
465 this act, and under subsection (e) of this section. If no such extension is  
466 granted, the administrative head of the agency shall personally appear  
467 before the standing legislative regulation review committee, at a time  
468 prescribed by the committee, to explain such failure to comply. After  
469 any such appearance, the committee may, upon the affirmative vote of  
470 two-thirds of its members, report such noncompliance to the  
471 Governor. Within fourteen days thereafter the Governor shall report to  
472 the committee concerning the action the Governor has taken to ensure  
473 compliance with the provisions of section 4-168, as amended by this  
474 act, and with the provisions of this section.

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

479 (a) After approval of a regulation as required by sections 4-169, as  
480 amended by this act, and 4-170, as amended by this act, or after  
481 reversal of a decision of the standing legislative regulation review  
482 committee by the General Assembly pursuant to section 4-171, each  
483 agency shall submit to the office of the Secretary of the State a certified  
484 [copy and an] electronic copy of such regulation. [The] Concomitantly,  
485 the agency shall electronically file with [such] the electronic copy of the  
486 regulation a statement from the department head of such agency

487 certifying that [such] the electronic copy of the regulation is a true and  
488 accurate copy of the regulation approved in accordance with sections  
489 4-169, as amended by this act, and 4-170, as amended by this act. Each  
490 regulation when so electronically submitted shall be in the form  
491 [intended] prescribed by the Secretary of the State for posting [online]  
492 on the eRegulations System, and each section of the regulation shall  
493 include the appropriate regulation section number and a section  
494 heading. The Secretary of the State shall, not later than five calendar  
495 days after the electronic submission by the agency, post each such  
496 regulation [online] on the eRegulations System.

497 (b) Each regulation hereafter adopted is effective upon its posting  
498 [online] on the eRegulations System by the Secretary of the State in  
499 accordance with this section, except that: (1) If a later date is required  
500 by statute or specified in the regulation, the later date is the effective  
501 date; (2) a regulation may not be effective before the effective date of  
502 the public act requiring or permitting the regulation; and (3) subject to  
503 applicable constitutional or statutory provisions, an emergency  
504 regulation becomes effective immediately upon electronic submission  
505 to the Secretary of the State, or at a stated date less than twenty days  
506 thereafter, if the agency finds that this effective date is necessary  
507 because of imminent peril to the public health, safety, or welfare. The  
508 agency's finding and a brief statement of the reasons therefor shall be  
509 submitted with the regulation. The agency shall take appropriate  
510 measures to make emergency regulations known to the persons who  
511 may be affected by them including, but not limited to, by posting such  
512 emergency regulations on the [agency's Internet web site] eRegulations  
513 System.

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

517 [(a) The Secretary of the State shall post online a compilation of all  
518 effective regulations adopted by all state agencies subsequent to  
519 October 27, 1970, in a manner that is easily accessible to and searchable



520 by the public.] The Secretary of the State may omit from [such  
521 compilation] the eRegulations System (1) any regulation that is  
522 incorporated by reference into a Connecticut regulation and published  
523 by or otherwise available in printed or electronic form from a federal  
524 agency or a government agency of another state, and (2) any regulation  
525 that is incorporated by reference into a Connecticut regulation and to  
526 which a third party holds the intellectual property rights, until such  
527 time as the Secretary of the Office of Policy and Management obtains a  
528 licensing agreement in accordance with section 4-67q. [If] On and after  
529 October 1, 2014, if the Secretary of the State omits a regulation from the  
530 [compilation] eRegulations System, the Secretary shall [publish] post  
531 in the [compilation] system a notice identifying the omitted regulation,  
532 stating the general subject matter of the regulation and stating an  
533 address, telephone number, web site link, if applicable, and any other  
534 information needed to obtain a copy of the regulation. The Secretary of  
535 the State shall also provide a web site link, if applicable, to any  
536 regulation that is incorporated by reference into a Connecticut  
537 regulation. Such information shall be kept current and updated not  
538 less than quarterly.

539 [(b) All regulations posted online pursuant to subsection (a) of this  
540 section shall be accessible to the public and shall be the official version  
541 of the regulations of Connecticut state agencies for all purposes,  
542 including all legal and administrative proceedings. The Secretary of  
543 the State may adopt regulations, in accordance with the provisions of  
544 this chapter, specifying the format in which state agencies shall submit  
545 the final approved version of such regulations and all other documents  
546 required pursuant to this section and sections 4-167, 4-168, 4-170 and 4-  
547 172.]

548 Sec. 9. Section 17b-10 of the general statutes, as amended by section  
549 9 of public act 12-92, is repealed and the following is substituted in lieu  
550 thereof (*Effective October 1, 2014, and applicable to regulations noticed on*  
551 *and after said date*):

552 (a) The Department of Social Services shall prepare and routinely

553 update state medical services and public assistance manuals. The  
554 pages of such manuals shall be consecutively numbered and indexed,  
555 containing all departmental policy regulations and substantive  
556 procedure, written in clear and concise language. Said manuals shall  
557 be published by the department [, posted on the Internet web site of  
558 the department and distributed so that they are available to (1) all  
559 regional and subregional offices of the Department of Social Services;  
560 (2) each town hall in the state; (3) all legal assistance programs in the  
561 state; and (4) any interested member of the public who requests a  
562 copy] and, on or before October 1, 2014, be posted on the eRegulations  
563 System. Any updates of said manuals subsequent to October 1, 2014,  
564 shall be posted on the eRegulations System. All policy manuals of the  
565 department, as they exist on May 23, 1984, including the supporting  
566 bulletins but not including statements concerning only the internal  
567 management of the department and not affecting private rights or  
568 procedures available to the public, shall be construed to have been  
569 adopted as regulations in accordance with the provisions of chapter 54.  
570 After May 23, 1984, any policy issued by the department, except a  
571 policy necessary to conform to a requirement of a federal or joint  
572 federal and state program administered by the department, including,  
573 but not limited to, the state supplement program to the Supplemental  
574 Security Income Program, shall be adopted as a regulation in  
575 accordance with the provisions of chapter 54.

576 (b) The department shall adopt as a regulation in accordance with  
577 the provisions of chapter 54, any new policy necessary to conform to a  
578 requirement of an approved federal waiver application initiated in  
579 accordance with section 17b-8 and any new policy necessary to  
580 conform to a requirement of a federal or joint state and federal  
581 program administered by the department, including, but not limited  
582 to, the state supplement program to the Supplemental Security Income  
583 Program, but the department may operate under such policy while it is  
584 in the process of adopting the policy as a regulation, provided the  
585 [Department of Social Services] department posts such policy on [its  
586 Internet web site, submits such policy electronically to the Secretary of

587 the State for posting online prior to adopting the policy and prints  
588 notice of intent to adopt the regulation in the Connecticut Law Journal  
589 not later than twenty days after adopting the policy] the eRegulations  
590 System prior to adopting the policy. Such policy shall be valid until the  
591 time final regulations are effective.

592 (c) On and after July 1, 2004, the department shall submit proposed  
593 regulations that are required by subsection (b) of this section to the  
594 standing legislative regulation review committee, as provided in  
595 subsection (b) of section 4-170, as amended by this act, not later than  
596 one hundred eighty days after [publication] posting of the notice of its  
597 intent to adopt regulations on the eRegulations System. The  
598 department shall include with the proposed regulation a statement  
599 identifying (1) the date on which the proposed regulation became  
600 effective as a policy as provided in subsection (b) of this section, and  
601 (2) any provisions of the proposed regulation that are no longer in  
602 effect on the date of the submittal of the proposed regulation, together  
603 with a list of all policies that the department has operated under, as  
604 provided in subsection (b) of this section, that superseded any  
605 provision of the proposed regulation.

606 (d) In lieu of submitting proposed regulations by the date specified  
607 in subsection (c) of this section, the department may electronically  
608 submit to the legislative regulation review committee a notice not later  
609 than thirty-five days before such date that the department will not be  
610 able to submit the proposed regulations on or before such date and  
611 shall include in such notice (1) the reasons why the department will  
612 not submit the proposed regulations by such date, and (2) the date by  
613 which the department will submit the proposed regulations. The  
614 legislative regulation review committee may require the department to  
615 appear before the committee at a time prescribed by the committee to  
616 further explain such reasons and to respond to any questions by the  
617 committee about the policy. The legislative regulation review  
618 committee may request the joint standing committee of the General  
619 Assembly having cognizance of matters relating to human services to

620 review the department's policy, the department's reasons for not  
621 submitting the proposed regulations by the date specified in  
622 subsection (c) of this section and the date by which the department will  
623 submit the proposed regulations. Said joint standing committee may  
624 review the policy, such reasons and such date, may schedule a hearing  
625 thereon and may make a recommendation to the legislative regulation  
626 review committee.

627 (e) If amendments to an existing regulation are necessary solely to  
628 conform the regulation to amendments to the general statutes, and if  
629 the amendments to the regulation do not entail any discretion by the  
630 department, the department may elect to comply with the  
631 requirements of subsection (a) of section 4-168, as amended by this act,  
632 or may proceed without prior notice or hearing, provided the  
633 department has posted such amendments on [its Internet web site] the  
634 eRegulations System. Any such amendments to a regulation shall be  
635 submitted in the form and manner prescribed in subsection (b) of  
636 section 4-170, as amended by this act, to the Attorney General, as  
637 provided in section 4-169, as amended by this act, and to the  
638 committee, as provided in section 4-170, as amended by this act, for  
639 approval and upon approval shall be submitted to the office of the  
640 Secretary of the State for posting [online] on the eRegulations System  
641 in accordance with section 4-172, as amended by this act.

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

646 [(a) The Department of Social Services shall prepare and routinely  
647 update a community services policy manual. The pages of such  
648 manual shall be consecutively numbered and indexed, containing all  
649 departmental policy regulations and substantive procedure. Such  
650 manual shall be published by the department, posted on the Internet  
651 web site of the department and distributed so that it is available to all  
652 district, subdistrict and field offices of the Department of Social

653 Services. The Department of Social Services shall adopt such policy  
654 manual in regulation form in accordance with the provisions of  
655 chapter 54.] The Department on Aging shall adopt regulations, in  
656 accordance with the provisions of chapter 54, to carry out the  
657 purposes, programs and services authorized pursuant to the Older  
658 Americans Act of 1965, as amended from time to time. The department  
659 may operate under any new policy necessary to conform to a  
660 requirement of a federal or joint state and federal program [. The  
661 department may operate under any new policy] while it is in the  
662 process of adopting the policy in regulation form, provided the  
663 [Department of Social Services] department posts such policy on [its  
664 Internet web site and submits such policy electronically to the  
665 Secretary of the State for posting online prior to adopting the policy  
666 and prints notice of intent to adopt the regulations in the Connecticut  
667 Law Journal] the eRegulations System not later than twenty days after  
668 adopting the policy. Such policy shall be valid until the time final  
669 regulations are effective.

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

675 Sec. 11. (NEW) (*Effective July 1, 2013*) The Department of Social  
676 Services shall make technical and structural changes to the Uniform  
677 Policy Manual to conform to the numbering system, organization,  
678 form and style of the regulations of Connecticut state agencies.  
679 Notwithstanding the provisions of chapter 54 of the general statutes,  
680 the department may make such changes without complying with the  
681 provisions of said chapter concerning regulation-making proceedings.  
682 The department shall submit such changes to the standing legislative  
683 regulations review committee for review in accordance with this  
684 section. Any review of such changes by said committee shall be limited  
685 to confirming that such changes are technical and structural in nature

686 in accordance with this section. If the committee does not act in  
 687 response to the department's submission not later than sixty days after  
 688 such submission, such changes shall be deemed approved. Upon  
 689 approval, the department shall transmit a certified electronic copy of  
 690 such changes to the Secretary of the State for the Secretary to post on  
 691 the eRegulations System. At the time that the Secretary posts such  
 692 changes on the eRegulations System, the corresponding sections of the  
 693 Uniform Policy Manual shall be deemed superseded.

694 Sec. 12. Sections 4-60t and 4-173a of the general statutes are  
 695 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

**GAE**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*