



House of Representatives

General Assembly

File No. 362

January Session, 2013

Substitute House Bill No. 6362

House of Representatives, April 4, 2013

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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.*

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

OFA Fiscal Note

State Impact:

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

Municipal Impact: None

Explanation

The bill, which establishes an on-line system to house the regulations of state agencies, is anticipated to result in a cost to the Secretary of the State of \$100,000 in FY 15. This cost arises from the need to add a full-time position in the Secretary's office to administer and manage the system and associated programmatic requirements.

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

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

Background

The State Bonding Commission allocated \$1,758,583 in its January

25, 2013, meeting to support the capital costs of implementing the program.

The Out Years

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

OLR Bill Analysis**sHB 6362****AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.****SUMMARY:**

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

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

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

The bill eliminates several provisions that require a regulation to be

submitted in hard copy. It revises the requirements for selecting the legislative Regulation Review Committee's co-chairpersons to conform the law to practice. It requires that several manuals published by the Department of Social Services (DSS) be posted on the eRegulations System.

Lastly, it repeals requirements, due to take effect on July 1, 2013, that agencies (1) post all manuals and guidance documents online and (2) post on their websites policies that are implemented before being adopted in regulation form (§ 12, effective upon passage).

The bill also makes numerous technical and conforming changes.

EFFECTIVE DATE: Various, see below

§§ 1-4 & 8 — EREGULATIONS SYSTEM

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

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

The bill delays the date on which the electronic regulations compilation (which the bill names as the "eRegulations System") becomes the official version until the time that the secretary certifies, in writing, that it is technologically sufficient for this purpose. Under the bill, this certification must be (1) made by the secretary by October 1, 2014 and (2) published on the secretary's website and in the *Connecticut Law Journal*.

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

on and after July 1, 2013 be posted online in order to be enforceable.

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

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

EFFECTIVE DATE: July 1, 2013

§ 1 — Publication in Connecticut Law Journal

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

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

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

EFFECTIVE DATE: July 1, 2013

§ 3 — Notices of Proposed Regulations

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

By law, an agency may propose, without prior notice, (1) technical amendments to regulations when necessary to conform to certain changes or (2) a repeal of a regulation if the authorizing statute is repealed. The bill requires the agency to post any such proposed technical amendments or repeals on the eRegulations System, rather than its own website.

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

and after October 1, 2014, the agency also post this statement on the eRegulations System.

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

§ 4 — Official Regulation-Making Record

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

The bill requires that agencies post this record on the eRegulations System, rather than maintain it as current law requires. It removes from the official record tape recordings and stenographic records (if any) of proceedings upon which the regulation is based, thus exempting agencies from posting these recordings and records on the eRegulations System. The bill instead requires agencies to maintain audio recordings of these proceedings and make them available to the public upon request.

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

§§ 5-7 — REGULATION ADOPTION

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

that the agency submit the original of the proposed regulation to the committee.

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

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

§ 6 — Regulation Review Committee Co-Chairpersons

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

EFFECTIVE DATE: July 1, 2014

§§ 9-11 — DEPARTMENT OF SOCIAL SERVICES

§§ 9 & 10 — eRegulations Posting Requirements

The bill eliminates, effective October 1, 2014, requirements that DSS (1) distribute its medical services and public assistance manuals to its regional and subregional offices, town halls, and legal assistance programs and (2) post the manuals and any updates to them on its

website (which it must do beginning July 1, 2013). It instead requires DSS to post these manuals and updates on the eRegulations System.

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

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

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

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

§ 11 — DSS Uniform Policy Manual

The bill requires DSS to make technical and structural changes to its

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

DSS must submit the changes to the Regulation Review Committee for review. The bill (1) limits the committee's review to confirming that the changes are technical and structural and (2) deems the changes approved if the committee does not act within 60 days of the submission.

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

EFFECTIVE DATE: July 1, 2013

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 11 Nay 3 (03/15/2013)