

OLR BILL ANALYSIS

SB 27 (LCO 525)

AN ACT TRANSITIONING THE REGULATIONS OF CONNECTICUT STATE AGENCIES TO AN ONLINE FORMAT.

SUMMARY:

This bill requires that state agency regulations be published online, rather than in hard copy, making them available to the public on the Office of the Secretary of the State's Internet website. The secretary must also publish online the notices and accompanying documents agencies are required to provide for proposed regulations and the compilation of approved and effective regulations.

Additionally, the bill creates a nine-member Regulation Modernization Task Force to develop an implementation plan for publishing regulations online.

EFFECTIVE DATE: July 1, 2013, except for the task force provision which is effective upon passage.

NOTICE REQUIREMENTS

Under the bill, an agency must submit its notice of intent to adopt regulations to the secretary of the state instead of publishing it in the *Connecticut Law Journal*, as required by current law. The bill then requires the secretary to publish it electronically on her office's website, within five days after receiving the agency's submission of the notice and accompanying documents (e.g., the fiscal note, though the bill eliminates the requirement that agencies prepare it by the date that the notice is published). The agency must also post the notice and accompanying documents on its website. The bill permits anyone who requests it to continue to receive paper copies of each document.

APPROVED REGULATIONS

The bill deletes the requirement that, before becoming enforceable, agency regulations must be published in the *Connecticut Law Journal*. It instead requires that the secretary publish them online. However, it requires agencies to provide, if requested, paper copies of regulations

and other written policy statements and agency forms and instructions.

Once regulations have been approved by the attorney general and the Legislative Regulation Review Committee, current law requires agencies to submit two certified paper copies of the approved regulations to the Office of the Secretary of the State. Instead, the bill requires an agency to submit them electronically to the secretary along with a statement certifying that the electronic version is a true and accurate copy of the approved regulations. The bill authorizes the secretary to adopt regulations specifying the format agencies must use to submit electronic regulations and documents.

Currently with some exceptions, regulations become effective when an agency files them with the secretary. Under the bill, regulations become effective when the secretary publishes them online, which she may do up to five calendar days after the agency's filing. The bill designates the online regulations published by the secretary as the "official version" of the regulations of state agencies for "all purposes, including all legal and administrative proceedings."

PUBLISHED REGULATIONS

The bill removes:

1. the duties of the Commission on Official Legal Publications (COLP) to publish (a) the compilation of all adopted state agency regulations that it currently publishes with semiannual supplements and (b) a monthly update of approved regulations in the *Connecticut Law Journal*;
2. the provision for making published regulations available to state agencies and officials for free and to others for sale;
3. the requirement that published regulations be included in each state law library's reference collection; and
4. the ability to omit from the compilation regulations that are too expensive or unduly cumbersome to publish.

The bill requires the secretary to publish the compilation of regulations online with website links to any other state or federal regulations adopted or incorporated by reference.

REGULATION MODERNIZATION TASK FORCE

The bill establishes a nine-member task force that must develop a plan to ensure that, by July 1, 2013, Connecticut state agency regulations are available to the public in an accessible online format.

Membership

The House and Senate chairpersons of the Regulation Review Committee each appoint one member who may be a legislator. The remaining members are appointed by the following:

1. two by the secretary of the state,
2. two by the chief justice of the state Supreme Court,
3. one by the administrative services commissioner or by his designee, and
4. two by the governor.

Appointing authorities must make their appointments within 30 days of the bill's passage and fill any vacancy. The governor selects the chairperson from among the members.

Duties

By January 1, 2013, the task force must submit a plan to the governor and the Regulation Review Committee that ensures state agency regulations are easily accessible to the public in an online format by July 1, 2013. The bill requires the plan to include:

1. identification of the hardware and software needed to transfer regulations to an online format;
2. a recommendation on the appropriate state agency to supervise system maintenance;
3. a description of the necessary staff training for using and maintaining the system;
4. a description of the amount of additional work and responsibilities required to create and maintain the system;
5. a description of the reduction in workload and costs that are anticipated with the system;
6. a cost estimate of the system's implementation and maintenance, with recommendations on how the state can recover these; and

7. recommendations for additional legislation that may be necessary to facilitate the transition to publishing regulations in an online format.

The bill authorizes the task force to request bond funds through the Department of Administrative Services to pay a consultant for advice on the technical aspects of implementing and maintaining an online system for regulations. The Legislative Commissioners' Office, COLP, and all executive branch agencies must cooperate and provide information the task force needs.

BACKGROUND

Related Law

PA 11-81 (1) eliminated the requirement that state agencies deliver notice of proposed regulations by mail, allowing them to send notices electronically and (2) gave agencies the option of providing paper or electronic versions of proposed regulations to those requesting them.

PA 11-150 required agencies to submit (1) their proposed regulations to the Regulation Review Committee electronically, rather than send 18 paper copies to the committee and (2) electronic, rather than paper, copies of proposed regulations and accompanying fiscal notes to the Office of Fiscal Analysis and committees of cognizance.