

PA13-274

HB6362

Government Admin. & Elections	624, 626-628, 693, 694- 696, 718-719, 772-774, 856-860, 953-955, 991- 992, 995-998	27
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has been properly cast. If all the members have voted then the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Madam Speaker, substitute House Bill 6699 as amended by House Amendment A.

Total Number Voting	131
Necessary for Adoption	66
Those voting aye	131
Those voting nay	0
Absent and not voting	19

DEPUTY SPEAKER SAYERS:

The bill as amended passes. Will the Clerk please call Calendar number 241.

THE CLERK:

Yes, Madam Speaker. On page 43 of the Calendar, Calendar number 241, favorable report of the joint standing Committee on Appropriations, substitute for House Bill number 6362, AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

DEPUTY SPEAKER SAYERS:

Representative Jutila, you have the floor, Sir.

REP. JUTILA (37th):

Thank you, Madam Speaker. I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question is on the joint committee's favorable report and passage of the bill.

Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. This bill implements the work of the regulations modernization taskforce and it provides that the Secretary of State will establish and maintain the e-regulations system and by doing this we will have all electronic regulations through the e-regulations.

And this will first take place as of July 1, 2013 at which time the Secretary of State will post all of the agency's regulations on the e-regulations system. And at that time they will still be the unofficial regulations. As of October 1, 2014 the Secretary is required to certify that the system is now technologically able to be the official site for the regulations and at that point they will become the official regulations of the State of Connecticut.

Madam Speaker, this will promote greater

transparency for the -- the public. It will make government regulations more user friendly to business and be a good thing for the State. And Madam Speaker, the Clerk has an amendment. It's LCO 7768. And I would ask that the Clerk call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO number 7768 and it will be designated House Amendment Schedule A.

THE CLERK:

Yes, Madam Speaker. LCO number 7768 designated House Amendment A offered by Representative Jutila et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize. Is there any objection to summarization? Is there any objection? Hearing none, Representative Jutila, you -- you may proceed with summarization.

REP. JUTILA (37th):

Thank you, Madam Speaker. This amendment will require that each agency have on its website a link to the e-regulations and to the extent practicable have a link to the specific regulations of that agency. It also provides that the Secretary of State will by

January 1, 2104 develop and implement a plan to maintain a paper copy of the regulations at the Secretary of State's Office.

It also will maintain that -- require that an audio recording of the hearings for the regulations review process continue to be part of the record. And it's a good amendment. I would particularly like to thank our Ranking Member on the GAE Committee, Representative Hwang for his good work on this amendment. And I would move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is on adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Hwang of the 134th.

REP. HWANG (134th):

Thank you, Madam Speaker, and good morning.

DEPUTY SPEAKER SAYERS:

Good morning to you.

REP. HWANG (134th):

Through you, a couple questions on this amendment, Ma'am.

DEPUTY SPEAKER SAYERS:

Please frame your question, Sir.

REP. HWANG (134th):

Thank you. To the -- to the very good Chairman of the GAE, I want to thank you for your support and help in regards to this amendment. Through you, Madam Speaker. Could -- could you share with me the -- the areas as it relates to audio recording and what would be the premise of -- of that statutory change? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. The idea is that the audio recording of the proceedings, the public hearing as part of the regulations review and adoption process be part of the official public record. Through you.

DEPUTY SPEAKER SAYERS:

Representative Hwang.

REP. HWANG (134th):

Thank you, Madam Speaker. Through you. We're looking at e-regulations and moving our regulations that we would have in statute and paper form and booklets to an electronic means. Through you, does this amendment provide a vehicle that when we move into electronic that there is a safety mechanism in regards to a paper copy?

I would like to as the very good Chairman of GAE if there were some considerations given in this amendment to address that issue. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Jutila.

REP. JUTILA (37th):

Through -- through you, Madam Speaker. Yes, the issue of whether or not we should maintain a paper copy of the regulations was something that was given great attention in -- in the GAE Committee. We all agreed on the committee that it's a -- a great thing that the State of Connecticut will be moving to all electronic regulations and by October 1 of 2014 they will be certified by the Secretary of State and be the official regulations of the State of Connecticut.

But we also thought that it would be prudent that somewhere we would maintain a paper copy of all the regulations and that that would be done by the Secretary of State and maintained at her office. Through you.

DEPUTY SPEAKER SAYERS:

Representative Hwang.

REP. HWANG (134th):

Thank you. Through you, Madam Speaker. I want to through to the good Chair of the GAE again thank the Secretary of State's Office for being receptive to this idea and -- and providing a vehicle that has a safeguard.

Through you, Madam Speaker. What was the engagement in regards to the regulation review commission -- committee and their input in this process? Obviously their -- their -- their impact in regards to the regulations review. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. The regulations review committee played an important role in -- in this process particularly leading up to the point where -- where we are here today. They -- they did this through their -- their work in -- in forming the -- the regulations modernization taskforce which really did the spade work that prepared us to --

REP. CAFERO (142nd):

Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Cafero, for what purpose do you stand?

REP. CAFERO (142nd):

Madam Speaker, I rise to question the presence of a quorum.

DEPUTY SPEAKER SAYERS:

The Chamber will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER SAYERS:

The House will come back to order. In the opinion of the Chair the quorum has been met. Will you remark further on the amendment that is before us? Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. I -- I think that I provided a satisfactory answer to the last question about the work of the regulations review committee. And with -- with that I'll just stop there unless the -- unless there are additional questions. Through you.

DEPUTY SPEAKER SAYERS:

Representative Hwang.

REP. HWANG (134th):

Thank you, Madam Speaker. I want to thank the good Chair again for his answer and -- and take a moment to thank the -- the Co-chairs of the regulation review committee which is a bipartisan chairmanship of Representative Selim Noujaim and Senator Ayala and for their participation and input into this bill. Their expertise and insight was invaluable and their guidance was greatly appreciated.

And I wanted to personally thank them for their tremendous work on this and -- and trying to bring greater efficiency. As we try to move into the electronic and -- and cost efficiency implementation of our regulations it's imperative that we balance that movement toward the electronics to making sure that there is a consistency and an accuracy.

And again I wanted to go back to the regulations review committee and the leadership of that in providing the guidance. Again, through you, as it relates to the amendment is there a fiscal note through this -- to this amendment and implementation of -- by the Secretary of State? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Hwang, if you would just hold on one movement please.

REP. HWANG (134th):

Absolutely, Ma'am.

DEPUTY SPEAKER:

Representative Aresimowicz, our Majority Leader.

REP. ARESIMOWICZ (30th):

Yes, Madam Speaker. I move we pass this bill temporarily.

DEPUTY SPEAKER SAYERS:

Hearing no objection this bill is passed temporarily. The Chamber will stand at ease.

(Chamber at ease.)

(Speaker Sharkey in the Chair.)

DEPUTY SPEAKER SHARKEY:

Just for the Chamber's edification we are waiting for an amendment. There's a mistake in it which we're trying to get corrected and get it back out here but we will be standing at ease for about another couple of minutes. Okay. So for anybody who's thinking it's time to go home, sorry.

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Number 241?

THE CLERK:

Good morning, Mr. Speaker.

On page 43, Calendar 241, which had been PT'd on House Amendment "A," Substitute House Bill 6362, AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

DEPUTY SPEAKER BERGER:

Thank you, Mr. Clerk.

Representative Jutila, the House Chair of GEA, we are under discussion on House Amendment Schedule "A."

Please proceed.

REP. JUTILA (37th):

Thank you, Mr. Speaker.

I'm not sure about the procedure here, Mr. Speaker. We passed this bill temporarily on Thursday night or early Friday morning actually, and we moved directly to the amendment.

DEPUTY SPEAKER BERGER:

That is correct. The House is under discussion on House Amendment Schedule "A," LCO Number 7768.

Please make the motion -- please make the motion for the calling of LCO Number 7768.

REP. JUTILA (37th):

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Thank you, Mr. Speaker.

The Clerk should have in his possession the Amendment LCO 7768. I would ask that the Clerk please call the amendment, and I be granted leave to summarize.

DEPUTY SPEAKER BERGER:

Yes, Representative Jutila, if you would please move for adoption of the bill, and then we will call the amendment, please.

Thank you, sir.

REP. JUTILA (37th):

Thank you, Mr. Speaker.

I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Please proceed, Representative.

REP. JUTILA (37th):

Thank you, Mr. Speaker.

Again, this is the bill that we passed temporarily on Friday morning, and it implements the work of the regulations, modernization task force,

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which would implement the e-regulation system and provide that all regulations would become electronic by specified dates, and I would urge passage of the bill.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

And you have a House Amendment "A," LCO Number 7768 that you'd like to call for adoption?

REP. JUTILA (37th):

Thank you, Mr. Speaker.

I move adoption of the amendment.

DEPUTY SPEAKER BERGER:

Would the Clerk please call LCO Number 7768.

THE CLERK:

House Amendment previously designated House "A,"
LCO 7768 as introduced by Representative Jutila, et
al.

DEPUTY SPEAKER BERGER:

Representative seeks leave of the Chamber to summarize the amendment.

Is there an objection to summarization? Is there objection?

Seeing none, please proceed.

REP. JUTILA (37th):

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Thank you, Mr. Speaker.

Once again, this amendment would require that each agency provide a link to the e-regulations system and also to the extent practicable, a link directly to the regulations of that particular agency. It would also require that the Secretary of State implement a plan to provide for a paper copy of the regulations to be provided in the Secretary of State's office, and it also provides that an audio recording would be maintained as part of the hearing record of the agency proposing the regulations. And again, I would urge adoption of the amendment.

DEPUTY SPEAKER BERGER:

The question before the Chamber is adoption of House Amendment Schedule "A."

Would you comment further?

Representative Hwang of the 134th, sir, good morning.

REP. HWANG (134th):

Good morning, again, Mr. Speaker. How are you?

DEPUTY SPEAKER BERGER:

I'm very well, sir.

REP. HWANG (134th):

Through you, a question to the proponent of the

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bill.

DEPUTY SPEAKER BERGER:

Please proceed, Representative.

REP. HWANG (134th):

Thank you.

In regards to the Secretary of State in developing and implementing this plan, is there to be ensured that there are no gaps in this application that upon passage of this bill that the Secretary of State's office will maintain a paper copy so that there are no gaps in regards to getting this information; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, yes, that is correct.

DEPUTY SPEAKER BERGER:

Representative Hwang.

REP. HWANG (134th):

Well, with that said, I want to rise in strong support of this amendment. I want to thank the good chairs of the GEA and their working with us as well as the Secretary of State's office in adding this

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amendment, and I urge the support of this amendment.

Thank you.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on House Amendment
Schedule "A"?

Representative O'Neill of the 69th, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

If I may, a brief question to the chair and
proponent of the amendment.

DEPUTY SPEAKER BERGER:

Please -- Please proceed, Representative.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. Through you.

There's a section of the amendment that talks
about not posting video recordings of hearings to
avoid a conflict with accessibility requirements, and
I'm not quite sure I understand why that language is
being added to the amendment. So if, perhaps, a bit
of an explanation could be offered. What is the
federal or state law that might be involved?

Through you, Mr. Speaker.

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Representative Jutila.

REP. JUTILA (37th):

Yes, through you, Mr. Speaker, to the good Representative. This is a very good question and we received information from the Governor's Office that came actually from the IT people and they were pointing out that there was a potential for conflict with federal law related to the disabilities legislation and that there was a potential that if we provided the regulations -- if we provided the audio recording as part of the e-regulations that there may be a requirement to provide a transcript as well and that that can be rather costly so we decided it was prudent to put this language in here so that the Secretary of State was not in a position of being forced to do this by state statute but having a potential problem with a conflict with federal law.

Through you.

THE CHAIR:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And in the language that's contained in the amendment, it appears that the Secretary of State is

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not going to do this unless there's the ability to determine that there won't be a violation. And I was just wondering is that standard of determination set forth in the state or are there federal statute for the benefit of the Secretary of State -- or put another way how is the Secretary of State supposed to know when they've reached the threshold so they are allowed to post the video or audio recording?

Through you, Mr. Speaker.

THE CHAIR:

Representative Jutila.

REP. JUTILA (37th):

Through you, Mr. Speaker, again, the language is provided to give the Secretary of State the ability to make that decision. And our expectation is that the Secretary of State, working with her legal counsel, would review the federal statute in conjunction with our own statutes and make the determination of what they need to do.

Through you.

THE CHAIR:

Representative O'Neill.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

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I appreciate the answers, and I'm glad that folks in the Governor's Office and IT were able to make the determination or recognize that there was a possible problem here. And I certainly think that this is a big improvement over the earlier version of this amendment, especially the part about maintaining the existing paper documentation at the Secretary of State's office.

Thank you, Mr. Speaker.

THE CHAIR:

Thank you, Representative.

The motion before the Chamber is adoption of House Amendment Schedule "A."

Would you comment further? Will you comment further on House Amendment Schedule "A"?

If not, I will try your minds.

All those in favor of House Amendment Schedule "A," signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER BERGER:

Opposed?

The ayes have it.

The amendment is adopted.

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Will you comment further on the bill as amended?

Will you comment further on the bill as amended?

Representative Hwang of the 134th.

REP. HWANG (134th):

Thank you, Mr. Speaker.

I rise in support of this bill. In the attempt of us, as a government entity, to increase efficiency and transparency by utilizing our online services, I want to thank, again, the good chairs of GAE, the Governor's office, as well as the Secretary of State, but also want to extend my appreciation to the bipartisan co-chairs of the Regulations Review Committee, which is Representative Noujaim and Senator Ayala, for their contributions to this bill so I rise in strong support, and I urge passage.

Thank you.

THE CHAIR:

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

If not, will staff and guests please --

REP. O'NEILL (69th):

Mr. Speaker.

DEPUTY SPEAKER BERGER:

Oh, I'm sorry, Representative O'Neill. I'm

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sorry, sir.

REP. O'NEILL (69th):

Yes. This may be a year or a session for the completion of works that have been underway at least that I've had some involvement with for many decades, or years, even decades. I believe that on the Regulation Review Committee, we started this process of trying to move our regulations to be electronically available when I first became chairman of the Committee back in the 1990s so it's taken a long, long time to get here, probably too long, but I'm certainly glad to see that we are finally going to be able to have the public get access to our regulations, which is a significant portion of the law that exists in the State of Connecticut, by computer without having to travel to Hartford to see what actually the regulations are that have been passed. So I think that this is a very important step for the State of Connecticut and a long time in coming, and I'm glad to see it happening while I'm still around.

Thank you, Mr. Speaker.

THE CHAIR:

Thank you, Representative.

Will you comment further on the bill as amended?

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Will you comment further on the bill as amended?

If not, will the staff and guests please come to the well of the House. Will the members please take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately?

THE CHAIR:

Have all the members voted? Have all the members voted?

If all of the members could check the board to see if their vote is properly cast.

If all of the members have voted, the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

THE CLERK:

Substitute House Bill 6362, as amended by House
"A"

Total Number Voting	135
Necessary for passage	68
Those voting Yea	135
Those voting Nay	0
Those absent and not voting	15

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THE CHAIR:

The bill, as amended, passes.

Would the Clerk please call House Calendar Number
689 -- 589. I'm sorry.

THE CLERK:

On page 27, House Calendar Number 589, favorable
report of the joint standing committee on Judiciary,
Substitute Senate Bill 1119, AN ACT CONCERNING
ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF
ENERGY AND ENVIRONMENTAL PROTECTION.

SB 1019

DEPUTY SPEAKER BERGER:

Representative Gentile, the House chair of the
Environment Committee.

REP. GENTILE (104th):

Good morning, Mr. Speaker.

THE CHAIR:

Good morning, ma'am.

REP. GENTILE (104th):

Mr. Speaker, this is a bill that's come down to
us from the Senate, where they had adopted actually
Senate Amendments "A," "B," and "C." We will be
discussing those as I bring out the bill.

This is actually part of the department's efforts
to streamline their regulations and their policies in

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issues related to the implementer and other items that we hope to conclude in the rest of the evening.

THE CHAIR:

Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

The Senate will stand at recess.

(On motion of Senator Looney of the 11th, the Senate at 9:55 p.m. recessed.)

(The Senate reconvened at 10:44 p.m., Senator Duff of the 25th in the Chair.)

THE CHAIR:

The Senate will come back to order?

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, before proceeding to any more items, I have some more items to add to the Consent Calendar at this time. Mr. President, first, Calendar page 6, Calendar 522, House Bill 5598.

Calendar page 7, Calendar 571, House Bill Number 6492.

Calendar page 10, Calendar 644, House Bill Number 6363.

Calendar Page 12, Calendar 668, House Bill Number 6362.

Mr. President, if we might stand at ease for just a moment, I need to verify a few additional items.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Now, Mr. President, at this time if the Clerk would call as the next item, Calendar page 5, Calendar 479, Senate Bill 115.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Mr. Clerk.

THE CLERK:

On page 5, Calendar 479, Senate Bill Number 115, AN ACT CONCERNING RESIDENTIAL NURSING HOME FACILITIES SERVING INMATES AND MENTAL HEALTH PATIENTS, favorable report of the Committee on Human Services.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Good evening, Mr. President.

THE CHAIR:

Good evening.

SENATOR DOYLE:

I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Thank you, Mr. President.

Mr. President, if the clerk would now call -- would now list the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar before taking up additional items.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 2 -- sorry -- House Bill 6672, and then on page 2, Calendar 423, House Bill 5907.

On page 4, Calendar 464, House Bill 5601; Calendar 465, House Bill 6630.

On page 5: 485, House Bill 6602; Calendar 503, House Bill 6635.

On page 6: Calendar 19, House Bill 5903; Calendar 522, House Bill 5598.

On page 7: Calendar 570, House Bill 6486; Calendar 571, House Bill 6492.

On page 8: Calendar 601, House Bill 6490; Calendar 606, House Bill 6674.

On page 10, Calendar 644, House Bill 6363.

On page 12, Calendar 668, House Bill 6362; and Calendar 672, House Bill 548.

On page 15: Calendar 695, House Bill 5289; Calendar 696, House Bill 6658.

On page 16: Calendar 704, House Bill 6692; 705, House Bill 6703.

On page 17: Calendar 706, House Bill 6651.

And on page 21: Calendar 431, Senate Resolution Number 15.

HB 5480

THE CHAIR:

Mr. Clerk, please announce the pendency of a roll call vote, the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

Have all members have voted? If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have recorded, the machine will be closed and the clerk will announce the tally.

THE CLERK:

The second Consent Calendar

Total Number Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I just wanted to review and have we adopted Senate Agendas 3 and 4?

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GOVERNMENT
ADMINISTRATION
AND ELECTIONS
PART 3
618 - 999**

2013

February 25, 2013

smj/vd/gbr GOVERNMENT ADMINISTRATION 11:00 A.M.
AND ELECTIONS COMMITTEE

we'll move on to the public citizen list, and we'll go back and forth until both lists are empty.

So, without further ado, the Secretary of State, please take your seat. Tell us who you are and what you'll be testifying on.

SEC. OF STATE MERRILL: Thank you very much. Good morning, Chairman Musto, Chairman Jutila, members of the Committee. I am, for the record, Denise Merrill, Secretary of the State of Connecticut, and thank you for having me this morning. I'd like to testify briefly in support of two bills before the Committee this morning and one House joint resolution proposed by the Governor. And I will try to be relatively brief because I know there are a lot of people after me who want to speak on these topics as well.

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HB 6362

First, Senate Bill 432, An Act Concerning An Agreement Among the States to Elect the President of the United States By National Popular Vote. Passage of this bill would make Connecticut the next state to adopt an interstate compact providing for the election of the President by a national popular vote. I support this concept, moving away from the current Electoral College system of electing our President. Four times in our history, the person elected President did not receive the most votes. That's really the genesis, I think, of this proposal. This resulted in constitutional crises and long-term effects on policy including the abandonment of reconstruction after the 1876 election.

This plan is consistent with the Constitution, which provides for both interstate compacts and the right of each state to decide how to select

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that really seems like almost a good enough reason in and of itself to elect our President that way. We elect our governors that way, so, we have easy models to look at, and there are a lot of arguments made about what the impact of this would be. Would this mean there would be more third-party candidates, and so forth and so on.

I think if you're trying to answer any of those questions, you need only to look at the gubernatorial elections across the country for as long as you'd like, and you can see a good model, you know, pretty much what would happen at a national level. Some of the states that have already passed this bill include Massachusetts, Vermont, New Jersey, and Maryland just to name a few. I have sort of lost track, I have to admit, of how many states are -- either have already passed it or are in the process. So, I'm sure there are others that will testify after me to all those sorts of details. So, I do support this compact as a sensible way to improve presidential elections.

House Bill 6362, An Act Concerning Transparency and Accessibility of the Regulations of Connecticut State Agencies. This is our ongoing effort to put the regulations of the state online, and I have to say we are probably the last state to have any version of our regulations online. So, this is a very important issue for the transparency of our regulations to the public.

Last year this Committee and the General Assembly passed a bill to require that the regulations be put online and the Secretary of State be administer of this -- administrator of the service. At that time I expressed my support of this bill and asked that when the

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implementation of this project came around, that I be given the additional resources necessary to take on that new responsibility. And I'm sorry to have to insist on this, but it does cost money to do this and that has been sort of the ongoing debate as to exactly how much and what it should look like. But I certainly am in total support of putting the regulations online, but I will need some resource in my office to make this happen. Probably a position would be my anticipation.

And I know that after me, the Governor's Office has someone that's going to testify. We've been sitting together for a year now, talking over, you know, on a task force looking at the exact requirements of the system, exactly what was going to be put online. And if you want -- if I could relate it to anything, I would relate it to our effort to put the statutes online, what was it, about 10 years ago. And I can still remember, I was in the Legislature at the time. We went fairly quickly from a totally paper system to a very good, I think, online system. So, now you have everything, including, you know, testimony, notifications of public hearings, all those things are online.

The regulations are similar, but frankly much more complex. You have maybe 200 agencies that all do regulations, and they do them in various ways. And some have them online on their websites and some don't. So, this is a really laudable effort to make this all, you know, regulate this all in the same way and have it all up on line for the public.

I must say, you know, we should be aware that private firms already do this. So, there hasn't been a lot of pressure from the legal

community because a lot of them get this information from Westlaw which, you know, is fine, but it is not free and it is not available to the general public. So, that's why I think this is a very important effort and would just say that we will need resources to do it.

I believe there have been bond funds set aside in a greater IT project because what this basically contemplates is the development of a software system that will make this happen, and it would be -- it's going to be a wonderful system when we get it in place because it will mean that the agencies will essentially be able to put their own regulations online. It will be a self-servicing system, and our office would just oversee it and provide the sort of back up and kind of help desk functions and that sort of thing so that the public wouldn't have problems accessing it. And, you know, the inevitable questions that come up, you know, with the agencies. So, that would be our role, is pretty ministerial, but if -- there is also a function where we would sort of cross-check to make sure that they were accurate and that everything was going online appropriately.

So, and lastly I want to express my support for House Joint Resolution 36, which is a duplication, really, of HJR 16 which is A Constitutional Amendment to Amend the State Constitution to Grant Increased Authority to the General Assembly Regarding Election Administration. I believe this is an exact duplicate of one that came up that I testified about earlier in an earlier hearing and submitted written testimony at that time. I believe this, you know, the two are identical. So, and with that, I'm happy to take questions.
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REP. D'AGOSTINO: Mr. Chairman?

REP. JUTILA: Yes.

REP. D'AGOSTINO: Just for the record, Senator Musto asked for the case cites, and the one I was quoting from on the standard was U.S. Steel v. Multi-tax State Commission 434 U.S. 452 reproved by the professor, 1978. And a case that I found kind of interesting subsequently interpreting the compact and applying that standard is a Third Circuit case, McComb v. Wambaugh 934 F.2d 474 Third Circuit 1991.

A VOICE: What are you using?

REP. JUTILA: Thank you for that information, Representative D'Agostino. And thank you again, Professor.

The next speaker is Chris Drake.

CHRISTOPHER DRAKE: Good afternoon, Senator Musto, Representative Jutila, Senator McLachlan, and Representative Hwang and other distinguished members of the Government Administration and Elections Committee. My name is Christopher Drake, deputy legal counsel to Governor Malloy, and I'm here to testify in support of two Governor's bills, H.B. 6362 and H.B. 6363. Just an editorial point. I'm not here to testify on national popular vote. I guess we won't have that to talk about.

6363, An Act Streamlining State Government and Increasing Effectiveness, proposes the elimination or reconfiguration of various boards and commissions, a list of which is attached to my written testimony. This bill is part of the Governor's continued effort to

streamline government. A similar bill, H.B. 5027, was submitted by the Governor last session, was passed unanimously in the House, but fell victim to timing issues at the end of the rush of the session. Many of these boards and commissions are no longer active and have not met in several years. Others are duplicative of the functions performed by more active boards.

We intend to continue to evaluate boards and commissions and may propose additional eliminations and consolidations in future Legislative Sessions. There may be boards, commissions, task forces, and other groups that should be added to this list and we invite Committee members and members -- and other members of the General Assembly to suggest additions. Our office stands ready to work with members of this Committee with the other members of the General Assembly and with the public in rightsizing and streamlining State Government.

H.B. 6362, An Act Concerning the Transparency and Accessibility of the Regulations of the Connecticut State Agencies, is related to Public Act 1292, An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format. P.A. 1292 established the regulation's modernization task force which I chaired to develop a plan to ensure that by July 1, 2013, the regulations of Connecticut State agencies are available to the public in an easily accessible online format.

Information about the task force is available on the Governor's web site, including a list of the members and the final report that was adopted by consensus of all the task force members. And Secretary Merrill, spoke at the

beginning, she personally sat on the task force, and I'd like to thank her for her personal involvement on the task force as well as all the other members.

The motivation for this bill is simple. Connecticut residents and businesses are expected to comply with State regulations, but there is no central repository for the public to find the regulations that apply to them. Connecticut is the only state in the country that does not have a central online system for accessing its State regulation and it's behind several U.S. territories as well. We are the only state not to do this.

The changes made by this bill and the plan created by the task force will go a long way towards addressing this problem. Creating an online repository for our State regulations will dramatically increase transparency and public awareness of our state's regulatory process. This bill provides the legal framework for modernization. The plan created by the task force recommends that the state's entire regulation-making process be made electronic, making it accessible and transparent to the public.

This is a two-step process. First, there are nearly 19,000 pages of State regulations currently in effect. This bill and task force's plan require that these regulations be put online no later than July 1st of this year, which meets the mandate set last year by Public Act 1292.

Second, in order to ensure that the regulations are kept current, this bill mandates that the entire regulation-making process be made electronic with all agencies using the same

system to create and promulgate regulations no later than October 1 of 2014. The regulation-making process in Connecticut is established by the Uniform Administrative Procedures Act. We are proposing only slight changes to the procedures to account for the fact that all documents created in the regulation-making process will be made available to the public online and in real time, and that the online regulations will now be the official version of the regulations of Connecticut State agencies.

Funding for this project has already been approved by the bond Commission through the Technology Capital Investment Program established by Section 2A of Public Act 12189. These regulations will be available through the Secretary of the State's web site, although the design and implementation will be a joint effort between the Governor's Office, the Secretary of State, and the Bureau of Enterprise Services and Technologies, formerly known as DOIT. We hope to begin implementation of this project within the next few weeks.

Thank you for the opportunity to speak with you today, and I'm happy to attempt to answer any questions you have. Thanks.

REP. JUTILA: Thank you.

Questions from members of the Committee?
Senator McLachlan.

SENATOR McLAUHLAN: Thank you, Mr. Chairman. Thank you, Mr. Drake, for your testimony on behalf of the Governor. Some specific questions about the boards and commissions that are affected by this legislation.

HB 6363

CHRISTINE HARRIGAN: Good afternoon. I am Christine Harrigan. I am the Government Director for the League of Women Voters of Connecticut. On behalf of the League, I would like to thank you for the opportunity to comment upon the national popular vote bill before you today.

The League of Women Voters believes that the direct popular vote method for electing the President and vice-president is essential to representative Government. We believe, therefore, that the Electoral College should be abolished. In the meantime, we support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for the election of the President until the abolition of the Electoral College is accomplished. Accordingly, the League supports S.B. 432 and opposes S.J. 18.

The President and the vice-president are the only public officials elected to represent the entire country. The national popular vote bill would guarantee the presidency to the winner of the popular vote in all 50 states and the District of Columbia. It replaces the winner-take-all rule with a system based on the concept of one person one vote. While preserving the Electoral College, it ensures that every vote is equal and every vote matters in a presidential election. As the pervasive gerrymandering of Congressional districts continues, it creates the potential for abuse of the Electoral College.

The League believes it is more important than ever that we preserve the democratic ideal of making each vote count. Please vote yes on S.B. 432 and no on S J 18. Thank you again for the opportunity to comment upon this important bill and the resolution. I would also note for

HJ 36
HB 6362

you that in addition to our testimony on the national popular vote bill, we have submitted written testimony on H J 36, the constitutional amendment to increase the authority of the General Assembly regarding election administration. I won't be talking about that today, but we have submitted written testimony.

We are also strong supporters of creating a E-regulation system in the Secretary of State's office. Through a misunderstanding on my part, we have not submitted written testimony on that. However, with your indulgence, I would like to submit some written testimony after the close of the hearing. Thank you.

SENATOR MUSTO: Thank you. You can certainly submit written testimony. Please make sure you give us enough copies. We can get them out to everybody, okay.

CHRISTINE HARRIGAN: Oh, absolutely.

SENATOR MUSTO: Did you, on the constitutional amendment issue, without getting too much into it --

SJ18

CHRISTINE HARRIGAN: Oh, sure.

SENATOR MUSTO: -- are you for or against?

CHRISTINE HARRIGAN: We are supporters of the constitutional amendment.

SENATOR MUSTO: Okay. Regarding national popular -- well, not regarding national popular vote, tell us a little bit about League of Women Voters in Connecticut and elsewhere. What's your organization about?

CHRISTINE HARRIGAN: Well, we are a statewide

federal law, creating those -- those standards.

Because, I mean, basic fairness, you know, absolutely clear what would be the right thing to do. So, yeah.

SENATOR MUSTO: Okay thank you. Any other comments from Members of the Committee? Thank you very much.

TRENT ENGLAND: Thank you very much.

SENATOR MUSTO: Have a safe flight home. Next on our list is Pam Booth from Reg Review. Welcome Madam Administrator.

PAM BOOTH: Good afternoon, Senator. I am not here to talk about NPV at all. Good afternoon. I'm Pam Booth, and for the last 16 years I've had the pleasure of being the Administrator for the Legislative Regulation Review Committee. And I'm here to testify in favor of the Governor's 6362 which is eRegulations. Like Madam Secretary of State, I believe that it is long overdue.

For the last 14 years I have worked towards the objectives of this legislation, and if you pass this bill it will be my final goal before I retire. So please. Access to regulations in the State of Connecticut have always been at issue.

I get many calls from people who are quite confused as to where to go, how to find this information. Not everybody has access to a law library, and not everybody knows where to even look for regulations.

And what the effect of everything from daycare, building regulations, energy, pollution control

being at stake for many people, the streamlining of this system will provide our citizens with access to information that they can use to make informed decisions as they make their way through the regulatory process.

There is, however, a flaw in this bill. That no longer contains a requirement for the agencies to provide a hard copy at the same time it provides an e-copy.

Thanks to our own IT Department, we've been online for e-filing from the agencies for more than a year now. And in this time we've had a number of issues where the hard copy and the e-copy do not match. Sometimes it's been human error, and sometimes it's been system flaws.

And we are working still, after a year, to tweak our system to make it more efficient and to prevent some of those flaws that we've come in contact with. Without a hard copy we never would have noticed the problems. And it's also been an opportunity for us when there's a question, say, from LCO or from OFA. They can call, and they can say, we've got this on the e-copy, but what does the hard copy look like, and sometimes they don't. They don't match up.

And then the other part of it is as it goes on to the Secretary of State's Office for filing, if we've approved the regulation, they don't have anything to compare what we've told the agencies to go forward with and what is -- what would be online.

So since the e-process is a new adventure for this state, and might I say, the last state in the union to actually come online, which is really pathetic, since Connecticut was one of

the first states to go electronic with its legislative process. It -- it would be behoove us to wait until the system is vetted that we know that all of the bugs out of a new e-project are worked out.

And on a side note, many of the states across the country still hold onto their paper copies. They archive them just in case. I mean, you know what, any kind of a disaster could happen. These are properly stored and maintained. I know that's a bit of a redundancy, but I know there's a number of institutions probably across this country that wish they had redundancy under certain circumstances.

I hope you'll take this suggestion to change this statute, proposed statute. We can't afford to lose the information, nor can we afford to have the regulations be online incorrectly, since, like the statutes, they are law. And I thank you for your time. Any questions?

SENATOR MUSTO: Any questions, Members of the Committee? Thank you. I believe that's it for our elect -- public officials' hearing, except for Senator LeBeau, who may or may not be returning. If he comes back, we'll give him the opportunity to speak. Next on our list is Bill, is it Cibes?

BILL CIBES: Cibes.

SENATOR MUSTO: Bill Cibes.

BILL CIBES: Thank you very much, Senator Musto, Representative Jutila, and Members of the Committee. I am today speaking in opposition to the adoption of Senate Bill 432. Connecticut should not join the proposed

and for all those reasons, I'm very proud to support Raised Bill 432.

REP. JUTILA: Thank you. Questions from Members of the Committee? Seeing none, thank you for your testimony. Raphael Podolsky.

RAPHAEL PODOLSKY: Thank you very much, Chairman, and Members of the Committee. My name is Raphael Podolsky, I'm a lawyer for Legal Assistance Research Center in Hartford that's part of the Legal Aid Programs, and I have to say, at some level I feel I'm in the wrong hearing. Because I'm here to testify on House Bill Number 6362 which has nothing to do with the National Voter Project.

The -- in essence, I wanted to -- I've submitted written comments, but I want to amplify on them a little bit. Because the benefit of thinking about it in the last 12 hours or so after the testimony was written has led to a couple other things. There are really four comments I want to make about this.

This bill is the one on the eRegulation system. We're very interested in transparency. We're very interested in public and professional access to state regulations. And so we're very pleased with the overall concept of the bill. But there are a couple things I want to call to your attention. Number one, we think it's important that in addition to being able to access the universality of regulations, which is important, it would also be possible to access them through the Web site of the individual agencies.

One of the things that this bill does is it eliminates the requirement that agencies post their own regulations on their own Web site.

And for a lot of us who work with agency regs, if you're working particularly with the Department of Social Services or some other particular state agency, those -- their regs may be scattered throughout the state regulatory structure because of the different programs that are -- that they run.

Our preference would be that we should retain the present requirement, which is both that an agency post both on its own Web site and on whatever the central structure is. This bill eliminates that half of that, the posting on the wrong Web site.

If it's not done as a separate posting, then at the very least you should require there to be a link from the agency's Web site, and I'd say that should be on a program by program basis to where on the universal Web site the regulations that go with that program are. So it'd be much easier for people to find them. That's comment number one.

Comment number two is how notice of proposed regulations is done. Right now it's done through the *Connecticut Law Journal*. For people who monitor agency regulations, if you get the *Connecticut Law Journal*, you will cover all agencies. Whenever an agency is proposing regulations, if you read the *Law Journal*, you'll find out about it.

The bill requires a posting on the new eRegulation system. It also allows -- requires each agency to basically have an email list so you can sign up. If I want Department of Social Services notices, I can sign up. What's not clear to me from the bill, and I'm not quite sure what's intended, but what's not clear to me is, is there a way I can sign up

for everything? Do I have to sign up with 40 different agencies if I want to just monitor the whole system or at some point is there a structure?

Because the bill -- we no longer are going to do the notice through the *Connecticut Law Journal*, which is fine. So there needs to be kind of an automatic email system. You sign up for it, whenever any agency files a notice of intent, you get that notice.

The third thing is, there's something that I don't understand that's in this draft, it's lines between 279 and 295, and it talks about the regulatory record. And it seems to delete out the statement that if there's no transcript that -- that the audiotapes are part of the regulatory record. Then it puts back in something at the end that says agencies have to keep the audiotapes.

So I can't figure out what it means that instead of keeping the audiotapes as part of the regulatory record, they will be kept, but apparently will not be part of the regulatory record. I don't know what that's designed to do or why it's done that way.

And quickly, the last thing I wanted to mention is the Section 12 of the bill at line 670, at the very end repeals Section 11 of Public Act 12-92. It's actually phrased by its new codification number which is 4-173a. And that is a provision that says -- that deals with the fact that some agencies are able to implement regulations while they are doing the -- the DSS, the Department of Social Services is a major one for this.

They can implement their regulations while

they're going through the regulation review process. Department of Social Services, in our experience, often it may be years that they're operating under this unapproved regulatory system.

Last year's statute made explicit, not only that -- that regulations cannot be implemented until they're posted on the Web site, and on the state Web site, but also that those regulations, if they're being done on this interim, but nevertheless sort forever basis, must also comply with every other requirement of the authorizing statute.

And that's important, because the Regulations Review Committee has not reviewed them. Somehow it seems to me by repealing that, and then partially replacing it with other language, I'm not sure that it's picking up everything that's being repealed. And I would ask you to take a close look at that. I think it was intended as a technical change. I'm not sure if it is or it isn't.

But I would ask you to take a close look, because that is actually an area that's been very difficult for those of us who work with state agency regulations, because it's very important to know, not only what the regulations are, but for you to make sure that the agency, somebody is keeping an eye, that those regulations which could be in effect for years without Regulations Review Committee approval are, in fact, adequately following the requirements of the statute.

That's it for my comments. But I hope somebody -- I know a lot of this stuff seems -- is technical within the context of what's actually a technical bill to start with. But I hope you

will take a good look at it before you do the final approval.

REP. JUTILA: We definitely will take a good look at it, and your comments are well taken. And, you know, we'll follow up with you as well if, you know, we have any questions about it.

RAPHAEL PODOLSKY: Thank you.

REP. JUTILA: And speaking of questions, do any Members of the Committee have any questions? Well, seeing none --

RAPHAEL PODOLSKY: It doesn't surprise me.

REP JUTILA: You're dismissed.

RAPHAEL PODOLSKY: Thank you very much.

REP. JUTILA: Thank you. And our last speaker will be a Barry Fadem.

BARRY FADEM: Good afternoon, Chairman Musto, Chairman Jutila, and Members of the Committee. I don't know if it's good to be the last speaker of the day or not, but I appreciate your patience and the fact that you've taken this long to consider a very important topic.

SB 432

What I was planning to do was to address the question, I believe Senator Musto has asked of each speaker, why is this good for Connecticut. But before I do that, I'm going to hold up the book for only one reason. And I know it's been made a little bit of fun of because it's so large. But I just want to point out chapter 9 of this book answers every single question and issue that, at least, has been raised here today.



STATE OF CONNECTICUT
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Testimony of Stephen N. Ment
Government Administration and Elections Committee
Public Hearing
February 25, 2013

**House Bill 6362, An Act Concerning The Transparency And Accessibility Of The
Regulations Of Connecticut State Agencies**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in support of House Bill 6362, *An Act Concerning the Transparency and Accessibility of the Regulations of Connecticut State Agencies*. As members of the Committee may be aware, the current process for publication and distribution of state regulations, which is handled by the Judicial Branch's Commission on Official Legal Publications (COLP), is paper-based.

Recognizing that this is an antiquated process, and one that makes it difficult to search for a particular regulation, the General Assembly passed **Public Act 12-92**, *An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format*. Section 15 of the public act established the Regulations Modernization Task Force, which was charged with developing a plan to make regulations easily accessible to the public. The Judicial Branch was represented on this task force, and appreciates the leadership shown by the Legislative Branch in passing this public act and by the Governor's office in leading the task force.

The Judicial Branch supports this bill, which is the work product of the task force, and in particular, section 1. This section addresses the period of transition from July 1st, 2013 to October 1st, 2014. The Branch recognizes that the transition to an electronic system cannot happen immediately, and would be pleased to work with the Secretary of the State to ensure a smooth and orderly transition to an electronic format.

Thank you for the opportunity to submit written testimony.



**TESTIMONY OF
PETER M. GIOIA
VICE PRESIDENT & ECONOMIST
CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION
SUBMITTED TO THE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
FEBRUARY 25, 2013
LEGISLATIVE OFFICE BUILDING

STATE CAPITOL
HARTFORD, CONNECTICUT**

Good day. My name is Peter M. Gioia. I am the economist for the Connecticut Business and Industry Association (CBIA). CBIA represents about 10,000 firms, which employ approximately 700,000 women and men in Connecticut. Our membership includes firms of all sizes and types, the vast majority of which are small businesses with fewer than 50 people.

CBIA supports the following bills: HB 6362 An Act Concerning the Transparency and Accessibility of the Regulations of Connecticut State Agencies, and HB 6363 An Act Streamlining State Government and Increasing Effectiveness.

CBIA supports the efforts in the Governor's recommended budget to create a smaller more effective and efficient state system. These two bills make different proposals to help achieve those goals.

Bill 6362 creates a coordinated and transparent electronic system of state regulations that can be accessed by businesses and citizens alike. It ought to make for more user friendly government and help with understanding and compliance.

Bill 6363 creates numerous changes with panels, councils, review groups and more. Overall, we support these efforts and in particular agree with the efforts that:

- establishes an innovations review panel to identify and quantify savings ideas generated by employees, something well needed as we have yet to identify such savings in the last biennium's SEBAC agreement.
- establishes a higher education consolidation committee to ensure budget savings in this area
- determines that DECD take the lead in international trade assistance which we believe is proper and will be helpful for firms that export or who wish to begin exporting.
- establishes a council to help DSS proceed with needed waiver applications which ought to allow the department to seek and implement more cost savings.

Connecticut's ability to manage its state budget will continue to have a direct effect on our economy. The more effective and efficient that government is, the better our business climate will be. In addition, Connecticut will be better able to compete with other states to grow and retain existing businesses as well as bring new companies into our state. Making Connecticut government more efficient isn't just a desired goal--it's essential to building and sustaining a healthy economy and an improved quality of life.

CBIA urges the legislature to seek areas to further streamline its budget. While controlling state spending is a substantial and difficult task, we hope the committee and the General Assembly will make the necessary difficult decisions that will provide an improved fiscal climate for our state while fully protecting our fragile economy.

Thank you for the opportunity to present this testimony.

2/1



**DENISE MERRILL
SECRETARY OF THE STATE
CONNECTICUT**

**GAE Committee
Public Hearing Testimony
January 28, 2013**

HB 362
HT 36
HJR 16

Good Afternoon Morning Chairman Musto, Chairman Jutila and members of the committee. For the record my name is Denise Merrill and I am Secretary of the State of Connecticut. I would like to briefly testify in support of two bills before the committee this morning, and one House Joint Resolution proposed by the Governor.

**S.B. No. 432 AN ACT CONCERNING AN AGREEMENT AMONG THE STATES TO
ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE.**

Passage of this bill would make Connecticut the next state to adopt an interstate compact providing for the election of the president by a national popular vote. I support the concept of moving away from the current Electoral College system of electing our president.

Four times in our history the person elected president did not receive the most votes. This resulted in constitutional crises and long-term effects on policy, including the abandonment of Reconstruction after the 1876 election.

This plan is consistent with the Constitution, which provides for both interstate compacts and the right of each state to decide how to select and allocate presidential electors. I actually think that this compact will lead to Connecticut having a more relevant role in our presidential elections – particularly in the general election.

In the 2008 Presidential cycle, we had visits from major presidential candidates before the primary in February. But on the rare occasion that a Presidential candidate comes to Connecticut they are here for one purpose: fundraising. I dare say that engaging a few select people to open their checkbooks is not the same as engaging the general public about the issues facing our nation.

Electing our president by popular vote would mean candidates and parties would focus on turning out voters – particularly in densely populated areas like the Northeast. Some of the states that have already passed this bill include Massachusetts, Vermont, New

Jersey and Maryland, just to name a few. So I support this compact as a sensible way to improve our presidential elections.

H.B. No. 6362 AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

Last year this committee and the General Assembly passed a bill to require that the regulations of state agencies be put online and that the Secretary of the State be the administrator of this service. At that time I expressed my support of this bill and asked that when the implementation of this project came to pass that I be given the additional resources necessary to take on this new responsibility.

Over the past year, I served on a task force appointed by Governor Malloy to prepare a report on how to implement last year's legislative. The report included a draft version of this bill. This initiative is important because it is about making government more "user friendly" to businesses trying to navigate bureaucracy and promotes transparency for the general public.

Putting regulations, and documents related to the regulations-making process, online is an idea that is long overdue. In fact, I think we are dead last to finally get this done. Having said that, I feel very good about the bill being heard today and the collaborative process that was used over the last year to create this plan.

Now we are at a critical point. As the person to be charged with managing this responsibility, my top concern is that it be done well. To do that, my agency will require 1 or more additional positions at the Secretary of the State's office. This is what I said last year, and this year I have reinforced this request to the Appropriations Committee, OPM and the Governor's office.

Lastly, I would express my support for H.J. No. 36 RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO GRANT INCREASED AUTHORITY TO THE GENERAL ASSEMBLY REGARDING ELECTION ADMINISTRATION

This resolution is duplicative of HJR 16 of the same title, I testified on HJR 16 at your January 28th public hearing and submitted written testimony at that time.

*spoken testimony 2-26-13**H.B. 6362***Legal Assistance Resource Center***12/22***of Connecticut, Inc.**44 Capitol Avenue, Suite 301 ♦ Hartford, Connecticut 06106
(860) 278-5688 x203 ♦ cell (860) 836-6355 ♦ fax (860) 278-2957 ♦ RPodolsky@LARCC.org**H.B. 6362 -- Regulations of Connecticut State Agencies**

Government Administration and Elections Committee public hearing February 25, 2013

Testimony of Raphael L. Podolsky**Recommended Committee action: AMENDMENT REQUESTED**

This bill implements an eRegulations System, effective October 1, 2014. We have concerns about two of the changes made by the bill and ask that the Committee review them carefully. We would be pleased to assist the Committee in that review.

(1) Posting on agency websites: Existing law requires that agencies post notices and regulations both on their own website and with the Secretary of the State for posting on the Secretary's website. This bill substitutes the eRegulations System for the Secretary of the State's website, but it also eliminates the requirement that the agency post on its own website as well. See I. 121, I. 129, I. 153, I. 160, I. 267, I. 563, I. 641, and perhaps some other lines we have missed. It is, however, often easier to find the regulations of a particular agency through the agency's own website than through a compilation of all state regulations. In addition, agency websites commonly provide listings of all of the agency's programs, and it is plainly convenient to be able to link from a program description on the agency's website to the regulations for that program. As a result, we believe that, in addition to any posting on the eRegulations System, all state agencies should continue to be required to post regulatory materials on their own websites. Indeed, there should be an explicit requirement that every agency website should have a compilation of all of the agency's regulations. At the very least, if an agency's regulations are not on its own website, there should be a direct link from each agency website to the location where each portion of its own regulations are posted.

(2) Audio tapes: We are puzzled by the wording of the bill at lines 279-280 and lines 292-295. Existing law (I. 279-280) requires that the regulation-making record include, if there is no transcript, the tape recordings or stenographic records of the agency hearing. H.B. 6362 deletes that provision and substitutes (I. 292-295) a requirement that any audio recording of a hearing be kept by the agency and made available to the public upon request. We don't understand why, in the absence of a transcript, the audio recording of a hearing should no longer be part of the regulation-making record.

13/15

Good Morning my name is Pamela Booth and for the last 16 years I have had the pleasure of being the administrator for the Legislative Regulations Review committee and I am here to testify in favor of the Governor's bill 6362. For the last 14 years I have worked toward the objectives of this legislation. If you pass this bill I will have the pleasure of seeing my final goal as LRRC administrator be accomplished before I retire this June.

Access to the regulations has always been an issue, not everyone has access to a law library or even knows where to find regulations which effect everything from daycare & building codes to energy and pollution control. This streamlining of the system will provide our citizens with the information they need to make informed decisions on many issues.

There is, however, a flaw in this bill and that is that it no longer requires the agencies to submit a single hard copy with each e-filing. I see this as a problem.

Thanks to the work of our IT department we have been on line with e-filings from the agencies to the LRRC for the last year. In that time, we have had a number of problems, of instances where the hard copy and the e-copy did not match. Some of the errors were human and some were system problems. We continue to tweak the system even after a year. Without the hard copy we would not have known there were any problems.

Connecticut will finally join all of the other states across the country in posting regulations electronically, but this is a new adventure and I believe that it would be prudent to continue the hard copy until such time as the system is up and running ~~and has been vetted and the bugs that can plague any new e-project are worked out.~~

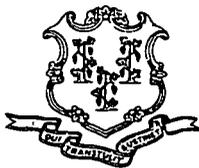
As a side note a good portion of the states across the country have not gone completely electronic. In fact a majority of the states still require a hard copy which they archive in case of the worst possible disaster, while many may feel that redundancy is a waste, there are times when institutions have wished for such redundancies.

This information comes from the ACR a national organization that tracks rulemaking in all of its many forms across the country.

I hope you will take my suggestion to heart and make this change. We cannot afford to lose this information since like the statues, regulations are state law.

Thank you for your time.

14/7



Dannel P. Malloy
GOVERNOR
STATE OF CONNECTICUT

Testimony of Christopher R. Drake

In support of House Bill 6363

An Act Streamlining State Government and Increasing Effectiveness

and House Bill 6362

An Act Concerning the Transparency and Accessibility of the Regulations of Connecticut State Agencies

February 25, 2013

Good morning Sen. Musto, Rep. Jutila, Sen. McLachlan, Rep. Hwang and other distinguished members of the Government Administration and Elections Committee. My name is Christopher Drake, Deputy Legal Counsel to Governor Malloy. I am here to testify in support of two Governor's Bills, HB 6362 and 6363.

House Bill 6363 - An Act Streamlining State Government and Increasing Effectiveness

HB 6363 proposes the elimination or reconfiguration of various boards and commissions, a list of which is attached to my written testimony. This bill is part of the Governor's continued effort to streamline government. A similar bill, HB 5027, was submitted by the Governor last session, was passed unanimously in the House, but fell victim to timing issues with the end of the session rush. Many of these boards and commissions are no longer active and have not met in several years. Others are duplicative of the functions performed by more active boards.

We intend to continue to evaluate boards and commissions and may propose additional eliminations and consolidations in future legislative sessions. There may be boards, commissions, taskforces and other groups that should be added to this list and we invite the committee members and members and other members of the General Assembly to suggest any additions. Our office stands ready to work with members of this committee, with other members of the General Assembly, and with the public in rightsizing and streamlining state government.

House Bill 6362 – An Act Concerning the Transparency and Accessibility of the Regulations of Connecticut State Agencies

HB 6362 is related to Public Act 12-92, An Act Transitioning the Regulations of Connecticut State Agencies to an Online Format. PA 12-92 established the Regulations Modernization Taskforce, which I chaired, to “develop a plan to ensure that by July 1, 2013, the regulations of Connecticut state agencies are available to the public in an easily accessible online format.” Information about the task force is available on the Governor’s website, including a list of the members and the final report *that was adopted by consensus*. I would like to publicly thank all of the task force members for their hard work, including their work in drafting this bill.

The motivation for this bill is simple, Connecticut residents and business are expected to comply with state regulations, but there is no central repository for the public to find the regulations that apply to them. Connecticut is the only state in the country that does not have a central online system for accessing its state regulations. The changes made by this bill and the plan created by the task force will go a long way towards addressing this problem. Creating an online repository for our state regulations will dramatically increase transparency and public awareness of our state’s regulatory process.

This bill provides the legal framework for modernization. The plan created by the task force recommends that the state’s entire regulation-making process be made electronic, making it accessible and transparent to the public. This is a two-step process. First, there are nearly 19,000 pages of state regulations currently in effect. This bill and the task force’s plan require that these regulations be put online no later than July 1st of this year, which meets the mandate set by PA 12-92. Second, in order to ensure that the regulations are kept current, this bill mandates that the entire regulation-making process be made electronic, with all agencies using the same system to create and promulgate regulations by October 1, 2014.

The regulation-making process in Connecticut is established by the Uniform Administrative Procedures Act. We are proposing only slight changes to the procedures to account for the fact that all documents created in the regulation-making process will be made available to the public online and in real time and that the online regulations will be the official version of the Regulations of Connecticut State Agencies.

Funding for this project has already been approved by the Bond Commission through the Technology Capital Investment Program established by Section 2a of Public Act 12-189. These regulations will be available through the Secretary of the State’s website, although the design and implementation will be a joint effort between the Governor’s Office, the Secretary of the State, and the Bureau of Enterprise Services and Technology. We hope to begin implementation of this project within the next few weeks.

Thank you for the opportunity to speak with you today. I am happy to attempt to answer any questions that you have about either bill.

**JOINT
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its organization or company, but most importantly to ensure a child's safety.

House Bill 5516 includes a list of requirements for a person to have their name removed from the Child Abuse and Neglect Registry after five years. One of those requirements is a person needs to obtain or retain employment that involves direct contact with children. It is a fact that child predators look for opportunities where they can have access to children, and this is why the Connecticut Alliance of YMCAs does not support allowing a person who has been convicted of having inappropriate contact or conduct with children to become a volunteer or employed with the Connecticut YMCAs or have direct contact with children in any setting. Thank you.

REP. FOX: Thank you. Are there questions? Thank you for bearing with us this afternoon.

JOHN KATTELAN: Thank you.

REP. FOX: Next is Bernard Lin. Good afternoon.

BERNARD LIU: Good afternoon. Thank you, Representative Fox, Senator Coleman, and the members of the Judiciary. My name is Bernard Liu.

REP. FOX: Sorry.

BERNARD LIU: Sorry. My -- my handwriting is terrible on there. I should've been a doctor. I'm here -- I'm a staff attorney for the LEA Division of the Secretary of the State's Office, and we wanted to bring to the committee's awareness of Bill Number -- Senate Bill 235.

HB 6362

We have one concern which is the effective

date, which is July 1, 2013. As you know, you -- last year Public Act 12-90, or 92 actually, was passed, and it gave the Secretary of the State the responsibility to create an online regulation database. That's -- we've taken this very seriously and hope that it's a very user-friendly and useful tool for everybody, the public, and all those who use the regulations on a daily basis.

I hope that -- our concern is that in the process of creating this database, we've discovered there are large hurdles to achieve before it can be useful. And as such, we would like to push that date further back so -- so that we would have time to develop an entire database that would be feasible and cost-effective.

The -- under -- we have also been working with the Governor's Office under -- for -- with Bill 6362 in correcting some of the language from 12-92, which would also give us more time to jump the hurdles that require -- that are required to get this process finally in place. So we'd just like to advise you of the possible conflict should you pass this bill. Thank you.

REP. FOX: Thank you Attorney Liu. Did you submit written testimony?

BERNARD LIU: I did not.

REP. FOX: Do you mind?

BERNARD LIU: I came here the last time -- I can provide you with written testimony.

REP. FOX: Just -- just a summary -- just a really short -- just to make sure that we acknowledge the points that you're making. And also if you have an idea as to the effective date that --

that you would be, you know, without -- within reason that you would be able to -- to accomplish this, that would be helpful.

BERNARD LIU: I will do that.

REP. FOX: Thank you.

Are there questions?

I don't see any, so thank you very much.

BERNARD LIU: Thank you.

REP. FOX: That is the last on the list of -- of members of the public that I have before me. Is there anybody else here who does wish to testify on any of the items before us in this public hearing? Seeing none, I think we should take advantage of this very short public hearing, and I will now close the public hearing. Thanks. The public hearing is closed. Thank you, everybody.