

**Regulations Modernization Taskforce
Subcommittee on Statutory Changes
Minutes – DRAFT
Monday, October 15, 2012**

Members Present: Brenda Parrella, Chris Drake, Rich Hanratty, and Bob Frankel

Absent: None

Others Present: Peter Hadler, Staff Attorney, DSS

- 1) Meeting called to order at 10:00am
- 2) Brenda Parrella handed out the following documents: “Possible fixes to P.A. 12-92 and the regulatory process,” “An Act Adopting the Uniform Electronic Legal Material Act,” 2010 Revision to Uniform Administrative Procedures Act (Rulemaking Portions only), “Agency Check List for Adopting a Regulation,” and the Agenda
- 3) Group discussed need to distinguish between technical and substantive changes
- 4) Determined that first order of business should be to identify technical changes – things that do not change the authority of current actors in the regulation process.
- 5) Agreed that the agency’s certification and the Attorney General legal sufficiency certification should be electronic. May need to amend the electronic signature act.
- 6) Discussed whether AG’s legal sufficiency review is necessary in light of the role the legislative commissioner’s office plays once the regulation is submitted to the Regulations Review Committee. Resolved that such discussion is too policy-driven and potentially controversial and should be left out of the subcommittee’s recommendations to the full committee.
- 7) Brenda Parrella and Peter Hadler addressed the need for a recommendation by the taskforce for a special act to give DSS authority to do an overhaul of their Uniform Policy Manual. DSS needs the authority to deconstruct the entire manual and put it into standard regulatory form – they would not make substantive changes during this process.
- 8) The group also discussed allowing agencies to routinely implement regulations while the regulations were being reviewed by the Regulations Review Committee. Currently, Regulations Review must approve a regulation before it is implemented. Again, resolved that such decisions were policy-driven and

potentially controversial and therefore should not be part of the subcommittee's recommendation to the full committee.

- 9) Bob Frankel suggested getting the co-chairs of the Government Administration & Elections Committee involved early in the drafting process in order to facilitate passage. The other subcommittee members agreed.
- 10) The subcommittee then began a section by section review of Public Act 12-92.
- 11) All agreed that the full taskforce must decide whether agencies will have the ability to submit rule-making documents such as the notice of intent into the system directly, or whether all documents must be submitted to the Secretary of the State, who would then load them into the database. This decision will drive the statutory changes suggested by the subcommittee.
- 12) Brenda Parrella pointed out that there are dual posting requirements throughout PA 12-92, i.e., Section 2(a) requires both the SOTS and the agency to publish the notice of intent. The group agreed that the agency should just have to link to the centralized database. Chris Drake suggested naming the system, such that the statute would simply require the posting on that system, rather than requiring dual posting on "internet websites."
- 13) The group also discussed other technical changes to Sections 1 and 2 of PA 12-92, which Brenda Parrella and Peter Hadler agreed to write-up and circulate.
- 14) The subcommittee will meet again after Friday's full taskforce meeting, either in Room 2600 of the LOB or the LCO conference room.
- 15) Adjourned at 11:55 a.m.