

## PUBLIC NOTICE OF PROPOSED REGULATIONS

Changes effective October 1, 2014

Compiled by the Office of the Secretary of the State

**Disclaimer:** This document is an informational guide only and does not constitute legal advice. Agencies are responsible for complying with all applicable laws. Please consult with your agency legal counsel for assistance.

| Notice Type                          | Statute Section   | Applicability  | Summary of Requirements<br><i>(Footnotes contain important information. Please be sure to review them.)</i>   | Generic Form  |
|--------------------------------------|-------------------|--|---|---|
| <b>Notice of Intent</b><br><br>(NOI) | CGS Sec. 4-168(a) | Applies to proposed regulations:<br><br>(1) noticed on and after October 1, 2014, and<br><br>(2) with a <b>PR-tracking number</b> in the eRegulations System | Not less than thirty days prior to adopting a permanent <b>regulation</b> <sup>1</sup> an agency must post the following on the eRegulations System:<br><br>(1) Notice of intent to adopt the regulation. <b>The notice must include:</b> <ol style="list-style-type: none"> <li>(a) <i>(New Requirement)</i> a specified public comment period of <b>not less than thirty days</b> that <b>must begin</b> the day notice is posted to the eRegulations System,<sup>2</sup></li> <li>(b) a description sufficiently detailed so as to apprise persons likely to be affected by the regulation of the issues and subjects involved in the proposed regulation,</li> <li>(c) a statement of the purposes for which the regulation is proposed,</li> <li>(d) a reference to the statutory authority for the proposed regulation,</li> <li>(e) when, where and how interested persons may obtain a copy of the small business impact and regulatory flexibility analysis required pursuant to section 4-168a, and</li> <li>(f) when, where and how interested persons may present their views on the proposed regulation;</li> </ol> (2) <i>(New Requirement)</i> A copy of the proposed regulation (as a document separate from the Notice of Intent). | Available. Use not required.<br><br>Agencies may self-draft.<br><br>Link:<br><a href="#">Regulation Forms Templates (ICM)</a> |

<sup>1</sup> Emergency Regulations and technical amendment regulations do not require posting of a Notice of Intent. See " Technical Amendment Posting" below and CGS Section 4-168(h) for more information regarding technical amendment regulations.

<sup>2</sup> **A comment period start date cannot be delayed.** The design of the eRegulations System requires a comment period to begin on the date Notice of Intent is posted to the eRegulations System. Agencies that typically schedule a delayed start date in order to provide time for interested parties to prepare their comments may instead wish to consider assigning a longer period.

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|------------------------------------|------------------------|--|--|---|
| <b>Notice of Decision</b><br>(NOD) | CGS Sec. 4-168(e)      | Applies to proposed regulations:<br><br>(1) noticed on and after October 1, 2014, and<br><br>(2) having a <b>PR-tracking number</b> in the eRegulations System | After the close of the public comment period and prior to submission of a proposed permanent regulation to the Attorney General for review <sup>3</sup> , an agency must post the following on the eRegulations System:<br><br>(1) <i>(Changed requirement)</i> A notice of decision indicating <i>whether or not</i> the agency will move forward with the proposed regulation);<br><br>(2) <i>(New requirement)</i> The final wording of the proposed regulation as a separate document; and<br><br>(3) <i>(New requirement)</i> A statement that includes the following:<br><br>(a) the principal reasons in support of the proposed regulation,<br>(b) the principal considerations offered in opposition to the proposed regulation as urged in written or oral comments on the proposed regulation, and<br>(c) The agency's reasons for rejecting such considerations. | Available. Use not required.<br><br>Agencies may self-draft.<br><br>Link:<br><a href="#">Regulation Forms Templates (ICM)</a> |

<sup>3</sup> Technical amendment regulations must also be submitted to the Attorney General for review. Emergency regulations are **not** submitted to the Attorney General for review.

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|-----------------------------|------------------------|---|--|--|
| <b>Technical Amendments</b> | CGS Sec. 4-168(h)      | <p>Applies to proposed regulations:</p> <p>(1) noticed on and after October 1, 2014, and</p> <p>(2) having a <b>TA-tracking number</b> in the eRegulations System</p> | <p>Agencies may make certain technical changes and repeals (technical amendments) to existing regulations without posting Notice of Intent.</p> <p>However, <b>in lieu of a posting notice</b>, an agency must instead post the proposed technical amendments on the eRegulations System.</p> <p>Proposed technical amendments are automatically posted on the eRegulations System website when an agency submits the regulation to the Attorney General for review.</p> <p>Agencies wishing to solicit comments on proposed technical amendments and repeals need to draft them as permanent regulations in the eRegulations System (i.e., PR- type instead of ER-type regulations) and to specify a public comment period of not less than thirty (30) days.</p> <p>If an agency finds one or both of the following circumstances to be true, it has the option to propose a technical amendment regulation.</p> <p>(1) Technical amendments to an existing regulation are necessary because of</p> <ul style="list-style-type: none"> <li>(a) the statutory transfer of functions, powers or duties from the agency named in the existing regulation to another agency,</li> <li>(b) a change in the name of the agency,</li> <li>(c) the renumbering of the section of the general statutes containing the statutory authority for the regulation, or</li> <li>(d) a correction in the numbering of the regulation, and no substantive changes are proposed, or</li> </ul> <p>(2) The repeal of a regulation is necessary because the section of the general statutes under which the regulation has been adopted has been repealed and has not been transferred or reenacted.</p> | <p>None.</p> <p>Agency specific. Drafted and posted as a proposed regulation</p> |

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|---|--------------------------------------|--|--|---|
| <b>Emergency Regulation</b>                   | CGS Sec. 4-168(g)                    | Applies to proposed regulations having a <b>ER- tracking number</b> in the eRegulations System | <p>There is no requirement to post notice of intent to adopt an emergency regulation.</p> <p>The statutes do give an agency the option to adopt an emergency regulation "upon any abbreviated notice and hearing it finds practicable."</p> <p>However, the design of the eRegulations System does not provide an option to post abbreviated notice of intent to adopt an emergency regulation.</p>  | <p>None.</p> <p>Notices of intent are not posted for emergency regulations.</p>   |
| <b>Advance Notice of Proposed Rule-Making</b> | Executive Order #37 (Malloy), Sec. 8 |  | <p>Section 8 of Governor Malloy's Executive order number 37 indicates the following:</p> <p>"Where appropriate, prior to issuing formal notice [of intent] pursuant to section 4-168 of the General Statutes, an agency shall gather public input relevant to the subject matter of a potential regulation by publishing an advance notice of proposed rule-making on the eRegulations website and indicating how the public may comment."</p> | <p>None.</p> <p>Contact the Office of the Secretary of the State at 860-509-6009 if you need to post this type of notice.</p> |