



House of Representatives

File No. 581

General Assembly

February Session, 2000 **(Reprint of File No. 264)**

Substitute House Bill No. 5051
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 13, 2000

An Act Concerning Emergency Regulations Regarding Marine Resources.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subsection (f) of section 4-168 of the general statutes, as amended by
2 section 3 of public act 99-90, is repealed and the following is
3 substituted in lieu thereof:

4 (f) (1) An agency may proceed to adopt an emergency regulation in
5 accordance with this subsection without prior notice or hearing or
6 upon any abbreviated notice and hearing that it finds practicable if (A)
7 the agency finds that adoption of a regulation upon fewer than thirty
8 days' notice is required (i) due to an imminent peril to the public
9 health, safety or welfare or (ii) by the Commissioner of Environmental
10 Protection in order to comply with the provisions of interstate fishery
11 management plans adopted by the Atlantic States Marine Fisheries
12 Commission or to meet unforeseen circumstances or emergencies
13 affecting marine resources, (B) the agency states in writing its reasons
14 for that finding and (C) the Governor approves such finding in
15 writing.

16 (2) The original of such emergency regulation and eighteen copies
17 shall be submitted to the standing legislative regulation review
18 committee in the form prescribed in subsection (b) of section 4-170,
19 together with a statement of the terms or substance of the intended
20 action, the purpose of the action and a reference to the statutory
21 authority under which the action is proposed, not later than ten days,
22 excluding Saturdays, Sundays and holidays, prior to the proposed
23 effective date of such regulation. The committee may approve or
24 disapprove the regulation, in whole or in part, within such ten-day
25 period at a regular meeting, if one is scheduled, or may upon the call
26 of either chairman or any five or more members hold a special meeting
27 for the purpose of approving or disapproving the regulation, in whole
28 or in part. Failure of the committee to act on such regulation within
29 such ten-day period shall be deemed an approval. If the committee
30 disapproves such regulation, in whole or in part, it shall notify the
31 agency of the reasons for its action. An approved regulation, filed in
32 the office of the Secretary of the State, may be effective for a period of
33 not longer than one hundred twenty days renewable once for a period
34 of not exceeding sixty days, provided notification of such sixty-day
35 renewal is filed in the office of the Secretary of the State and a copy is
36 given to the committee, but the adoption of an identical regulation in
37 accordance with the provisions of subsections (a), (b) and (d) of this
38 section is not precluded. The sixty-day renewal period may be
39 extended an additional sixty days for emergency regulations described
40 in subparagraph (A)(ii) of subdivision (1) of this subsection, provided
41 the Commissioner of Environmental Protection requests of the
42 standing legislative regulation review committee an extension of the
43 renewal period at the time such regulation is submitted or not less
44 than ten days before the first sixty-day renewal period expires and said
45 committee approves such extension. Failure of the committee to act on
46 such request within ten days shall be deemed an approval of the
47 extension.

48 (3) If the necessary steps to adopt a permanent regulation, including
49 publication of notice of intent to adopt, preparation and submission of

50 a fiscal note in accordance with the provisions of subsection (b) of
51 section 4-170 and approval by the Attorney General and the standing
52 legislative regulation review committee, are not completed prior to the
53 expiration date of an emergency regulation, the emergency regulation
54 shall cease to be effective on that date.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Department of Environmental Protection

Municipal Impact: None

Explanation

State Impact:

The bill as amended permits the Department of Environmental Protection to extend certain emergency regulations an additional 60 days, which allows for additional flexibility but has no fiscal impact on the agency.

House "A" eliminates the requirement that state agencies which maintain a website must post approved regulations on such site, if the agency has an electronic version of the regulation. This will eliminate the potentially significant cost to the Department of Information Technology (DOIT) and various other state agencies identified in the fiscal note on the underlying bill. These costs, which would have occurred to the Technical Services Revolving Fund as well as the General Fund, were associated with converting the electronic regulation into a web site ready electronic format and posting the regulations on the internet.

OLR Amended Bill Analysis

sHB 5051 (as amended by House "A")

**AN ACT CONCERNING EMERGENCY REGULATIONS
REGARDING MARINE RESOURCES AND STATE AGENCY
POSTING OF APPROVED REGULATIONS ON THE INTERNET.****SUMMARY:**

By law, emergency regulations are valid for up to 120 days and may be renewed for up to 60 days (180 days total). The bill authorizes the Department of Environmental Protection (DEP) to extend certain marine resource and fisheries emergency regulations an additional 60 days (240 days total) with approval of the Legislative Regulations Review Committee.

*House Amendment "A" eliminates a provision in the original bill requiring certain agencies to post new regulations on their website.

EFFECTIVE DATE: October 1, 2000

EXTENDING DEP EMERGENCY REGULATIONS

By law, emergency regulations are valid for up to 120 days and may be renewed for an additional 60 days by notifying the secretary of the state and the Legislative Regulation Review Committee. The bill authorizes DEP to extend certain emergency regulations an additional 60 days with regulation review committee approval. The regulations must be necessary to comply with orders of the Atlantic States Marine Fisheries Commission or to address an unforeseen marine resource issue.

DEP may request approval of the extension when it submits the initial emergency regulation or any time up to 10 days before the first 60-day extension expires. If the committee fails to act on an extension request within 10 days, it is deemed approved.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference

Yea 19 Nay 0

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 21 Nay 0