



Senate

General Assembly

File No. 228

February Session, 2010

Senate Bill No. 120

Senate, March 31, 2010

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT AUTHORIZING REVIEW OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S GUIDANCE STATEMENTS AND POLICIES BY THE GENERAL ASSEMBLY'S REGULATION REVIEW COMMITTEE.

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

1 Section 1. Section 4-170 of the 2010 supplement to the general
2 statutes is amended by adding subsection (g) as follows (*Effective*
3 *October 1, 2010*):

4 (NEW) (g) The committee may receive any petition, signed by no
5 fewer than twenty-five persons, that claims a guidance statement or
6 policy of the Department of Environmental Protection, when applied
7 to each signer of such petition, constitutes a regulation, as defined in
8 section 4-166. Not later than ninety days after receipt of any such
9 petition, the committee may hold a public hearing to review such
10 guidance statement or policy of the department and determine
11 whether such guidance statement or policy constitutes a regulation, as
12 defined in section 4-166. Following any such public hearing, the

13 committee shall inform the Commissioner of Environmental Protection
14 of its determination and make any recommendation to the
15 commissioner that is consistent with such determination.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	4-170
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ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which authorizes the legislative Regulations Review Committee to receive petitions for review of certain Department of Environmental Protection documents and hold related public hearings, does not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 120*****AN ACT AUTHORIZING REVIEW OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S GUIDANCE STATEMENTS AND POLICIES BY THE GENERAL ASSEMBLY'S REGULATION REVIEW COMMITTEE.*****SUMMARY:**

This bill authorizes anyone to petition the legislative Regulations Review Committee to review any DEP guidance statement or policy. The petition must (1) be signed by at least 25 people and (2) claim that a DEP guidance statement or policy, as applied to each signer, constitutes a regulation.

The committee may, within 90 days of receipt of the petition, hold a public hearing to review the guidance statement or policy and determine if it constitutes a regulation. It must inform the DEP commissioner of its determination and make a recommendation consistent with the determination.

EFFECTIVE DATE: October 1, 2010

BACKGROUND***Regulations, Rules, and Guidance Statements***

Courts have held that regardless of whether administrative action is called a "regulation," in certain circumstances an agency must follow the rule-making provisions of the Uniform Administrative Procedure Act (UAPA) with its requirements for public notice and hearing and legislative review. The UAPA defines the term "regulation" as an "agency statement of general applicability, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency" (CGS § 4-166 (13)).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 22 Nay 8 (03/17/2010)