



House of Representatives

General Assembly

File No. 556

January Session, 2011

Substitute House Bill No. 6602

House of Representatives, April 18, 2011

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING AGENCY REGULATIONS, A CLARIFICATION OF "DISTRESSED MUNICIPALITY" AND OBSOLETE STATUTES CONCERNING THE OFFICE OF POLICY AND MANAGEMENT.

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

1 Section 1. Subsection (a) of section 4-168 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2011*):

4 (a) Except as provided in subsection (g) of this section, an agency,
5 prior to adopting a proposed regulation, shall: (1) Give at least thirty
6 days' notice by publication in the Connecticut Law Journal of its
7 intended action. The notice shall include (A) either a statement of the
8 terms or of the substance of the proposed regulation or a description
9 sufficiently detailed so as to apprise persons likely to be affected of the
10 issues and subjects involved in the proposed regulation, (B) a
11 statement of the purposes for which the regulation is proposed, (C) a
12 reference to the statutory authority for the proposed regulation, (D)

13 when, where and how interested persons may obtain a copy of the
14 small business impact and regulatory flexibility analyses required
15 pursuant to section 4-168a, and (E) when, where and how interested
16 persons may present their views on the proposed regulation; (2) give
17 notice [by mail] to each joint standing committee of the General
18 Assembly having cognizance of the subject matter of the proposed
19 regulation; (3) give notice [by mail] to all persons who have made
20 requests to the agency for advance notice of its regulation-making
21 proceedings. The agency may charge a reasonable fee for such notice
22 based on the estimated cost of providing the service; (4) provide a
23 paper copy or an electronic version of the proposed regulation to
24 persons requesting it. The agency may charge a reasonable fee for
25 copies in accordance with the provisions of section 1-212; (5) no later
26 than the date of publication of the notice in the Connecticut Law
27 Journal, prepare a fiscal note, including an estimate of the cost or of the
28 revenue impact (A) on the state or any municipality of the state, and
29 (B) on small businesses in the state, including an estimate of the
30 number of small businesses subject to the proposed regulation and the
31 projected costs, including but not limited to, reporting, recordkeeping
32 and administrative, associated with compliance with the proposed
33 regulation and, if applicable, the regulatory flexibility analysis
34 prepared under section 4-168a. The governing body of any
35 municipality, if requested, shall provide the agency, within twenty
36 working days, with any information that may be necessary for analysis
37 in preparation of such fiscal note; (6) afford all interested persons
38 reasonable opportunity to submit data, views or arguments, orally at a
39 hearing granted under subdivision (7) of this subsection or in writing,
40 and to inspect and copy the fiscal note prepared pursuant to
41 subdivision (5) of this subsection; (7) grant an opportunity to present
42 oral argument if requested by fifteen persons, by a governmental
43 subdivision or agency or by an association having not less than fifteen
44 members, if notice of the request is received by the agency within
45 fourteen days after the date of publication of the notice; and (8)
46 consider fully all written and oral submissions respecting the proposed
47 regulation and revise the fiscal note in accordance with the provisions

48 of subdivision (5) of this subsection to indicate any changes made in
49 the proposed regulation. No regulation shall be found invalid due to
50 the failure of an agency to give notice to each committee of cognizance
51 pursuant to subdivision (2) of this subsection, provided one such
52 committee has been so notified.

53 Sec. 2. Subsection (b) of section 32-9p of the general statutes, as
54 amended by section 5 of public act 10-98, is repealed and the following
55 is substituted in lieu thereof (*Effective October 1, 2011*):

56 (b) "Distressed municipality" means, as of the date of the issuance of
57 an eligibility certificate, any municipality in the state which, according
58 to the United States Department of Housing and Urban Development
59 meets the necessary number of quantitative physical and economic
60 distress thresholds which are then applicable for eligibility for the
61 urban development action grant program under the Housing and
62 Community Development Act of 1977, as amended, or any town
63 within which is located an unconsolidated city or borough which
64 meets such distress thresholds. Any municipality which, at any time
65 subsequent to July 1, 1978, has met such thresholds but which at any
66 time thereafter fails to meet such thresholds, according to said
67 department, shall be deemed to be a distressed municipality for a
68 period of five years subsequent to the date of the determination that
69 such municipality fails to meet such thresholds, unless such
70 municipality elects to terminate its designation as a "distressed
71 municipality", by vote of its legislative body, not later than September
72 1, 1985, or not later than three months after receiving notification from
73 the commissioner that it no longer meets such thresholds, whichever is
74 later. In the event a distressed municipality elects to terminate its
75 designation, the municipality shall notify the commissioner and the
76 Secretary of the Office of Policy and Management in writing within
77 thirty days. In the event that the commissioner determines that
78 amendatory federal legislation or administrative regulation has
79 materially changed the distress thresholds thereby established,
80 "distressed municipality" shall mean any municipality in the state
81 which meets comparable thresholds of distress which are then

82 applicable in the areas of high unemployment and poverty, aging
83 housing stock and low or declining rates of growth in job creation,
84 population and per capita income as established by the commissioner,
85 consistent with the purposes of subdivisions (59) and (60) of section 12-
86 81 and sections 12-217e, 32-9p to 32-9s, inclusive, as amended by this
87 act, and 32-23p, in regulations adopted in accordance with chapter 54.
88 For purposes of sections 32-9p to 32-9s, inclusive, as amended by this
89 act, "distressed municipality" shall also mean any municipality
90 adversely impacted by a major plant closing, relocation or layoff,
91 provided the eligibility of a municipality shall not exceed two years
92 from the date of such closing, relocation or layoff. The Commissioner
93 of Economic and Community Development shall adopt regulations, in
94 accordance with the provisions of chapter 54, which define what
95 constitutes a "major plant closing, relocation or layoff" for purposes of
96 sections 32-9p to 32-9s, inclusive, as amended by this act. "Distressed
97 municipality" shall also mean the portion of any municipality which is
98 eligible for designation as an enterprise zone pursuant to subdivision
99 (2) of subsection (b) of section 32-70. [and the portion of any
100 municipality that contains the airport development zone established
101 pursuant to section 32-75d.]

102 Sec. 3. Section 4-67m of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective July 1, 2011*):

104 (a) The Office of Policy and Management, in consultation with each
105 budgeted state agency, shall develop, for state budgeting purposes,
106 specific biennial goals and objectives and quantifiable outcome
107 measures, which shall not be limited to measures of activities, for each
108 program, service and state grant administered or provided by such
109 agency. The Secretary of the Office of Policy and Management shall
110 submit an annual report concerning such goals, objectives and
111 measures to the joint standing committee of the General Assembly
112 having cognizance of matters relating to appropriations and the joint
113 standing committee having cognizance of matters relating to the
114 agency. For the biennium beginning July 1, 1995, and for each
115 biennium thereafter, the annual report shall include an evaluation of

116 the impact of each program, service and state contract on the family.

117 (b) The goals, objectives and measures developed for each such
118 agency pursuant to subsection (a) of this section shall be implemented
119 for the biennium beginning July 1, 1993. The Office of Policy and
120 Management, in consultation with each such agency, shall review and
121 revise such goals, objectives and measures for each biennium
122 thereafter.

123 [(c) For the biennium beginning July 1, 1995, and for each biennium
124 thereafter, the annual report submitted pursuant to subsection (a) of
125 this section shall evaluate the progress of budgeted state agencies in
126 achieving benchmarks established under section 4-67r.]

127 Sec. 4. Sections 4-67r and 4-82a of the general statutes are repealed.
128 (*Effective July 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	4-168(a)
Sec. 2	<i>October 1, 2011</i>	32-9p(b)
Sec. 3	<i>July 1, 2011</i>	4-67m
Sec. 4	<i>July 1, 2011</i>	Repealer section

GAE *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Various State Agencies	Various - Potential Savings	Less than \$1,000	Less than \$1,000

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	See Below	See Below	See Below

Explanation

Allowing state agencies to use electronic delivery and copies, rather than mail and paper copies for certain notifications and copies of proposed regulations, may result in a cost savings estimated to be less than \$1,000 annually.

The bill removes the distressed municipalities designation (which would have gone into effect October 1, 2011) from those sections of Granby, Suffield, Windsor Locks and Windsor that are in the Bradley Airport Development Zone. This ensures the towns' continuing eligibility to participate in the Small Town Economic Assistance Program, but precludes their qualifying for funds under certain open space, planning, and development grants.

Eliminating the Connecticut Progress Council and repealing certain reporting requirements for the Governor on deficit projections results in no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis**sHB 6602****AN ACT CONCERNING AGENCY REGULATIONS, A CLARIFICATION OF "DISTRESSED MUNICIPALITY" AND OBSOLETE STATUTES CONCERNING THE OFFICE OF POLICY AND MANAGEMENT.****SUMMARY:**

This bill:

1. eliminates the requirement that state agencies deliver, by mail only, notice of intent to adopt regulations to legislative committees of cognizance and individuals requesting notice, thus allowing them to deliver notice by other means (§ 1);
2. authorizes agencies to provide electronic, not just paper, copies of proposed regulations (§ 1);
3. repeals the provision under which the Bradley Airport Development Zone (BADZ) is designated a "distressed municipality" and thus qualifies for funds under various programs (see BACKGROUND) (§ 2);
4. eliminates the defunct Connecticut Progress Council and a reference to it (§§ 3 and 4); and
5. repeals the requirement that the governor report to the General Assembly three times yearly on whether a deficit is projected for the current fiscal year (see BACKGROUND) (§ 4).

EFFECTIVE DATE: July 1, 2011, except the provision concerning BADZ is effective October 1, 2011.

GOVERNOR'S DEFICIT REPORT

Current law requires the governor to report to the General

Assembly on the 30th day of October, January, and April on whether there is a deficit expected for the current fiscal year. The bill eliminates this requirement but maintains other budget reporting requirements (see BACKGROUND).

BACKGROUND

BADZ

BADZ encompasses parts of East Granby, Suffield, Windsor, and Windsor Locks and is designated a “distressed municipality.” By law, this designation qualifies the four towns for (1) grants to acquire and preserve open spaces in the zone and plan municipal development projects and (2) Urban Act funds for community conservation and development projects in the zone, among other things (CGS §§ 4-66c(c), 8-190, and 8-195).

The designation also disqualifies projects in the zone for Small Town Economic Assistance Program (STEAP) funds. Non-distressed municipalities qualify for STEAP funds if they do not have an urban center and are not a public investment community. However, the four towns in the BADZ may choose to remain eligible for STEAP funds in lieu of Urban Act funds.

Fiscal Reports

By law, the Office of Policy and Management (OPM) provides the comptroller with a cumulative monthly statement of revenues and expenditures, together with a (1) statement of estimated revenue by source to the end of the fiscal year and (2) statement of the General Fund’s appropriation requirements to the end of the fiscal year itemized as far as practicable for each budgeted agency, including (a) estimates of lapsing appropriations, (b) unallocated lapsing balances, and (c) unallocated appropriation requirements. OPM must provide the Office of Fiscal Analysis (OFA) with a copy of the monthly data (CGS § 4-66).

In addition, the OPM secretary must submit, through OFA, to the governor, comptroller, and Appropriations Committee a monthly list

of appropriation accounts in which a potential deficiency exists. The list must include an explanation for each potential deficiency (CGS § 2-36).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/30/2011)