



General Assembly

February Session, 2014

Raised Bill No. 5358

LCO No. 1683



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT AUTHORIZING THE REGULATION REVIEW COMMITTEE TO
RECOMMEND THE REPEAL OF OBSOLETE OR BURDENSOME
REGULATIONS.**

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

1 Section 1. Section 4-166 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 As used in this chapter and section 2 of this act:

4 (1) "Agency" means each state board, commission, department or
5 officer authorized by law to make regulations or to determine
6 contested cases, but does not include either house or any committee of
7 the General Assembly, the courts, the Council on Probate Judicial
8 Conduct, the Governor, Lieutenant Governor or Attorney General, or
9 town or regional boards of education, or automobile dispute
10 settlement panels established pursuant to section 42-181;

11 (2) "Contested case" means a proceeding, including but not
12 restricted to rate-making, price fixing and licensing, in which the legal

13 rights, duties or privileges of a party are required by state statute or
14 regulation to be determined by an agency after an opportunity for
15 hearing or in which a hearing is in fact held, but does not include
16 proceedings on a petition for a declaratory ruling under section 4-176,
17 hearings referred to in section 4-168 or hearings conducted by the
18 Department of Correction or the Board of Pardons and Paroles;

19 (3) "Final decision" means (A) the agency determination in a
20 contested case, (B) a declaratory ruling issued by an agency pursuant
21 to section 4-176 or (C) an agency decision made after reconsideration.
22 The term does not include a preliminary or intermediate ruling or
23 order of an agency, or a ruling of an agency granting or denying a
24 petition for reconsideration;

25 (4) "Hearing officer" means an individual appointed by an agency to
26 conduct a hearing in an agency proceeding. Such individual may be a
27 staff employee of the agency;

28 (5) "Intervenor" means a person, other than a party, granted status
29 as an intervenor by an agency in accordance with the provisions of
30 subsection (d) of section 4-176 or subsection (b) of section 4-177a;

31 (6) "License" includes the whole or part of any agency permit,
32 certificate, approval, registration, charter or similar form of permission
33 required by law, but does not include a license required solely for
34 revenue purposes;

35 (7) "Licensing" includes the agency process respecting the grant,
36 denial, renewal, revocation, suspension, annulment, withdrawal or
37 amendment of a license;

38 (8) "Party" means each person (A) whose legal rights, duties or
39 privileges are required by statute to be determined by an agency
40 proceeding and who is named or admitted as a party, (B) who is
41 required by law to be a party in an agency proceeding or (C) who is
42 granted status as a party under subsection (a) of section 4-177a;

43 (9) "Person" means any individual, partnership, corporation, limited
44 liability company, association, governmental subdivision, agency or
45 public or private organization of any character, but does not include
46 the agency conducting the proceeding;

47 (10) "Presiding officer" means the member of an agency or the
48 hearing officer designated by the head of the agency to preside at the
49 hearing;

50 (11) "Proposed final decision" means a final decision proposed by an
51 agency or a presiding officer under section 4-179;

52 (12) "Proposed regulation" means a proposal by an agency under
53 the provisions of section 4-168 for a new regulation or for a change in,
54 addition to or repeal of an existing regulation;

55 (13) "Regulation" means each agency statement of general
56 applicability, without regard to its designation, that implements,
57 interprets, or prescribes law or policy, or describes the organization,
58 procedure, or practice requirements of any agency. The term includes
59 the amendment or repeal of a prior regulation, but does not include
60 (A) statements concerning only the internal management of any
61 agency and not affecting private rights or procedures available to the
62 public, (B) declaratory rulings issued pursuant to section 4-176 or (C)
63 intra-agency or interagency memoranda;

64 (14) "Regulation-making" means the process for formulation and
65 adoption of a regulation.

66 Sec. 2. (NEW) (*Effective October 1, 2014*) The standing legislative
67 regulation review committee may review any regulation of any agency
68 to determine whether the regulation is obsolete or is too onerous on
69 persons who are required to comply with the regulation. As part of
70 such review, the regulation review committee shall schedule a public
71 hearing at which the committee may consider testimony of the agency
72 and the public concerning the regulation under review. If, following

73 such hearing, the committee determines that the regulation is obsolete
74 or is too onerous on the persons who are required to comply with the
75 regulation, the regulation review committee may request the agency to
76 initiate the process under chapter 54 of the general statutes to repeal
77 any provision of such regulation, if such repeal does not require the
78 enactment of authorizing legislation. The regulation review committee
79 shall also notify the joint standing committee of the General Assembly
80 having cognizance of matters relating to the subject matter of the
81 regulation of such request.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	4-166
Sec. 2	<i>October 1, 2014</i>	New section

Statement of Purpose:

To permit the regulation review committee to review current agency regulations and to recommend the repeal of burdensome or obsolete regulations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]