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## **OLR Bill Analysis**

**sHB 5049 (as amended by House "A")\***

### ***AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION.***

#### **SUMMARY:**

This bill makes numerous changes to the Uniform Administrative Procedure Act (UAPA), which, among other things, governs the process for adopting state agency regulations. These changes affect (1) the eRegulations System (the electronic regulation compilation), (2) notices of proposed regulations, (3) the regulation-making record, (4) procedural requirements for approved regulations, and (5) required information concerning regulations omitted from the eRegulations System. It allows the secretary of the state, within available appropriations, to publish a register of regulatory activity.

The bill eliminates several requirements for the Department of Children and Families (DCF) to adopt regulations. In some cases, it requires the department to adopt policies rather than regulations. It also makes changes affecting (1) returns to DCF placement after parole, (2) fitness and security risk evaluations on juvenile delinquents, (3) residential mental health facility placements, (4) permanency plan goals, and (5) the adoption photo-listing and central registry. The bill also makes minor changes to regulation adoption activities by the aging and social services departments.

The bill eliminates (1) requirements for several different agencies to adopt certain regulations and (2) the State Board of Education's (SBE) authority to set fees for certain exams. It makes additional changes affecting (1) fire extinguisher regulations, (2) motor vehicle (a) sale orders and invoices and (b) regulations for safety standards, (3) banking department regulations, and (4) qualified public depositories.

Under the UAPA, a regulation cannot be repealed without approval

by the (1) attorney general for legal sufficiency and (2) Regulation Review Committee. The bill, notwithstanding these provisions, repeals numerous state agency regulations. It is unclear whether repealing regulations through legislation is permitted by the state constitution (see BACKGROUND). Additionally, the bill repeals several statutory provisions that affect various state agencies.

The bill also makes technical and conforming changes.

\*House Amendment "A" among other things, (1) eliminates provisions in the underlying bill that (a) established a process for agencies to adopt "noncontroversial" regulations without the Regulation Review Committee's approval and (b) eliminated the Regulation Review Committee's authority to approve or reject regulations in part; (2) repeals additional regulations; (3) eliminates the underlying bill's repeal of certain regulations and statutes; (4) modifies provisions in the underlying bill affecting DCF fitness and security risk evaluations; (5) adds the SBE fee authority, motor vehicle, banking, and qualified depository provisions; and (6) makes minor and technical changes.

EFFECTIVE DATE: Upon passage, except where noted below.

**§§ 1-9, 29, & 53 — UAPA CHANGES**

**§§ 8, 29, & 53 — *eRegulations System***

By law, the eRegulations System is an unofficial version of state agency regulations until the time that the secretary of the state certifies, in writing, that the system is technologically sufficient to be the official version (i.e., the "certification date"). The bill eliminates a requirement that she make this certification by October 1, 2014. It requires the secretary to also certify that the system is technologically sufficient to be the electronic repository for agencies' regulation-making records.

The bill requires the secretary, by October 1, 2014, to update the official compilation of the regulations of Connecticut state agencies posted on the eRegulations System to comply with the (1) bill's repeal of agency regulations (see § 54) and (2) UAPA. It requires the secretary

to update the compilation at least monthly and specifies that the compilation may be a revision of the most current compilation published by the Commission of Official Legal Publications.

The bill specifies that, before the certification date, (1) agencies must post proposed regulations and the regulation-making record on their websites and (2) the secretary must post a link to the proposed regulation or record on her website.

EFFECTIVE DATE: Upon passage, except for the requirements for the secretary's certification and monthly updates, which are effective October 1, 2014.

## **§ 2 — Notices of Proposed Regulations**

Under current law, an agency's notice of intent to adopt regulations must include either a statement of a proposed regulation's terms or substance or a detailed description of the issues and subjects sufficient to apprise people likely to be affected. The bill eliminates the agencies' discretion and instead requires them to post (1) a sufficiently detailed description and (2) the proposed regulation.

The bill requires the notice to include a specified comment period of at least 30 days. It eliminates an agency's authority to charge a fee for paper copies of (1) notices of regulation-making proceedings and (2) proposed regulations. It also delays, from October 1, 2014 until the certification date, a requirement that agencies post on the eRegulations System (1) regulation-related documents that accompany the notice of proposed regulations and (2) written submissions from the public.

By law, an agency must post on the eRegulations System a notice that states whether the agency has decided to move forward with a proposed regulation. It must also send notice to anyone who submitted written or oral statements and who requested notification. The bill eliminates a requirement that the notice be posted and provided at least 20 days before the proposed regulation is submitted to the Regulation Review Committee. It instead requires agencies to post the notice after the close of the public comment period and before

submitting the regulation to the attorney general. It specifies that (1) the notice must go to anyone who provided comment, not only those who requested notification, and (2) a paper copy of the notice must be provided to people who submitted comments in nonelectronic form.

By law, any agency that fails to post notice of intent to adopt required regulations by the applicable deadline must explain its reasons in an electronic statement to the governor, legislative committee of cognizance, and Regulation Review Committee. Under current law, the agency must also post this statement on the eRegulations System on and after October 1, 2014. The bill instead requires the agency to do so on and after the certification date.

EFFECTIVE DATE: October 1, 2014, and applicable to regulations noticed on and after that date.

**§§ 1, 3, & 4 — Regulation-Making Record**

By law, agencies must create an official regulation-making record that includes, among other things, (1) the notice of intent to adopt regulations, (2) written analyses on which the regulation is based, (3) submissions and comments received by the agency, and (4) official documents related to the regulation. The bill specifies that the regulation-making record includes any other documents created, received, or considered by an agency during the regulation-making process. It also requires that the record include the attorney general's approval of a proposed regulation.

Under current law, the regulation-making record must be retained on the eRegulations System beginning October 1, 2014. The bill delays this requirement until the certification date. Until this date, the agency must continue maintaining the regulation-making record itself and make it available to the public.

The bill specifies that if the agency determines that it is impractical or inappropriate to display any part of the record on the eRegulations System, it must post a description of the omitted part and maintain a copy of it readily available for public inspection at its principal office.

EFFECTIVE DATE: October 1, 2014, and applicable to regulations noticed on and after that date, except for the provision requiring the inclusion of additional documents in the regulation-making record, which is effective upon passage.

**§§ 2, 4, & 5 — *Originals of Proposed Regulations***

The bill eliminates requirements that agencies submit an original of a proposed regulation to (1) the attorney general and (2) the Regulation Review Committee. It similarly eliminates a requirement that agencies submit to the committee an original of a proposed emergency regulation. Agencies must continue to submit electronic copies of proposed regulations to the attorney general and committee.

EFFECTIVE DATE: October 1, 2014, and applicable to regulations noticed on and after that date.

**§ 6 — *Approved Regulations***

By law, once the Regulation Review Committee approves a regulation, the agency must submit it to the secretary of the state, together with a statement from the agency head certifying that the electronic version is a true and accurate copy of the approved regulation. The bill allows a duly authorized deputy department head to make this certification.

The bill also extends, from five to 10 calendar days after submission by the agency, the time within which the secretary of the state must post regulations on the eRegulations System.

By law, certain emergency regulations are effective immediately upon submission to the secretary. The agency must take appropriate measures to make the regulations known to affected people. The bill eliminates a requirement that these measures include the agency's posting of emergency regulations on the eRegulations System.

EFFECTIVE DATE: October 1, 2014, and applicable to regulations noticed on and after that date.

**§ 7 — *Omitted Regulations***

By law, certain regulations that are incorporated by reference into a Connecticut regulation may be omitted from publication on the eRegulations System. Beginning October 1, 2014, current law requires the secretary to post on the eRegulations System a notice that identifies an omitted regulation, its subject matter, and information on where one could learn more about it. She must also keep this information current and update it at least quarterly.

The bill eliminates these requirements and instead allows the secretary to post on the eRegulations System a link, which is not part of the regulation, to electronic copies of any document incorporated by reference into a Connecticut regulation. She may do so if the document is available and its publication is not prohibited by any state or federal law, rule, or regulation. The bill also requires agencies to maintain a copy of such a document at their offices and make it available for public inspection, unless it is a regulation of a federal agency or another state that is published by or otherwise available in printed or electronic form from that agency.

EFFECTIVE DATE: October 1, 2014

### **§ 9 — Register of Regulatory Activity**

The bill allows the secretary of the state, within available appropriations, to publish a register of regulatory activity, including the text of notices of intent to adopt regulations that are posted on the eRegulations System. If she produces the register electronically, she must post it on the eRegulations System. If she produces printed copies, she may charge a fee that she judges to be sufficient to cover the cost to print and mail the register. The bill allows her to distribute, free of charge, a sufficient number of printed copies to (1) the State Library for distribution to depository libraries and (2) the chief court administrator for distribution to law libraries.

### **§§ 10-20 — DEPARTMENT OF CHILDREN AND FAMILIES**

#### ***Regulation Changes***

The bill eliminates requirements that DCF adopt regulations:

1. for standard leave and release policies for delinquent children committed to the department (§11),
2. for permanency plan standards (i.e., a plan stating what permanent outcome DCF believes is in the child's best interest and the facts on which the decision is based) (§18), and
3. to establish a staggered schedule for renewing DCF licenses for child-care facilities and child-placement agencies (§20).

It requires DCF to adopt policies, instead of regulations, for establishing and conducting schools in the department's Unified School District #2 (§14). It also requires DCF to adopt procedures, instead of regulations:

1. for its adoption photo-listing service (§15);
2. that the commissioner finds necessary and proper to assure the adequate care, health, and safety of children in department custody (§16); and
3. to monitor the progress of children and families referred to a community provider through the department's family assessment response program (§17). (Under this program, when DCF receives a report of child abuse or neglect, it can make referrals to appropriate community providers for family assessment and services either when it decides not to investigate a case that it classifies as presenting a lower safety risk or, if it decides to investigate, at any time during the investigation.)

The bill additionally repeals a provision allowing DCF, in consultation with DSS, to adopt regulations for developing and implementing individual service plans for children with complex behavioral health service needs (§ 19).

#### **§ 10 — Return to DCF Placement After Parole**

The bill expands the circumstances in which DCF may return a paroled child to a DCF placement to include if the child violates an

aftercare condition. (Aftercare services include continued counseling, guidance, or support for up to six months following the department's provision of services.) By law, DCF may return a paroled child to placement if the commissioner deems the return to be in the child's best interest. The bill also provides a paroled child with the right to a hearing up to 30 days after returning to placement.

**§ 11 — Fitness and Security Risk Evaluation**

The law requires DCF to perform an initial fitness and security risk evaluation on a juvenile delinquent committed to the department before allowing him or her to go on leave. The bill shortens the mandatory evaluation period from 60 days to between 30 and 60 days.

Current law allows the commissioner to waive the 60-day evaluation requirement for a juvenile delinquent who is transferred from one facility to another if the juvenile has already had a satisfactory 60-day evaluation. The bill makes conforming changes by eliminating references to the 60-day evaluation.

**§ 12 — Residential Mental Health Facility Placement**

The bill eliminates the requirement that DCF provide a hearing before the commissioner or her designee to a child or youth in its custody before placing him or her in, or transferring him or her to, a department-operated residential mental health facility. Current law requires DCF to provide such a hearing unless the court ordered the child or youth to be placed in the facility when he or she was committed to the department.

Existing law establishes procedures for the involuntary commitment of children and adults (age 16 and older) with psychiatric disabilities who are dangerous to themselves or others, either by health professionals on a temporary, emergency basis or by a probate court following a hearing and medical evaluations (see BACKGROUND).

**§ 13 — Permanency Plan Goals**

By law, DCF must prepare and maintain a permanency plan for every child under its supervision. The plan states what permanent

outcome DCF thinks is in the child's best interest and the facts on which the decision is based. The bill makes the following changes to the list of allowable permanency plan goals.

1. It eliminates independent living from the list.
2. If the goal is long-term foster care, it requires DCF to identify a person who will provide the care.
3. It allows DCF to set as a goal another planned permanent living arrangement other than parent reunification, long-term foster care, guardianship transfer, or adoption.

The bill also makes technical changes.

**§§ 15 & 18 — Adoption Photo-Listing and Central Registry**

The bill eliminates a requirement that DCF maintain and distribute a photo-listing service book of children available for adoption. Existing law requires DCF to contract with a nonprofit agency to establish and maintain the service in electronic format.

The bill also eliminates a requirement that DCF, within available appropriations, establish and maintain (1) a central registry of all children with permanency plans that recommend adoption and (2) a system to monitor the progress of implementing such plans.

**§ 21 — DEPARTMENT OF SOCIAL SERVICES (DSS)**

Under current law, DSS must post its medical services and public assistance manuals on its website until October 1, 2014, when it must instead post these manuals and updates to them on the eRegulations System. The bill eliminates the requirement that they be published on the eRegulations System. It instead requires (1) DSS to continue publishing the manuals online as under current law and (2) the eRegulations System to have a link to the manuals.

EFFECTIVE DATE: October 1, 2014

**§ 22 — AGING DEPARTMENT**

PA 13-274, effective October 1, 2014, eliminates DSS's community

services policy manual and instead requires the Aging Department to adopt regulations to carry out the purposes of the federal Older Americans Act of 1965. It also extends to the Aging Department DSS's authority to operate under a policy before adopting it in regulation form. These provisions conform to the transfer of DSS's Aging Services Division to the Aging Department.

The bill changes the effective date of these provisions from October 1, 2014 to upon passage. It also requires the Aging Department to (1) post on its website a policy it intends to adopt in regulation form and (2) submit the policy to the secretary of the state for posting online no later than 20 days after adopting it. By law, the department must post these policies on the eRegulations System beginning October 1, 2014.

EFFECTIVE DATE: Upon passage and effective until September 30, 2014.

#### **§§ 24 & 43 — FIRE EXTINGUISHER REGULATIONS IN THE FIRE PREVENTION CODE**

The bill requires the state fire marshal to incorporate into the State Fire Prevention Code regulations on (1) the requirements and specifications for installing and using fire extinguishers and extinguishing agents and (2) automatic fire extinguishing systems in certain hotels or motels. By law, the (1) administrative services commissioner must adopt the regulations and (2) fire marshal, in coordination with an advisory committee, adopts and administers the code.

#### **§§ 25-28 & 45-46 — ELIMINATED REGULATION ADOPTION REQUIREMENTS**

The bill eliminates the requirement for several different commissioners or agencies to adopt certain regulations. Table 1 shows each commissioner or agency and the topic of the affected regulation.

**Table 1: Eliminated Regulation Adoption Requirements**

<i>Section</i>	<i>Commissioner/Agency</i>	<i>Regulation Topics</i>
25	Administrative Services	Volunteer service as training and experience for state employment

26	Public Health	Distribution of funds from the Breast Cancer Research and Education; Organ Transplant; AIDS Research Education; Endangered Species, Natural Area Preserves and Watchable Wildlife; and Safety Net Services accounts
27	Each state agency	A description of its organization, how it operates, and how the public can get information or make requests or submissions
28	Transportation	Establish commuter and traffic management programs, including (1) establishing criteria for awarding grants to municipalities or rideshare entities that develop traffic management plans and (2) notifying them of available funds
45	Administrative Services	Appointing qualified people in a class in which the incumbent serves for no more than three years as part of an established training program (regulation adoption is permissive)
46	Administrative Services	Agreements between educational institutions and state agencies for state employee training courses

### **§ 28 — TRANSPORTATION MANAGEMENT PLANS**

The bill eliminates obsolete provisions that (1) establish a task force to develop transportation management plans that comply with the Clean Air Act and (2) allow the Department of Transportation (DOT) commissioner to award grants to municipalities or rideshare entities that develop plans that meet the state's objectives.

### **§§ 23 & 30-37 — CONFORMING CHANGES**

The bill makes numerous changes to conform to the bill's repeal (see § 55) of:

1. the requirement for DAS to adopt regulations concerning political activity by state employees (§30);
2. the requirement for the Department of Public Health (DPH) to adopt regulations setting eligibility conditions for physicians to participate in the malpractice insurance purchase program (§ 31);
3. restrictions on the use and sale of sodium fluoroacetate (§§ 32-33);
4. sanitary, lighting, and heating rules for railroad workplaces (§ 34); and
5. a prohibition on the employment of people unlawfully present in the U.S. (§ 34).

These sections also make conforming changes to the bill's UAPA changes (§§ 23 & 35-37).

EFFECTIVE DATE: Upon passage, except that one of the conforming changes (§ 37) is effective October 1, 2014.

**§ 38 — ORDER AND INVOICE ON MOTOR VEHICLE SALE**

The law requires that, for sales of guaranteed motor vehicles, the order and invoice include the phrase "this motor vehicle is guaranteed," followed by the guarantee's terms. The bill requires that these terms include the (1) duration of the guarantee and (2) number of miles the guarantee remains in effect.

The law requires, for each motor vehicle sale, an (1) order signed by the buyer and seller, a copy of which must be given to the buyer on execution, and (2) invoice on delivery of the vehicle. By law, the phrase "this motor vehicle is guaranteed" must be printed or stamped on the face of the order and invoice in at least 10-point bold type.

EFFECTIVE DATE: July 1, 2014

**§§ 39-41 — CONFORMING STATE MOTOR VEHICLE LAW TO FEDERAL LAW AND REGULATIONS**

The bill eliminates provisions in several motor vehicle laws requiring the Department of Motor Vehicles (DMV) commissioner to adopt safety standards by regulation, and instead requires people to operate vehicles with equipment that meets federal safety standards.

EFFECTIVE DATE: July 1, 2014

**§ 39 — *Braking Systems***

Current law bars people from driving a vehicle with a gross vehicle weight of 10,000 pounds or more unless the vehicle's braking system meets state safety standards established in regulation. The bill instead prohibits people from driving such vehicles unless their braking system meets federal safety standards (49 CFR 393, as amended) and also applies this requirement to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The gross vehicle weight is the

vehicle's actual weight; the gross vehicle weight rating is the vehicle's maximum allowed weight, which can be more.

Current law imposes a fine of between \$250 and \$500 on people who drive a vehicle with a gross vehicle weight of 10,000 or more pounds whose braking system has a severe defect or defects. The bill instead imposes such a fine on drivers of the above vehicles whose braking system does not meet the federal standard.

#### **§ 40 — Tires**

The bill eliminates a requirement that DMV adopt safety standards for tires and instead requires people to drive motor vehicles or trailers on public highways with tires, in safe operating condition, that meet (1) federal tire safety standards for passenger vehicles (49 CFR 571.109) or (2) if applicable, the state law applying to commercial motor vehicles (large trucks and buses), which refers to federal safety regulations for those vehicles (Conn. Agency Regs. Section 14-163c-1). As under current law, violators commit an infraction. The bill also eliminates an exemption for (1) self-propelled combines, (2) self-propelled corn and hay harvesting machines, and (3) tractors used exclusively for agriculture.

#### **§ 41 — Motorcycle Helmets**

The bill eliminates a requirement that DMV develop safety standards for motorcycle helmets and instead bars anyone under age 18 from (1) operating a motorcycle or motor-driven cycle or (2) riding as a motorcycle passenger, unless he or she is wearing protective headgear meeting federal motorcycle helmet regulations, as amended (49 CFR 571.218). As under current law, a violation is a \$90 infraction. A motor driven cycle is a motorcycle, motor scooter, or bicycle with an attached motor, with a seat at least 26 inches high and a motor displacing less than 50 cubic centimeters.

#### **§ 42 — EXAM FEES**

The bill eliminates the State Board of Education's authority to set fees for the board-administered competency examination, the subject area assessment, or the professional knowledge clinical assessment.

Under current law, the fee had to be at least \$75 for the competency examination and elementary level subject area assessment. The bill also eliminates the education commissioner's authority to waive fees due to a candidate's inability to pay.

**§ 44 — PARKING ON STATE PROPERTY**

The bill allows the DAS commissioner to adopt policies and procedures, rather than regulations, for maintaining order on and using parking areas on certain property owned by the state or supervised by the commissioner. Current law (1) imposes a \$75 fine on people who violate the regulations and (2) allows their vehicles to be towed. The bill instead applies these penalties to people who violate the policies and procedures.

**§§ 47 & 48 — BANKING DEPARTMENT REGULATIONS**

Under current law, an out-of-state bank that (1) merges or consolidates with, or acquires the assets of, a bank or (2) establishes a new branch in Connecticut is subject to the supervision and examination of the banking commissioner pursuant to regulations he adopts. The bill eliminates the reference to regulations, giving the commissioner general jurisdiction in this area.

The bill allows, rather than requires, the Banking Department to adopt regulations to administer the laws governing the protection of public deposits. It eliminates the requirement that the regulations establish:

1. requirements for financial institutions eligible to serve as trustees for segregated eligible collateral,
2. requirements for the transfer of eligible collateral from a qualified public depository to a financial institution serving as trustee for this collateral, and
3. provisions governing the valuation of eligible collateral when the market value of such collateral is not readily determinable.

It allows, rather than requires, the regulations to establish (1)

requirements for the qualification of financial institutions as qualified public depositories, (2) other terms and conditions under which public deposits may be received and held, and (3) other provisions as the commissioner deems necessary to carry out the law.

### **§§ 49- 52 — QUALIFIED PUBLIC DEPOSITORIES**

The bill imposes several requirements and prohibitions on qualified public depositories (banks and other financial institutions that receive or hold public deposits, such as state funds). In addition, the bill prohibits financial institutions from accepting a transfer of eligible collateral (e.g., U.S. treasury notes) from a qualified public depository unless the financial institution is (1) legally authorized to exercise fiduciary powers in Connecticut and (2) federally insured or receives the commissioner's approval. If a financial institution ceases to meet these requirements, it must immediately notify the depository and the commissioner, who must then instruct the institution on how to deal with the eligible collateral.

The bill requires qualified public depositories to:

1. enter into a written trust agreement with the financial institution, federal reserve bank, or federal home loan bank serving as trustee that includes a statement by the financial institution that it are subject to and will comply with the applicable requirements of state law and
2. maintain records, including a (a) full report of all public deposits by depositor name and location, account name, account number, amount, and Federal Employer Identification Number and (b) statement for each transfer or designation of eligible collateral showing (i) the par value, description, interest rate, CUSIP number, maturity date, market value, and security rating, where applicable, of the eligible collateral being transferred or designated and (ii) the name of the financial institution, federal reserve bank, or federal home loan bank that serves as the trustee receiving or holding the collateral.

The bill prohibits qualified public depositories from:

1. maintaining eligible collateral in their own trust department pursuant to existing law, unless they are authorized by law to exercise fiduciary powers in Connecticut or
2. charging costs, fees, or expenses incidental to the transfer or maintenance of eligible collateral against the required amount of eligible collateral.

In addition, the bill prohibits any depository that ceases to be or no longer wishes to be a qualified public depository from receiving additional public deposits. The depository must immediately notify the commissioner, who must instruct it on the procedures to follow for returning public deposits and eligible collateral.

#### **§ 54 — REPEALED REGULATIONS**

Under the UAPA, a regulation cannot be repealed without approval by the (1) attorney general for legal sufficiency and (2) Regulation Review Committee. The bill, notwithstanding these provisions, repeals numerous state agency regulations, as shown in Table 2. In some cases, not all regulations pertaining to a particular subject are repealed. It is unclear whether repealing regulations through legislation is permitted by the state constitution (see BACKGROUND).

**Table 2: Regulations Repealed**

<i>Regulation Citation</i>	<i>Agency</i>	<i>Subject</i>
4-23a-1 to 4-23a-22	DAS	DAS description of organization and rules of practice
4-66-1 to 4-66-7	OPM	Employment and training opportunities for women in Connecticut's workforce
4-68a-1 to 4-68a-23	DAS	Uniform contribution scale, manner of determination, and waiver
4-133-1 to 4-133-11	DAS	Parking areas on the State Capitol and state office building grounds
4b-1-1 to 4b-1-30	DAS	Description of organization and rules of practice (formerly applied to the Department of Public Works)
5-9-22(b)	DAS	Procedures for Personnel Appeal Board
5-200(k)-1 to 5-200(k)-4	DAS	Assignment and termination of state housing

5-200-2	DAS	Compensation schedule requirements for judicial and legislative branches
5-206-1	DAS	State employee's opportunity for hearing on reclassification of his or her job to a lower salary group
5-216-1 to 5-216-2	DAS	Waiver of appointment by applicant and failure to reply to notification of available position
5-219a-1 to 5-219a-2	DAS	Candidates for employment examination attempting to qualify on volunteer experience and appeal rights
5-221a-1 to 5-221a-4	DAS	Appeal rights of candidates for employment examinations upon rejection
5-225-1	DAS	Review of employment examination and release of results
5-230-1(b)	DAS	Second probationary work periods upon appointment to certain classified service positions
5-234-1	DAS	Designation of positions as training or pre-professional positions for the disadvantaged; exemption from competitive tests
5-245-1	DAS	Computation of overtime
5-249-1	DAS	Appointing authority may prescribe conditions under which an employee may respond to fire or ambulance calls as a volunteer
5-265-1	DAS	Notice to DAS before agency enters agreement for employee training with third party
6-32c-1 to 6-32c-3	DAS	Court security officers: advertising of positions, method to determine candidate qualifications, grievance procedure
8-80-1 to 8-80-5	Department of Housing (DOH)	Supplement No. 1 Temporary Financing Forms
8-81a-1 to 8-81a-5	DOH	Adaptable Housing Pilot Program
8-100-1 to 8-100-8	DOH	Flood Relief Home Ownership Program
8-203-1 to 8-203-5	DECD	Purpose, definitions, description of DECD organization and procedures
8-248A-1 to 8-248E-21, 8-248E-22a to 8-248E-31, & 8-248E-32a to 8-248E-34	Conn. Housing Finance Authority (CHFA)	Conduct of the affairs of CHFA including the Multifamily Housing Program and the Home Mortgage Program
8-289-7 to 8-289-12	DOH	Downpayment Assistance Program - 8-289-1 to 8-289-6a were repealed in 1990, 8-289-7 to 8-289-12 are still current
8-337-1 to 8-337-5	DOH	Security Deposit Loan Fund
8-395-1 to 8-395-11	DOH	Tax credit program for businesses making contributions to eligible housing programs benefiting low- and moderate-income families
10-145f-2 to 10-145f-3	State Board of Education (SBE)	Teacher competency examination fee schedule
10-295-10(c) to 10-295-10(f)	Department of Rehabilitation Services	Local education agency reimbursement conditions for own teachers of the visually impaired
10-295-11	Department of Rehabilitation Services	Local education agency funding disbursement process
10a-5-2	Board of Regents for	Commissioner of higher education description

	Higher Education (BOR)	
10a-5-6 to 10a-5-46	BOR	Organizational rules of practice, contested cases, declaratory ruling, resolution of disputes between governing boards
10a-16-1 to 10a-16-5	Office of Higher Education	State tuition waivers for needy students
10a-22x-5	Office of Higher Education	Private occupational school student protection account hearing to determine insolvency
10a-25g-1 to 10a-25g-17	DECD/BOR	High Technology Project and Program Grants, Cooperative Research and Development Grant Program, Collaborative High Technology Grants
10a-25p-1 to 10a-25p-9	BOR	High Technology Doctoral Fellowship Program
10a-162a-1 to 10a-162a-7	BOR	Nursing Scholarship Program
10a-167-1 to 10a-167-7	BOR	Student financial aid for Vietnam era veterans
12-2-2a	Department of Revenue Services (DRS)	Conferences and hearings regarding taxes
12-2-3a	DRS	Procedure for requesting the promulgation, amending, or repeal of a regulation
12-2-4a	DRS	Petition for declaratory ruling on applicability of any statute or regulation
12-2-10	DRS	Request for disclosure of confidential information
12-242-8	DRS	Changes of accounting period for corporation business tax
12-242-9	DRS	Changes of accounting basis
12-313-18a	DRS	Cigarette tax definitions
12-349-1	DRS	Payments under retirement or pension plans
12-407(2)(i)(BB)-1	DRS	Enumerated services to other than industrial, commercial or income-producing real property
12-426-6	DRS	Circulating libraries as retailers for sales tax purposes
12-430(7)-1	DRS	Taxation of services to real property by nonresident contractors
12-449-4a	DRS	Alcoholic beverages taxes, withdrawal from Internal Revenue bonded warehouse
12-449-12a	DRS	Alcoholic beverages taxes, inventories
12-494-3	DRS	Real estate conveyance tax returns
12-638-3	DRS	Refund to agency overseeing implementation under Neighborhood Assistance Act program
12-638-5	DRS	Proof of expenditures for charitable purposes under Neighborhood Assistance Act
12-700(b)-1	DRS	Calculation of income tax for nonresidents
12-701(a)(2)-1	DRS	Defining nonresident for purpose of imposing income tax
12-701(a)(20)-1	DRS	Defining adjusted gross income of a resident for purposes of income tax
12-706(c)-1	DRS	Income tax: Withheld amounts to be credited against

		income tax liability of employees.
12-708-2	DRS	Income tax: Change of accounting period
12-711(b)-2	DRS	Income tax: Income and deductions from Connecticut sources
12-712(a)(1)-1	DRS	Partnership income and deductions of a nonresident partner derived from Connecticut
12-714(b)-1	DRS	Calculation of tax for trust or estate in year with no federal distributable net income
12-717-5	DRS	Designation of part-year resident taxpayers to whom special accrual rules apply
12-723-2	DRS	Tax filing extension for certain business entities
12-727(a)-1	DRS	Tax filing on magnetic media requirements
12-740-7	DRS	Income tax: returns must be made and filed even if not mailed by the department
12-740(c)-1	DRS	Records retention for income tax filings
13a-123d-1 to 13a-123d-3	DOT	Control of junkyard, scrap metal processing facilities along the federal interstate, primary systems, and state highways
13b-34-1a	DOT	Bus fares for Connecticut transit systems
13b-34-2a	DOT	Bus fares for Connecticut transit systems
13b-38a-1 to 13b-38a-7	DOT	Traffic management plans and programs to alleviate traffic congestion with mass transportation
13b-38b-1 to 13b-38b-5	DOT	Requirements and standards for Rideshare Organizations' Handicapped Programs
14-15-2	Department of Motor Vehicles (DMV)	Requirements of leasing companies to provide a mailing address for registration renewals
14-63-17	DMV	Sale of motor vehicles: Requirements for guarantees on orders and invoices
14-63-49	DMV	Prohibition on use of dealer plates
14-65d-4	DMV	Concerning the form for "Waiver of Adverse Estimate" of repairs to a motor vehicle, statutory reference
14-80h-1 to 14-80h-8	DMV	Safety standards for truck brakes
14-137-4 to 14-137-7	DMV	Manufacture or sale of defective recapped tires
14-137-41	DMV	Placement of flashing white lights on ambulances
14-137-75	DMV	Evidence of identity and date of birth for duplicate operator's license, commercial driver's license, or identity card
14-137-76	DMV	Obtaining operator's license with photo after surrender of temporary license
14-159-1	DMV	Refund of operator's license fee for temporary or duplicate license
14-261-1	DMV	Declaring towed vehicles to not be trailers and specifying when a towed vehicle must have an operator
14-289g-1	DMV	Protective headgear for motorcyclists and passengers
15-140v-1	Department of Energy and Environmental Protection (DEEP)	Reinstatement of safe boating certificate/operator's certificate after suspension

16-1-59B	DEEP	Rate base calculations, exceptions and conditions
16-1-66 to 16-1-70	DEEP	Petitions and applications seeking approval concerning railroads and street railways
16-1-88 to 16-1-101	DEEP	Rules applying to all petitions and applications before commissioner concerning motor carriers
16-11-101(b)	DEEP	Electric company service interruption recordkeeping
16-19cc-1	DEEP	Reporting of projected electricity availability by persons with a 5% or greater interest in nuclear power stations
16-19cc-2	DEEP	Quarterly review of nuclear power generating capacity
16-27-8 to 16-27-10	DEEP	Adopt classification of Classes I, II and III motor carriers of passengers according to ICC's Uniform System of Accounts
16-140-7 to 16-140-33	DEEP	Clearances on railroads with reference to overhead and side structures and parallel tracks
16-271-1 to 16-271-38	DEEP	Natural gas pipe line companies design, construction, and regulations
16-333-54	DEEP	Cable TV rate regulation
16a-42g-1 to 16a-42g-10	OPM	Loans for payment of home heating fuel bills
17-2-78	DSS	Cost standards for hearing aids purchased on behalf of Medicaid recipients: billing procedures
17-2-81 to 17-2-82	DSS	Cost standards for hearing aids purchased on behalf of Medicaid recipients: criteria for determining length of need, bill for medical and surgical supplies
17-2-119	DSS	Policy and procedures governing the billing and payment for prescription drugs on behalf of Medicaid recipients: services requiring prior authorization
17-2-207	DSS	Transfer of assets pilot voluntary work program
17-3g-1	DSS	Statewide listing of income maintenance offices
17-3h-1	DSS	Plan for statewide coverage for services provided by the Department of Income Maintenance
17-31l-1 to 17-31l-3	DSS	Reporting incidents of suspected spouse abuse
17-31w-1	DSS	Crime prevention and safety measures
17-134d-2	DSS	Grant of medical assistance (Medicaid) for certain medical and remedial care and services
17-134d-7	DSS	Services for functionally disabled clients who have no vocational objective; definitions
17-134d-8	DSS	General provisions of services for functionally disabled clients who have no vocational objective
17-134d-10	DSS	Reimbursement for routine medical visits for title XIX recipients residing in homes for the aged
17-134d-11	DSS	Medicaid recipient surveillance and utilization review program
17-134d-20	DSS	Acute care general hospital inpatient weekend admissions and discharges under title XIX (Medicaid)
17-134d-40	DSS	Acute care hospital outpatient clinic reimbursement rate
17-273-11	Psychiatric Security Review Board	General Assistance Program: relatives legally liable for support
17-292d-1	DSS	Hearings for General Assistance recipients
17-478-1 to 17-478-9	DSS	Opportunities Industrialization Center

17-590-1 to 17-590-7	DSS	TRANSFERRED
17a-7-1 to 17a-7-11	DCF	Placement of children and youth on aftercare conditions, termination, revocation
17a-7a-1 to 17a-7a-9	DCF	Standard leave and release policies for juvenile offenders
17a-12-1 to 17a-12-6	DCF	Hearings on placement of children and youth in state-operated mental health facilities
17a-15-1 to 17a-15-11	DCF	Treatment plan and hearings regarding the placement of children and youth in state-operated mental health facilities
17a-16-14 to 17a-16-18	DCF	Right of child to a hearing before DCF transfers him or her to an out-of-state facility
17a-42-1 to 17a-42-5	DCF	Establishment of a photo-listing service for children legally free for adoption
17a-90-1 to 17a-90-13	DCF	Fair hearings for persons aggrieved by the denial, suspension, reduction, or discontinuance of a cash benefit or vendor payment on behalf of a child
17a-100-1 to 17a-100-14	DCF	Removal hearings for out-of-home care providers
17a-101-11 to 17a-101-13	DCF	Circumstances requiring and procedures for immediately removing of a child from home for 96 hours
17a-101(e)-1 to 17a-101(e)-6	DCF	TRANSFERRED
17a-114-14 to 17a-114-24	DCF	Certification of relatives providing foster care to a related child
17a-155-1 to 17a-155-35	DCF	Licensing of nondepartment organizations to provide permanent care to handicapped children in home environment and family setting
17a-218-8 to 17a-218-17	Department of Developmental Services (DDS)	Respite programs to provide temporary care to developmentally disabled individuals to provide relief to a family caretaker or community training home provider
17a-244-1 to 17a-244-8	DDS	Unified School District #3 eligibility, compliance, responsibility; school district established within former Department of Mental Retardation
17a-345-111	Aging Department	Administrative provisions: Forms, handbooks and other materials
17b-192-1 to 17b-192-12	DSS	Requirements for payments of services provided under the state-administered general assistance program
17b-262-684 to 17b-262-692	DSS	Requirements for payment under the Connecticut pharmaceutical assistance contract to the elderly and the disabled
17b-605-10a to 17b-605-16a & 17b-605-18a	DSS	Personal Care Assistance Program
18-101i-4	Department of Correction (DOC)	Timing of public comment requirements for proposed budget for community correctional services
18-101k-3	DOC	Schedule for the application, review, and award or denial of requests for funds, and providing for the waiver or amendment of such formula schedule
19-13-B39	DPH	Swimming pools and bathing places: quality of water supplies made available for public and for employees
19-13-B50	DPH	Process for setting separation distances between wells, springs, and sewage disposal systems or drains in the

		case of public or semi-public water supplies
19-13-E1 to 19-13-E4	DPH	Protection against occupational exposure to tetraethyl lead
19-13-G16	DPH	Air pollution emission standards for incinerators
19-300t-1 to 19-300t-13	DEEP	Sodium fluoroacetate use, storage, disposal
19a-17n-1	DPH	Malpractice insurance purchase program for physicians; definitions
19a-17n-2	DPH	Participation conditions for malpractice insurance purchase program
19a-32b-3 to 19a-32b-5	DPH	Grants for promoting income tax contribution system and breast cancer research and education fund
19a-74a-1	DPH	Information about nicotine sources; definitions
19a-74a-2	DPH	Requiring department to use information about nicotine sources on file with Federal Trade Commission
19a-92a-1	DPH	Conditions for certain medical professionals performing tattooing
19a-121b-1 to 19a-121b-3 & 19a-121b-7	DPH	Allocation of AIDS funding
19a-160-100 to 19a-160-119	DPH	Budget review for short-term acute care hospitals
19a-160-121 to 19a-160-129	DPH	RESERVED
19a-166-1 to 19a-166-5	DPH	Negotiating discounts with hospitals
19a-167g-53	DPH	RESERVED
19a-167g-69	DPH	RESERVED
19a-167g-71	DPH	RESERVED
19a-167g-74 to 19a-167g-80	DPH	RESERVED
19a-167g-83 to 19a-167g-89	DPH	RESERVED
19a-167g-92	DPH	RESERVED
19a-167g-95 to 19a-167g-99	DPH	RESERVED
20-111-1 to 20-111-10	DPH	Continuing education requirements for annual license renewal by dental hygienists
20-128-8	DPH	State Board of Examiners in Optometry; continuing education requirements for annual license renewal
20-162o-1	DPH	Application fees for respiratory care practitioners
20-195o(c)-1 to 20-195o(c)-7	DPH	Continuing education for clinical social workers
21a-274a-1 to 21a-274a-2 & 21a-274a-5 to 21a-274a-12	OPM	Drug Enforcement and Safe Neighborhoods programs
22-33-A1 to 22-33-B2	Department of Agriculture (DoAg)	Connecticut standard grades for potatoes and Charter Oak Brand potato; requirements for packagers
22-35-1 to 22-35-2	Department of Consumer Protection	Seed potatoes wholesale and retail transactions, certified seed potatoes exempt

	(DCP)	
22-36-1 to 22-36-2	DoAg/DCP	Potato culls: Labeling and invoice description
22-51-1 to 22-51-8	DoAg	Connecticut standards for apples
22a-113b-1	DEEP	Grants for the protection of coves and embayments
22a-174-21	DEEP	Control of carbon monoxide emissions
22a-174-36a	DEEP	Requiring all heavy-duty diesel engines sold in Connecticut to be certified by the California Air Resources Board as approved for sale in California
23-65g-1	DEEP	Voluntary registration for foresters
23-65g-2	DEEP	Voluntary registration for loggers
26-48-5a(d)	DEEP	Required number of released animals for purpose of hunting propagated animals
26-48-5a(e)	DEEP	Required release of animals for hunting of propagated animals need not occur at the same time as the hunting
26-55-3(c) to 26-55-3(f)	DEEP	Restrictions on possession of wood turtles, eastern box turtles, eastern hognose snakes, and eastern ribbon snakes
26-66-8	DEEP	Reporting and labeling requirements for the sale of game animals and parts of game animals
26-66-12(e)(2)(B)(ii)	DEEP	Wild turkey hunting regulations
26-78-2	DEEP	Conditions on possession of bog turtles
26-86a-7	DEEP	Deer hunters required to wear fluorescent orange clothing
26-112-47(a)	DEEP	Defining Enfield Dam Shad Fishing Area and restrictions
26-235-1	DoAg	Designating recreation clamming areas at Westport, Cockenoe Island, and Sherwood Island
27-102I(d)-4(d) to 27-102I(d)-4(f)	Department of Veterans Affairs (DVA)	Board of trustees reviews and approves certain regulations prior to their adoption and submits annual report to the governor and Public Safety committee with recommendations for new programs and improving services to veterans
27-102I(d)-8	DVA	Reserved for future regulation
27-102I(d)-139	DVA	Desk review and informal conferences regarding disagreement by veteran with an agency decision
27-102I(d)-161	DVA	Content of the Veteran Handbook governing conduct and rules in the Veterans Home
27-102I(d)-170	DVA	Regulated activities: Activities of daily living
27-102I(d)-171	DVA	Regulated Activities: Motor vehicles
27-102I(d)-172	DVA	Regulated Activities: Inspection of motor vehicles, packages, and containers
27-102I(d)-173	DVA	Regulated Activities: Locker inspections
27-102I(d)-175	DVA	Regulated Activities: Authorized absences while in residence
27-102I(d)-176	DVA	Regulated Activities: Suspension of off-grounds privileges
27-102I(d)-177	DVA	Regulated Activities: Bed assignment and living area
27-102I(d)-178	DVA	Regulated Activities: Curfew and bed check
27-102I(d)-179	DVA	Regulated Activities: Pets

27-102(d)-180	DVA	Regulated Activities: Lending and borrowing money
27-102(d)-181	DVA	Regulated Activities: Off-limits and restricted areas
27-102(d)-182	DVA	Regulated Activities: Visitors
27-102(d)-183	DVA	Regulated Activities: Use of electrical devices
27-102(d)-184	DVA	Regulated Activities: Medical care
27-102(d)-185	DVA	Regulated Activities: Possession and consumption of alcohol
27-102(d)-187	DVA	Regulated Activities: Transportation
27-102(d)-300(d)(1) to 27-102(d)-300(f)	DVA	Office of advocacy and assistance – course requirements for service officers
27-102(d)-342	DVA	Headstones In Private and State Cemeteries: technical approval
27-102(d)-343	DVA	Headstones In Private and State Cemeteries: technical denial
29-200-1a to 29-200-5a	Department Emergency Services and Public Protection (DESPP)	Vertical and inclined wheelchair lifts, inclined stairway chairlifts and limited use, limited access elevators
31-19-1 to 31-19-4	Department of Labor (DOL)	Regulations for employment of women between 1 a.m. and 6 a.m.
31-37-1 to 31-37-14	DOL	Sanitation facilities in workplaces
31-46a-228	DOL	Industrial safety code
31-51k-1 to 31-51k-2	DOL	Employment of people unlawfully present in the U.S.
31-60-3	DOL	Allowing cost of food and lodging provided to employee to be factored into calculation of minimum wage
31-62-A2 to 31-62-A11	DOL	Minimum fair wage rates for persons employed in beauty shops
31-62-B1 to 31-62-B2 & 31-62-B4 to 31-62-B7	DOL	Minimum fair wage rates for persons employed in the laundry occupation
31-62-C1 to 31-62-C2 & 31-62-C4 to 31-62-C8	DOL	Minimum fair wage rates for persons employed in the cleaning and dyeing occupation
31-62-E6	DOL	Allowing cost of food and lodging provided to restaurant and hotel employees to be factored into calculation of minimum wage
31-62-E7	DOL	Restrictions on deductions countable against minimum wage rate for employers of restaurant and hotel workers
31-136-1 to 31-136-6	DOL	Governor's Committee on Employment of People with Disabilities; establishment
31-222-12	DOL	Unemployment Compensation: Workers to secure Social Security account numbers
31-222-16	DOL	Unemployment Compensation: Permissible terms under which to terminate employment of a pregnant woman
31-222-17	DOL	Unemployment Compensation: Disqualification period for voluntary quits, discharges, and suspensions
31-236-38	DOL	Unemployment Compensation eligibility: Discharge—just cause
32-9bb-1 to 32-9bb-	DECD	Administration of and eligibility for dam repair loan funds

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32-9hh-1 to 32-9hh-6	DECD	Child Care Facilities Loan Program
32-9nn-1 to 32-9nn-6	DECD	Loans to businesses impacted by road and bridge repair
32-55-1 to 32-55-6	DECD	Surety bond guarantee program for small contractors
32-72-1 to 32-72-5	DECD	Enterprise zone capital formation revolving loan fund
32-82-1 to 32-82-8	DECD	Small Contractors and Small Manufacturers Loan Program
32-90-1 to 32-90-3	DECD	Motion Picture Film Commission role, organization
32-116-1 to 32-116-6	DECD	Infrastructure Development Economic Assistance Program
32-130-1 to 32-130-5	DECD	Loan Incentives for Employment Fund
32-150-1a & 32-150-2a to 32-150-6	DECD	Employee ownership loans and interest rate subsidies
32-156-1 to 32-156-5	DECD	Northeast Connecticut Capital Assistance Fund
32-162-1 to 32-162-8	DECD	Exporters Revolving Loan Fund
32-317-1 to 32-317-9	DECD	Energy Conservation Loan Program
36a-332-1 to 36a-332-8	Department of Banking	Maximum deposit liability, collateral, and reports by qualified public depositories
36a-333-1 to 36a-333-2	Department of Banking	Protection of public deposits
36a-412-1 to 36a-412-3	Department of Banking	Supervision and examination of out-of-state banks
36a-446-1 to 36a-446-5	Department of Banking	Share accounts with an agreed maturity in Connecticut credit unions
36a-458-1	Department of Banking	Defining risk assets of Connecticut credit unions
38a-434-1	Insurance Department	Adopting official guide for submitting accident and health insurance contracts for approval
38a-660-1 to 38a-660-7	Insurance Department	Bail bond producers application and renewal
48-52-1 to 48-52-6	OPM	Mediation process between property owners and state agencies concerning eminent domain and related relocation assistance
54-125b-1	Board of Pardons and Paroles	Criteria and procedures for release of inmates without parole hearing

## § 60 — REPEALING SECTIONS OF THE GENERAL STATUTES

The bill repeals numerous statutory provisions, as shown in Table 3.

**Table 3: Statutes Repealed**

<b>Statute</b>	<b>Agency</b>	<b>Subject</b>
4-67q	OPM	Licensing agreements for posting codes and standards online
5-266c	DAS	Issuance of necessary and appropriate regulations regarding

		political activities of certain executive and judicial branch employees
13b-38b	DOT	Funding criteria for ridesharing organizations; requires regulations
15-140v	DEEP	Requires regulations for reinstating a revoked boating certificate
17a-107	DCF	Requires regulations on child abuse or neglect reporting and enforcement
19a-17n	DPH	Requires adoption of regulations setting eligibility conditions for physicians to participate in the malpractice insurance purchase program, which provides malpractice liability insurance for up to one year to qualified medical professionals providing services at a community health center
19a-74a	DPH	Requires regulations regarding nicotine yield of tobacco products
19a-121b	DPH	Adopting regulations regarding HIV and AIDS grant program
22a-66y	DEEP	Restrictions on the use and sale of sodium fluoroacetate; authorizes regulations
31-38a	DOL	Sanitary, lighting, and heating rules for railroad workplaces
31-38b	DOL	Enforcement authority regarding sanitary, lighting, and heating requirements for workplaces
31-51k	DOL	Prohibiting employment of people unlawfully present in the U.S.

## **BACKGROUND**

### ***Repealing Regulations***

Article Second of the state constitution allows the legislature to delegate regulatory authority to the executive branch, except that the legislature or a committee thereof (i.e., the Regulation Review Committee) may disapprove a regulation in a manner prescribed by law. It is unclear whether this provision permits the legislature to repeal regulations that have already been approved.

### ***Involuntary Commitment of Adults and Children with Mental Illness***

For both children and adults, long-term involuntary commitment requires a probate court hearing and medical examinations by at least two court-appointed doctors (including one psychiatrist). An adult has the right to counsel, and the court automatically appoints counsel for a child in such hearings (CGS §§ 17a-77, 17a-498).

To commit a child, a court must find clear and convincing evidence that (1) the child (a) suffers from a mental disorder and (b) is in need of hospitalization to treat the disorder, (2) treatment is available, and (3) hospitalization is the least restrictive alternative available (CGS § 17a-77(e)). To commit anyone age 16 and older, the court must find clear and convincing evidence that the person has psychiatric disabilities

and is dangerous to himself or herself or others or gravely disabled (CGS § 17a-498(c)).

The law also allows physicians and certain health professionals to commit such individuals involuntarily on an emergency basis for up to 48 hours or, if a physician orders the hold, up to 15 days. During an emergency commitment, the person has the right to a probable cause hearing within 72 hours of submitting a written request.

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 9 Nay 5 (03/24/2014)