



PROPOSED REGULATIONS REJECTED IN 2013 AND 2014

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ISSUE

What proposed regulations did the legislative Regulation Review Committee disapprove or reject without prejudice in 2013 and 2014?

SUMMARY

Adopting agency regulations in Connecticut is a multi-step process that begins when the legislature enacts a new law that either authorizes or requires an agency to adopt new regulations. The Uniform Administrative Procedure Act (UAPA) governs this process, which includes an agency submitting proposed regulations to the General Assembly's Regulations Review Committee for approval.

The committee may approve, disapprove, or reject a proposed regulation in whole or in part. If it does not act within 65 days, the regulation is deemed approved. If the committee disapproves a regulation, the agency cannot issue any regulation or directive and cannot take any action to implement the disapproved regulation unless the legislature reverses the committee's decision. If the committee rejects a required regulation without prejudice, the agency must submit a revised version to the committee (CGS § 4-170). For more information on the process of adopting regulations, please see OLR Report 2015-R-0064.

In 2013 and 2014, the Regulation Review Committee rejected 19 proposed regulations, all without prejudice, from 10 agencies. No regulations were disapproved. Following rejection, 17 of the 19 regulations were later approved in whole or with technical corrections, substitute pages, or deletions.

Of the two regulations that were not later approved, one relates to affirmative action plans, proposed by the Commission on Human Rights and Opportunities, and the second relates to provider audit requirements, proposed by the Department of Social Services. Tables 1 and 2 below show the agency, subject, and final disposition of each rejected regulation.

Table 1: 2014 Rejected Regulations

Agency	Subject Matter	Number of rejected regulation	Mandatory or Permissive according to LCO Report	Final disposition of regulation
Department of Labor	Short-time compensation	2014-009	Mandatory	Later approved with technical corrections as 2014-009A
Department of Energy & Environmental Protection	Lake Waramaug slow-no-wake zone	2014-018	Mandatory	Later approved in whole as 2014-018A
Commission on Human Rights & Opportunities	Affirmative action plans	2014-019	Mandatory	Rejected without prejudice on 11/25/2014 and 12/18/14
Department of Social Services	Provider audit requirements	2014-021	Mandatory	Rejected without prejudice on 11/25/2014 and 12/18/14 Filing extension request approved on 2/4/15 by the Regulation Review Committee

Table 2: 2013 Rejected Regulations

Agency	Subject Matter	Number of rejected regulation	Mandatory or Permissive according to LCO Report	Final disposition of regulation
Connecticut Siting Council	Wind regulations	2012-054B	Mandatory	Later approved with substitute pages as 2012-054E in 2014
Connecticut Siting Council	Wind regulations	2012-054C	Mandatory	Later approved with substitute pages as 2012-054E in 2014
Department of Consumer Protection	Controlled substances	2013-002	Mandatory	Later approved in whole as 2013-002B

Table 2: 2013 Rejected Regulations (continued)

Agency	Subject Matter	Number of rejected regulation	Mandatory or Permissive according to LCO Report	Final disposition of regulation
Department of Consumer Protection	Controlled substances	2013-002A	Mandatory	Later approved in whole as 2013-002B
Department of Insurance	Holding Company Act	2013-003	Permissive	Later approved with technical corrections as 2013-003A
Department of Energy & Environmental Protection	Air quality-Nitrogen Oxides Program	2013-004	Permissive	Later approved in whole as 2013-004A
Department of Insurance	Credit for reinsurance	2013-008	Mandatory	Later approved with technical corrections as 2013-008A
Department of Energy & Environmental Protection	Remediation standard & environmental land use restrictions	2013-010	Mandatory	Later approved with technical corrections and deletions as 2013-010A
Department of Social Services	Payment of behavioral health clinic services	2013-011	Permissive	Later approved with technical corrections and deletions as 2013-011A
Department of Economic & Community Development	Tenant rights in state public housing	2013-013	Mandatory	Later approved with technical corrections as 2013-13C
Department of Energy & Environmental Protection	Hunting & trapping regulations	2013-021	Mandatory	Later approved in whole as 2013-021A
Department of Public Health	Public drinking water quality standards	2013-023	Mandatory	Later approved with technical corrections as 2013-23B
Department of Energy & Environmental Protection	Falconry regulations	2013-030	Permissive, but a federal requirement	Later approved with technical corrections and deletions as 2013-030A

Table 2: 2013 Rejected Regulations (continued)

Agency	Subject Matter	Number of rejected regulation	Mandatory or Permissive according to LCO Report	Final disposition of regulation
Department of Energy & Environmental Protection	Storage of volatile organic compounds	2013-037	Mandatory	Later approved with technical corrections as 2013-037A
Department of Administrative Services	State Building Code	2013-038	Mandatory	Later approved with technical corrections and substitute pages as 2013-038B

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