



MANDATORY REGULATIONS NOT ADOPTED

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ISSUE

Identify regulations required by law (i.e., “mandatory regulations”) that agencies have not promulgated to date. This report partially updates OLR Report 2009-R-0218.

For more detailed information on the regulation-adoption process, see OLR Report 2015-R-0064.

SUMMARY

By law, state agencies may be authorized or required to adopt regulations, and the Uniform Administrative Procedure Act (UAPA) governs, among other things, the regulation-adoption process ([CGS § 4-166 et seq.](#)). By December 1 annually, the UAPA requires each state agency to give the Regulation Review Committee a list of mandated regulations that, as of that date, it failed to either (1) submit to the committee for approval or (2) resubmit after the committee rejected them without prejudice. The list must include:

1. every section of the statutes requiring the agency to adopt regulations by January 1 of that year,
2. a date by which it proposes to submit or resubmit the regulations, and
3. a written explanation for why it did not meet the deadline (CGS § 4-170b).

By February 15 of the following year, the committee chairpersons must submit to the legislature a compiled list, by agency, of the outstanding mandated regulations ([CGS § 4-171](#)).

The Regulation Review Committee reports that, in connection with the December 2014 deadline, it received letters from five agencies. The letters indicated that the agencies have mandatory regulations covering seven subjects that they had not submitted to the committee for approval. It is unclear whether agencies that did not report to the committee may also have outstanding mandatory regulations.

2014 RESULTS

Table 1 lists the five agencies that submitted letters to the Regulations Review Committee. It describes briefly the seven regulations not yet submitted, and their status. The agencies sent the letters between November 14, 2014 and January 16, 2015.

Table 1: Mandatory Regulations Not Adopted

| Agency | Statute (CGS §) | Subject | Status |
|--|-------------------------------|--|---|
| Administrative Services, Department of (State Insurance and Risk Management Board) | 4e-43 | Guidance to state contracting agencies concerning certain insurance requirements for architectural and engineering services | In the process of drafting, in consultation with the State Contracting Standards Board, as required by law |
| | 5-219 | Fees for state job examinations | Does not plan to charge the fee at this time; will pursue legislation to clarify that regulations are required only if the agency decides to implement any fees |
| Emergency Services and Public Protection, Department of | 53-202b(b)(4) | Designations of certain semiautomatic pistols that may be sold for use in Olympic games | In development, but the timetable for adoption is uncertain |
| Insurance Department | 38a-481(b) | Rate review criteria for individual health insurance plans | Department indicated that these regulations are unnecessary because the current rate review process complies with federal law and actuarial standards of practice |
| Protection and Advocacy for Persons with Disabilities, Office of | 4-167 | General description of the office, its rules of practice, and how the public can access information on its regulations and other written documents | In the process of writing regulations and meeting with assistant attorney general assigned to the office |
| | 4-196 | Purpose of, maintenance of, and procedures associated with personal data | Same as above |

Table 1 continued

| Agency | Statute (CGS §) | Subject | Status |
|-----------------------------------|----------------------------|---|--|
| Social Services, Department of | 17b-278h | Requirements for state- funded payment of chiropractic services for adults | In the process of reviewing public comments and determining how to revise the proposed regulations in response |

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