



CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
EXECUTIVE DIRECTOR, CT LEGAL RIGHTS PROJECT, INC.
Committee on Government Administration and Elections, February 22, 2016

OPPOSED TO: S.B. 16, “AN ACT INCREASING AGENCY EFFICIENCY IN THE
REGULATION PROCESS”

Good afternoon Senator Cassano, Representative Jutila, and members of the Government and Administration and Elections Committee.

My name is Kathy Flaherty, and I am the Executive Director of Connecticut Legal Rights Project (CLRP), a statewide non-profit agency that provides legal services to low income adults with serious mental health conditions. I live in Newington. CLRP was established in 1990 pursuant to a Consent Order which mandated that the state provide funding for CLRP to protect the civil rights of DMHAS clients who were hospitalized, as well as people living in the community, to the extent resources permitted. CLRP represents clients in accordance with their expressed preferences in administrative, judicial, and legislative venues to enforce their legal rights and assure that personal choices are respected and individual self-determination is protected.

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State agency regulations impact the lives of our clients daily, because they utilize many programs administered by state agencies in order to maintain their recovery and be integrated into our community. Housing assistance through the Rental Assistance Program is only one of the programs which support CLRP clients living in the community – others include State-Administered General Assistance (SAGA), SNAP (food stamps), Medicaid, and Unemployment Compensation. It is through a thorough understanding of the regulations, and the application of those regulations to the facts of a particular client’s case, that CLRP attorneys and other legal services attorneys are able to effectively advocate on behalf of their clients.

CLRP is opposed to S.B. 16 because it removes an opportunity for public input on proposed regulations and decreases transparency in government.

A statute that requires an agency to develop regulations to implement a program is a delegation of a function that is essentially a legislative one. The proposal, which would permit an executive branch agency to make a determination that it is unnecessary for regulations to be developed even after the legislative branch of government has already expressed through statute that regulations should be written, represents an inappropriate reapportionment of governmental functions. The regulation review process of the Regulations Review Committee is part of the checks and balances of government. It is the one guarantee that the public will have an opportunity to comment on, and make recommendations for improving, proposed regulations before they become effective. Allowing the writing (or non-writing) of regulations to take place

solely within the walls of each executive branch agency tasked with the responsibility of drafting regulations removes any requirement on the agency to implement regulations.

We recognize that the state is facing fiscal challenges and therefore has a need to streamline processes and eliminate redundancies. However, the regulation review process is not one in which the response to the need for efficiency is to eliminate the process entirely and place all responsibility within the executive branch of government, with no requirement of providing an opportunity for legislative review and public input.