



General Assembly

February Session, 2016

Governor's Bill No. 16

LCO No. 550



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:

SEN. LOONEY, 11th Dist.

SEN. DUFF, 25th Dist.

REP. SHARKEY, 88th Dist.

REP. ARESIMOWICZ, 30th Dist.

***AN ACT INCREASING AGENCY EFFICIENCY IN THE REGULATION
PROCESS.***

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

1 Section 1. Subsection (c) of section 4-168 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (c) (1) If an agency is required by a public act to adopt regulations,
5 the agency, not later than five months after the effective date of the
6 public act or by the time specified in the public act, shall post on the
7 eRegulations System notice of its intent to adopt regulations. If the
8 agency fails to post the notice within such five-month period or by the
9 time specified in the public act, the agency shall submit an electronic
10 statement of its reasons for failure to do so to the Governor, the joint
11 standing committee having cognizance of the subject matter of the

12 regulations and the standing legislative regulation review committee
13 and on and after the certification date, post such statement on the
14 eRegulations System. The agency shall submit the required regulations
15 to the standing legislative regulation review committee, as provided in
16 subsection (b) of section 4-170, not later than one hundred eighty days
17 after posting the notice of its intent to adopt regulations, or
18 electronically submit a statement of its reasons for failure to do so to
19 the committee. The provisions of this subsection shall not apply to any
20 required regulation that a department head has determined to be
21 unnecessary pursuant to subdivision (2) of this subsection.

22 (2) Notwithstanding any provision of the general statutes, any
23 agency with a department head, as defined in section 4-5, shall not be
24 required to adopt regulations if the department head determines the
25 statutory provision requiring the adoption of such regulations to be
26 sufficient to enforce the statutory provisions that would otherwise be
27 the subject of such regulations. Any department head who makes such
28 a determination shall sign and submit a certification explaining such
29 determination to the Governor, the Attorney General and the standing
30 legislative regulation review committee.

31 Sec. 2. Subsection (h) of section 4-168 of the general statutes is
32 repealed and the following is substituted in lieu thereof (*Effective*
33 *October 1, 2016*):

34 (h) [If an agency finds (1) that] An agency may make technical
35 amendments to or repeal an existing regulation [are necessary because
36 of (A)] to (1) facilitate the statutory transfer of functions, powers or
37 duties from the agency named in the existing regulation to another
38 agency, [(B)] (2) reflect a change in the name of the agency, [(C)] (3)
39 transfer sections of the regulation to correspond with the renumbering
40 of the section of the general statutes containing the statutory authority
41 for the regulation, [or (D) a correction in the numbering of the
42 regulation, and] (4) transfer or reorganize sections of the regulation
43 with no substantive changes, [are proposed] (5) make a specific change

44 to the regulation as directed by a public act, (6) update or correct
45 contact information contained in the regulation, or [(2) that the] (7)
46 repeal [of] a regulation [is necessary] because the section of the general
47 statutes under which the regulation has been adopted has been
48 repealed and has not been transferred or reenacted. [, it may elect to
49 comply] The agency may adopt any such amendments to or repeal of a
50 regulation in accordance with the requirements of subsection (a) of this
51 section or may proceed without prior notice, [or] hearing or public
52 comment period, provided the agency has posted such amendments
53 [to] or repeal [of a regulation] on the eRegulations System. Any such
54 amendments to or repeal of a regulation shall be submitted in the form
55 and manner prescribed in subsection (b) of section 4-170, to the
56 Attorney General, as provided in section 4-169, and to the standing
57 legislative regulation review committee, as provided in section 4-170,
58 for approval and upon approval shall be submitted to the office of the
59 Secretary of the State for posting on the eRegulations System. [with, in
60 the case of renumbering of sections only, a correlated table of the
61 former and new section numbers.]

62 Sec. 3. Subsection (g) of section 4-168 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2016*):

65 (g) (1) An agency may proceed to adopt an emergency regulation in
66 accordance with this subsection without prior notice, [or] hearing or
67 public comment period or upon any abbreviated notice, [and] hearing
68 and public comment period that it finds practicable if (A) the agency
69 finds that adoption of a regulation upon fewer than thirty days' notice
70 is required (i) due to an imminent peril to the public health, safety or
71 welfare or (ii) by the Commissioner of Energy and Environmental
72 Protection in order to comply with the provisions of interstate fishery
73 management plans adopted by the Atlantic States Marine Fisheries
74 Commission or to meet unforeseen circumstances or emergencies
75 affecting marine resources, (B) the agency states in writing its reasons
76 for that finding, and (C) the Governor approves such finding in

77 writing.

78 (2) [An] The agency shall submit an electronic copy [shall be
79 submitted] to the standing legislative regulation review committee in
80 the form prescribed in subsection (b) of section 4-170, together with a
81 statement of the terms or substance of the intended action, the purpose
82 of the action and a reference to the statutory authority under which the
83 action is proposed. [, not later than ten days, excluding Saturdays,
84 Sundays and holidays, prior to the proposed effective date of such
85 regulation.] The committee may approve or disapprove the proposed
86 emergency regulation, in whole or in part, [within such ten-day period
87 at a regular meeting, if one is scheduled, or may upon the call of either
88 chairman or any five or more members hold a special meeting for the
89 purpose of approving or disapproving the regulation, in whole or in
90 part] not later than ten calendar days after its submission to the
91 committee. Failure of the committee to act on such regulation within
92 such ten-day period shall be deemed an approval. If the committee
93 disapproves such regulation, in whole or in part, it shall notify the
94 agency of the reasons for its action. An approved emergency
95 regulation [,] shall be posted on the eRegulations System [by the office
96 of the Secretary of the State, may be effective for a period of not longer
97 than] and shall be effective for one hundred twenty days [renewable
98 once for a period of not exceeding] from the date posted. Such one-
99 hundred-twenty-day period may be extended an additional sixty days,
100 provided [notification] the agency posts notice of such sixty-day
101 [renewal is posted] extension on the eRegulations System and sends an
102 electronic copy of such notice [is sent] to the committee. The sixty-day
103 [renewal] extension period may be extended an additional sixty days
104 for emergency regulations described in subparagraph (A)(ii) of
105 subdivision (1) of this subsection, provided the Commissioner of
106 Energy and Environmental Protection requests of the standing
107 legislative regulation review committee an extension of the renewal
108 period at the time such regulation is submitted or not less than ten
109 days before the first sixty-day [renewal] extension period expires and

110 said committee approves such additional extension. Failure of the
111 committee to act on such request within ten days shall be deemed an
112 approval of the extension. Nothing in this subsection shall preclude an
113 agency proposing such emergency regulation from adopting a
114 permanent regulation that is identical or substantially similar to the
115 emergency regulation, but such action shall not extend the effective
116 date of the emergency regulation.

117 [(3) If the necessary steps to adopt a permanent regulation,
118 including the posting of notice of intent to adopt, preparation and
119 submission of a fiscal note in accordance with the provisions of
120 subsection (b) of section 4-170 and approval by the Attorney General
121 and the standing legislative regulation review committee, are not
122 completed prior to the expiration date of an emergency regulation, the
123 emergency regulation shall cease to be effective on that date.]

124 Sec. 4. Subdivision (1) of section 4-189h of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective*
126 *October 1, 2016*):

127 (1) "Agency" has the same meaning as provided in section 4-166, but
128 does not include any department with a department head, as defined
129 in section 4-5;

130 Sec. 5. Section 4-171 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2016*):

132 On or before February fifteenth of each regular session of the
133 General Assembly, the cochairpersons of the standing legislative
134 regulation review committee shall submit to the General Assembly for
135 its study [(1)] a copy of all proposed regulations which have been
136 disapproved by the standing committee under subsection (c) of section
137 4-170. [, and (2) a list by agency of each section of the general statutes
138 that requires the agency to adopt regulations on or before January first
139 of the preceding year which the agency did not submit or resubmit to
140 the committee by December first of such year as provided in section 4-

141 170b.] Such regulations that were disapproved shall be referred by the
 142 speaker of the House or by the president pro tempore of the Senate to
 143 an appropriate committee for its consideration and the committee shall
 144 schedule hearings thereon. The General Assembly may, by resolution,
 145 either sustain or reverse a vote of disapproval of the standing
 146 committee under the provisions of said subsection (c), except that if the
 147 General Assembly fails during its regular session to reverse by
 148 resolution the disapproval of a regulation proposed for the purpose of
 149 implementing a federally subsidized or assisted program, the vote of
 150 disapproval shall be deemed sustained for purposes of this section and
 151 the proposed regulation shall not become effective. Any action of the
 152 General Assembly under the provisions of this section shall be
 153 effective as of the date of passage of the resolution in the second house
 154 of the General Assembly.

155 Sec. 6. Section 4-170b of the general statutes is repealed. (*Effective*
 156 *October 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	4-168(c)
Sec. 2	<i>October 1, 2016</i>	4-168(h)
Sec. 3	<i>October 1, 2016</i>	4-168(g)
Sec. 4	<i>October 1, 2016</i>	4-189h(1)
Sec. 5	<i>October 1, 2016</i>	4-171
Sec. 6	<i>October 1, 2016</i>	Repealer section

Statement of Purpose:

To implement the Governor's budget recommendations.

[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.]