

*Written Testimony for the Committee on
Government Administration and Elections
February 22, 2016*

The Department of Social Services (DSS) offers the following written testimony on **Senate Bill 16, AN ACT INCREASING AGENCY EFFICIENCY IN THE REGULATION PROCESS.**

Section 1- The Department supports the changes in Section 1. This section allows a department head to certify to the Governor, the Attorney General and the Legislative Regulation Review Committee that certain regulations that an agency is required to promulgate are unnecessary because the statutory provisions to be implemented are sufficiently detailed to allow the agency to enforce the statutory provision. This certification would excuse the agency from adopting the otherwise mandatory regulations.

On occasion, DSS has been required by statute to promulgate regulations that were unnecessary due to the prescriptive nature of the controlling statute. In situations where the statute itself provides sufficient authority for the agency to operate, this requirement forces agencies to redirect the limited resources of its legal, policy and fiscal staff. DSS believes that the new authority found in Section 1 will greatly alleviate this problem.

Section 2- The Department supports the changes in Section 2. This section amends subsection (h) of section 4-168 of the General Statutes, which sets forth a list of non-substantive regulatory amendments that an agency may pursue without providing the public with advance notice and an opportunity for comment. In particular, Section 2 authorizes an agency to bypass the notice and comment phase if a specific change is being made to an existing regulation as directed by a public act, or the agency is merely updating or correcting contact information contained in the regulation.

This change will free up agency resources that would otherwise be dedicated to pursuing a regulatory amendment in these situations. Furthermore, providing the public with notice and an opportunity to comment on a specific regulatory change that is mandated by public act leaves the public with the mistaken impression that the agency has some discretion concerning the regulatory amendment. The changes outlined in Section 2 will eliminate this type of confusion.

Sections 6- The Department supports the changes in Section 6. This section repeals section 4-170b of the General Statutes, which requires agencies to file an annual report with the legislative Regulation Review Committee outlining sections of the General Statutes that mandated the adoption of regulations on or before January 1 of that year if such regulations have not yet been submitted or resubmitted to the committee. From the perspective of a large agency like DSS that is responsible for thousands of pages of regulations that are maintained and updated by dozens of

employees, reviewing the General Statutes and investigating the status of outstanding regulations in order to compile this report can be an unnecessarily time-consuming and onerous process. The elimination of this requirement would be greatly appreciated in a time when agency resources are increasingly strained.