

Regulation Review Committee

MEETING MINUTES

Tuesday, January 28, 2020

11:00 AM in Room 1E of the LOB

The meeting was called to order at 11:05 AM by Chairman, Rep. Johnson S. 049.

The following committee members were present:

Senators: Logan G. S17; Miner C. S30; Osten C. S19

Representatives: Arnone T. 058; Carpino C. 032; Johnson S. 049; Klarides-Ditria N. 105; O'Neill A. 069; Rutigliano D. 123; Ziogas C. 079

Absent were:

Senators: Bergstein A. S36; Kelly K. S21; Maroney J. S14

Representatives: Palm C. 036

Representative Johnson stated that LCO would explain to committee members how the day's meeting would proceed.

LCO Rich Hanratty stated that there might be a motion for a regulation on the day's agenda which would delete some language that was proposed by an agency. He stated that the authority the committee has to do that falls under the Uniform Administrative Procedures Act, in section 4-170(c).

Representative Johnson thanked him and stated that this has to do with the resubmittal of the Department of Energy & Environmental Protection Wildlife Division regulation.

2019-027

Board of Pardons and Paroles

PETITION FOR DECLARATORY RULING

LRRC - Approved with Technical Corrections

A motion was made by Representative Carpino and seconded by Representative O'Neill to approve the regulation in whole with technical corrections. The motion passed by voice vote.

2019-023A

Department of Energy & Environmental Protection

WILDLIFE DIVISION - 2018

LRRC - Approved with Technical Corrections & Deletions

A motion was made by Senator Miner and seconded by Representative O'Neill to approve the regulation in whole with technical corrections and deletions.

Senator Osten asked if LCO could explain the issues in the report that caused the change in motion. LCO Brad Towson stated that the deletion will address the substantive concern listed in the LCO report. He explained that subsection (h) in section 2 is what led to LCO recommending the rejection without prejudice.

Representative Johnson asked LCO to cite the deletion. LCO Towson stated that the deletion is language in the regulation that would have given the agency authority to ban the possession or consumption of alcohol in wildlife management areas for up to 150 days.

Representative Johnson asked LCO why that was a problem and why it had to be deleted. LCO Towson explained that statute section 23-4 already provides for the Commissioner's authority to create such a ban on any property under his/her control; however, that section states that if you do so, you must adopt a regulation to specify the location(s) and parameters of such consumption and possession.

Representative Arnone asked if those regulations, once drafted, are resubmitted before the committee. LCO Towson explained that in this instance, they would not come before the committee because this regulation will be approved so the agency will make the changes and file it with the Office of the Secretary of the State to become effective.

Senator Miner clarified that the approval of this regulation does not include the provision that was requested for the agency to ban the possession and consumption of alcohol in locations unless they were to come back for specific regulatory authority to do that.

Representative O'Neill asked if the language had been reviewed or approved by the agency. He furthered that he wanted to know if they were consulted on the formation of it. Senator Miner thanked him and stated that he spoke with Rick Jacobson. He explained that it was his understanding that the agency was willing to have the regulation rejected without prejudice but were concerned that there were other aspects of the regulation that needed to be done. Senator Miner stated that when he asked if the committee were to pull this section out and take action would that be helpful, and they said yes. Senator Miner confirmed that they were consulted and that they concurred with the action that was about to be taken.

Representative O'Neill stated that the way the committee normally would proceed is that it would reject the regulation, the agency would take it and fix it, and then bring it back to the committee. He further explained that there's a reason to move forward today with the parts that don't have problems because of a timeliness factor that's attached to this and that's why it would be happening this way and not the normal way. Senator Miner stated that that was correct and that certain aspects affected hunting, so the hope was to try to get it resolved today since hunting activity is about to begin.

Representative Johnson asked if anyone had any more questions. Hearing none, the motion passed by voice vote.

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 11:14 AM.

Kirstin L. Breiner
Committee Clerk