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Administration and Elections, substitute House Bill 5049, AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION.

SPEAKER SHARKEY:

The distinguished Chairman of the GAE Committee, Representative Jutila.

REP. JUTILA (37th):

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the Joint Committee's Favorable Report and passage of the bill. Will you remark, sir?

REP. JUTILA (37th):

Yes, Mr. Speaker. This -- this bill proposed by the Governor revises certain provisions in the Administrative Procedure Act and also repeals a number of regulations that have been determined to be obsolete or unnecessary or unduly burdensome.

Mr. Speaker, we had a public hearing on the bill. We also had numerous discussions with the Governor's staff. The result was the substitute bill that's

before us, that we believe made some improvements on the original bill.

We have some more improvements, however, Mr. Speaker, and the Clerk has in his possession an amendment, LCO 5485. I would ask that the Clerk call the amendment and that I be granted leave to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 5485, which will be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 5485, introduced by Representative Jutila, et. al.

SPEAKER SHARKEY:

The gentleman seeks leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. JUTILA (37th):

Through you, Mr. Speaker, this is a strike all amendment that makes a -- a number of changes to the substitute bill. It removes the procedural language that affected the Regulations Review Committee.

A couple of the major sticking points as we vetted the bill around the Regulations Review

Committee and other committee chairs. It eliminates the provision that would have permitted an expedited procedure for so-called non-controversial regulations.

And it also maintains the ability of the Regulations Review Committee to approve, in whole, regulations and also do that subject to technical corrections.

Those were two of the key issues that we were able to correct. The amendment also further implements our e-regulations system by making a number of improvements in that area. And it eliminates numerous regulations that, again, I indicated were determined to be either obsolete, unnecessary, or unduly burdensome.

And I would move passage of the amendment, Mr. Speaker.

SPEAKER SHARKEY:

The question is on passage of House Amendment "A". Will you remark? Representative Hwang.

REP. HWANG (134th):

Thank you, Mr. Speaker. This bill is a good effort to streamline government by eliminating unnecessary government regulations and hopeful make

government more responsive to serving the needs of the people that it serves and represents.

I wanted to acknowledge and thank the vigilant efforts of Chairmen Jutila and Musto, along with ranking member McLaughlin, in preserving the integrity and the authority of the General Assembly's Regulation Review Committee.

This bill could not have succeeded without the input of the current Chair of Regs Review, Representative Noujaim, and Senator Ayala, as well as the incoming Chair, in a truly bipartisan basis, Representative Wright and Senator Fasano.

But I also want to acknowledge all the various committee chairs and ranking members who reviewed all the regulations to ensure that no one is hurt and no needed regulations were removed.

So through all that, I urge passage and I think this is an excellent bill and a step forward to streamlining government. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on House Amendment "A"?

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, and good evening, sir.

SPEAKER SHARKEY:

Good evening, sir.

REP. NOUJAIM (74th):

Mr. Speaker, quite honestly, I love the title of this amendment that is before us, AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION. And who is going to argue against eliminating unnecessary government regulations? Not I.

It's something that we all want to do. As a matte of fact, when I spoke with the Governor about it, the Governor said to me I want to make things very transparent. I said yes, Governor, that's all of us want to do the same thing.

So I am very pleased with the fact that we ended up having a very good consensus on it. Initially, the title of the bill was deceiving because it -- it took more than just eliminating unnecessary government regulations.

And quite honestly, Mr. Speaker, I look at the statute and I will tell a little story just to highlight what -- what I am about to explain. Several

years ago, Mr. Speaker, I was hired by a company to run the -- the specific manufacturing company.

And the first thing that I came in to look on day, I wanted to review the procedures of the company. So I started to look at the procedure and the first one that I saw was to talk about the owner of the company and it says when the owner of the company was going to be traveling abroad, they will call, if I remember correctly, Petricon's Limousine and the company driver will drive the owner of the company to Idlewild Airport.

Well, the company did not have a Petricon's Limousine. They did not have a driver. And -- and Idlewild Airport became JFK.

So honestly, the first thing that I wanted to do is to start working and looking at the procedures. And if I am to translate this, Mr. Speaker, to what we have here, basically, I see every commissioner as a manager of a department, simply as I was a manager of a department for that specific company.

So every -- may I have some quiet? I can't hear myself think, Mr. Speaker. Thank you.

So Mr. Speaker, I see every commissioner to be a manager of -- of a department and without somebody

having to tell them, without an executive order, these are the things that should be cleaned up.

As a matter of fact, Mr. Speaker, if I look at the current statute, its Section 4-189i, Subsection B, it basically says, "no later than the date specified by the Regulations Review Committee, each agency shall submit to the Committee a review of the existing regulations, which shall include, but not limited, they agency's recommendation of -- on how it may substantially reduce the number and length of existing regulations."

So it is already in statute. It's something that should be done.

Now, what we are doing in this, Mr. Speaker, is we're taking away -- we're taking away the statute where the -- where the agencies will come to the Regulations Review Committee to repeal regulations. This one-time event is basically going to wipe out hundreds -- hundreds of regulations that are obsolete and we all want obsolete regulations to go away.

So essentially, I am in support of it. This is a one-time deal for agencies to go through the legislative process rather than through the Regulations Review process.

So hopefully in the future, all agencies will abide by the rules, by the law, by the statutes that we have implemented all of us here in this Chamber.

And I would like, Mr. Chairman, to extend the gratitude to Representative Jutila and also to my co-chair, Senator Ayala. Senator Ayala and I worked very, very well insofar as being the chairpeople -- the chairpersons of the Regulations Review Committee.

I would like to extend gratitude to Representative Hwang, also to Representative Wright and to Representative O'Neill for all of the guidance that they have given us, and to the staff because, quite honestly, Mr. Speaker, we met together today for two hours and it shows the non-partisan work between the staff and the legislators on both sides of the aisles.

So as far as I am concerned, it -- it has become a good bill. I'm very pleased to have supported the process to work on it, and I urge my colleagues to adopt it and to vote in support. Thank you, sir.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House "A", please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The Ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended?

If not, staff and guests to the Well of the House, members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Will the members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk please announce the tally.

THE CLERK:

House Bill 5049, as amended by House "A".

Total number voting	141
Necessary for passage	71
Those voting Yea	141
Those voting Nay	0
Absent and not voting	10

SPEAKER SHARKEY:

The bill as amended passes.

The Chamber will stand at ease for a moment.

(Chamber at ease.)

SPEAKER SHARKEY:

Representative Morin.

REP. MORIN (28th):

Thank you, Mr. Speaker. I was in the Chamber doing some work on the previous bill and I didn't cast a vote. So I, at least for the journal, I'd like to be noted as an affirmative vote.

SPEAKER SHARKEY:

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An immediate Roll Call ordered in the Senate. An immediate Roll Call has been ordered in the Senate.

THE CHAIR:

Have all members voted? All members voted? The machine will be closed. Mr. Clerk, will you call the tally.

THE CLERK:

E-Cert.

Total number voting	36
Necessary for passage	19
Those voting Yea	23
Those voting Nay	13
Those absent and not voting	0

THE CHAIR:

The bill passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. We have three additional items to place on Consent for a final Consent Calendar. The first of these is --

THE CHAIR:

Please keep the noise down so we can hear this. Thank you.

SENATOR LOONEY:

Thank you, Madam President. Calendar Page 27, Calendar 577, House Bill 5049, move to place on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

And also, Madam President, Calendar Page 5, Calendar 332, House Bill 5254, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

And Calendar Page 11, Calendar 427, House Bill 5053, place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And also wanted to just verify one other item. I believe that Calendar Page 15, Calendar 465 had been on earlier Consent Calendar.

THE CHAIR:

Yes, sir.

SENATOR LOONEY:

It is? Thank you. If we might call the Consent Calendar, Madam President.

THE CHAIR:

Mr. Clerk, will you call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Immediate Roll Call on Consent Calendar Number 3 has been ordered in the Senate.

THE CHAIR:

Senator Meyer. Senator Meyer. Senator Meyer, will you vote please. Thank you. The machine will be closed.

All members have voted. Mr. Clerk, will you call for the tally.

THE CLERK:

On Consent Calendar Number 3.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Fasano.

SENATOR FASANO:

Thank you, Madam President, while we have a few seconds before we close Session, as people have honored their aides that they've had from the colleges from before, I would like to have Kathleen Timmons come on up. Kathleen has been an aide with me. She has a fantastic resume out of Trinity.

She's the captain of her varsity lacrosse team. She's on the women's basketball team. She's just one very good athlete. She's a very good student. I didn't see much of her because she came and did her work, went to practice, came back. She was a great person to have around the office. She did a great job. I just want to have the Senate just thank her for what she did this session. Thank you, Kathleen.

(Applause.)

THE CHAIR:

At this time I have one more point of personal privilege for Senator Fonfara. Senator Fonfara.

SENATOR FONFARA:

Thank you, Madam President. I'd like the Chamber to recognize my intern from Trinity College, Amanda

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put right where you are. Thank you. And with that welcome Commissioner.

COMMISSIONER DONALD DEFRONZO: Mr. Chairman. Good afternoon -- well it's actually -- I guess it is afternoon. Good afternoon, Senator Musto, Representative Jutila, other distinguished members of the committee. My name is Don Defronzo and I first want to thank the committee for raising three concepts on behalf of DAS and for the opportunity to provide comment on these bills as well as three other bills before the committee. We have submitted more detailed written testimony so I'll just try and highlight my -- my comments in -- in my testimony today.

SB 271
HB 5049
HB 5312
HB 5359

DAS asked the committee to raise Senate Bill 287, AN ACT ELIMINATING AND MODIFYING CERTAIN REPORTING AND REGULATORY REQUIREMENTS OF THE DEPARTMENT'S ADMINISTRATIVE AND REPEALING OBSOLETE PROVISIONS. The purpose of this bill is to eliminate or modify a number of obsolete and or confusing statutory provisions that relate to DAS. Most of these provisions have been identified by the auditors of public accounts and DAS has committed to working with the auditors to repeal or revise the noted provisions. And there's -- there's -- we have a detailed testimony on that so I won't get into that unless there's follow up questioning.

Senate Bill 248, AN ACT CONCERNING PUBLIC WORKS PROJECTS AND THE THRESHOLD FOR COMPETITIVE BIDDING, SUBCONTRACTOR PREQUALIFICATION, CONSTRUCTION MANAGER AT RISK PROJECT DELIVERY CONTRACTS, THE HIRING OF CONSULTANTS AND THE PURCHASING OF CERTAIN PROPERTY AND SERVICES is another DAS bill. It is intended to streamline and improve DAS's construction processes.

DAS is seeking these clarifications based upon an opinion of the Office of the Attorney General that the existing statutory language is not clear. Okay. So I would like again to thank the committee for raising these three bills. I'd also like to make three brief comments on three other bills before the committee.

First DAS wholeheartedly supports the Governor's proposed House Bill 5049, AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATIONS. We've been working with the Governor's staff to identify DAS regulations that are outdated, unnecessary and burdensome or ineffective and we'll continue that process through the session. House Bill 5312, AN ACT REQUIRING AN ONLINE EXPLANATION BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES OF ANY CONTRACT -- OF ANY CONTRACT EXTENDED WITHOUT USING COMPETITIVE BIDDING, directs DAS to post an explanation anytime it extends a contract pursuant to Section 4A-59A and submit an annual report summarize -- summarizing that information. Only a few contracts per year if any are extended pursuant to 4A-59A.

In the past few years DAS has instituted rigorous review and approval processes to reduce the number of contracts that are extended pursuant to section 4A-59A. Indeed DAS processes 250 to 300 contracts per year and has exercised this authority only on three occasions in the past two years. DAS however does not oppose the requirement that DAS post the reasons for the extension of contracts because we agree with the proponents that doing so will provide greater transparency and clarity about the process to vendors, agencies and members of the general public.

of different ones but -- and I'd have to find my elections staff to find out what the exact timing is on some of these deadlines. Maybe is -- is anyone here from elections that can answer? I don't know what the precise deadline is but there is one cure for all of this of course and that's timeliness because if you send these forms in in time for us to rectify any problem then obviously we can fix it because we can send it back to you and say oops this isn't done right.

So if you send it in in a timely way a lot of this gets taken care of but that's like you know saying you should have sent your term paper in on time. You know sometimes it just doesn't happen for one reason or another. But that really is honestly the reason we have these long deadlines for a lot of these things because we want people to send it in so that there are -- there is time to fix anything that might be amiss.

SENATOR MUSTO: Okay. All right.

SECRETARY OF STATE DENISE MERRILL: So.

SENATOR MUSTO: Thank you. Other questions? No. Thank you very much, Madam Secretary.

SECRETARY OF STATE DENISE MERRILL: You're welcome.

SENATOR MUSTO: Next we have Chris Drake. Afternoon.

HB 5358

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Senator Musto, Representative Jutila and other distinguished members of the GAE Committee, my name is Christopher Drake. I'm Deputy General Council to Governor Malloy and I'm here on his behalf to testify in support of House Bill 5049. I see the Clerk handing out our rather

large packets. Is that what's going on? I hope that my oral testimony and most definitely our written testimony is helpful to the committee in sorting through this somewhat long and complicated bill. I don't intend to detail every change detailed by this bill although I'm happy to answer any questions that the committee might have.

Rather I wanted to provide the committee with the three major reasons that the Governor is submitting this bill and highlight a few of its major provisions. In October the Governor signed Executive Order 37 which required each agency that directly reported to him to undertake a comprehensive evaluation of its regulations to identify those that were outdated, unnecessarily burdensome, inefficient or ineffective. This analysis made clear that many regulations are outdated and need amending.

When we asked our agencies why this is so the primary response that we received was that the current regulatory process is too slow to make frequent updates practical. So therefore the biggest change that is sought in this bill is section two of this which proposes something we are calling streamlined regulation making to help facilitate more frequent updating of regulations. The concept is borrowed from section 310 of the model UAPA and also from a -- a rule called fast-track regulation making that they have in the Commonwealth of Virginia. Under our proposal an agency could designate a proposed regulation as noncontroversial.

If no objection is received within in 30 days by 15 or more persons or a group representing 15 or more persons or by any member of the General Assembly then the regulation would

automatically go into effect without further process. We believe this procedure will assist agencies in quickly updating their regulations with respect to routine changes but will also preserve the current regulation process for those regulations merit further -- merit further public debate and legislative oversight.

The second reason for this bill is that in response to Executive Order 37 many agencies identified regulations that were so outdated or unnecessary that they should be repealed. And if anyone's taken a look at the bill section 33 is a rather long laundry list of those repealers. So we've compiled those all in one list and proposed to repeal them through one legislative act which is section 33.

Indeed for various reasons there were some regulations that should be repealed that didn't make it into the original bill and one of the exhibits attached to my testimony is a list of those regulations that we would like to see added to the repealers section. There are representatives here from the relevant agencies that submitted repeals. There's many of the other sections in the bill are statutory either repeals or changes that are necessary to effect the repeals that we're seeking.

And I should also mention in all that -- although this is a rough count as the Governor mentioned in the State of the State with the regulations that we're seeking to repeal in this bill and with the additional repeals that this constitutes approximately 1,000 pages of our State regulations. Finally our office is currently leading an information technology project in conjunction with the Office of the Secretary of the State to modernize the process

for creating and publishing our State regulations.

This project has been underway for over a year and is scheduled to culminate with the launch of eregulations.ct.gov in the fall. Some of the changes reflected in sections one though ten, and those are the changes that we've made to the -- or that we are recommending to the uniform administrative procedures act are to facilitate the modernization and the move to an electronic regulation system.

The new regulations system will give the public unprecedented access to our State regulations and all the materials that go into the creation of a regulation which our statutes call the regulation making record. I'm personally helping manage this project and I'm happy to answer any questions you have about it. Thank you for your consideration of this bill.

To the end of my testimony we also saw on the committee's agenda one bill that the Governor's Office opposes and that's H.B. 5358, AN ACT AUTHORIZING THE REGULATION REVIEW COMMITTEE TO RECOMMEND THE REPEAL OF OBSOLETE OR BURDENSOME REGULATIONS. Our office strongly opposes this bill. The regulations review committee is precisely what the name indicates. It is a committee to review regulations for -- for legal sufficiency and to ensure the regulations comport with legislative intent. The committee should not reexamine such enact -- should not be the body to reexamine enacted laws, rather it is a subset of the legislature which is not proportionately represented by majority and minority caucuses in the General Assembly.

To vest additional authority in this -- in this committee to identify regulations that it deems

to be obsolete or too onerous would greatly overstep the responsibilities and original intent of this body. This power should and currently does rest with the General Assembly.

The objectives of this proposal can already be addressed through the regular legislative process and the Governor's bill H.B. 5049 that I just spoke about is a good example of that process at work. Fifty three fifty eight adds additional powers to the committee that was not originally intended to have such powers and is not representative of the full General Assembly. If enacted this bill would surely be an additional burden on virtually every regulation adoption State agencies and its goals -- and the goals of this bill can already be addressed through the normal legislative process. Thank you.

REP. JUTILA: Questions from members of the committee? Representative Conroy.

REP. CONROY: Thank you, Mr. Chairman. And thank you for your testimony. I think this is long overdue, these regulations looked at. Can you just tell me why you came to the number of 15 people?

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DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: That's the number of people that would be required under the normal regulation making process to -- to trigger a mandatory public hearing. So in our current regulation process public hearings aren't required. You can comment in written form but a public hearing is not required unless 15 or more persons request a public hearing or a group representing such people. So to keep some balance that was why the number was chosen.

REP. CONROY: Thank you. Thank you for clarifying that.

REP. JUTILA: Other questions? Representative Lesser.

REP. LESSER: Yes. Thank you, Mr. Chairman. And thank you, Attorney Drake. I appreciate your testimony. It's hard for us to fully vet House Bill 5440 -- 5049. There are an awful lot of regulations in there that you're proposing to repeal. And I don't know that we have expertise over every single one.

I've seen the explanations about them. Specifically a number of them -- and I don't know if -- regarding the Department of Children and Families argue that their regulations did not have statutory authorization. And I was curious if you could sort of elaborate the process whereby you're proposing in many cases to eliminate the regulations rather than create the statutory authority.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: So I think I mentioned in my testimony there are other people that know a lot more about these things --

REP. LESSER: Sure.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: -- than me here so if you want to hear from DCF I can have -- step aside and let them testify. What I will mention though is that one of the things we noticed when going through our regulations is that we tended to regulate in the past things that didn't need to be regulated. So regulations are necessary normally when -- when an executive branch agency is intending to impose a rule on the public at large.

Regulations -- and this is defined and we're not seeking to change the definition in this act. Regulations are not necessary when the government is simply regulating itself and that was a lot of -- with respect to the DCF changes that was the rationale behind a lot of their changes that for whatever reason some of their regulations in the past had done -- done things through regulation which really should be done through internal agency policy because there were really either DCF regulating itself or regulating its own employees. And so Barbara Claire is the Legal Director from DCF. I'll just ask her to grab the mic for a minute in case she wants to add anything. Thanks.

BARBARA CLAIRE: Good afternoon. I'm Barbara Claire, the agency legal director for the Department of Children and Families. I -- most of the regulations that you see in there are related to different types of hearings that the Department has. We do have these hearings. Many of them are -- are required under federal law for Title IV-E reimbursement however in the -- there was no -- and believe me I looked trying to find it.

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There was no statutory authority for these regulations in the first place. They were created a long time ago. I don't know why. They don't necessarily -- they don't necessarily reflect current best practice. There is -- you know the UAPA does set out hearing procedure which you know we certainly -- we certainly follow. So there was a -- getting -- having these repealed as an attempt to streamline the hearings process and make sure that -- that the UAPA does apply to all the hearings that we have in a consistent way.

REP. LESSER: Thank you for that answer.

BARBARA CLAIRE: Any other questions?

REP. JUTILA: From other members of the committee any other questions?

REP. LESSER: I have another question for Mr. Drake if that's --

REP. JUTILA: Certainly. Go ahead, Representative Lesser.

REP. LESSER: We've also received testimony from the legal aide -- legal assistants regarding -- just concerns about the proposal to streamline the ratification of noncontroversial regulations. And I was hoping that you could -- I don't know if you'd had a chance to review that testimony and specifically the question of parties who are interested in modifying you know rather than -- rather than repealing it seems you can either be for or against the regulation.

I don't know if that's something that you had looked. And additionally you know the question of if -- if this creates a burden on groups that are less organized and don't have their own -- their own lobbyists. Those were the two specific concerns that I'd seen and I didn't know if there had been time to look at those or have a response at this point.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: I didn't take a look at their written testimony. I just didn't have a chance this morning to take a look at it but we sat down with them for over an hour on Friday afternoon and spoke about these things. I -- I understand their concerns. I will make just I guess two points

about their concerns. One is that our process is not an -- is not either take this path or take that path. So the objective -- if -- if you -- you choose to designate a regulation as noncontroversial like under our proposal and objections are received, then that process is over. That was your one chance of going through this streamlined route.

And then if you want to do that same regulation you'd have to go through the normal regulation route. So -- and as far as the -- the -- it benefitting those who are more organized to the detriment of those who are less organized I understand that is probably true of our current regulations process. I mean our -- our current regulations are noticed.

Now they're put on the Secretary of the State's website. For about 30 years previously they were just published in our Connecticut law journal which if you're -- if you're not organized enough to have a group you certainly don't have a law journal subscription. So I guess I would argue that it's not -- it's not any less notice to the -- to you know Joe Q. Public than -- than it is now.

And I will also say that I probably have a bit of a jaded view on this because I am working on this electronic regulations process so that I sort of envision the world being where -- we're vastly improving transparency and accessibility to our regulations. And like I said in my testimony that is supposed to go live in the fall and that will allow people easy access to email signups, get email blasts whenever an agency makes a regulatory move. So we -- we hope that sort of the dual efforts that we're undertaking here will help mitigate some of the concerns that legal services had.

REP. LESSER: Thank you for your answer.

REP. JUTILA: Other questions? A couple questions. You mentioned in your testimony that the bill would eliminate approximately 1,000 pages of regulations. Is that right?

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Yeah. Put an underline under approximately, it's not very easy to count these things.

REP. JUTILA: Okay. Let me ask you for another approximately if you -- you might have an answer and if you don't that's fine. But do you know how many total pages of regulations there are right now?

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: I do. There's approximately just over 15,000.

REP. JUTILA: Okay. So that -- that gives the committee some idea of the percentage that we would be taking out with this bill. Along the lines of one of Representative Lesser's questions that I had in my mind is we're taking out 1,000 pages of regulations. I doubt if there are too many of us who are going to read every one of those to know exactly what's being eliminated here.

Can you give us some comfort maybe by describing a little bit the processes that each of the executive branch agencies used in determining which regulations to identify for repeal? Just in general, I mean you don't have to go into every detail and maybe you don't know and that's okay. But if you can respond to that.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Sure. So a couple things. There was -- the Governor's Executive Order back in October is what kicked this all off. And -- and that kicked off sort of a dual track process. The first was we opened for two months public comment on any regulation over four months. So we said -- we said to the public come to our website and tell us anything that you don't like about our current State regulations and you can submit it either in this web form that we've or to a dedicated email address. People could send them into -- we would take the snail mail.

So that was -- that was track number one and we received several thousand responses to that that came in through the Governor's website. So the second track was at the same time we asked agencies to sit down and put together a report that said go through your regulations and tell us every single one that either needs to be repealed or amended or some -- for some other reason streamlined because our running hypothesis was that our regulations had not been cared for in some time.

And so at the end of the public comment period, the public comments were put on the Governor's website and provided to the agencies. So at the end of the day the agency was supposed to do an independent analysis of its own regulation and -- and take into account any comments that they received during this -- the two month public comment period. And we are sort of behind -- behind the ball here but our -- we have all the reports from the agencies.

We've provided them to some people who have asked for them but our plan is to package those up provide them on the Governor's website. So from every single direct report agency of which

there are approximately 29 direct report agencies, we have these reports. And if comments came in with respect to that agency's regulations we also have that agency's response to the public comments.

REP. JUTILA: Okay. That's a good -- gives us some sense of the process that the agencies had to go through which I think is helpful. Last question is there have been questions raised about the constitutionality of the legislature repealing a regulation that was adopted by an executive branch agency. Do you have any response to those questions that have been raised?

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Yes. So our office looked into it. We did an independent analysis. We came to the conclusion that there was no separation of powers issue. We -- we discussed the issue with the Legislative Commissioner's Office prior to proposing the Governor's Bill. We received advice from them that they also did not see any separation of powers issue.

And generally being that the -- our rationale is this, that the legislative branch -- the executive branch could not regulate one word if the legislative branch did not provide that authority to do so. So sort of we're flipping roles here but in our view the power that you gave us you can take away. And this is -- and this is one way that you can take it away.

I also point out that for practical reasons, and this isn't a good way to do a legal analysis but for practical reasons all these requests have come in through executive branch agencies. This is a Governor's Bill. The Governor's willing to sign it. So if the

legislative branch is willing to do it, we're willing to sign it and abide by it. So you're not going to get a fight out of us that's a usurpation of power.

REP. JUTILA: Thank you. Senator Musto.

SENATOR MUSTO: Thank you for coming and talking about all of this. I appreciate you reaching out to us earlier as well. The two questions I have are the two things that I think we talked about a little before.

HB5358

One is on the bill that you're against which is the one about regs review overseeing. It's my understanding that the -- the concern there is really that regs review could force the executive branch agency to institute the review process. If it were -- if the regs review -- if the bill were changed so that regs review could not require that process to start would that alleviate your concern?

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: You know I don't know. I don't -- I don't know what the -- what the Governor's position on that would be. I do think that the make-up itself of regs review -- and this is not to disparage any of the members who might be on regs review is that it's a --it's a committee that is made up of -- it is -- does not constitute the make-up of the General Assembly so it's political balance is different than every other legislative committee.

So there is some concern generally on -- on our behalf that that's the body that is undertaking this analysis. Perhaps if it was a -- sort of a program by program analysis of -- of regulations that sort of analysis could be vested in some -- one of the other committees

because that might be a better place for it and that -- those would be the committees where -- that have cognizance and knowledge of the subject matter of the things that the regulations are -- are reporting to regulate.

So I think by and large our concern is that regs review is doing this analysis because of the political make up and because they're -- they're reason for being is rather narrow. They're not supposed to be subject matter experts on everything that comes before them. They have a rather narrow scope of review. So if you wanted to do this analysis it would probably be better left in the committees of cognizance or maybe even in PRI.

SENATOR MUSTO: Okay some sort of -- some sort of committee of cognizance seems appropriate. They're -- that is in the bill that you have to inform them but there doesn't seem to be a process by which the committee of cognizance gets to weigh in.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Right.

SENATOR MUSTO: So that -- that seems to be a concern.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Okay.

HB5049 SENATOR MUSTO: And then my other question really had to do with the streamlining aspect of it. Under -- when I served on regs review things would come before us and we'd have to vote on them, et cetera. You know the process at this point having done all this. So -- but having it streamlined I'm wondering how you really define in the first instance noncontroversial because people who -- I think people of

goodwill can differ on whether a reg is controversial.

I mean changing a single word especially a no or not or something can really change the whole -- change the whole meaning of the reg. So I'm wondering how you define noncontroversial. Let's start -- I guess start with that.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: So you are not the first person to ask that question. It's sort of a circular response in that anything could be noncontroversial if no one objects is basically the way we've -- we've put forward the language. So we haven't limited it by saying a noncontroversial regulation has to have X, Y, Z characteristics.

We said basically if you have the authority to regulate and you think it's not going to be controversial you can take a stab at this new streamlined process. Now if the requisite number of people object then the agency was clearly wrong with its thinking that it was noncontroversial.

SENATOR MUSTO: And is there any objection to putting something in that would require the -- at least regs review members to get a copy of it beforehand to see if they wanted to raise an objection? Is that in the bill now? I didn't see that. I might have missed it.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: I don't believe it is. And absolutely not. I think that we -- if that's not there it was -- it should be added in the bill.

SENATOR MUSTO: It may well be. It's a big bill. So I really do appreciate your time going through it. And then lastly sort of piggy back

on that, you did mention that the power to repeal a regulation I think you said it's currently with the General Assembly. Is that -- is that what you said or --

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Well it's -- clearly we believe that because we're asking you to repeal 1,000 pages.

SENATOR MUSTO: Right. Okay. So that would go through -- if a regulation was going to be appealed I guess the two ways we could do it is to change the underlying law which would make the reg invalid and it would be contradictory to change the law or pass a bill either of which would necessarily be -- for it to be effective would be signed by the Governor in -- in either case. Is that fair?

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: That's fair. You also have to understand my bias here that I'm helping with this electronic regulations project. And so I'm sort of looking at it from the standpoint of we have a code just like the General Assembly has a code -- you know the Connecticut General Statutes is a book and you wouldn't want thousands of those pages to be essentially moved from -- from -- because of something some other body did.

We think it would be cleaner if these were simply -- if they're truly not needed and truly outdated then we should just remove them from our code so that there's no mistake that they're no longer good law.

SENATOR MUSTO: Thank you.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Thanks.

SENATOR MUSTO: Yes, Senator McLachlan.

SENATOR McLACHLAN: Thank you, Mr. Chairman. And thank you for your testimony today and for your hard work on this. I think there's bipartisan support for streamlining and you've done a lot of good work on -- on finding areas of regulation that need attention and I like the way each commissioner has been engaged in the process and -- and down to the grassroots if you will of State government. That's been a good process. I've been right along with you all along frankly until you dismissed regulations review. I think -- I think that -- well I think I need to agree to disagree with you apparently but regulations review is probably one of the most unique parts of the Connecticut General Assembly. I have never served on it though I follow the business of regs review pretty carefully. I have interest in the transformation of simple legislation turning into hundreds of pages of regulations so I follow what they do. But it's been in existence now for 40 years -- 40 or 72 I think was the date.

And there's even a constitutional amendment that addresses regulations review. So even the voters of Connecticut have embraced the idea of a bipartisan -- truly bipartisan way to address it. And so I'd -- I'd respectfully request that you and the Governor reconsider your thought about regulations review. I think that's been a -- a very good part of our General Assembly.

I think it's been productive and frankly things have happened on regulations review I believe because of its bipartisan nature in -- under both republican and democratic administrations that have been very positive. And so I would encourage you to rethink your viewpoint that

it's the wrong place for this kind of work to occur. Thank you.

SENATOR MUSTO: Any other questions from members of the committee? No. Thank you very much, Chris.

DEPUTY GENERAL COUNCIL CHRISTOPHER DRAKE: Thank you.

SENATOR MUSTO: Michael Brandi from SEEC is next.

REP. JUTILA: No. No. We've passed the first hour.

SENATOR MUSTO: Oh, I'm sorry. I'm sorry. We passed the first hour. Thank you, Mr. Chairman. So on the public list we have Essie Labrot. And please don't forget that I'm going to butcher some names so please let us -- okay. Please introduce yourself. Good afternoon.

SB274
SB228

ESSIE LABROT: Good afternoon, Senator Musto, Representative Jutila, Senator McLachlan and the distinguished members of the GAE committee. My name is Essie Labrot and I'm the Town Clerk of West Hartford and the Legislative Chair of the Connecticut Town Clerk's Association and with me is Patty Strauss, our Vice President and she is the Town Clerk from Westport.

We're here to speak about House Bill 5360 and our association does support that and we thank the Secretary of the State for proposing this. We basically would like the same thing as the Secretary of State, precise and consistency in language. We have over 400 statutes that we are trying to follow and we certainly don't want to be in a position of having to interpret law.

statutory language then that would be the case. It would -- current law would be class D felony.

MICHAEL BRANDI: The iteration that we recently reviewed was that it was removing the criminal penalty in return for the increased fine was the iteration we saw.

REP. JUTILA: That's what the bill would do.

MICHAEL BRANDI: Removal of the criminal penalty which we're saying we want to maintain the criminal penalty.

REP. JUTILA: Right. And so if we do nothing, if don't pass this bill that's the outcome that you would like.

MICHAEL BRANDI: Correct.

REP. JUTILA: Right. Right.

MICHAEL BRANDI: If you reject Bill 5277 then it would maintain the criminal penalty.

REP. JUTILA: Right. Okay. Any other questions? No other questions. Thank you, Michael.

MICHAEL BRANDI: Thank you.

REP. JUTILA: Next up is Eric Brown followed by Senator Kelly.

HB5049
HB5358
SB349

ERIC BROWN: Good afternoon Representative Jutila, Senator Musto, distinguished members of the GA and E committee. My name is Eric Brown. I'm with the Connecticut Business Industry Association. Here to testify on three bills on your agenda today related -- related to regulatory development, Senate Bill 272, House

Bill 5049 and House Bill 5358. We have submitted written testimony so I'll -- I'll just summarize on a few points.

First of all we do want to acknowledge our appreciation to the Governor and Chris Drake who spoke to you earlier on their work on -- on this issue and specifically executive order 37 last October which had two components to it one of which looked backwards at existing regulations and what could be done to improve the situation there and also look forward at the process for developing new regulations and try to make some points that would improve that process as well.

So we were very supportive of that and we're generally supportive of all three of these bills that we're testifying on today. 272 and 5358 are bills that look back. Okay. Parallel with the -- the Governor's executive order. They give -- basically they speak to the role of the regulations review committee and are having reviews of existing regulations and being able to make requests of different committees and of agencies to make changes based on that review. No mandatory authority granted there. We think that's appropriate.

We do include suggestions in our testimony for broadening that. For example in 272, the review there we'd like to see in addition to looking at whether something is obsolete or not used anymore we want to capture regulations that are still used, should still have a State purpose but perhaps could be refashioned so they achieve that State purpose in a less burdensome way. So you'll see in our written testimony there are suggestions both on 272 and

5358 that kind of go to that -- go to that point.

On the Governor's Bill 5049 as we know this takes a very aggressive -- makes a very aggressive change in that for regulations that a commissioner says are none -- believes are noncontroversial basically relieves them of going through the UAPA unless there is objection. So as you can imagine that has many of our members and I'm sure several organizations a little nervous but we think of balance we've had a number of conversations with the Governor's Office.

We think on balance this is something we can live with in again we would like to see it coupled with another bill that you folks have raised. It's not on the agenda today, Senate Bill 349. So the Governor's Bill sort of takes a look at these noncontroversial regulations and says all right let's -- let's push them through quicker -- very quickly actually.

What we'd like to see and what is incorporated in Senate Bill 349 is the other part of the Governor's executive order that says for other kinds of regulations that really have the potential to have a significant impact on the regulated committee there are some steps that that -- that the agency should go through that will make I think the process more efficient even though it calls for more consideration of a number of things.

But I think together 5049 pushing the noncontroversial ones quickly and you're Bill 349 that would say if it's really going to have big impact regardless of whether it's

controversial or not there ought to be some careful checks before it comes before -- and finishes the process and comes before reg review. So I'll wrap up my comments there and be happy to take any questions if you have any.

REP. JUTILA: Thanks, Eric. If it's -- if it's going to have a big impact isn't it almost by definition controversial or by whatever definition we might have for that?

ERIC BROWN: I don't think so, not necessarily. Something could have a -- you know we referred in the bill to what the Governor suggested as a definition for regs of significant -- potential significant impact, something to that effect. We talked with Chris Drake and that office and you know they're concerned that that bill not be fashioned to grab too many -- too many regulations only the ones that are really significant.

You -- it may or may not be the case depending on the definition which I don't have memorized but I could foresee a regulation that -- that could have a big impact but you know might be -- might have quite a bit of support for it. I won't try and speculate but at any rate I think there's the possibility of that.

REP. JUTILA: Yeah, maybe it would have a big positive impact by adopting the regulation.

ERIC BROWN: I can't list a long laundry list of examples on that but I'm sure there's some out there.

REP. JUTILA: Okay. Questions? Representative Sear.

individually on that slate. And while I certainly understand the Secretary of State's testimony in making sure that the person who is actually being nominated is signing it.

What we're doing in 5360 is then really you know for the mistake of a few in the past. Now we're changing the whole playing field. So in this case then everybody would have to sign. And I'm not necessarily so concerned about that as the notification process to make sure that everyone's aware of the change of law.

SENATOR MEYER: Good. Thanks. Thank you, Mr. Chairman.

REP. JUTILA: Other questions from members of the committee? Other questions? Well thank you again, Representative. We appreciate your testimony.

REP. ZIOBRON: Thank you very much and I look forward to hearing what my -- my constituents have to say. Thank you.

REP. JUTILA: So do we. Next up is Raphael Podolsky and he will be followed by Mary Ann Dostaler.

RAPHAEL PODOLSKY: Senator Musto, Representative Jutila, members of the committee thank you very much for the opportunity to testify. I'm here to speak on two bills, House Bill 5049 and House Bill 5358 both of which I've submitted written testimony. The -- and both deal with the adoption of regulations. My office, legal assistance research center is part of the legal aid programs. We are involved in many regulation review writing processes both directly as advocates as monitors of them. And we've had a pretty fair amount of experience

with the regulations review committee and with the agencies themselves.

We have some concerns. Let me start with 5049. We have some concerns about pieces of this proposal. And the concerns have to do with the adequacy of how it impacts on public input into the process and how it impacts on the review process as a whole. The single -- our single biggest concern is with what's called the handling of noncontroversial regulations.

It's in lines 278 to 309 of the bill. Essentially what it does is it says if the agency chooses to call the proposed regulation noncontroversial then there is no further review of the regulation by anybody unless within 30 days someone -- the entities named in the bill file an objection.

Absent that, no one else looks at the regulation. Regs review doesn't see it. The Attorney General doesn't see it. No one sees it. That's a concern to us. It assumes several things that I think are not actually realistic. It assumes that there's a level of monitoring out there that everyone has when it doesn't necessarily exist. Everyone doesn't have a lobbyist. Not every organization monitors carefully. Things get -- things can be missed very easily.

It takes time for reactions to develop so that a system in which if someone fails to respond within 30 days it doesn't -- it no longer matters whether the proposal really is controversial or not I think creates problems. There's even a danger that an agency could decide that the most effective way to do this is simply label all their proposed regulations noncontroversial and see if anybody objects

within 30 days. I hope that wouldn't happen but that's a danger.

The bill also I think ignores the fact that probably the single largest source of delay is actually within the agency itself most of which are understaffed. It is very hard for agencies to move regulations quickly. And that's not necessarily their fault. But it -- if the person is to accelerate things at the same time making sure you get adequate input it's not even clear to me this addresses the major cause of -- of slow down. The -- it also uses the term objection.

With agency regulations the devil's almost always in the details. Many, many times we deal with regulations. We're not against the regulations. We don't have an objection to the regulations but we do want changes in the regulations. So the issue is not whether there's an objection, it's whether there's a comment to be made that might have some impact. Also it provides that only -- in only organizations -- only 15 people -- a group of 15 people, an organization with 15 people when you're dealing with the general public stop the 30 day process. One person does not stop it. Three people don't stop it.

Again it assumes the organization. Let me try and well -- let me -- okay, I'll try to close quickly here. I realize my time is up. It also -- the automatic approval also eliminates the normal backup systems that's why you have regs review in the A.G. to make sure these are okay. Even if nobody objects because it doesn't mean that the regs are okay just because nobody's objected.

My suggestion is that you should make sure that if you're going to keep this approach one comment file should be sufficient. You shouldn't have to 15 people or they have to have an organized group. You should not use the word objection. You should probably use the word comment so it's much broader. And that you should retain the Attorney General regulation reviews portion of this system even for a regulation that truly is noncontroversial. I realize my time is up so I just want to note that we do oppose House Bill 5358. I've given -- I've explained in my written testimony why.

We think that's completely the wrong agency to be giving that responsibility to. And I'm happy to answer questions about either of the bills. There are more specific comments particularly on 5049 and some specific suggestions in my written testimony. Thank you. I'd be happy to answer questions.

REP. JUTILA: Thank you for your testimony and we do have your written testimony which we'll look over in more detail and you know that we're available to continue the dialogue as we continue to work on the bill. Questions? Senator Meyer.

SENATOR MEYER: Raphael, I wanted you to pick up the comment you made a moment ago that with respect to House Bill 5358 the wrong -- the wrong committee or agency has the responsibility. And this --this bill relates to trying to eliminate obsolete or too onerous regulations. And the responsibility for doing that is given here to the regulations review committee. And that -- do you have a more appropriate body to do that than the regulations review committee?

letter. That sample letter was for major parties only.

I would suggest a form for certification for both minor and major parties should be made available by the Secretary of State. In order to -- for quality to exist in the election process and for ballot access minor parties should not be held to a higher standard than the two major parties when it comes to our State election laws. In order to establish a more equal election process I urge you to vote in favor of S.B. 274 to eliminate (inaudible) requirement for minor party candidates as part of the certification of the nomination process. A State elections laws should not disadvantage anyone.

And of note in my written testimony there is an attachment of a memorandum by East Hampton's town attorney, Halloran and Sage, they're a third independent party. And I'd also just like to add that that memorandum outlining the events that had occurred was not a request of the Chatham Party. We were still on council then. That was also a request by a fellow councilman who wasn't too happy that we got back on the ballot. Thank you for your time and I'd be happy -- more than happy to answer questions if anyone has any.

REP. JUTILA: Thank you. Questions from members of the committee? Any questions? Okay. Thank you for your testimony.

KYLE DOSTALER: Thank you.

REP. JUTILA: Our next speaker will be Joyce Hemingson followed by Matthew Longanecker.

JOYCE HEMINGSON: Good afternoon, Representative Jutila and members of the committee. I'm here to testify about House Bill 5049. My name is Joyce Hemingson and I'm the President of Fairwind CT, a nonprofit group that got started in late 2010 to push for regulations -- new regulations about industrial wind turbines. And part of those regulations would include the consideration of noise. And there are noise regulations around the world and in other countries and other states in the U.S. as well as many counties throughout the U.S. that have noise regulations. I've already submitted testimony so I'd like to just highlight a couple of points.

And one of which is that per executive order 37, I've already submitted comments to the Governor's Office about the State noise regulations asking them to cover industrial wind turbines. I realize that the regulations date to 1978 and that was before industrial wind turbines were in use but the current regulations do not protect our residents from these structures which can be up to 500 feet tall. I would like the committee not to delete certain lines in sections 33 and 34 which would take away the regulatory ability of the Department of Environmental Protection -- Energy and Environmental Protection and all -- as well as the current statutes and leave the towns with having to create their own regulations.

There are right now about 100 towns that have no regulations and so the State regulations are sort of a safety net even though they're outdated. And the other towns that have regulations which are posted on the DEEP website, a lot of them are over ten years old. And so they also do not cover industrial wind

turbines. But my concern with -- with deleting the regulations altogether is there's nothing that's put in place to involve for example the Public Health Department or local health districts to help towns and cities come up with regulations. And so I think it's -- it's something that the committee should look at what would the process be for -- for making a transition if there were no statewide noise regulations. Thank you.

REP. JUTILA: Thank you. Perfect timing. Questions from members of the committee? If not, thank you for your testimony.

JOYCE HEMINGSON: Thank you.

REP. JUTILA: Next is Matthew Longanecker followed by Matthew Brokman. Matthew Longanecker here? Apparently not. Matthew Brokman.

MATTHEW BROKMAN: Good afternoon, Chairman Jutila and members of the GAE committee. My name is Matthew Brokman. I'm the legislative representative for council 4 AFSCME, a union of 32,000 public and private sector workers across the State of Connecticut. We are in support of House Bill 5359, AN ACT ESTABLISHING THE PUBLIC PRIVATE PARTNERSHIP COMMISSION. This bill sets up a common sense commission to protect taxpayers and workers when the State considers signing potentially long term, large scale projects that can have significant financial implications for our future. There are many stories of these public private partnerships that look like a good deal on the front end and turned out to be a bad deal over the long term.

Just a few examples. Families in West Virginia are still afraid to drink water out of their

CONNECTICUT

TESTIMONY OF
NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)
BY
ANDY MARKOWSKI, CONNECTICUT STATE DIRECTOR
SUPPORTING
SB-272, AA ESTABLISHING A FIXED TIME PERIOD FOR AGENCY REVIEW OF EXISTING REGULATIONS;
HB-5049, AA ELIMINATION UNNECESSARY GOVERNMENT REGULATION;
HB-5358, AA AUTHORIZING THE REGULATION REVIEW COMMITTEE TO RECOMMEND THE REPEAL OF OBSOLETE OR BURDENSOME REGULATIONS
BEFORE THE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
MARCH 3, 2014

A non-profit, non-partisan organization founded in 1943, NFIB is Connecticut's and the nation's leading small-business association. In Connecticut, NFIB represents thousands of members and their employees. NFIB membership is scattered across the state and ranges from sophisticated high technology enterprises to "Main Street" small businesses to single-person "Mom & Pop" shops that operate in traditional ways. NFIB's mission is "To promote and protect the right of its members to own, operate, and grow their businesses." On behalf of those small- and independent- job-providers in Connecticut, I offer the following comments:

NFIB/Connecticut is supportive of the intent behind SB-272, HB-5049, and HB-5358. Each of these bills, individually and collectively, represents a step in the right direction for Connecticut towards tackling issues of regulatory reform and state agency efficiencies.

Passage of these bills, with some modest changes and refinements, could go a long way toward ensuring a better regulatory environment and a better working relationship between state agencies and small businesses in Connecticut. SB-272 shortens the time period in which state agencies must submit to review of their existing agency regulations. HB-5049 contains many provisions that streamline the regulatory adoption process in Connecticut, among other notable provisions put forth by the Governor. While small businesses are appreciative of this effort and encouraged by actions which result in a swifter, more efficient state government, they are also aware of the impact that this bill may have on many existing provisions of Connecticut's Uniform Administrative Procedure's Act which can provide balance and protections to impacted small businesses during the regulation-making process. This legislation also repeals many obsolete and burdensome regulations that were identified pursuant to Governor's Executive Order #37 last year. HB-5358 further builds on the Governor's effort by calling for a comprehensive review and repeal of burdensome or obsolete regulations by the legislature. These types of

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reviews, cost-benefit analyses, and subsequent consideration of regulatory impact minimization efforts for small businesses will go a long way toward creating regulatory relief for those businesses that are impacted the most. In addition, further streamlining the state's permitting processes, certainly help foster a more business-friendly reputation for the state of Connecticut.

In the 2012 edition of *"Small Business Problems & Priorities"* by the NFIB Research Foundation, "Unreasonable Government Regulations" ranked as the 5th greatest problem of concern from small business owners, up from its 6th position in 2008. Much like taxes, this generic problem category costs small businesses in several ways: understanding and keeping up-to-date with compliance requirements, costs of consultants, employee time, management time, direct outlays, lost productivity and/or sales, forgone opportunities, etc. The federal government alone proposes approximately 150 new rules every year that cost business owners over $100 million per rule in compliance costs. Adding state and local laws and regulations that sometimes duplicate federal regulations, merely raise the cost and frustration level for small business. A comprehensive cost-benefit analysis of state agency regulations and specific attempts to minimize the regulatory impact on small businesses is sorely needed.

One additional suggestion NFIB/Connecticut would like to make to the Committee regarding the overall issue of regulatory reform is the need for a small business regulatory fairness board in Connecticut. The concept is modeled after an existing program by the United States Small Business Administration and is quite simple: Small business owners serve on a volunteer board that deals with matters of regulatory fairness, particularly when it comes to compliance or agency enforcement matters. Most importantly, these small business owners act as the "eyes and ears" of the regulated community, and as such the Regulatory Fairness Boards can hold hearings or roundtable events to receive input from the small business community or discuss specific regulatory matters of importance. The Board also can act as a liaison between the small business community and specific agencies on regulatory matters with a goal of establishing a more reasonable, balanced and fair approach to enforcement, particularly when it comes to issues of excessive fines.

According to the United States Small Business Administration's Office of Advocacy, "Giving small employers a voice early in the [regulatory] process is key to reducing the negative impact of regulations on small businesses, increasing the level of regulatory compliance, and passing on cost savings to state economies." That is why the development of regulatory review boards is vital, particularly in today's challenging economy.

Currently, several states (Hawaii, Maine, Missouri, Oklahoma, and Wisconsin, to name a few) and the federal government have regulatory review boards that, among other things, hear the concerns and issues of small businesses and advocate on their behalf in the

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legislative/regulatory process. Additionally, four states (Arizona, Colorado, Kentucky, and Rhode Island) have regulatory review *programs* with similar goals. At the federal level, a very successful regulatory fairness board(s) is currently administered through the Office of the National Ombudsman of the U.S. Small Business Administration.

Connecticut is certainly structurally unique with a regulatory process that allows the legislature's Regulations Review Committee to serve as a check and balance on rulemaking agencies. Additionally, the legislature has enacted some positive regulatory reform measures over the years that deal specifically with environmental or transportation matters, streamlining permitting processes, and requiring proposed regulations to contain a small business regulatory impact statement. The three bills you are considering today also significantly move Connecticut in a positive direction regarding regulatory reforms. However, with no regulatory review board or other similar program to speak of, Connecticut is at a competitive disadvantage with other states that have established such programs. NFIB/Connecticut would be happy to work with members of the GAE Committee, other legislators, and the administration to in this endeavor.

Thank you for the opportunity to comment on SB-272, HB-5049, and HB-5358, and NFIB urges lawmakers to continue to support meaningful, balanced, regulatory reform efforts for Connecticut.

National Federation of Independent Business – CONNECTICUT
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CT20⊗17 BUILDING A BRIGHTER ECONOMIC FUTURE FOR EVERYONE #MoveCTUp

TESTIMONY OF ERIC BROWN
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
before the
GOVERNMENT ADMINISTRATION & ELECTIONS COMMITTEE

March 3, 2014

SB349

Good afternoon. My name is Eric Brown and I serve as associate council and director of energy and environmental policy for the Connecticut Business & Industry Association (**CBIA**). CBIA represents roughly 10,000 companies throughout Connecticut – both small and large businesses, nearly all of which are subject to state regulations.

CBIA appreciates this committee's continuing efforts to improve Connecticut's regulatory climate by ensuring the regulatory development process is as efficient as possible. We believe three bills on your public hearing agenda today provide opportunities to further that goal. That is why, we offer comment in general support, along with suggested modifications to:

S.B. 272: AN ACT ESTABLISHING A FIXED TIME PERIOD FOR AGENCY REVIEW OF EXISTING REGULATIONS;

H.B. 5049: AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION; and

H.B. 5358: AN ACT AUTHORIZING THE REGULATION REVIEW COMMITTEE TO RECOMMEND THE REPEAL OF OBSOLETE OR BURDENSOME REGULATIONS. (GAE)

Our specific positions and comments on each of these bills are attached.

CBIA 350 Church Street, Hartford, CT 06103-1126 | 860 244 1900 | 860 278 8562 (f) | cbia.com

CT20⊗17 BUILDING A BRIGHTER ECONOMIC FUTURE FOR EVERYONE #MoveCTUp

S.B. 272: AN ACT ESTABLISHING A FIXED TIME PERIOD FOR AGENCY REVIEW OF EXISTING REGULATIONS

CBIA supports this bill as it calls for a more standardized and clearer process for state agencies to regularly review their portfolio of regulations and report their findings and recommendations to the legislature.

CBIA offers two comments for this committee's consideration in finalizing the bill. First, we believe both state agencies and the regulated community would be well served by including an additional component to the review in subsection 1(b).

Specifically, this additional provision would require agencies to provide, "a list of regulations administered by the agency that provide the greatest compliance challenge for those subject to the regulation, and a summary of actions taken or planned to be taken by the agency to assist those subject to the regulation with achieving greater compliance."

Our second suggested change focuses on subsection 1(c) of the bill with respect to ensuring adequate public notice for the public hearing required under that subsection. Currently, the law requires the public hearing to be held within 30 days of the committee of cognizance receiving a copy of the agency's review from the regulation review committee. We are concerned that this may provide insufficient time for those affected by the regulation to become aware of the review, read it, and prepare meaningful comment. We offer two possible alternatives to address this concern. First, the committee could extend the time period from 30 days to 45 days.

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Alternatively, the bill could be modified to utilize the e-regulation system, contemplated in H.B. 5049 which, as we understand it, is already under development. If that system is effectively designed, it could provide an excellent means for notifying affected and interested entities of the activities involving regulations of interest – including the public hearing prescribed in subsection 1(c).

Thank you very much for the opportunity to comment in favor of Raised Bill No. 272. We would welcome the opportunity to work with your committee to make further refinements to the bill.

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H.B. 5049: AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION

First, CBIA would like to express its deep appreciation to Governor Malloy for his focus and leadership on addressing a key challenge to improving Connecticut's competitive standing relative to other states. Namely, making our regulatory climate less burdensome to businesses without sacrificing standards on matters ranging from protecting workers to protecting our environment.

Last October, the governor issued Executive Order No. 37 which focused on regulatory actions taken in the past, as well as ensuring future regulations are truly necessary to achieve a clear purpose and are crafted in a manner that mitigates the burdens on those subject to the regulation.

Similarly, this committee is considering bills that will "look back" and create opportunities to improve regulations currently on the books (such as S.B. 272 and H.B. 5358), as well as bills like this one and S.B. 349 designed to improve the regulatory development in the future.

H.B. 5049 seeks to significantly streamline the regulatory adoption process by basically eliminating the procedural requirements of the Uniform Administrative Procedures Act for proposed regulations which the commissioner of the sponsoring agency reasonably believes will be noncontroversial. While this bill proposes a very aggressive change that frankly makes many businesses nervous, CBIA believes that if implemented carefully and merged with S.B. 349, which provides important procedural assurances for regulations which the governor's executive order terms, "regulations of significant impact", then we can support the package of reforms as comprehensive and balanced.

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CBIA has met with the governor's office and begun a very constructive dialogue on initial concerns we have identified in this bill. We look forward to continuing those discussions and working with this committee to refine this proposal and broadening it to incorporate provisions of the governor's executive order, as proposed in S.B. 349.

For those interested in the primary issues raised with the governor's office, they include the following:

Line 87: It is important the notice of a proposed regulation include a description of the substance of the regulation sufficiently detailed to alert potentially businesses.

Line 138: It is important that businesses have the opportunity to participate in a notification system that will alert them of proposed regulations that could potentially impact them.

Lines 286, 288 and 298: CBIA is concerned that giving potentially affected entities only 30 days to learn of, read, determine the implications of a proposed regulation on its business, and file an objection before the proposal becomes effective is not sufficient time.

Line 301: If an objective is timely filed, the language of this bill should be clear that the sponsoring agency may withdraw the proposal, but can only proceed with adoption via the UAPA procedures, including those provided in sections 4-168 and 4-170.

Line 324 and lines 608-612: the public should have ready access to the entire regulation-making recorded, including materials incorporated by reference.

Thank you for this opportunity to comment on H.B. 5049 and for your continuing work o Improving Connecticut's regulatory adoption process.

CBIA 350 Church Street, Hartford, CT 06103-1126 | 860 244 1900 | 860 278 8562 (f) | cbia com

CONNECTICUT ASSOCIATION FOR
HEALTHCARE AT HOME

TESTIMONY

Delivered by Tracy Wodatch, R.N., V.P. Clinical and Regulatory Services
The Connecticut Association for Healthcare at Home

Before the Government Administration and Elections
Public Hearing regarding the Governor's Budget Recommendations

Pertaining to CT Home Care Waiver Program for Elders Provider Reimbursement

HB 5049 An Act Eliminating Unnecessary Government Regulation

March 3, 2014

Senator Musto, Representative Jutila and honorable members of the Government Administration and Elections Committee. My name is Tracy Wodatch, Vice Presdient of Clinical and Regualtory Services for the Connecticut Association for Healthcare at Home. I am an RN with over 30 years nursing experience across the care settings including home health, hospice, long term care and acute care.

The CT Association for Healthcare at Home represents 60 Connecticut DPH licensed/Medicare certified home health and hospice agencies that foster cost-effective, person-centered healthcare in the setting people prefer most – their own home. Collectively, our agency providers deliver care to more CT residents each day than those housed in CT hospitals and nursing homes combined.

We are pleased to offer our recommendations to eliminate unnecessary government regulations for our home health and hospice providers.

The attached document outlining our specific recommendations was submitted to the Governor's office per his request by the December 16, 2013 deadline. A copy of the document was sent to both the Department of Public Health(DPH) who licenses our providers and to the Department of Social Services(DSS) who sets for policies to administer the Medicaid program for our providers.

We welcome the opportunity to discuss any of our recommendations with your committee as well as with DPH or DSS. If you have questions or require additional background, I would be happy to provide it to you.

Thank you.

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CONNECTICUT ASSOCIATION FOR
HEALTHCARE AT HOME

Home Health and Hospice Regulatory Revisions/Updates: Recommendations by the CT Association for Healthcare at Home

Thank you for the opportunity to conduct an independent review of current home health and hospice regulations and to offer recommendations for revisions. The Hospice and Palliative Committee as well as the Policy Committee of the CT Association for Healthcare at Home respectfully submit the following revision recommendations and ask that the respective department (DSS or DPH) contact the Association (Tracy Wodatch VP of Clinical and Regulatory Services) with any questions or need for further clarification. Tracy's contact info is as follows: wodatch@cthealthcareathome.org or 203-774-4940.

Many of our recommendations are listed to align the regulations with current Medicare Conditions of Participation and with the state's plan to rebalance encouraging more people to live in the home and community-based setting. In order to meet the needs of this growing population, home health care agencies will need to offer more abundant services which will require significantly more dedicated, skilled staff. As clinicians transition from their management and direct care staff roles in inpatient facilities, the skills and experience level of these qualified clinicians can and should be utilized in home health and hospice care; however, the current regulations can be limiting especially the DPH regulations for administrative and supervisory roles. We ask that you consider the following updates.

DSS Home Health Provider Manual Chapter 7:

P2: 17b-262-7 Refusal to Serve

Forms and process should be made current to ensure agency is tracking any refusals to serve and can produce tracking log should DSS request.

Remove (b) and (c) and replace with language to reflect the requirement in the DPH Home Health Care Agency regulations:

DPH regs: 19-13-D72. Patient care policies (pp14-15)

(1) Conditions of Admission:

(D) Circumstances which render a patient ineligible for agency services, including but not limited to level of care needs which make care at home unsafe, kinds of treatments agency will not accept, payment policy and limitations on condition of admission, if any;

(E) Plan for referral of patients not accepted for care;

(3) Discharge from Service:

(A) Agency policies shall define categories for discharge of patients.

These categories shall include but not be limited to:

(ii) Emergency discharge--termination of service(s) due to the presence of safety issues which place the patient and/or agency staff in immediate jeopardy and prevent the agency from delivering home health care services;

(C) In the case of an emergency discharge the agency shall immediately take all measures deemed appropriate to the situation to ensure patient safety. In addition, the agency shall immediately notify the patient, the patient's physician, and any other persons or agencies involved in the provision of home health care services. Written

CONNECTICUT ASSOCIATION FOR
HEALTHCARE AT HOME

notification of action taken, including date and reason for emergency discharge, shall be forwarded to the patient and/or family, patient's physician, and any other agencies involved in the provision of home health care services within five (5) calendar days.

P9: 17b-262-728

Definition of Nursing Services needs to include assessment
From DPH regulations 19-13-D69 p6 ((D) Regular evaluation of patient progress, prompt action when any change in the patient's condition is noted or reported, and termination of care when goals of management are attained) —nursing services include assessment and evaluation of pt progress. Need to add to sec 17b-262-728 Services covered.

DSS Hospice Provider Manual Chapter 7:

P8: 17b-262-838

Services covered (a)(1): mirror Medicare CoPs for CTI requirement to bill. Verbal orders are acceptable provided a written order is received *prior to billing the claim*. (remove within 48 hours of the verbal order).

RCH Regulations

The Association respectfully requests that DPH review the section in the RCH regulations that addresses the storage and labeling of medications. With rebalancing initiatives in full swing in CT, this regulation does not allow for any in-house medication pre-fills of any kind including, electronically locked medication boxes.

DPH Regulations for Home Health Care Agencies:

P3: 19-13-D67 Personnel

(a) The administrator of an agency shall be a person with one of the following—(1)-(7) should align with the Medicare CoPs which state: *Administrator, home health agency.* A person who·(a) Is a licensed physician; or(b) Is a registered nurse; or(c) Has training and experience in health service administration and at least 1 year of supervisory or administrative experience in home health care or related health programs.

(b)(1)-(4)—remove and replace with

(b)(1) An agency supervisor of clinical services (SCS) shall be a registered nurse (RN) with an active license to practice nursing in this state who has a minimum of three (3) years' clinical experience in nursing. In addition and within the first year in SCS role, if the RN obtained nursing degree through diploma or associates' program, said RN would also need to complete at least six credits in community health nursing and/or health care management from an accredited college or university program or school of nursing.

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HEALTHCARE AT HOME

(f)Replace with ... An agency supervisor of social work services shall be licensed pursuant to the Chapter 383b of the Connecticut General Statutes who has a minimum of three (3) years' clinical experience in social work.

19-13-D68 General Requirements

(c) Professional Advisory Committee (p5)
(1) There shall be a professional advisory committee, ..., one registered nurse (preferably a public health nurse)... this language reflects Medicare CoPs
(e) Supervisor of Clinical Services (6):
(1) and (4) where possible eliminate staffing ratios and replace with language aligned with DPH regulations for Hospice Inpatient Facilities:
The SCS is responsible for ensuring that the staffing for all services reflect the agency's volume of patients, their acuity, and the level of intensity of services needed to ensure that the plan of care outcomes are achieved and negative outcomes are avoided.

19-13-D69 Services

(d) Homemaker-Home Health Aide Service—consider changing the term to Home Health Aide (eliminating "Homemaker")
(4) Supervision of homemaker-home health aides: eliminate (D) staffing ratio to align with CoPs and allow for more optimal care team integration

19-13-D70 Contracted Services

(g) A term not to exceed one year unless the parties agree otherwise.

19-13-D71 Personnel policies

P13 (a)(5) Physical examination, including tuberculosis screening per CDC guidelines and a physician's or his/her designee statement that employee is capable of performing job functions as outlined in their job description.

19-13-D72 Patient care policies

P21 (b)(2)(K) An agency offering a hospice program shall designate a medical director (eliminate employ and replace with designate to mirror the hospice CoPs).

19-13-D73 Patient Care Plan

P23 (b) The original plan of care and any modifications shall be signed by the patient's physician or dentist within 30 days (remove 21 days and replace with 30 days to mirror the CoPs).

CONNECTICUT ASSOCIATION FOR
HEALTHCARE AT HOME

(c) The plan for each agency...at least every sixty (60) days except for hospice plans of care which will be reviewed according to their established hospice benefit periods or 90 days for first and second benefit periods and every 60 days thereafter.

19-13-D76 Quality Assurance program

Align with CoPs where possible...

P25: (c)(4) eliminate 120-day report –duplicative of annual reporting requirement, not federally mandated.
(c)(5) Ensure that a copy of the annual QA report is maintained by the agency (eliminate and the progress report on implementation)
(d)(2) remove "in a 5 year cycle"
(e)(1) remove "after approval by the commissioner".
(f) Add "Within" to beginning of sentence so sentence reads "Within 6 months after employment and annually thereafter...(this allows agencies to do sooner (90 days if appropriate).

P26 (g) replace with current CoP OBQI language from the State Operations Manual

19-13-D77 Administrative organization and records

P26 (d) remove entire sentence

19-13-D79 Facilities

P28 (c)(5)—remove entire sentence as record storage is addressed on p24 19-13-D75 (a)(4).

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STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES

Public Hearing Testimony

Government Administration and Elections Committee
March 3, 2014

H.B. No. 5049 AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION

The Department of Children and Families **supports** H.B. No. 5049, An Act Eliminating Unnecessary Government Regulation. This bill amends various statutes concerning programs and functions of the Department of Children and Families including the repeal of a number or obsolete regulatory requirements.

DCF conducted a comprehensive review of all of agency regulations pursuant to Governor Malloy's directive last year. As such we recommended over a dozen obsolete or unnecessary statutory and regulatory provisions for amendment or repeal.

Proposed Substitute language - Section 33 - add repeal of sections 17a-155-1 through 17a-155-35, inclusive of the Regulations of Connecticut State Agencies Concerning the Licensure of Permanent Family Residences. Statutory authority for these regulations was repealed by Public Act 13-40.

The table below summarizes the various sections of this bill which pertain to DCF.

Bill Section	Statutory Reference	Comments
Sec. 10	17a-7	Placement of Children and Youth on Aftercare No statutory authority for existing regulation. Language is outdated, regulations not necessary. Regulation proposed to be repealed. New statutory language incorporates a key element of the regulations.
Sec. 11	17a-7a	Standard Leave and Release Policies for Juvenile Offenders Regulations are outdated and not necessary. Statute to be amended to repeal regulation requirement and regulations proposed to be repealed.
Sec. 12	17a-12	Hearings on Placement of Children and Youth in State Operated Mental Health Facilities No statutory authority on this topic per se. All hearing procedures will be written into regulation concerning the Organization of the Department. Statute to be amended and regulations proposed to be repealed.
Sec. 13	17a-15	Treatment Plan and Hearings No statutory authority on this topic per se. All hearing procedures will be written into regulation concerning the Organization of the Department. Statute to be amended and regulations proposed to be repealed.
Sec. 14	17a-37(b)	Establishment of Unified School District II Existing permissive regulatory authority however, no existing regulations.

		Statute to be amended to repeal permissive regulation authority.
Sec. 15	17a-42(c)	Establishment of Photo-Listing Service for Children Legally Free for Adoption Statute to be amended to repeal regulation requirement and regulations proposed to be repealed. Regulations are unnecessary; sufficient detail in other statutes and agency policy.
Sec. 16	17a-90(c)	Fair Hearings No statutory authority on this topic per se. All hearing procedures will be written into regulation concerning the Organization of the Department. Statute to be amended and regulations proposed to be repealed.
Sec. 17	17a-101g(g)	Differential Response Statute to be amended to repeal permissive regulation authority. Regulatory authority not necessary.
Sec. 18	17a-110	Permanency Plans for Children Statute to be amended to repeal regulation requirement. Regulations were not promulgated.
Sec. 19	17a-127	Development and Implementation of Individual Service Plan and Child Specific Teams Statute to be amended to repeal permissive regulation authority.
Sec. 20	17a-151	Criminal Background Checks for Licensees Statute to be amended to repeal regulation requirement.
Sec. 33	New section	Includes repealers for numerous regulations, including the following DCF regulations: • 17a-7-1 to 17a-7-11, Placement of Children and Youth on Aftercare (*see also § 10*); • 17a-7a-1 to 17a-7a-9, Standard Leave and Release Policies for Juvenile Offenders (*see also § 11*); • 17a-12-1 to 17a-12-6, Hearings on Placement of Children and Youth in State Operated Mental Health Facilities (*see also § 12*); • 17a-15-1 to 17a-15-11, Treatment Plan and Hearings (*see also § 13*); • 17a-16-14 to 17a-16-18, Rights of Children and Youth Under the Supervision of the Commissioner of Children and Families; • 17a-42-1 to 17a-42-5, Establishment of Photo-Listing Service for Children Legally Free for Adoption (*see also § 15*); • 17a-90-1 to 17a-90-13, Fair Hearings (*see also § 16*); • 17a-100-1 to 17a-100-14, Removal Hearings for Out of Home Care Providers; and • 17a-101(e)-1 to 17a-101(e)-6, Reports of Child Abuse or Neglect
Sec. 34	Repealer section	Includes § 17a-107, Reports of Child Abuse and Neglect Repeals statute and regulation requirement.

GOVERNMENT ADMINISTRATION & ELECTIONS COMMITTEE

March 3, 2014

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

HB 5049 "An Act Eliminating Unnecessary Government Regulation"

The bill would amend or eliminate current state regulations. While CCM supports the State reviewing obsolete regulations, there are concerns with repealing, in section 33, *22a-69-1 to 69-7-4* and section 34, *22a-69 – 75.* This would remove all noise authority currently regulated by the Department of Energy and Environmental Protection (DEEP). CCM has concerns with repealing this authority as it would it would fall upon each municipality to address noise issues. This may impact towns and cities that do not have the resources or expertise to enforce to state specific standards.

In addition, the bill does not address other regulations that are burdensome to towns and cities. In December, following the Governor's request for burdensome regulations to be submitted, CCM provided a list (attached) of regulations that local officials have expressed should be amended or repealed. CCM would ask that the committee review the list, and amend HB 5049 to include them.

CCM asks the Committee to **amend** and then **favorably report** HB 5049.

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If you have any questions, please contact Mike Muszynski, Senior Legislative Associate, at mmuszynski@ccm-ct.org or (203) 500-7556.

- OVER -

REVIEW OF STATE REGULATIONS

December 16, 2013

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 95% of Connecticut's population.

We appreciate the opportunity to provide comments regarding obsolete and burdensome regulations to towns and cities. The following regulations are among those that local officials have stated should be amended or repealed:

Department of Administrative Services – *Division of Construction Services*

- Amend Section 29-292-7e of the State Fire Safety Code to relieve local fire marshals from having to inspect every three-family dwelling each year. Fire Marshals from the State's larger cities have stated that annual inspection of these properties is too burdensome, and in some cases where an illegal third family apartment is located, it exposes local officials to added liability if not inspected. Municipalities do not have the staff to perform this state mandate.

- Update the State Building Code as they relate to newer building standards to identify potential efficiencies for municipalities by updating the state building.

Department of Education

- Amend Sections 10-145d-582 to 10-145d-587 of the State Board of Education regulations to modify certification requirements for school superintendents to permit school districts to choose qualified superintendents from non-traditional, but relevant management and other backgrounds.

Department of Emergency Services and Public Protection

- Amend regulations to require adequate preparation and enforcement measures to minimize vibration, noise, and adverse impacts on nearby property caused by explosives and blasting agents. The regulations should be amended in consultation with the Department of Energy and Environmental Protection.

Department of Energy and Environmental Protection – *Siting Council*

- Eliminate the current regulation that requires municipalities to report to the Siting Council annually the location of telecommunication towers within their town or city. The reporting responsibility should be directed at tower owners rather than the host municipality.

Department of Public Health

- Amend regulations to allow local officials the option to decide their EMS provider and the terms of contracts, particularly to change companies that fail to adequately provide adequate services.

- Modernize current public health laws to reflect the mission and essential services provided by local health officials. Current practice mandates that local health departments perform 8 basic public health services, outlined in Public Health regulations, Section 19a-76-2. It should be amended to more accurately reflect the current practices and services provided by public health departments.

- Amend regulations to streamline testing requirements for the Emergency Medical Technician training certification process. In particular, eliminate redundant and frequent testing requirements.

- Amend regulations regarding non transient water supplies to make it easier for the development of these systems, and eliminate standards that are an undue burden on these supplies.

- Amend current regulations to provide that suspended Emergency Medical Technicians, or those prohibited from actively treating patients, should not be allowed to also be Emergency Medical Technician instructors.

- Amend the current regulations that exempt school-based day care centers from certain requirements to also include daycare centers operated by municipal recreational departments.

- Repeal the following five (5) Public Health Code Regulations as the governance is duplicated under 19-13-B42: Sanitation of places dispensing food or beverages.
  - 19-13-B40: Sanitation of Food, Fair Grounds, Ice Plants and Trailer Coaches
  - 19-13-B41: Sanitation of public fair grounds, horse shows, horse races, and automobile races
  - 19-13-B44: Sanitation of trailer coaches
  - 19-13-B48: Itinerant Food Vending and Catering
  - 19-13-B49: Catering and food service

# # #

For more information, please contact Ron Thomas (rthomas@ccm-ct.org), Bob Labanara (rlabanara@ccm-ct.org) or Mike Muszynski (mmuszynski@ccm-ct.org) of CCM, at (203) 498-3000.

Testimony
Betsy Gara
Executive Director
Connecticut Council of Small Towns
Before the
Government Administration & Elections Committee
March 3, 2014

Re: HB-5049 - AN ACT ELIMINATING UNNECESSARY GOVERNMENT REGULATION.

The Connecticut Council of Small Towns (COST) supports efforts to eliminate unnecessary government regulations to improve the efficiency of state government and reduce burdens on municipalities and other entities. COST therefore supports the overall thrust of **HB-5049,** which repeals numerous regulations which are outdated, obsolete or otherwise unnecessary.

However, Section 33, line 1571 of the bill would repeal "22a-69-1 to 22a-69-7.4, inclusive" of the Regulations of Connecticut State Agencies and Section 34, lines 1605-1606 of the bill, would repeal Sections 22a-69 to 22a-75, inclusive, of the general statutes. **Repealing these provisions effectively shifts oversight of noise control from the state to municipalities.**

Noise pollution is a serious hazard to the public health, welfare, safety and quality of life in our communities. Abruptly eliminating the state Noise Pollution Control Program will leave a **significant oversight gap**, jeopardizing public health and safety. According to DEEP's website, ***less than half of the municipalities in Connecticut have adopted noise ordinances.***

In addition, several towns that have adopted a local noise ordinance did so because the state would provide them with the technical expertise to develop and enforce the ordinance, including providing them with equipment to measure noise levels. In order to enforce noise control ordinances, personnel conducting sound measurements must be trained in the current techniques and principles of sound-measuring equipment and instrumentation. Sound level meters must be maintained and calibrated and used in accordance with manufacturers' specifications.

Moreover, the siting of industrial wind turbines, which may emit significant noise pollution, warrants a statewide approach to noise control. However, HB-5049 repeals these provisions, increasing concerns regarding the siting of industrial wind turbines in our communities.

Although we recognize that Connecticut is facing very difficult budgetary challenges, towns are not in a position to pick up the added costs associated with enforcing noise control.

COST urges lawmakers to delete the reference to these provisions to ensure that the state continues to regulate noise pollution.

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State of Connecticut
Department of Developmental Services

Dannel P. Malloy
Governor

Terrence W. Macy, Ph.D.
Commissioner

Joseph W. Drexler, Esq.
Deputy Commissioner

TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE

March 3, 2014

Senator Musto, Representative Jutila, and members of the Government Administration and Elections Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to submit testimony regarding **H.B. No. 5049 - An Act Eliminating Unnecessary Government Regulation.**

The Department of Developmental Services stands in strong support of the Governor's Bill, **H.B. No. 5049**, which takes a major step towards eliminating unnecessary, and in our department's case, obsolete regulations. Section 33 of the bill would repeal two sets of DDS regulations; sections 17a-218-8 to 17a-218-17, inclusive, and sections 17a-244-1 to 17a-244-8, inclusive, of the Regulations of Connecticut State Agencies. If the department were to go through the normal repeal process for these two sets of regulations, it would take a commitment of DDS staff time that could be better used in drafting and amending other regulations to reflect the department's current best practices.

Specifically, repealing sections 17a-218-8 to 17a-218-17, inclusive, Respite Programs would eliminate regulations that were never required statutorily and whose regulatory subject matter is covered in the requirements of DDS's Home and Community Based Services (HCBS) Medicaid Waivers. Having these Respite Program regulations in place is not only duplicative but can lead to some conflict between these regulations and the evolving requirements of the HCBS waivers governing the provision of respite services. The legislature will continue to have oversight of how DDS respite services are provided through their review and approval process of all state Medicaid waivers.

Repealing sections 17a-244-1 to 17a-244-8, inclusive, Unified School District #3 is a technical fix to reflect the department's closure of its Early Connections program, which is the state-run portion of the Birth to Three System. Unified School District #3 oversees the Early Connections program and with the last child exiting Early Connections in the spring of 2014, there will be no further need for these regulations. DDS is currently shepherding its agency bill **S.B. No. 255** -

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An Act Concerning Unified School District #3, which repeals statutory references to Unified School District #3, through the legislative process.

Please contact Christine Pollio Cooney at (860) 418-6066 if you would like additional information from DDS. Thank you again for the opportunity to testify on the Governor's bill **H.B. No. 5049**.

FairWindCT
P.O. Box 225
Colebrook, CT 06021

Government Administration and Elections Committee
FairWindCT Testimony March 3, 2014
Opposing certain provisions in Sections 33 & 34 of HB-5049

FairWindCT is a non-profit organization that has been working since 2010 towards state regulations for industrial wind turbines that are science-based and protective of our communities' health and enjoyment of homes and property. Such protections must include consideration of noise, among other factors.

FairWindCT is opposed to certain provisions contained in Sections 33 & 34 of House Bill 5049, AA Eliminating Unnecessary Government Regulation. FairWindCT urges the GAE Committee to delete mention of 22a-69-1 to 69-7-4 in section 33, line 1571; and delete mention of 22a-69 - 75 in section 34, lines 1605-1606. The effect of repealing the regulatory and statutory sections referenced would remove all regulatory and statutory authority of DEEP to administer and enforce noise controls on a statewide scale, and in turn, relegate the responsibilities to each individual municipality.

On March 15, 2013, I testified before the Environment Committee on Senate Bill 1019, which would have eliminated the State's noise regulations and shifted the responsibility for regulating noise to local governments. That section of the bill did not pass. If it had, it would have left 100 or so towns without noise regulations of any kind. Most of the remaining towns have noise ordinances that are 10 to 30 years old.

On December 16, 2013, I submitted comments to Governor Malloy's office under Executive Order #37, requesting changes to the state's noise regulations to cover industrial wind turbines. Connecticut's noise regulations date to 1978 and do not protect residents from these stationary noise sources that can stand nearly 500 feet tall.

Eliminating state noise regulations would give instant responsibility to each town without accompanying technical assistance or funding. If this truly is the direction the state wants to move in, why not give reasonable notice to the 169 towns and cities so they can write and pass updated noise regulations (and perhaps even the necessary funding for ongoing administration, enforcement and technical assistance)? However, when it comes to the issue of noise considerations for industrial wind turbines, please keep in mind that the Connecticut Siting Council, currently charged with developing regulations in this regard, can ignore local regulations when making its decisions.

Once again, FairWindCT urges the Committee to delete mention of 22a-69-1 to 69-7-4 in section 33, line 1571 and delete mention of 22a-69 - 75 in section 34, lines 1605-1606.

Sincerely,

Joyce Hemingson, Ph.D.
President, FairWindCT
www.fairwindct.com

Legal Assistance Resource Center ❖ of Connecticut, Inc. ❖

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H.B. 5049 -- Regulation-writing procedure

GAE Committee public hearing – March 3, 2014

Testimony of Raphael L. Podolsky

Recommended Committee action: **REVISIONS REQUESTED**

H.B. 5049 attempts to accelerate the procedure for the adoption of regulations in a variety of ways. We agree that the regulation-writing process sometimes takes longer than it should. We are concerned, however, that some of the changes contained in this bill will adversely impact both the ability of the public to have input and the review provided by the Attorney General and the legislature's Regulation Review Committee. As a result, we think that significant changes to the bill should be made before it is adopted.

Our primary comments are about the new, broad proposal for "noncontroversial" regulations found in C.G.S. 4-168(h) [lines 278-309], which replaces the narrower provisions for "emergency regulations" in C.G.S. 4-168(g) [lines 256-177]. We also have a number of smaller, more specific concerns about other sections of the bill.

A. "Noncontroversial" regulations [lines 278-309]:

H.B. 5049 allows regulations to avoid significant portions of the regulation review process if the agency asserts that the regulation "is expected to be noncontroversial." In such a case, the regulation will become law in 30 days, without review by the Attorney General or the Regulation Review Committee, unless an "objection" is received within those 30 days from at least 15 people, from an organization representing at least 15 people, or from a member of the General Assembly. In effect, the mere absence of a response makes the regulation automatically effective, without opportunity for further consideration.

- The bill does not adequately measure "noncontroversial": The bill treats as "noncontroversial" – and thus subject to only limited review – proposed regulations which may in fact be controversial or, at the least, need modification. The bill's quasi-definition, which effectively shifts onto the public the burden to get full review of a proposed regulation, is not an adequate way to identify which proposals do or do not need further review. First, a noncontroversial regulation is, presumably, one about which there is no controversy. If the goal is to distinguish regulations with known objection from those without, then an objection from one person should be enough to remove a proposal from the "noncontroversial" category. In effect, the bill assumes that all persons who might be interested in the regulation are either organized into groups or have lobbyists. The bill should be adjusted to make any objection sufficient to trigger the normal review process. Second, the short timeline for raising an objection, combined with the automatic nature of adoption after 30 days without Attorney General or Regulation Review Committee review, assumes an efficient level of public monitoring

that does not always exist. Third, there is a danger that some agencies may routinely identify nearly all of their proposed regulations as noncontroversial in the hope that no one will object. There should also be a provision in the bill that explicitly prohibits an agency from proposing a regulation as noncontroversial if it knows that there are any persons or groups that it expects would object to the regulation or to the way in which some part of it is written.

- "Objection" is too narrow a term to justify skipping parts of the regulation review process. Review of a regulation is often about changing it, not necessarily objecting to it. Entities that support the regulation may well want parts of the regulation revised. The reason that the statute gives the public, the Attorney General, and the Regulation Review Committee the opportunity for comment or review is in recognition that an agency, working in-house, will not necessarily come up with all the right answers in writing a regulation. Public input improves regulations and may even result in the voluntary withdrawal of regulations that have not been well thought-through. Any reference in the bill to "objection" should be removed and "comment" substituted, so that a comment does not have to be characterized as an objection to preserve the full review process..
- Certain parts of the regulation-writing process should not be skipped, even if a proposed regulation is without controversy. Attorney General review is necessary to confirm that the proposed regulation is legally authorized. Regulation Review Committee review should not be omitted because that committee functions as the voice of both the general public and the legislature to assure that the regulation is substantively consistent with the statute to which the regulation applies. This is necessary, even if no one from the public submits comment on the regulation or if issues about the regulation are not immediately identified within the initial 30-day period.
- There is already a provision for emergency regulations in the law: The existing statute already makes provision for time-limited emergency regulations when there is need for special speed, but even that provision preserves Attorney General and legislative committee review. There is also special statutory authority for DSS to operate programs while regulations are being written, primarily because of the budget impact of those regulations.
- The major causes of delay are not the structural process for regulation-writing that this section of H.B. 5049 would change but rather the ability of the agency itself to write or revise proposed regulations. This is often the result of budget and staff limitations within the agency, which make quick internal action difficult. The legislature has, in fact, attempted to give agencies a head start on writing regulations. Thus, C.G.S. 4-168(c) allows agencies to begin the regulation process as soon as the public act permitting or requiring regulations is adopted (or even before), without waiting for the effective date of the law, as long as the regulation will not take effect before the effective date of the act.

B. Other concerns:

- Role of the Regulation Review Committee (l. 480-492): The bill narrows the options of the Regulation Review Committee in two ways : (1) by repealing the power to approve only a part of a regulation and (2) by repealing the power to approve a regulation subject to technical changes. The purpose of these proposed changes seems to be to restrict the Committee's discretion, but its practical effect will be to force all-or-nothing choices that will unnecessarily lead to rejections of regulations and will further slow the process of getting regulations approved. We support the proposed requirement that technical objections be submitted to the agency at least ten days before the Committee meeting

so as to permit the agency to make corrections itself (l. 473-479), but that provision will not eliminate all circumstances in which an approval with technical corrections would be appropriate and desirable.

- Notice of decision (l. 178-182): The notice of decision on agency action should be sent in paper to any commentator who has requested notification in paper. The bill appears to provide only for electronic notice at that stage of the process.
- Filing objections to noncontroversial regulations with the Secretary of the State (l. 304-309): Under the noncontroversial regulations section of the bill, "objections" are supposed to be filed with the Secretary of the State, not the agency. This seems to be the wrong place, since the objection should be addressed to the agency, so that it can evaluate it.
- Cross-referenced materials (l. 323-325 and l. 593-612): Materials included by reference, in either the review record (l. 323-325) or the regulation itself (l. 593-612) -- such as federal regulations or a code produced by a private entity -- should be made as easily accessible as possible to those who consult the regulations. It is preferable that such materials be included in the regulation itself. If that cannot reasonably be done, then the regulation or public record should contain an electronic link to the referenced material (or an equivalent simple means of viewing the referenced material should be provided).
- LCO report (l. 473-479): The LCO report, to which this section refers, should be available to the public at the same time that it becomes available to the agency.
- Paper copy of the complete Regulations of Connecticut State Agencies (l. 669-672). The bill permits but does not require that there be any hard copies of the regulations. For some people, the unavailability of a hard copy will make research difficult and make the regulations largely inaccessible. Requiring that a hard copy be provided to the Secretary of the State, the State Library, and the state law libraries should at least be considered.
- DCF policies (l. 816-1025): Sections 14 through 20 apparently attempt to insulate certain DCF rules from the regulation review process by labeling them "policies" rather than "regulations." In fact, "policies" are regulations under C.G.S. 4-166(13) and are covered by the statute unless they concern only "the internal management of any agency" and do not affect "private rights or procedures available to the public." Most of the statutes amended in these sections appear to involve private rights or procedures available to the public. It is not clear why they should be adopted, amended, or repealed without the regular comment and review process.
- Repeals of regulations and statutes (l. 1534-1607): Section 33 of this bill repeals many regulations and Section 34 repeals many statutes. We have not been able to get a full picture of the status of these provisions, but we urge the Committee to review them carefully. To the extent that these references are to statutes not currently being implemented, we suggest that the test for repeal should not be merely the absence of present implementation but rather that implementation of the program should not be initiated or resumed.

165 Capitol Avenue
Hartford, CT 06106-1658

HB 5049

An Act Eliminating Unnecessary Government Regulation

Government Administrations & Elections Committee
March 3, 2014

The Department of Administrative Services (DAS) offers the following testimony in support of **House Bill 5049**.

DAS applauds Governor Malloy's initiative to take a close look at all regulations currently in effect throughout the state agencies to identify those that have become outdated, unnecessarily burdensome, or ineffective. DAS has complied with the Governor's directive to review each section of the regulations that fall under our authority, and have identified a number of regulations that fit into these categories. We fully support House Bill 5049, which repeals those sections that we have identified and recommended for elimination. Eliminating these sections will provide clarity to the public using DAS services and processes.

There are a handful of modifications that must be made to House Bill 5049, primarily to accurately capture the statutory changes needed to support the elimination of some DAS regulations. DAS has been working through the Governor's Office to identify these modifications and ensure they are included in the final draft of the bill. The DAS changes needed are attached to this testimony for your convenience; it is our understanding that these changes will be included in the substitute language provided by the Governor's Office.

We thank the Committee for permitting DAS to comment on House Bill 5049. If there are any questions about this testimony, please feel free to contact Terrence Tulloch-Reid (Terrence.Reid@ct.gov) or Andrea Keilty (Andrea.Keilty@ct.gov).

HB 5049

JFS Changes Necessary to Support DAS Regs Repealers

- 29-313. With regard to the statutory change to CGS 29-313, HB 5049 (Section 25) repeals subsection (d) in its entirety. To make this statute consistent with others in this Chapter, DAS requests to STRIKE section 25, and instead AMEND 29-313(d) as follows:

  (d) The Commissioner of Administrative Services shall adopt regulations in accordance with the provisions of chapter 54 prescribing requirements and specifications for the installation or use of fire extinguishers and extinguishing agents. **Such regulations shall be incorporated into the State Fire Prevention Code.** In adopting such regulations, the commissioner may adopt by reference standards concerning the selection, installation, maintenance, design and testing of portable fire extinguishing equipment and extinguishing agents as set forth by the National Fire Protection Association.

- 29-315. DAS needs a statutory change to go along with the regulations repeal. Currently, HB 5049 does not include any statutory change. Thus, we need to include a NEW SECTION modifying CGS 29-315(b):

  (b) Each hotel or motel having six or more guest rooms and providing sleeping accommodations for more than sixteen persons for which a building permit for new occupancy is issued on or after January 1, 1987, shall have an automatic fire extinguishing system installed on each floor in accordance with regulations adopted by the Commissioner of Administrative Services. **Such regulations shall be incorporated into the State Fire Prevention Code.**

- 4-133 regs (Parking). DAS requests a statutory change to **4b-13** to accomplish these regs repeals. Currently, HB 5049 does not include any statutory changes, so we need to add a new section to the bill:

  Sec. 4b-13. (a) The Commissioner of Administrative Services may [make regulations] **establish policies and procedures** for the maintenance of order on and the use of parking areas on any property owned by the state or under the supervision of said commissioner, except as provided in sections 2-71h, 10a-79, 10a-92 and 10a-139 and except for properties under the supervision, care and control of the Chief Court Administrator. Any person violating any such regulation shall be fined not more than seventy-five dollars and the vehicle in violation of such regulation may be towed. The enforcement of such regulations shall be by special policemen appointed under section 29-18 and by Department

of Administrative Services buildings and grounds patrol officers, except that only such special policemen may tow, or cause the towing of, such vehicles.

- 5-234. We need a statutory modification to accomplish these regs repeals. Currently, HB 5049 does not include any statutory change to 5-234, so we need to add a new section to the bill:

  Sec. 5-234. The Commissioner of Administrative Services may provide [by regulation] for the appointment, with or without examination, of qualified persons in a class in which the incumbent serves for not more than three years in the class as part of an established training program. Any person so appointed to a professional or preprofessional training class may, upon successful completion of the required minimum working test period and training program, be reclassified to a position in the next higher level class for which the training program is established. The provisions of this section shall not apply to sections 5-224 and 7-415 concerning the veterans preference.

- 5-265. We need a statutory modification to accomplish these regs repeals. Currently, HB 5049 does not include any statutory change to 5-265, so we need to add a new section to the bill:

  Sec. 5-265. Departments, agencies and institutions[, subject to regulations issued by the Commissioner of Administrative Services,] may enter into agreements with educational institutions for special training courses for state employees and may enter into agreements with the federal government or other state governments for exchange of employees

Dannel P. Malloy
GOVERNOR
STATE OF CONNECTICUT

Testimony of Christopher R. Drake

On Behalf of Governor Dannel P. Malloy

In Support of House Bill 5049

March 3, 2014

HB5358

Sen. Musto, Rep. Jutila, Sen. McLachlan, Rep. Hwang and other distinguished members of the Government Administration and Elections Committee. My name is Christopher Drake, Deputy General Counsel to Governor Malloy. I am here on behalf of Governor Malloy to testify in support of Governor's Bill, HB 5049.

I hope that my oral testimony and the attachments to my written testimony are helpful to the committee when reviewing this somewhat long and complicated bill. I do not intend to detail every change made by this bill, although I am happy to address any questions the committee might have. Rather, I want to provide the committee with the three major reasons this bill is being presented and highlight a few of its major provisions.

First, in October the Governor signed Executive Order 37, which required each agency that directly reports to him to undertake a comprehensive evaluation of its regulations to identify those that were outdated, unnecessarily burdensome, inefficient, or ineffective. This analysis made clear that many regulations are outdated and need amending. When we asked our agencies why this is so, the primary response was that our current regulatory process is too slow to make frequent updates practical. Therefore, Section 2 of this bill proposes a new process – which we call "streamlined regulation-making" – to help facilitate more frequent updating of regulations. The concept of this process is borrowed from Section 310 of the Model Administrative Procedures Act drafted by the National Conference of Commissioners of Uniform State Laws, and a similar provision in Virginia, called fast track rule making (Section 2.2-4012.1 of the Code of Virginia).

Under our proposal, an agency could designate a proposed regulation "noncontroversial." If no objection is received within 30 days by fifteen or more persons, a group representing fifteen or more persons, or any member of the General Assembly, then the regulation will automatically go into effect without further process. We believe this procedure will assist agencies in quickly updating their regulations with respect to routine changes, but will also preserve the current regulation process for those regulations that merit further public debate and legislative oversight.

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Second, in response to Executive Order 37, many agencies identified regulations that were so outdated or unnecessary that they should be repealed. We have compiled all of those regulations and propose to repeal them through one legislative act, which is section 33 of the current bill. Indeed, for various reasons, there were additional regulations that should be repealed that did not make it into the current draft of the bill. One of the attachments to my written testimony is a list of regulations that we would like to be added to the repealer section of the bill. Many of the other sections of the bill, including Section 34, are statutory changes or repeals that are necessary to accomplish the repeals listed in Section 33. There are representatives here from the relevant agencies to answer any questions committee members may have about those sections or the repeals sought by those agencies.

Finally, our office is currently leading an information technology project – in conjunction with the Office of the Secretary of the State – to modernize the process for creating and publishing our state regulations. This project has been underway for over a year and is scheduled to culminate with the launch of eregulations.ct.gov this fall. Some of the changes reflected in Sections 1 – 10 of this bill are to facilitate that modernization.

The new eregulations system will give the public unprecedented access to our state regulations and all of the materials that go into the creation of a regulation, which our statutes call the "regulation-making record." I am personally helping to manage this project and I am happy to answer any questions about it or why the changes requested Sections 1 – 10 are necessary.

Thank you for your consideration of this bill.

HB 5358 An Act Authorizing the Regulation Review Committee to Recommend the Repeal of Obsolete or Burdensome Regulations

Another bill before the committee today is House Bill 5358, An Act Authorizing the Regulation Review Committee to Recommend the Repeal of Obsolete or Burdensome Regulations. Our office strongly opposes this bill. The Regulations Review Committee is precisely what the name indicates. It is a committee to review regulations for legal sufficiency and to ensure that such regulations comport with the legislative intent. The committee should not reexamine duly enacted laws. Rather, it is a subset of the legislature, which is not proportionally represented by majority and minority caucuses in the General Assembly. To vest additional authority in this committee to identify regulations that it deems to be "obsolete" or "too onerous" would greatly overstep the responsibilities and original intent of a body that was established purely for reviewing legal sufficiency and legislative intent. This power should, and currently does, rest with the full General Assembly.

The objectives of this proposal can already be addressed through the regular legislative process. Governor's Bill HB 5049 is an example of that process at work. HB 5358 bill adds additional powers to a committee that was not originally intended to have such powers and is not representative of the full General Assembly. If enacted, this bill will surely be an additional burden on virtually every regulation adopting state agency and the goals of this bill are already achieved through existing legislative process.

ATTACHMENTS

EXHIBIT A – A list of all regulations sought to be repealed through Section 33 and rationales for each.

EXHIBIT B – A list of statutory repeals sought in the bill and rationales for each.

EXHIBIT C – A list of additional regulations that should be added to the repeal section of the bill.

EXHIBIT D – A list of additional statutory repeals that should be added to the bill.

EXHIBIT E – A list of regulations currently repealed in the bill that should be removed, and rationales for each.

EXHIBIT F – A list of statutes currently repealed in the bill that should be removed, and rationales for each.

000701

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Administrative Services	Portable Fire Extinguishers	29-313-1 through 29-313-2	The regulations are unnecessary as they merely direct the user to the Fire Safety Code. A statutory change to point to such codes for requirements would eliminate the need for separate regulations
Administrative Services	Sprinklers in Hotels and Motels	29-315-1	The regulations are unnecessary as they merely direct the user to the Building and Fire Safety Codes. A statutory change to point to such codes for requirements would eliminate the need for separate regulations. Also, note that the regulation makes an incorrect reference to the "Connecticut Basic Building Code."
Administrative Services	Parking Areas on Grounds of the State Capitol and State Office Building	4-133-1 through 4-133-11	State/Capitol police enforce parking violators – DAS does not use its own employees or contractors to tow or issue fines.
Administrative Services	Training Programs	5-234-1	The regulation doesn't add anything to the statute.
Administrative Services	Special Training Courses	5-265-1	Requires that the agency give DAS a copy of the agreement. DAS does not feel this is necessary. If DAS ever wanted to require agencies to provide it with the agreements, it could do so by policy.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Administrative Services	Vertical and Inclined Wheelchair Lifts and Inclined Stairway Lifts	29-200-1 through 29-200-5a	In 2004, CGS § 29-200 was amended to remove the requirement to adopt regulations and replace it with "adopt standards as referenced in the State Building Code." As such, these regulations are unnecessary.
Administrative Services	Description of Organization	4-23a-1 through 4-23a-22	It is very difficult for agencies to keep information of this nature accurate and up-to-date via regs. It would be more appropriate and effective for this information to be required to be put on agency websites
Administrative Services	Working Tests	5-230-1(b)	5-230-1(b) is inconsistent with 5-241.
Administrative Services	Overtime	5-245-1	State and federal statutes and collective bargaining agreements are sufficient. Regulation does not add anything useful.
Administrative Services	Volunteer Duty	5-249-1	The regulation is not necessary because the statute already provides the necessary authority. Moreover, the regulation does not address all of the types of volunteer leave that are covered in the statute.
Administrative Services	Political Activity of Classified State Employees	5-266c-1 through 5-266c-3	Simply defines common terms without anything more.
Administrative Services	Personnel Department	5-9-22(b)	Underlying statute repealed in 1975.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Administrative Services	Court Security Officers	6-32c-1 through 6-32c-3	6-32c was repealed. Moreover, all such responsibilities regarding the qualification standards, selection and employment of judicial marshals assigned to the Judicial Department and the Chief Court Administrator under 6-32d & 6-32f.
Agriculture	Seed Potatoes	22-35-1 through 22-35-2	Exemption for grading seed potato, obsolete.
Agriculture	Potato Culls	22-36-1 through 22-36-2	CT grades not used and no demand for CT Grade and no dept staff to conduct grading.
Agriculture	Connecticut Standards for Apples	22-51-1 through 22-51-8	CT grades not used and no demand for CT Grade and no dept staff to conduct grading. They mirror the USDA apple standard except for the % of color requirements. The CT standard calls for a slightly higher % for red sport apple varieties.
Agriculture	Exclusive Recreational Clam Harvesting Areas	26-235-1	Legislature turned jurisdiction over to Town of Westport.
Banking	Maximum Deposit Liability, Collateral and Reports by Qualified Public Depositories	36a-332-1 through 36a-332-8	Public deposit statutes were updated in 2012 and most of the information in these regs is duplicative, contradictory or irrelevant
Banking	Protection of Public Deposits	36a-333-1 through 36a-333-2	Public deposit statutes were updated in 2012 and most of the information in these regs is duplicative, contradictory or irrelevant

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Banking	Supervision and Examination of Out-of-State Banks	36a-412-1 through 36a-412-3	Regulations duplicate what is already in C.G.S. 36a-412(a)(5).
Banking	Share Accounts with an Agreed Maturity in Connecticut Credit Unions	36a-446-1 through 36a-446-5	Corresponding statutes were repealed in 2002
Banking	Risk Assets of Connecticut Credit Unions	36a-458-1	Regulation was defining a term used in C.G.S. 36a-458 that has since been repealed
Children & Families	Removal Hearings for Out of Home Care Providers	17a-100-1 through 17a-100-14	No statutory authority on this topic per se. All hearing procedures will be written into §§17-411-1 to 7-411-15 – Organization of the Department.
Children & Families	Reports of Child Abuse or Neglect	17a-101(e)-1 through 17a-101(e)-6	Other statutes contain sufficient detail.
Children & Families	Hearings on Placement of Children and Youth in State Operated Mental Health Facilities	17a-12-1 through 17a-12-6	No statutory authority on this topic per se. All hearing procedures will be written into §§17-411-1 to 7-411-15 – Organization of the Department.
Children & Families	Treatment Plan and Hearings	17a-15-1 through 17a-15-11	No statutory authority on this topic per se. All hearing procedures will be written into §§17-411-1 to 7-411-15 – Organization of the Department.
Children & Families	Licensing of Permanent Family Residences	17a-155-1 through 17a-155-35	No statutory authority on this topic per se. All hearing procedures will be written into §§17-411-1 to 7-411-15 – Organization of the Department.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Children & Families	Hearings on Out-of-State Transfers	17a-16-14 through 17a-16-18	No statutory authority on this topic per se. All hearings regs will be written into §§17-411-1 to 7-411-15 – Organization of the Department.
Children & Families	Establishment of a Photo Listing Service for Children Legally Free for Adoption	17a-42-1 through 17a-42-5	Corresponding statute should be be repealed. Regulations are unnecessary; sufficient detail in other statutes and agency policy.
Children & Families	Placement of Children and Youth on Aftercare	17a-7-1 through 17a-7-11	No statutory authority; language is outdated; regulations not necessary.
Children & Families	Standard Leave and Release Policies for Juvenile Offenders	17a-7a-1 through 17a-7a-9	Regulations are outdated and not necessary.
Children & Families	Fair Hearings	17a-90-1 through 17a-90-13	No statutory authority on this topic per se. All hearing procedures will be written into §§17-411-1 to 7-411-15 – Organization of the Department.
Correction	Chronological scheme for community correction plan input	18-101i-4	The statute requires the agency to "solicit comments, recommendations, information from community service providers as well as the public at large" regarding community correctional services. Currently we have no modality to solicit such input. However, the Community Correction Plan is publicly available pursuant to 18-101i-5, which should be sufficient.

000706

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Correction	Schedule	18-101k-3	This subsection states that the department "shall annually notify service providers currently under contract of the time schedule for the issuance of requests for proposals and the negotiation of contracts." The agency has no way of predicting when RFPs will be released, as an RFP process is whole dependent on receipt of additional funding, receipt of non-standard funding, identification of an emergent need, etc. There is no schedule for release of RFPs and there is no feasible way of predicting them.
Correction (BOPP)	Criteria and Procedures for Release of Inmates Without Parole Hearing	54-125b-1	The underlying statute (C.G.S. Sec. 54-125b) was repealed effective July 1, 2008.
Developmental Services	Respite Programs	17a-218-8 through 17a-218-17	Regulations that do not reflect current service model. Regulations not statutorily required.
Developmental Services	Unified School District #3	17a-244-1 through 17a-244-8	Repeal regulations because the Early Connections program covered under USD #3 will have terminated by July 1, 2014.
Economic & Community Dev.	Infrastructure Development Economic Assistance Program	32-116-1 to 32-116-6	CGS §§32-110 to 122 were repealed in 1990
Economic & Community Dev.	Loan Incentives for Employment Fund	32-130-1 to 32-130-5	CGS §§32-130 and 131 were repealed in 1988

000707

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Economic & Community Dev.	Employee Ownership Loans and Interest Rate Subsidies	32-150-1 to 32-150-6	CGS §§32-150 to 151 were repealed in 1988
Economic & Community Dev.	Northeast Connecticut Capital Assistance Fund	32-156-1 to 32-156-5	CGS §§32-156 and 157 were repealed in 1988
Economic & Community Dev.	Exporters Revolving Fund	32-162-1 to 32-162-8	CGS §§32-160 to 163 were repealed in 1988
Economic & Community Dev.	Energy Conservation Loan Program	32-317-1 through 32-317-9	CGS §§32-315 to -318 were repealed in 2007.
Economic & Community Dev.	Surety Bond Guarantee Program for Small Contractors	32-55-1 to 32-55-6	CGS §§32-48 to 55 were repealed.
Economic & Community Dev.	Enterprise Zone Capital Formation Revolving Loan Fund	32-72-1 to 32-72-5	CGS §§32-72 to 74 were repealed in 1988
Economic & Community Dev.	Small Contractors and Small Manufacturers Loan Program	32-82-1 to 32-82-8	CGS §§32-81 to 84 were repealed in 1988
Economic & Community Dev.	Motion Picture Film Commission	32-90-1 to 32-90-3	CGS §§32-90 was repealed in 2003
Economic & Community Dev.	Administration of and Eligibility for Dam Repair Loan Funds	32-9bb-1 to 32-9bb-6	CGS §§32-9aa and 9bb were repealed in 1988
Economic & Community Dev.	Child Care Facilities Loan Program	32-9hh-1 through 32-9hh-6	Program was transferred to CGS §§ 17-31ee to 31gg (public assistance and health services)
Economic & Community Dev.	Loans to Businesses Impacted by Road and Bridge Repair	32-9nn-1 to 32-9nn-6	CGS §§32-9nn to 9pp were repealed in 1988

000708

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Education	Application Fee for the Teacher Competency Examination	10-145f-2 through 10-145f-3	Outdated, no longer in practice.
Education	Vision, Audiometric and Postural Screenings	10-214-4	National standard recommends against routine screening of asymptomatic adolescents for idiopathic scoliosis.
Education	Nutrition Standards for Breakfasts and Lunches	10-215d-1	This section is obsolete and unnecessary because the USDA's new meal patterns include nutrition standards for school meals.
Energy & Environmental Protection	Sodium Fluoroacetate (Compound 1080)	19-300t-1 through 19-300t-13	The regulations were adopted in 1977 to create a rigorous process for its use, handling protocols, and approval processes. Even though this pesticide has not been registered or used in Connecticut for over thirty years, these restrictions on its use are now covered by the all-encompassing pesticide registration process.
Energy & Environmental Protection	Grants for the Protection of Coves and Embayments	22a-113b-1	The underlying statute was repealed in 2010, making the regulations obsolete.
Energy & Environmental Protection	Control of Carbon Monoxide Emissions	22a-174-21	Language is outdated and contains ineffective standards that are easily met with today's technology. There are currently no sources in the state. There is no need to maintain standards for permitting should any such sources be constructed.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Energy & Environmental Protection	Heavy-duty diesel engines	22a-174-36a	Language is outdated and due to efforts of California to harmonize their standards with EPA these standards are not necessary.
Energy & Environmental Protection	Voluntary Registration of Foresters and Loggers	23-65g-1 through 23-65g-2	Language is outdated and was superseded with the Certification of Forest Practitioners in Sections 23-65h-1 et. seq.
Energy & Environmental Protection	Enfield Dam Fishing Area	26-112-47(a)	Language is outdated there is no longer a controlled fishing area at this site – the area is now under purview of the State Parks and Public Outreach Division as part of Windsor Locks Canal State Park Trail.
Energy & Environmental Protection	Permits and tags	26-66-12(e)(2)(B)(ii)	Language is outdated – Requiring landowners to allow public hunting for turkeys is unnecessarily burdensome and ineffective.
Energy & Environmental Protection	Conditions on possession of bog turtles	26-78-2	Language is outdated - adoption of section 26-55-6 of the RCSA in 2011 rendered section 26-78-2 moot.
Energy & Environmental Protection	Fluorescent orange clothing	26-86a-7	Language is outdated - Section 26-86a-7 is redundant with other regulatory sections that require the wearing of orange clothing while hunting.
Higher Education	State Tuition Waivers for Needy Students	10a-16-1 through 10a-16-5	Statutorily assigned to BOR by section 10a-16

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Higher Education	Nursing Scholarship Program	10a-162a-1 through 10a-162a-7	Nursing scholarship program statutorily re-assigned to BOR
Higher Education	Student Financial Aid	10a-167-1 through 10a-167-7	Vietnam Veteran's scholarship aid never funded, and is technically re-assigned to BOR per statute
Higher Education	Hearing to Determine Insolvency	10a-22x-5	This does not reflect current practice; other regulatory sections explain current procedure
Higher Education	High Technology Project and Program Grants	10a-25g-1 through 10a-25g-17	High tech grants statutorily assigned to CT Innovations
Higher Education	High Technology Doctoral Fellowship Program	10a-25p-1 through 10a-25p-9	High tech doctoral fellowship statute was repealed last year
Higher Education	Commissioner of Higher Education	10a-5-2	Outdated language; board and commissioner are no longer part of Office structure
Higher Education	Rules of Practice	10a-5-6 through 10a-5-46	Proposed regulations repeal these sections and refer to UAPA
Housing	Flood Relief Home Ownership Program	8-100-1 through 8-100-8	The authorizing statute for this dormant loan program was repealed in 2002 by S.A. 02-12, § 1.
Housing	Description of Organization	8-203-1 through 8-203-5	These regulations describe the old Department of Community Affairs, which was abolished in 1977. The companion statute was repealed by P.A. 77-614, § 609, eff. Jan. 1, 1979.
Housing	Conduct of the Affairs of the Connecticut Housing Finance Authority	8-248A-1 through 8-248E-34	Duties moved to CHFA, which doesn't have regulatory authority. CHFA replaced regulations with procedures.

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Housing	Security Deposit Loan Fund	8-337-1 through 8-337-5	These programs were dormant for years and are not currently funded. DOH is focusing its efforts and resources on other programs and initiatives that will assist in the creation and preservation of affordable housing. Their companion statutes were repealed in 1991.
Housing	Housing Development Zone Regulations	8-381-1 through 8-381-7	The regulations are for an inactive program that enabled distressed municipalities to designate an area of such municipality as a housing development zone, which received priority financial assistance from DECD.
Housing	Housing Infrastructure Fund	8-388-1 through 8-388-11	This Fund and the regional fair housing compact pilot program were created in the 1980s and are currently inactive.
Housing	Tax Credit Program	8-395-1 through 8-395-11	These regulations are outdated and were replaced by Procedures adopted by CHFA.
Housing	Supplement No. I Temporary Financing Forms	8-80-1 through 8-80-5	These regulations are unnecessary since they provide form templates for a process that was utilized prior to the formation of the bond commission.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Housing	Adaptable Housing Pilot Program	8-81a-1 through 8-81a-5	This is an inactive program and the authorizing statute was repealed by P.A. 13-234, § 155, eff. July 1, 2013.
Insurance	Accident and Health Insurance Contracts	38a-434-1	Theregulation is obsolete
Insurance	Bail Bond Producers Application and Renewal	38a-660-1 through 38a-660-7	The regulations became unnecessary and obsolete after enactment of Public Act 11-45 which substantially revised the previous statutory scheme relating to surety bail bond licensees, upon which the current regulations are based.
Labor	Employment of Illegal Aliens	31-51k-1 through 31-51k-2	Pre-empted by federal law (CGS § 31-51k also needs to be repealed)
Labor	Establishing, and Defining the Special Role of, the Connecticut Governor's Committee on Employment of People with Disabilities	31-136-1 through 31-136-6	No authority under the statute for regulation, and regulation not in accordance with current committee – resulting in conflict and potential confusion.
Labor	Employment of Women Between 1 a.m. And 6 a.m.	31-19-1 through 31-19-4	Language unnecessary and extremely outdated(CGS 31-19 and 31-20 already repealed)
Labor	Workers to secure social security account numbers	31-222-12	Language unnecessary and obsolete
Labor	(Various UI Regulations)	31-222-12;16; and 17	Language obsolete

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Labor	Disqualification period for voluntary quits, discharges, and suspensions	31-222-17	Language obsolete
Labor	Discharge--Just Cause	31-236-38	Language obsolete and unnecessary
Labor	Industrial Safety Code	31-46a-228	Obsolete language
Labor	Celaning & Dyeing Establishments	31-62-C1 through 31-62-C8	Language is obsolete
Mental Health & Addiction Services	Administration of the General Assistance Program	17-273-11	In consultation and agreement with DSS, this section is appropriate for repeal as it is obsolete and relevant elements are covered elsewhere in DSS regulations.
Motor Vehicles	Ambulance Flashing Lights	14-137-41	Obsolete language
Motor Vehicles	Evidence of identity and date of birth for duplicate operator's license, commercial driver's license or identity card	14-137-75	Repetitive of regulations governing issuance of credentials. Unnecessary
Motor Vehicles	Valid-without-photo operator's licenses	14-137-76	Obsolete. Document no longer exists
Motor Vehicles	Mailing address for registration renewals	14-15-2	Outdated language
Motor Vehicles	Refund of operator's license fee for temporary or duplicate license	14-159-1	Obsolete. No longer serves any purpose

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Motor Vehicles	Evidence of Disclosure of a Lien by a Dealer to a Purchaser of a Used Motor Vehicle	14-63-49	Antiquated provision
Motor Vehicles	Waiver of Advance Estimate Form	14-65d-4	Repititve of statute.
Policy & Management	Loans for Payment of Home Heating Fuel Bills	16a-42g-1 through 16a-42g-10	Regulation is obsolete; P.A. 88-220 repealed sections 16a-42 to 16a-42h.
Public Health	Quality.of water supplies made available for public and for employees	19-13-B39	DPH does not approve the water supplies for non-public water supply buildings.
Public Health	Public and semi-public water supplies	19-13-B50	References repealed statute, and cited regulation does not include such separating distances.
Public Health	Continuing Education Requirements for Annual License Renewal by Dental Hygienists	20-111-1 through 20-111-10	Specific continuing education requirements for dental hygienists were codified in statute (PA13-208). Regulations are no longer necessary.
Public Health	Continuing education requirements for annual license renewal (Optometry)	20-128-8	Specific continuing education requirements for optometrists were codified in statute (PA 13-208). Regulations are no longer necessary.
Public Health	Application Fees for Respiratory Care Practitioners	20-162o-1	Licensure fees are set in statute and this regulation conflicts with statute.
Public Health	Continuing Education for Clinical Social Workers	20-195o(c)-1 through 20-195o(c)-7	Specific continuing education requirements for clinical social workers were codified in statute (PA 12-116). Regulation is no longer necessary.

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
PURA	Continuity of Service -- Record of interruptions	16-11-101(b)	Electric companies can no longer own generation after deregulation
PURA	Clearances on Railroads With Reference to Overhead and Side Structures and Parallel Tracks	16-140-1 through 16-140-33	Motor carriers are no longer under PURA's jurisdiction
PURA	Petitions and Applications, Railroads	16-1-66 through 16-1-70	Railroads are no longer under PURA's jurisdiction
PURA	Petitions and Applications, Motor Carriers	16-1-88 through 16-1-101	Motor carriers are no longer under PURA's jurisdiction
PURA	Natural Gas Pipe Line Companies	16-271-1 through 16-271-38	States no longer have jurisdiction over natural gas pipelines since the passage of the Natural Gas Pipeline Safety Act of 1968; the U.S. DOT now has that jurisdiction.
PURA	Motor Carriers	16-304-A1 through 16-301-F29	PURA no longer has jurisdiction over motor carriers
PURA	Livery Service	16-325-1 through 16-325-26	PURA no longer has jurisdiction over livery service
PURA	CATV rate regulation	16-333-54	Connecticut no longer has jurisdiction over cable TV rates (now FCC's jurisdiction)
Rehabilitative Services	Local TVIs and teacher reimbursement process	10-295-10(c) through 10(f) and 11	These programs were eliminated in last year's budget.
Revenue Services	Desription of Agency	12-2-2a; 3a; 4a; 10	The language of this regulation doesn't conform to statute and is outdated.

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Revenue Services	Corporation Business Tax	12-242-8; 12-242-9	Info required by this regulation already obtained by the Department when taxpayers file CT returns.
Revenue Services	Cigarette Tax (Definitions)	12-313-18a	This regulation duplicates language in statute and provides no other information.
Revenue Services	Succession and Transfer Taxes	12-349-1	Statute incorporated by this regulation, §12-382, has been repealed.
Revenue Services	Enumerated Services	12-407(2)(i)(BB)-1	Enumerated service was repealed effective 07/01/01.
Revenue Services	Circulating libraries	12-426-6	Regulation is unneccessary.
Revenue Services	Services to Real Property	12-430(7)-1	Statute has been amended and now provides equivalent guidance.
Revenue Services	Alcoholic Beverages Taxes	12-449-4a; 12a	Internal revenue bonded warehouses no longer exist. Therfore, this regulatino is no longer necessary.
Revenue Services	Real Estate Conveyance Tax (Returns)	12-494-3	This regulation duplicates language in statute and provides no other information.
Revenue Services	Withheld amounts to be credited against income tax liability of employees	12-706(c)-1	This regulation duplicates language in statute and provides no other information.
Revenue Services	Change of accounting period	12-708-2	This regulation duplicates language in statute and provides no other information.
Revenue Services	Income and deductions from CT sources - general property in CT	12-711(b)-2	This regulation duplicates language in statute and provides no other information.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Revenue Services	Returns must be made and filed even if not mailed by the department	12-740-7	This regulation is outdated.
Social Services	Medical Assistance (various)	17-134d-2; 7; 8; 10; 11; 20; 40	This regulation refers to outdated forms and claim procedures and should be repealed.
Social Services	Prior Authorization for Contact Lenses	17-2-119	The regulation provides rules on prior authorization of contact lenses. The language in this section is duplicative of language now found in section 17b-262-570 of the Regulations of Connecticut State Agencies.
Social Services	Pilot Voluntary Work Program	17-2-207	These regulations set forth the administration of the voluntary work program pilot. This pilot program is no longer in existence and was superseded by the "Jobs First Program"
Social Services	Billing procedures effective October 30, 1976	17-2-78	This regulation refers to outdated forms and claim procedures and should be repealed.
Social Services	Public Assistance: Length of Need, Billing for Medical Surgical Supplies; Fee schedule for commercial ambulance services	17-2-81 through 17-2-82	This regulation refers to outdated forms and claim procedures and should be repealed.
Social Services	Hearings for General Assistance Recipients	17-292d-1	Authorizing statute repealed 3/1/04.

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Social Services	Reporting Incidents of Suspected Spouse Abuse	17-31l-1 through 17-31l-4	Language is outdated and does not conform to statute, CGS 17b-238.
Social Services	Crime Prevention and Safety Measures	17-31w-1	Language is duplicative of statutory language now found in CGS 17b-801(c).
Social Services	Statewide Listing of Income Maintenance Offices	17-3g-1	Language is outdated.
Social Services	Statewide Income Maintenance Offices Coverage	17-3h-1	Language is outdated.
Social Services	Opportunities Industrialization Center	17-478-1 through 17-478-9	The Department no longer administers this program.
Social Services	Emergency Shelters	17-590-1 through 17-590-7	PA 13-234 transfers authority over emergency shelters to Dept. of Housing effective 7/1/13.
Social Services	Connecticut Pharmaceutical Assistance Contract to the Elderly and the Disabled (ConnPACE)	17a-345-111	Authorizing statute, CGS 17b-491-17b-498, repealed eff. 1/1/14, PA 13-234
Social Services	Requirements for Payment of Services Provided Under the State Administered General Assistance Program	17b-192-1 through 17b-192-12	Authorizing statute 17b-192 was repealed 7/1/11, PA 11-44 (178).
Social Services	Payment under ConnPACE	17b-262-684 through 17b-262-692	Authorizing Statute repealed eff. 1/1/14. PA 13-234.

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Social Services	Personal Care Assistance Program	17b-605-10a through 17b-605-18a	Authorizing statute 17b-605 was repealed effective 8/15/02. New authorizing statute 17b-605a effective 7/6/95. Updated regulations adopted at RCSA 17b-262-587 through 17b-262-596b.
Transportation	Control of Junkyard and Scrap Metal Processing Facilities Along the Federal Interstate and Primary Systems and Limited Access State Highways	13a-123d-1 through 13a-123d-3	The regulations are not referenced or used by the Department of Transportation or the Department of Motor Vehicles.
Transportation	Bus Fares for Connecticut Transit Systems	13b-34-1a through 13b-34-3a	In practice, fares are set in statute or through the budget process. Changes to bus fares are now regulated through state statute.
Transportation	Traffic Management Plans and Programs	13b-38a-1 through 13b-38a-7	The regulations were promulgated to facilitate a federal program that no longer exists.
Transportation	Requirements and Standards for Rideshare Organizations' Handicapped Programs	13b-38b-1 through 13b-38b-5	The regulations are superseded by the Federal Americans with Disabilities Act requirements of 1990.
Veterans' Affairs	Admission, Transfer and Discharge: Definitions	27-102l(d)-100	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Admission application process	27-102l(d)-103	This language is published in DVA Residential Facilities Rules and Regulations Handbook

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Veterans' Affairs	Review panel process	27-102l(d)-105	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Proposed agency action by health care facility adminstrator	27-102l(d)-106	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Readmission restrictions	27-102l(d)-107	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Programmatic admission criteria	27-102l(d)-108	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Internal transfers	27-102l(d)-120	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	External transfers	27-102l(d)-121	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Voluntary discharges	27-102l(d)-130	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Against medical advice	27-102l(d)-131	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Involuntary discharges	27-102l(d)-132	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Desk review and informal conferences	27-102l(d)-139	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Development of individual plan of care	27-102l(d)-142	This language is published in DVA Residential Facilities Rules and Regulations Handbook

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Veterans' Affairs	Emergency orders	27-102l(d)-151	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Content of the Veteran Handbook	27-102l(d)-161	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Activities of daily living	27-102l(d)-170	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Motor vechicles	27-102l(d)-171	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Inspection of motor vehicles, packages and containers	27-102l(d)-172	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Locker inspections	27-102l(d)-173	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Authorized absences while in residence	27-102l(d)-175	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Suspension of off-grounds privileges	27-102l(d)-176	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Bed assignment and living area	27-102l(d)-177	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Curfew and bed check	27-102l(d)-178	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Pets	27-102l(d)-179	This language is published in DVA Residential Facilities Rules and Regulations Handbook

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HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Veterans' Affairs	Lending and borrowing money	27-102l(d)-180	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Off-limits and restricted areas	27-102l(d)-181	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Visitors	27-102l(d)-182	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Use of electrical devices	27-102l(d)-183	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Medical care	27-102l(d)-184	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Possession and consumption of alcohol	27-102l(d)-185	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Substance abuse testing	27-102l(d)-186	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Transportation	27-102l(d)-187	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Major offenses	27-102l(d)-200	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Minor offenses	27-102l(d)-201	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Staff responsibilities	27-102l(d)-202	This language is published in DVA Residential Facilities Rules and Regulations Handbook

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Veterans' Affairs	Reporting and investigating alleged violations	27-102l(d)-203	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Immediate Action	27-102l(d)-204	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Reporting violations	27-102l(d)-205	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Initiating an investigation	27-102l(d)-206	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Preliminary investigations	27-102l(d)-207	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Informal conferences	27-102l(d)-208	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Preliminary administrative action	27-102l(d)-209	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Notice of proposed action	27-102l(d)-210	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Notice procedure for administrative inquiry	27-102l(d)-211	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Duties of director and administrator during an admistrative inquiry	27-102l(d)-212	This language is published in DVA Residential Facilities Rules and Regulations Handbook

HB 5049
REGULATION REPEALS INCLUDED IN BILL (SECTION 33)

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Veterans' Affairs	Discplinary actions following an informal conference or an administrative inquiry	27-102l(d)-213	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Request for desk review by commissioner	27-102l(d)-214	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Safety and security general duties	27-102l(d)-225	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Law enforcement agency assistance	27-102l(d)-226	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Use of force	27-102l(d)-227	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Security of personal property	27-102l(d)-228	This language is published in DVA Residential Facilities Rules and Regulations Handbook
Veterans' Affairs	Personal Data Systems	27-102l(d)-27 through 27-102l(d)-49	Unnecessary.

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HB 5049
STATUTORY REPEALS INCLUDED IN BILL
(Various Sections in Bill -- Sorted by Bill Sections)

Agency	Subject Matter	Statutory Section Number Range To Be Repealed	Bill Section	Rationale
Children & Families	Establishment of a Photo Listing Service for Children Legally Free for Adoption	17a-42	15	The regulations are unnecessary and corresponding statute should be be repealed. There is sufficient detail in other statutes and agency policy.
Administrative Services	Volunteer Experience	5-219a(a)	26	Elimination of the mandate to write regulations on volunteer experience is needed to repeal the corresponding regulations. The statute and the application form are sufficient to make people
Education	Vision, Audiometric and Postural Screenings	10-214(c)	27	The corresponding regulations are contrary to national standards and therefore the mandate to write them should be repealed.
Public Health	Breast Cancer Research and Education Fund	19a-32b(b)	29	The mandate to write regulations on this topic should be repealed to correspond to the department's request to repeal the regulations. Annual contributions vary from year to year and
Administrative Services	Description of Organization	Sec. 4-167(a)(1)	30	It is very difficult for agencies to keep information of this nature accurate and up-to-date via regs. It would be more appropriate and effective for this information to be required to be put on agency

000726

HB 5049
STATUTORY REPEALS INCLUDED IN BILL
(Various Sections in Bill -- Sorted by Bill Sections)

Agency	Subject Matter	Statutory Section Number Range To Be Repealed	Bill Section	Rationale
Transportation	Traffic Management Plans and Programs	13b-38a(b), (e), and (f)	31	The regulations were promulgated to facilitate a federal program that no longer exists and therefore the corresponding statutory langauge should be repealed.
Administrative Services	Political Activity of Classified State Employees	5-266c	34	The corresponding regulations are unnecessary, therefore the mandate to write them should be repealed.
Education	Nutrition Standards for Breakfasts and Lunches	10-215d	34	The corresponding regulations are obsolete and unnecessary and therefore the mandate to write them should be repealed.
Energy & Environmental Protection	Sodium Fluoroacetate (Compound 1080)	22a-66y (Improperty cited as 22a-66yy in bill)	34	The corresponding regulations are extremely outdated and obsolete and therefore the mandate to write them should be repealed.
Housing	Urban Homesteading Loan Fund	8-169o through 169w, inclusive	34	The corresponding regulations are for the urban homesteading loan fund which allowed urban homesteading agencies to provide loans to urban homesteaders and community housing development

HB 5049
STATUTORY REPEALS INCLUDED IN BILL
(Various Sections in Bill -- Sorted by Bill Sections)

Agency	Subject Matter	Statutory Section Number Range To Be Repealed	Bill Section	Rationale
Housing	Connecticut Housing Partnership Program	8-336f	34	These corresponding regulations are for a Connecticut Housing Partnership Program whose purpose was to encourage the formation of local housing partnerships which would work with the
Housing	Housing Development Zone Regulations	8-376 through 8-381, inclusive	34	The corresponding regulations are for an inactive program that enabled distressed municipalities to designate an area of such municipality as a housing development zone, which received priority financial
Housing	Housing Infrastructure Fund	8-386 through 8-389, inclusive	34	This Fund and the regional fair housing compact pilot program were created in the 1980s and are currently inactive.
Labor	Sanitary, Lighting and Heating Facilities For Employees of Railroad Companies as Defined in Section 16-1 of the General	31-38a	34	Langauge obsolete, railroad companies no longer regulated by PURA under 16-1.
Public Health	Allocation of AIDS Funds	19a-121b	34	The language in the regulation and this related statute that mandates the regulations is outdated. The department allocates and administers HIV funding to align with the latest CT HIV

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HB 5049
STATUTORY REPEALS INCLUDED IN BILL
(Various Sections in Bill -- Sorted by Bill Sections)

Agency	Subject Matter	Statutory Section Number Range To Be Repealed	Bill Section	Rationale
Public Health	Conditions for Physician Participation in the Malpractice Insurance Purchase Program	19a-17n	34	The program is no longer funded
Public Health	Public Sources of Nicotine Yield Ratings for Cigarettes	19a-74a	34	The statute calls for the department to obtain a list from the Federal Trade Commission, however the report is no longer produced. The Tobacco Products Scientific Advisory Committee was
Transportation	Requirements and Standards for Rideshare Organizations' Handicapped Programs	13b-38b	34	The regulations are superseded by the Federal Americans with Disabilities Act requirements of 1990 and therefore the mandate to write them should be repealed.

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HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Administrative Services	Uniform Contriubtion Scale, Manner of Determination, Waiver	4-68a-1 through 4-68a-23	These regulations have been superseded by regulations adopted in 1999 under 4a-12.
Administrative Services	Description of Organization- Rules of Practice	4b-1-1 through 4b-1-30	The Department of Public Works no longer exists as an agency. These regulations are now covered by DAS's description of organization under 4-23a.
Administrative Services	Assignment and Termination of State Housing	5-200(k)-1 through 5-200(k)-4	There is no specific statutory mandate to adopt regulations on this topic. DAS has sufficient policies that cover employee eligibility for housing and more (payment calculations, termination, etc.)
Administrative Services	Positions and Compensation	5-200-2	DAS does not establish compensation schedules for the Judicial & Legislative branches.
Administrative Services	Reclassifications	5-206-1	CGS 5-206 already provides for opportunity to be heard. Regulation does not add anything beyond what statute and policies provide.
Administrative Services	Waiver of Appointment	5-216-1 through 5-216-2	This regulation is redundant. The issue is already addressed in 5-229-1. Moreover, this language addresses the hiring process, not the creation of the exam lists, which is the subject of 5-216
Administrative Services	Application Rejection Appeal Process	5-221a-1 through 5-221a-4	The regulations are inconsistent with the statute, which has been revised twice since the regs were promulgated. The statute, together with the General Letter (GL36), are sufficient.

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HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Administrative Services	Examination Results; Review of Papers	5-225-1	The regulations are inconsistent with the statute, which has been revised twice since the regs were promulgated. The statute, together with the General Letter (GL36), are sufficient.
Administrative Services	Volunteer Experience	5-219a-1 through 5-219a-2	The statute and the application form are sufficient to make people aware that volunteer experience counts. DAS treats volunteer experience like other experience and does not need the regulations to specify how such experience should be treated. Moreover, the regulations indicate DAS will verify the information on the application, which we don't do, and reference a Gov's Council on Voluntary Action, which doesn't exist.
Agriculture	Potatoes	22-33-A1 through 22-33-B2 HB 5049 REPEALS ONLY A1 to B2	CT grades no longer used and no demand for CT Grade and dept staff to conduct grading. All growers using USDA standards, and all 3 categories mirror USDA standards and grade provisions. CT categories were used as a marketing and brand recognition tool at a time when potato acreage was considerably higher.
Children & Families	Circumstances Requiring Immediate Removal of a Child from his/her Home 96-Hour Hold	17a-101-11 through 17a-101-13	No statutory authority. The corresponding statute has sufficient detail.

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HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Children & Families	Certification of Relatives Providing Foster Care to a Related Child	17a-114-14 through 17a-114-25	The licensing category "relative certification" no longer exists.
Children & Families	Licensing of Permanent Family Residences	17a-155-1 through 17a-155-35	Statutory authority for these regulations was repealed by Public Act 13-40.
Emergency Services & Public Protection	Pyrotechnics	29-359-1	DESPP feels that this could be folded into the fireworks regulations, which currently are being reviewed for amendment.
Energy & Environmental Protection	Boating Safety	15-140v-1	Language is outdated and no longer necessary and unnecessarily burdensome because the Conservation database automatically reinstates certificates at the end of the suspension period.
Energy & Environmental Protection	Possession of salamanders and turtles	26-55-3(c) through (f) The entire section is repealed in HB 5049	Language is outdated - adoption of section 26-55-6 of the RCSA in 2011 rendered subsections 26-55-3 (c) through (f) moot.
Energy & Environmental Protection	Limitation on Taking (Birds)	26-48-5a(d) and (e)	Language is outdated - Subsections related to the number of birds and date they are liberated are unnecessarily burdensome. Repeal subsections 26-48-5a(d) and (e)
Energy & Environmental Protection	Sale of Game	26-66-8	Language is outdated – and unnecessarily burdensome, ineffective and ineffectual, and more appropriately addressed under section 26-78 of the CGS.

HB 5049 REQUESTED ADDITIONAL REGULATION REPEALS			
Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Housing	Downpayment Assistance Program	8-289-1 through 8-289-12	On behalf of the Connecticut Housing Finance Authority, DOH is recommending these regulations for repeal. These regulations are outdated and were replaced by Procedures adopted by CHFA.
Housing	Urban Homesteading Loan Fund	8-169w-1 through 8-169w-9	These regulations are for the urban homesteading loan fund which allowed urban homesteading agencies to provide loans to urban homesteaders and community housing development corporations for the purchase and rehabilitation of, or construction on, urban homestead program property. The Urban Homesteading Program is inactive and the compliance period has expired on all of the previously built units under this program. The regulations and companion statutes (Sec. 8-169o - 8-169w, inclusive) should be repealed.

000733

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Housing	Connecticut Housing Partnership Program	8-336f-1 through 8-336f-6	These regulations are for a Connecticut Housing Partnership Program whose purpose was to encourage the formation of local housing partnerships which would work with the community, the Department of Economic and Community Development and other state agencies to solve housing problems faced by the community and develop ways to increase the supply and availability of affordable housing in the community. This is an inactive program. These regulations and authorizing statute (sec. 8-336f) should be repealed.
Labor	Sanitary Facilities In Connecticut Establishments	31-37-1 through 31-37-14	Language obsolete
Labor	Deductions and allowances for reasonable value of board and lodging	31-60-3	Outdated
Labor	Beauty Shop Wage Orders	31-62-A2 through 31-62-A11	Langauge obsolete
Labor	Laundry	31-62-B1 through 31-62-B7	Langauge obsolete
Labor	Deductions and allowances for the reasonable value of board and lodging	31-62-E6; 31-62-E7	Langauge obsolete

000734

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Labor	Sanitary, Lighting and Heating Facilities For Employees of Railroad Companies as Defined in Section 16-1 of the General Statutes	31-38a-1 through 31-38a-15	Langauge obsolete
Motor Vehicles	Casing with five ply or more rating	14-137-7	CGS 14-98a should reference the relevant federal regulatory citation (49 CFR 571.109), which is sufficient to regulate motor vehicle tires.
Motor Vehicles	Towed Motor Vehicles	14-261-1	Language is covered in statute
Motor Vehicles	Protective Headgear for Operators and Passengers of Motorcycles	14-289g-1	Statute should reference federal safety standards of protective headgear, which are sufficient.
Motor Vehicles	Concerning the Form for "Waiver of Adverse Estimate"of Repairs to a Motor Vehicle	14-65d-5	Repetitive of statute.
Motor Vehicles	Safety Standards for Truck Brakes	14-80h-1 through 14-80h-8	Agency has already adopted the federal standards for truck brakes
Policy & Management	Drug Enforcement and Safe Neighborhoods Programs	21a-274a-1 through 21a-274a-12	Regulation is obsolete as state funding for the drug enforcement and neighborhood youth grant programs ended June 30, 2004 and June 30, 2003, respectively.
Policy & Management	Employment and Training Opportunities for Women in Connecticut's Work Force	4-66-1 through 4-66-7	Regulation is obsolete as it relates to Special Act 79-71, which required OPM to establish and administer a pilot program concerning employment training and opportunities for women in Connecticut's work force.

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Public Health	Occupational Health - Tetraethyl Lead	19-13-E1 through 19-13-E4	Tetraethyl Lead is banned
Public Health	Emission standards	19-13-G16	Outdated language, covered by another agency's regulations
Public Health	Budget Review Regulations for Short-Term Acute Care Hospitals Not Exempt from Annual Budget Review	19a-160-100 through 19a-160-119; 19a-160-121 through 19a-160-129	Reserved section no longer needed.
Public Health	Negotiation of Discounts with Hospitals	19a-166-1 through 19a-166-5	Regulations are for statutes that have been repealed.
Public Health	Hospital Reporting / Budget Review	19a-167g-53; 69; 71; 74 through 80; 83 through 89; 92; 95 through 99	Reserved sections no longer needed.
Public Health	Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physician Assistants and Technicians Engaged in Tattooing	19a-92a-1	Licensure program for tattoo artists will become effective July 1, 2014. Regulation will be obsolete
Public Health	Allocation of AIDS Funds	19a-121b-1 through 19a-121b-7	The language in the regulation is outdated. The department allocates and administers HIV funding to align with the latest CT HIV epidemiologic data and the most current recommendations from the CDC and HRSA. The state procurement standards guide the process.

000736

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Public Health	Conditions for Physician Participation in the Malpractice Insurance Purchase Program	19a-17n-1 through 19a-17n-2	The program is no longer funded
Public Health	Breast Cancer Research and Education Fund	19a-32b-3 through 19a-32b-5	Annual contributions vary from year to year and may be small amounts. In order for the Department to disburse such funds, it has to go through the Request For Proposal (RFP) process. Depending on the amount of the contribution, the RFP process may not be appropriate for such small contributions.
Public Health	Public Sources of Nicotine Yield Ratings for Cigarettes	19a-74a-1 through 19a-74a-2	The statute calls for the department to obtain a list from the Federal Trade Commission, however the report is no longer produced. The Tobacco Products Scientific Advisory Committee was convened by the United States Food and Drug Administration and chartered in 2012, and we believe that their work supersedes this earlier-developed report that is now outdated.
PURA	Surcharges to cover the costs of construction projects for compliance with the Safe Drinknig Water Act	16-1-59B	Regulation is outdated; the Federal Safe Drinking Water Act was enacted in the 1970s to address conditions that likely no longer exist today

000737

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
PURA	Procedures for the Projected Availability of all Generating Facilities Over 100 MW by Electric Public Service Companies	16-19cc-1 through 16-19cc-2	Obsolete by electric deregulation
PURA	Adopt Classification of Classes I, II and III Motor Carriers of Passengers According to ICC's Uniform System of Accounts	16-27-8 through 16-27-10	Motor carriers are no longer under PURA's jurisdiction
Revenue Services	Neighborhood Assistance Act	12-638-3; 12-638-5	Municipality approval of program proposals is no longer required by CGS 12-632(c).
Revenue Services	CT Income Tax Imposed Upon Nonresident	12-700(b)-1	This regulation duplicates language in statute and provides no other information.
Revenue Services	Nonresident of this state	12-701(a)(2)-1	This regulation duplicates language in statute and provides no other information.
Revenue Services	CT AGI of Resident Individual	12-701-(a)(20)-1	This regulation duplicates language in statute and provides no other information.
Revenue Services	Partnership income and deductions of a nonresident partner derived from CT sources	12-712(a)(1)-1	This regulation duplicates language in statute and provides no other information.
Revenue Services	Special rule where a trust or estate has no federal distributable net income	12-714(b)-1	This regulation duplicates language in statute and provides no other information.

000738

HB 5049
REQUESTED ADDITIONAL REGULATION REPEALS

Agency	Subject Matter	Reg. Section Number Range To Be Repealed	Rationale
Revenue Services	Taxpayers to whom the special accrual rules apply	12-717-5	Outdated
Revenue Services	Extension of time for filing group returns	12-723-2	Tax return governed by this regulation is obsolete.
Revenue Services	Filing on magnetic media	12-727(a)-1	Outdated
Revenue Services	Retention of records	12-740(c)-1	Outdated
Veterans' Affairs	Personal Data Systems	27-102l(d)-20 through 27-102l(d)-49	Unnecessary

000739

HB 5049
REQUESTED ADDITIONAL STATUTORY REPEALS

Agency	Subject Matter	Statutory Section Number Range To Be Repealed	Rationale
Emergency Services & Public Protection	Pyrotechnics	29-359(b)	DESPP requests that these regulations be folded into the fireworks regulations, which currently are being reviewed for amendment, and therefore requests a statutory deletion of the mandate to write pyrotechnic regulations.
Energy & Environmental Protection	Boating Safety	15-10v	The related regulations (15-140v-1) are outdated and unnecessary and therefore the mandate to write them should be eliminated.
Labor	Employment of Illegal Aliens	31-51k	Preempted by federal law, as are related regulations.

HB 5049
REQUESTED DELETIONS FROM SECTION 33 OF THE BILL

Agency	Subject Matter	Reg. Section Number Range	Rationale
Education	Cooperating Teacher and Beginning Educator Support and Assessment Programs	10-220a-1 through 10-220a-19	After the bill was submitted, agency determined that amendment, rather than repeal, was appropriate.
Energy & Environmental Protection	Sale of game	26-66-3	Incorrect regulation section number cited in bill. Should be 26-66-8.
Veterans' Affairs	Technical review procedure	27-102l(d)-104	Inadvertently included in original bill.
Veterans' Affairs	Office of advocacy and assistance	27-102l(d)-300	Inadvertently included in original bill.
Veterans' Affairs	Veterans headstone in private and state cemeteries	27-102l(d)-340	Inadvertently included in original bill.
Veterans' Affairs	Technical approval	27-102l(d)-342	Inadvertently included in original bill.
Veterans' Affairs	Technical denial	27-102l(d)-343	Inadvertently included in original bill.
Veterans' Affairs	Board of trustees	27-102l(d)-4	Inadvertently included in original bill.
Veterans' Affairs	Administration and support services	27-102l(d)-5(f)	Inadvertently included in original bill.
Veterans' Affairs	Rules of Practice: Definitions	27-102l(d)-51(13)	Inadvertently included in original bill.
Veterans' Affairs	Reserved	27-102l(d)-8	Inadvertently included in original bill.
Veterans' Affairs	Health care facility	27-102l(d)-80(a)(4) through 27-102l(d)-80(b)	Inadvertently included in original bill.

000741

HB 5049
REQUESTED DELETIONS FROM SECTION 33 OF THE BILL

Agency	Subject Matter	Reg. Section Number Range	Rationale
Energy & Environmental Protection	Noise Control	22a-69-1 through 22a-69-7.4	After the bill was submitted, it was discovered that repeal of this regulation may impact a proposed regulation scheduled to be submitted to the Regulations Review Committee in the coming months.

000742

Exhibit F - HB 5049 Statutory Repeal Deletions from Bill

HB 5049
REQUESTED STATUTORY REPEAL DELETIONS FROM THE BILL

Agency	Subject Matter	Statutory Section Number Range	Bill Section	Rationale
Energy & Environmental Protection	Noise Control	22a-69 to 22a-75, inclusive	34	This statutory repeal was requested to correspond to the request to repeal the related regulations, which is being withdrawn.

Testimony
Elizabeth Gara
Executive Director
Connecticut Water Works Association
Before the
GAE Committee
March 3, 2014

The Connecticut Water Works Association (CWWA) commends the efforts of Governor Malloy and lawmakers to eliminate and/or streamline outdated, unnecessarily burdensome, inefficient or ineffective regulations.

Our members, who are comprised of municipal water departments, private water companies and regional water authorities, identified several laws and regulations that are outdated, burdensome or otherwise inefficient and submitted this information to the Governor's Office pursuant to Executive Order 37. We are working with the appropriate state agencies as well as seeking legislation to address some of these issues.

CWWA therefore ***supports*** the intent of **HB-5049** which eliminates numerous outdated regulations.

Recognizing the value of periodically reviewing and updating agency regulations, CWWA also ***supports*** the intent of **SB-272,** AN ACT ESTABLISHING A FIXED TIME PERIOD FOR AGENCY REVIEW OF EXISTING REGULATIONS and **HB-5358,** AN ACT AUTHORIZING THE REGULATION REVIEW COMMITTEE TO RECOMMEND THE REPEAL OF OBSOLETE OR BURDENSOME REGULATIONS.

SB-272 and HB-5358 are aimed at creating a formal mechanism for reviewing agency regulations on an ongoing basis.

CWWA believes these efforts are vital to improving the efficiency of state government and ensuring that the state does not impose unnecessary and duplicative burdens on businesses operating in this state. We recommend that this ***process include an opportunity for public comment on a regular basis*** to ensure that regulated entities have a voice in efforts to improve the state's regulatory climate.

Periodically reviewing and obtaining input on agency regulations is important because there are many cases where concerns arise due to the interpretation or application of the regulations by agency staff and not the regulations as promulgated. Under these circumstances, it may be necessary to clarify or narrow the scope of the regulations to reflect the intent of the enabling legislation.

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there's something that we can do to -- even if you're not on the ballot or whatever to stay outside the 75 foot line would correct the problem. How we would write it, we'd have to work on that I guess.

JOHN MALSBENDEN: And by the way I speak as a senior citizen as well but that wasn't really the focus of my -- you know intention. I just don't want people harassed coming out from participating in their civic duties. They -- that just should not happen.

REP. JUTILA: Okay. At least hopefully the committee has a clearer idea of what the problem is that you're trying to address and you know perhaps we can try to think about how best we might address that if we're able to. Questions from other members of the committee?

JOHN MALSBENDEN: Okay.

REP. JUTILA: Thank you.

REP. ORANGE: We appreciate your time. Thank you.

REP. JUTILA: Next is Eric Brown followed by Senator Fasano.

SB349
HB5049

ERIC BROWN: -- with the Connecticut Business Industry Association and I'm here for a couple of reasons. Number one is to thank you for your continuing focus on improving Connecticut's regulatory development process. As you know our regulatory climate is very aggressive in this State. It's been identified

encouraging economic progress and development of jobs.

So obviously there's a very close tie there. We appreciate what the Governor created and we want to see it codified so it survives past his term however long that may be. Secondly I want to emphasize we believe is a very close nexus between Senate Bill 349 and another bill that you're considering, House Bill 5049 which is the Governor's bill that -- that essentially would obviate the need to go through the UAPA process for any regulation that a commissioner determines is noncontroversial.

So that obviously is a very huge change and one that presents some nervous thoughts within the regulated community. It makes it all the more important that that bill -- these two bills be merged together so that the protections afforded under Senate Bill 349 come into play to balance the situation where you have a 30 day automatic done deal.

And lastly I would contend that Senate Bill 349 will -- using those techniques and developing a regulation will lead to more noncontroversial regulations. When those kind of processes are followed in an -- in an agency when they develop a regulation, clear language, outreach, clear statement of purpose, et cetera, et cetera.

If you go to those public hearings at the agency and there are often nobody there. Because all of those issues have been worked

out. So they become noncontroversial. So we would argue Senate 349 would encourage that. And I've gone past my time so I'll end there and be happy to answer any questions you might have.

REP. JUTILA: Thank you, Eric. Questions from members of the committee? Senator McLachlan.

SENATOR McLACHLAN: Thank you, Mr. Chairman. Thank you, Eric, for your testimony. For your testimony on 349 but then your comment to merge 349 with 5049 and yet I -- I sense some hesitancy on 5049. How would you merge something that has something in there that you're so uncomfortable with?

ERIC BROWN: Well I think -- I think we try and look at it holistically. I think the Governor's 5049 is a good concept. The concern obviously is if a commissioner says it's noncontroversial under the current language of that bill the regulated community or anybody else in the public has 30 days to find out about the proposal, to read the proposal, to assess whether it impacts them and whether they want to comment on it. That's -- that's a very aggressive situation if you will.

And I know the -- the Secretary of State's Office is working on a new filing system that will hopefully make this communication smoother but I guess our feeling is by -- by incorporating 349 you're going to get more often a better regulatory product so that it's less likely that something that is -- is -- a

commissioner would reasonably think is noncontroversial would actually turn out to be that way.

There would be more vetting ahead of time. People would know about it ahead of time so it wouldn't just be all of a sudden a notice comes out in 30 days but there would have been a process in place where entities who were concerned about that particular issue would have already had a chance to not only know about it but interact.

So I think it's a more collaborative approach than 349 so it's less likely that a notice comes out that -- on an issue that nobody ever heard about before. So it is a balance. There are concerns but I think as a package it works. As separate bills, different question.

SENATOR McLACHLAN: Thank you. Thank you, Mr. Chairman.

REP. JUTILA: Other questions from members of the committee? Other questions? All right. Thank you, Eric.

ERIC BROWN: Thank you very much again for raising the bill. We really appreciate it.

REP. JUTILA: Next will be Senator Fasano. Is Senator Fasano in the room? Okay. We'll -- we'll catch him. Catch up with him. Then we will go to Jim Smith.