



General Assembly

January Session, 2015

**Raised Bill No. 1018**

LCO No. 4303



Referred to Committee on COMMERCE

Introduced by:  
(CE)

**AN ACT CONCERNING REGULATIONS EXCEEDING FEDERAL STANDARDS OR PROCEDURES.**

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

1 Section 1. (NEW) (*Effective October 1, 2015*) Prior to the adoption of  
2 any proposed regulation pertaining to activities for which the federal  
3 government has adopted standards or procedures, and such proposed  
4 regulation deviates from such standards or procedures, an agency  
5 shall prepare a federal deviation analysis that shall explain, in plain  
6 language, the reason for such deviation. Such federal deviation  
7 analysis shall be: (1) Included in the regulation-making record  
8 required under section 4-168b of the general statutes, as amended by  
9 this act, (2) publicly available at the time of the notice concerning the  
10 regulation required under section 4-168 of the general statutes, as  
11 amended by this act, and (3) included in the submission of the  
12 regulation to the standing legislative regulation review committee  
13 pursuant to subsection (b) of section 4-170 of the general statutes, as  
14 amended by this act.

15 Sec. 2. Subsection (a) of section 4-168 of the general statutes is

16 repealed and the following is substituted in lieu thereof (*Effective*  
17 *October 1, 2015*):

18 (a) Except as provided in subsections (g) and (h) of this section, an  
19 agency, not less than thirty days prior to adopting a proposed  
20 regulation, shall (1) post a notice of its intended action on the  
21 eRegulations System, which notice shall include (A) a specified public  
22 comment period of not less than thirty days, (B) a description  
23 sufficiently detailed so as to apprise persons likely to be affected of the  
24 issues and subjects involved in the proposed regulation, (C) a  
25 statement of the purposes for which the regulation is proposed, (D) a  
26 reference to the statutory authority for the proposed regulation, (E)  
27 when, where and how interested persons may obtain a copy of the  
28 [small business impact and] regulatory flexibility analysis required  
29 pursuant to section 4-168a and a copy of the federal deviation analysis  
30 required pursuant to section 1 of this act, if applicable, and (F) when,  
31 where and how interested persons may present their views on the  
32 proposed regulation; (2) post a copy of the proposed regulation on the  
33 eRegulations System; (3) give notice electronically to each joint  
34 standing committee of the General Assembly having cognizance of the  
35 subject matter of the proposed regulation; (4) give notice electronically  
36 or provide a paper copy notice, if requested, to all persons who have  
37 made requests to the agency for advance notice of its regulation-  
38 making proceedings; (5) provide a paper copy or electronic version of  
39 the proposed regulation to persons requesting it; and (6) prepare a  
40 fiscal note, including an estimate of the cost or of the revenue impact  
41 (A) on the state or any municipality of the state, and (B) on small  
42 businesses in the state, including an estimate of the number of small  
43 businesses subject to the proposed regulation and the projected costs,  
44 including but not limited to, reporting, recordkeeping and  
45 administrative, associated with compliance with the proposed  
46 regulation and, if applicable, the regulatory flexibility analysis  
47 prepared under section 4-168a. The governing body of any  
48 municipality, if requested, shall provide the agency, within twenty

49 working days, with any information that may be necessary for analysis  
50 in preparation of such fiscal note.

51 Sec. 3. Subsection (b) of section 4-168b of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective*  
53 *October 1, 2015*):

54 (b) The regulation-making record shall contain at least: (1) The  
55 agency's notice of intent to adopt regulations; (2) any written analysis  
56 prepared for the proceeding upon which the regulation is based,  
57 including the regulatory flexibility analysis required pursuant to  
58 section 4-168a and the federal deviation analysis required pursuant to  
59 section 1 of this act, if applicable; (3) all comments submitted on the  
60 proposed regulation; (4) the official transcript, if any, of proceedings  
61 upon which the regulation is based or, if not transcribed, any audio  
62 recording or stenographic record of such proceedings, and any  
63 memoranda prepared by any member or employee of the agency  
64 summarizing the contents of the proceedings; (5) all official documents  
65 relating to the regulation, including the regulation submitted to the  
66 office of the Secretary of the State in accordance with section 4-172, a  
67 statement of the principal considerations in opposition to the agency's  
68 action, and the agency's reasons for rejecting such considerations, as  
69 required pursuant to section 4-168, as amended by this act, and the  
70 fiscal note prepared pursuant to subsection (a) of section 4-168, as  
71 amended by this act, and section 4-170, as amended by this act; (6) any  
72 petition for the regulation filed pursuant to section 4-174; and (7) all  
73 comments or communications between the agency and the legislative  
74 regulation review committee. No audio recording of a hearing held  
75 pursuant to section 4-168, as amended by this act, shall be posted on  
76 the eRegulations System unless the Secretary of the State confirms that  
77 such posting will not constitute a violation of any state or federal law  
78 regarding accessibility for persons with disabilities. Any audio  
79 recording of a hearing held pursuant to section 4-168, as amended by  
80 this act, that is not posted on the eRegulations System shall be  
81 maintained by the agency and made available to the public upon

82 request. If an agency determines that any part of the regulation-  
83 making record is impractical to display or is inappropriate for public  
84 display on the eRegulations System, the agency shall describe the part  
85 omitted in a statement posted on the eRegulations System and shall  
86 maintain a copy of the omitted material readily available for public  
87 inspection at the principal office of the agency.

88 Sec. 4. Subsection (b) of section 4-170 of the general statutes is  
89 repealed and the following is substituted in lieu thereof (*Effective*  
90 *October 1, 2015*):

91 (b) (1) No adoption, amendment or repeal of any regulation, except  
92 a regulation issued pursuant to subsection (g) of section 4-168, shall be  
93 effective until (A) an electronic copy of (i) the proposed regulation  
94 approved by the Attorney General, as provided in section 4-169, [and  
95 an electronic copy of] (ii) the regulatory flexibility analysis, as  
96 provided in section 4-168a, and (iii) the federal deviation analysis, as  
97 provided in section 1 of this act, if applicable, are submitted to the  
98 standing legislative regulation review committee in a manner  
99 designated by the committee, by the agency proposing the regulation,  
100 (B) the regulation is approved by the committee, at a regular meeting  
101 or a special meeting called for the purpose, and (C) a certified  
102 electronic copy of the regulation is submitted to the office of the  
103 Secretary of the State by the agency, as provided in section 4-172, and  
104 the regulation is posted on the eRegulations System by the Secretary.  
105 (2) The date of submission for purposes of subsection (c) of this section  
106 shall be the first Tuesday of each month. Any regulation received by  
107 the committee on or before the first Tuesday of a month shall be  
108 deemed to have been submitted on the first Tuesday of that month.  
109 Any regulation submitted after the first Tuesday of a month shall be  
110 deemed to be submitted on the first Tuesday of the next succeeding  
111 month. (3) The form of proposed regulations which are submitted to  
112 the committee shall be as follows: New language added to an existing  
113 regulation shall be underlined; language to be deleted shall be  
114 enclosed in brackets and a new regulation or new section of a

115 regulation shall be preceded by the word "(NEW)" in capital letters.  
116 Each proposed regulation shall have a statement of its purpose  
117 following the final section of the regulation. (4) The committee may  
118 permit any proposed regulation, including, but not limited to, a  
119 proposed regulation which by reference incorporates in whole or in  
120 part, any other code, rule, regulation, standard or specification, to be  
121 submitted in summary form together with a statement of purpose for  
122 the proposed regulation. On and after October 1, 1994, if the committee  
123 finds that a federal statute requires, as a condition of the state  
124 exercising regulatory authority, that a Connecticut regulation at all  
125 times must be identical to a federal statute or regulation, then the  
126 committee may approve a Connecticut regulation that by reference  
127 specifically incorporates future amendments to such federal statute or  
128 regulation provided the agency that proposed the Connecticut  
129 regulation shall submit for approval amendments to such Connecticut  
130 regulations to the committee not later than thirty days after the  
131 effective date of such amendment, and provided further the committee  
132 may hold a public hearing on such Connecticut amendments. (5) The  
133 agency shall also provide the committee with a copy of the fiscal note  
134 prepared pursuant to subsection (a) of section 4-168, as amended by  
135 this act. At the time of submission to the committee, the agency shall  
136 submit an electronic copy of the proposed regulation and the fiscal  
137 note to (A) the Office of Fiscal Analysis which, not later than seven  
138 days after receipt, shall submit an analysis of the fiscal note to the  
139 committee; and (B) each joint standing committee of the General  
140 Assembly having cognizance of the subject matter of the proposed  
141 regulation. No regulation shall be found invalid due to the failure of an  
142 agency to submit an electronic copy of the proposed regulation and the  
143 fiscal note to each committee of cognizance, provided such regulation  
144 and fiscal note have been electronically submitted to one such  
145 committee.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	4-168(a)
Sec. 3	<i>October 1, 2015</i>	4-168b(b)
Sec. 4	<i>October 1, 2015</i>	4-170(b)

***Statement of Purpose:***

To require the inclusion of a plain-language explanation of why proposed regulations differ from the applicable federal standard when any such regulations are submitted to the legislative regulations review committee.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*