

# Connecticut

## State Regulatory Processes

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### Rulemaking Process

Regulations are rules adopted by Connecticut state agencies and some boards and commissions. Generally, a regulation must (1) be properly noticed, (2) have a public comment period, (3) be approved by the Attorney General as to legal sufficiency, (4) be approved by the Legislative Regulation Review Committee (LRRRC), and (5) be filed in the Secretary of the State's office.

Agencies may only adopt regulations that are authorized by Connecticut statute. With some exceptions, an agency's regulation-making authority generally falls into two categories, mandatory and permissive. Mandatory regulations are those that an agency is required to write pursuant to a public act. Many agencies also have permissive regulatory authority, which means they have authority to write regulations on a particular topic, but are not required to do so.

### eRegulations System

Agencies are required to prepare and publish a fiscal note for a proposed regulation with the notice of intent. The fiscal note must include the estimated cost to or revenue impact on the state and any municipality of the state. A similar document, called a small business impact statement, must also be filed and indicates whether the agency anticipates the regulation to have a financial impact on small businesses in the state.

Unless an exception applies, an agency must provide the public at least 30 days to comment on a proposed regulation. Comments may be written or may be given orally if an agency holds a public hearing. An agency is required to hold a public hearing on a proposed regulation if required by authorizing legislation or, if within 14 days after notice has been published, a hearing is requested by at least 15 persons, a governmental subdivision or agency or an association that has at least 15 members.

All regulations, except emergency regulations, must be approved by the Attorney General for legal sufficiency. If approved, the Attorney General's certification can be found on the eRegulations System. Following approval by the Attorney General, the agency must submit a proposed regulation for approval to the LRRRC before it becomes final.

Once a regulation is approved by the LRRRC, it must be submitted by the agency within 10 days to the Secretary of the State for publication on the eRegulations System. The final approved regulation will be posted on the eRegulations System in the format submitted to the committee.

After the final regulation has been published by the Secretary of the State, the final regulation will be compiled with the other state regulations. This compilation is known as the Regulations of Connecticut State Agencies.

### Emergency Rulemaking

An agency may proceed to adopt an emergency regulation in accordance with this subsection without prior notice, public comment period or hearing or upon any abbreviated notice, public comment period and hearing that it finds practicable if (A) the agency finds that adoption of a regulation upon fewer than thirty days' (30) notice is required (i) due to an imminent peril to the public health, safety or welfare or (ii) by the Commissioner of Energy and Environmental Protection in order to comply with the provisions of interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or to meet unforeseen circumstances or emergencies affecting marine resources, (B) the agency states in writing its reasons for that finding, and (C) the Governor approves such finding in writing.

(2) The agency shall submit an electronic copy of the proposed emergency regulation to the standing legislative regulation review committee, together with a statement of the terms or substance of the intended action, the purpose of the action and a reference to the statutory authority under which the action is proposed. The committee may approve or disapprove the proposed emergency regulation, in whole or in part, not later than fifteen calendar days after its submission to the committee, at a regular meeting, if one is scheduled, or may, upon the call of either chairman or any five or more members, hold a special meeting for the purpose of approving or disapproving the regulation, in whole or in part. Failure of the committee to act on such regulation within such a fifteen-day (15) period shall be deemed an approval. If the committee disapproves such regulation, in whole or in part, it shall notify the agency of the reasons for its action. An approved emergency regulation shall be posted on the eRegulations System by the office of the Secretary of the State and shall be effective for a period of not longer than one hundred eighty days from the date it is approved or deemed approved and posted. Such one-hundred-eighty-day period may be extended an additional sixty days for emergency regulations described in subparagraph (A)(ii) of subdivision (1) of this subsection, provided the Commissioner of Energy and Environmental Protection requests of the standing legislative regulation review committee an extension of the renewal period at the time

such regulation is submitted or not less than fifteen calendar days before the emergency regulation expires and the committee approves such extension. Failure of the committee to act on such a request within fifteen calendar days shall be deemed an approval of the extension. Nothing in this subsection shall preclude an agency proposing an emergency regulation from adopting a permanent regulation that is identical or substantially similar to the emergency regulation, but such action shall not extend the effective date of the emergency regulation.

(3) If the necessary steps to adopt a permanent regulation, including the posting of notice of intent to adopt, preparation and submission of a fiscal note and approval by the Attorney General and the standing legislative regulation review committee, are not completed prior to the expiration date of an emergency regulation, the emergency regulation shall cease to be effective on such expiration date.

### **Connecticut Register**

### **Connecticut Administrative Procedure Act**