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

March 3, 2014

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.



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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.

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.

