

TESTIMONY OF ERIC J. BROWN  
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION  
before the  
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE  
March 16, 2015

Good afternoon. My name is Eric Brown and I am an attorney with the Connecticut Business & Industry Association (“CBIA”) and director of its Environmental Policies Council. CBIA’s mission is to work with our members and public officials to make Connecticut a more attractive location for business investment in order to grow jobs and economic opportunity for those who live here. Our members include businesses from across the state of all sizes and from nearly every industry in Connecticut.

CBIA appreciates this opportunity to provide comment recommending changes to S.B. 1082, An Act Permitting State Agencies to Establish Electronic Filing Systems for Agency Proceedings.

CBIA appreciates the efforts of many state agencies to develop electronic filing systems. We do need to keep in mind, however, that there are still some businesses for which some electronic filing formats and software requirements are difficult and may require software modifications or a re-structuring of systems put in place over several years to efficiently handle reporting requirements prior to an agency instituting its chosen electronic reporting system and format.

We appreciate that this bill provides an opt-out from filing electronically but we think the process for doing so is more cumbersome and burdensome than it needs to be. The current bill provides that an agency MAY permit an exemption from the electronic filings only after a REQUEST has been filed with the agency, and the AGENCY MAKES A DETERMINATION a that the requesting party has DEMONSTRATED HARDSHIP.

CBIA request this committee consider modifying the language of subsection 2(b), starting on line 100, following “use of such system” to read:

“Any agency establishing such a system shall [permit] grant a person, as defined in section 4-166, as amended by this act [to request] an exemption from any electronic filing requirements due to a [demonstrated] hardship [including,] communicated in writing to the agency. Such hardship may include, but not be limited to, a lack of access . . .”

Second, as this bill deals with provisions of the Uniform Administrative Procedures Act and certain provisions which exempt certain agency actions from the definition of a “regulation”, under subdivision (16) of section 4-166 of the general statutes as amended by this act, we request the following be included in the bill:

Section 999 (NEW): “Notwithstanding statutory procedures specified for the adoption of any general permit by the Department of Energy and Environmental Protection, any such general permit proposed by said agency which can reasonably be expected to impact 25 or more businesses or municipalities, shall be deemed to constitute a state regulation within the meaning of subdivision (16) of section 4-166, as amended by this act.”

General permits, already meet the current definition of a regulation under section 4-166, in that they are statements that implement, interpret, or prescribe law or policy or procedures or practice requirements of an agency. While general permits are a good tool for addressing the enormous permitting demands on DEEP, they have too often become a means of regulating without the having to comply with the procedural safeguards of the Uniform Administrative Procedures Act.

Thank you for this opportunity to comment and for your consideration of our suggestions.