



Testimony of Eric Brown
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before the
Government Administration and Elections Committee
February 22, 2016

RE: S.B. No. 16 AN ACT INCREASING AGENCY EFFICIENCY IN THE REGULATION PROCESS

CBIA opposes sections 1 and 4 of this bill.

Good afternoon. My name is Eric Brown and I serve as counsel on environmental, energy and regulatory policy for the Connecticut Business & Industry Association (“CBIA”). CBIA is proud to represent thousands of small and large businesses throughout Connecticut, employing hundreds of thousands of Connecticut citizens. Many of those businesses speak to us regularly about the regulatory challenges they face and its impact on their ability to grow, prosper and compete in a global economy.

CBIA appreciates the goal of this bill’s sponsors and the Governor to streamline the regulatory adoption process. This is an important goal and CBIA would enthusiastically embrace the opportunity to work with this committee, the legislature as a whole – including legislative staff, and the governor’s office to develop measures to achieve it.

With respect to S.B. 16, we have yet to identify any objection from our membership with respect to sections 2,3 and 5. However, CBIA firmly opposes sections 1 and 4.

As an agency’s authority to adopt regulations emanates from the legislative branch, it makes perfect sense that said branch have the authority to monitor and review regulatory activity and the ability to hold agencies accountable when a legislative pronouncement either authorizing or mandating regulations does not appear to be acted upon in a timely manner.

Section 1 of this bill would eliminate, for many state agencies, statutory deadlines related to ensuring timely agency response to legislative directives concerning regulations. Further, it would grant the executive branch authority to ignore a legislative directive to adopt regulations if the agency determines the regulations are unnecessary.

While well intentioned, this section goes too far – to the extreme in fact, in restricting the legislature’s important role of monitoring and reviewing agency regulatory activity as

authorized by the legislature. If an agency determines there is sufficient statutory language to enforce a statute without the need for fulfilling a legislative directive to adopt regulations, the agency should bring that perspective to the legislature and request the regulatory directive be withdrawn via the legislative process.

Similarly, section 4 would negate the need for many agencies to make periodic recommendations to the legislature as to how it may reduce the number and length of its existing regulations, as well as making determinations as to whether existing regulations are obsolete, not used, inconsistent with federal regulations, has been the subject of written complaints, or no longer effective.

CBIA believes these periodic reviews are a critically important component of our executive branch efforts towards leaning, becoming more efficient and advancing a philosophy of continuous improvement.

Accordingly, CBIA recommends that this committee delete sections 1 and 4 of S.B. 16.

Thank you for this opportunity to provide comment and for your consideration thereof.