

PA13-279

SB1006

Commerce	658, 660, 680-681, 682-686, 762, 764-765, 770	13
House	10734-10736, 10761-10763	6
Senate	884-895	12
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VETO
SESSION**

**VOL.56
PART 31
10451 - 10795**

The motion is to move this item, Senate Bill 1020
to the Consent Calendar. Is there objection? So
ordered. Will the Clerk please call Calendar 388.

THE CLERK:

On page 12, Calendar 388 favorable report of the
joint standing Committee on Commerce, Senate Bill 10 -
- 1006, AN ACT CONCERNING PERMITTING ACCOUNTABILITY.

SPEAKER SHARKEY:

Representative Perone.

REP. PERONE (137th):

Thank you, Mr. Speaker. I wish to move for
adoption and put it on Consent. Through you.

SPEAKER SHARKEY:

No. No. Move acceptance of the joint
committee's favorable report, Sir.

REP. PERONE (137th):

Mr. Speaker, I move -- I move for acceptance of
the joint committee's favorable report and passage of
the bill.

SPEAKER SHARKEY:

The question is acceptance of the joint
committee's favorable report and passage of the bill.
Will you remark, Sir?

REP. PERONE (137th):

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Yes. Thank you, Mr. Speaker. Yes. I wish to put this item on Consent. I wish to -- I wish to amend it and place it on Consent. Good bill ought to pass.

SPEAKER SHARKEY:

Sir, I believe there's an amendment on this bill.

REP. PERONE (137th):

Thank you, Mr. Speaker. I'd like to call the amendment.

SPEAKER SHARKEY:

Please proceed. Do you have the LCO number, Sir?

REP. PERONE (137th):

Five seven nine nine.

SPEAKER SHARKEY:

Clerk, please call LCO 5799.

THE CLERK:

Senate Amendment A, LCO 5799 introduced by LeBeau and Musto.

REP. PERONE (137th):

I move adoption.

SPEAKER SHARKEY:

Which was previously designated Senate Amendment A.

REP. PERONE (137th):

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All right. I move adoption.

SPEAKER SHARKEY:

The question is on adoption. Seeing -- the question is on adoption. Do you care to remark? Let me try your minds. All those in favor of Senate Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The amendment is adopted.
Representative Perone.

REP. PERONE (137th):

Now Mr. Speaker, I'd like to move to Consent.

SPEAKER SHARKEY:

The question is to move this item to the Consent.
Seeing no objection, so ordered. Will the Clerk please call Calendar 491.

THE CLERK:

On page 15, Calendar 491, favorable report of the joint standing Committee on Planning and Development, Senate Bill 963, AN ACT CONCERNING THE EXPIRATION OF APPROVALS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN FIVE THOUSAND GALLONS PER DAY.

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Nine four.

SPEAKER SHARKEY:

Nine four previously designated as Senate A.

THE CLERK:

Senate Amendment A, substitute Senate Bill 158,
LCO 5894.

REP. URBAN (43rd):

I move adoption.

REP. CAFERO (142nd):

Mr. Speaker. Mr. Speaker, we did not --

THE CLERK:

-- introduced by Senator Williams.

REP. URBAN (43rd):

Five eight nine four, I move adoption.

REP. CAFERO (142nd):

No. PT this. I mean I would request that.

Whatever you want to do.

SPEAKER SHARKEY:

The question is -- the question is PT. Without
objection so ordered. Clerk please call -- will the
Clerk please call Calendar 659. Six five nine. Yeah.

THE CLERK:

Bill number 1020, Bill number 1006, 963, 878,
964, 833, 383, 900, Senate Joint 58, 1163, 1079, 709,

1040, 326, 803, 886, 1065, 983, 190 and 158 on the

Consent Calendar.

SPEAKER SHARKEY:

Representative -- Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move adoption of the Consent Calendar.

SPEAKER SHARKEY:

Staff and guests to the well of the House.

Members take your seats. The machine will be opened. Open the board, Mr. Clerk. Open the board for the Consent Calendar. Staff and guests to the well of the House. Members take your seats. The machine will be opened for the Consent Calendar.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please come to the well of the Chamber please. The House is voting immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members please check the board to make sure your vote is properly cast. If all the members have voted the machine will be locked and the Clerk will

take a tally. Will the Clerk please announce the tally.

THE CLERK:

On the Consent Calendar, Mr. Speaker.

Total Number Voting	146
Necessary for Adoption	74
Those voting aye	146
Those voting nay	0
Absent and not voting	4

SPEAKER SHARKEY:

The bill -- or the Consent Calendar passes.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker.

SPEAKER SHARKEY:

Mr. Majority Leader.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we adjourn sine die.

SPEAKER SHARKEY:

The motion is to adjourn sine die. Seeing no objection, so ordered.

(On motion of Representative Aresimowicz of the 30th District, the House adjourned at 12:02 o'clock a. m.,

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SENATE**

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Yes, I would, Madam President.

THE CHAIR:

Seeing no objection, it's moved to Consent.

Mr. Clerk.

THE CLERK:

On page 16, Calendar 157, Senate Bill Number 1006, AN ACT CONCERNING PERMITTING ACCOUNTABILITY, favorable report of the Committee on Commerce, and there are amendments.

THE CHAIR:

This is -- excuse me -- oh, there you are.

Senator LeBeau, sorry.

SENATOR LEBEAU:

Thank you, Madam President.

I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

The motion is on acceptance. Will you remark, sir?

SENATOR LEBEAU:

Yes, I will, Madam President.

The bill -- the -- no rhyming -- yes, the Clerk has an amendment. This time it's LCO Number 5799, may he call it and may -- I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

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LCO Number 5799, Senate A, offered by Senators LeBeau and Musto.

THE CHAIR:

Senator LeBeau.

SENATOR LEBEAU:

Thank you, Madam President.

I'd like to say this bill came from -- it had two different sources. One source was the Commerce Committee; the other source was the Government Administrations and Elections Committee. And what we did with this amendment is we joined the two bills together into one bill, which I think is a very, very strong bill, and it has had a lot of bipartisan support in both committees that -- and essentially, what the bill does and what the -- what the amendment does is it modifies the Uniform Procedures Act to ensure that when the State acts that there is always a -- and the State acts to -- to punish or to -- to cite or to say to a business or to an individual that you can or cannot -- you cannot do something or you must do something that -- that when the State is using its power to do that that they cite exactly what the regulation and/or the law is that is in effect and what is their -- their statutory and regulatory authority for doing that. And we've heard stories, anecdotal at that, but stories that we have heard of state officials acting in a relatively arbitrary manner and refusing to give the authority that they were acting under.

So this has come to us from the business community, particularly, the homebuilders, who are -- have brought this to us, and I'd like to thank Senator Musto for working on this bill also. And I -- if I could, I'd like to yield to Senator Musto for a few words.

THE CHAIR:

Senator Musto, will you accept the yield, sir?

SENATOR MUSTO:

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Yes, Madam President. Thank you very much.

Thank you, Senator LeBeau.

I do stand in strong support of this bill. We did -- it is the language that came through the GAE Committee, and I think the feeling on the committee and, in general, in the legislature, is that, you know, we owe it to our citizens to tell them what the government is doing, in general. The transparency issues, all the things we've been doing about open government for years. This bill is in -- directly on point with that. If the government is going to tell somebody no or, again, as Senator LeBeau said, punish them in some way, we owe it to our citizens to tell them why. We don't even find it acceptable these days to tell children, because I told you so. Even -- even our children expect reasons for us. There's no reason we should treat adults any differently. So I do stand in strong support of this bill.

I would like to thank the support of our committee as well as our ranking member, Senator McLachlan, and with Senator LeBeau's permission I would ask to yield to Senator McLachlan. I know he has a few words in support the bill as well.

THE CHAIR:

Senator McLachlan, will you accept the yield, sir?

SENATOR MCLACHLAN:

Thank you, Madam President.

And I do accept the yield.

I'd like to agree with the chairman of Commerce and the chairman of Government Administration and Elections that this is a move in the right direction for Connecticut state government to be business friendly and this truly is a business-friendly idea. Now, hopefully, tomorrow, we're going to be really business friendly and cut taxes. But --

THE CHAIR:

Are you calling for a session tomorrow?

SENATOR MCLACHLAN:

I would like to say that it is clearly in the best interest of -- of the state government to be forthright in -- in all decisions, just like if I get a speeding ticket on the way home -- which I hope I don't -- when they hand you a speeding ticket it says right next to it what state law you have broken as part of your speeding ticket. But in state government, a letter of denial for a particular permit may not be as specific as a speeding ticket is. And this bill will make it plain and simple.

I think it'll be helpful for anyone dealing with state government to find the right way to get a green light instead of a red light. And I thank all those involved in this process. This will be a good deal. Thank you.

THE CHAIR:

Thank you very much.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam -- thank you, Madam President.

I wasn't sure whether the Senator was offering an amendment on cutting taxes or not and if -- was wondering if can give yield back to him.

THE CHAIR:

I don't think it's germane, sir.

SENATOR FRANTZ:

It's not germane? Okay, fair enough. I stand in support. This is another good bill. This is something that is long overdue. It's something that

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imposes upon those in the regulatory agencies and bodies a certain amount of discipline. You have to go out and you have to do your homework before you can deny someone or a company, a partnership permission to do something. You have to actually know what you're talking about, and I know it's not the most fun thing to do to go read statutory language, but it must be done for those who are full-time in the business, not of creating the laws but of enforcing the laws or using the laws. So I think it's a -- it does create a good sense of discipline within these different agencies. And, hey, you know, at the end of the day, we're all human beings and we do have tendencies to have good days and bad days. We do tend to -- if you remember Psych 101 in college where they taught you -- they'd given the opportunity to take advantage of other people and cause a little bit of pain here and there, it will be done from time to time. This, I think, prevents that from happening. It's the only fair way to approach many of these complex issues where someone in an agency can hide behind the wall of all this statutory language without being specific about what particular part of that statute is the one that is coming into play or preventing something from being granted or whatever, it's -- it's only common sense. It's a good bill and I strongly urge everybody to support this one in the interest of not only the economy in Connecticut but also just doing the right thing in Connecticut.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator LeBeau.

SENATOR LEBEAU:

Madam President, if there's no objection I would like to move this -- first, we have the -- rather the amendment. Yes, we have to move the amendment.

THE CHAIR:

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The amendment.

The question is on the amendment. Will you remark?
Will you remark?

If not, all in favor of the amendment please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

The amendment passes.

Senator LeBeau.

SENATOR LEBEAU:

Madam President, if there's no objection, I'd like to move this bill to the Consent Calendar.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LEBEAU:

Thank you.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might call for a vote now on today's Consent Calendar.

THE CHAIR:

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Mr. Clerk, call for a roll call vote, but will you do the proceedings and go through and read the vote on the -- on that Consent Calendar. Read the bills on the Consent Calendar and the machine then will be opened.

THE CLERK:

On page 1, Calendar 96, Senate Resolution Number 19,
RESOLUTION CONFIRMING THE NOMINATION OF JASON E.
BOWSA OF BROAD BROOK TO BE A MEMBER OF THE
CONNECTICUT RIVER VALLEY FLOOD CONTROL COMMISSION,
favorable report of the Senate Committee on Executive
and Legislative Nominations.

Also on page 1 --

THE CHAIR:

Mr. Clerk, if you'd like you can just read the
Calendar Number --

THE CLERK:

Okay.

THE CHAIR:

-- and the Resolution Number. Okay.

THE CLERK:

Great.

Page 1, Calendar 97, Senate Resolution Number 20.

On page 2, Calendar 98, Senate Joint Resolution Number
46; also on page 2, Calendar 99, Senate Joint
Resolution Number 47; page 2, Calendar 130, Senate
Joint Resolution Number 21; page 2, Calendar 131,
Senate Joint Resolution Number 48; page 2, Calendar
136, Senate Joint Resolution 49.

SR 21

On page 3, Calendar 197, Senate Joint Resolution
Number 50; also on page 3, Calendar 198, Senate Joint
Resolution Number 51; page 3, Calendar 245, Senate
Resolution Number 22; page 3, Calendar 246, Senate

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Joint Resolution Number 23; page 3, Calendar 247,
Senate Joint Resolution Number 52.

And on page 4, Calendar 316, House Joint Resolution
Number 72; page 4, Calendar 317, House Joint
Resolution Number 73; also on page 4, Calendar 318,
House Joint Resolution Number 74; page 4, Calendar
319, House Joint Resolution Number 75.

On page 5, Calendar 320, House Joint Resolution Number
76; also on page 5, Calendar 321, House Joint
Resolution Number 77; page 5, Calendar 322, House
Joint Resolution Number 78; on page 5, 323 is the
Calendar, House Joint Resolution Number 79.

And on page 6, Calendar 324, House Joint Resolution
Number 80; also on page 6, Calendar 325, House Joint
Resolution 81; page 6, Calendar 326, House Joint
Resolution Number 82; page 6, Calendar 327, House
Joint Resolution Number 84.

HJR 83
Calendar 328-HJR 84

On page 7, Calendar 329, House Joint Resolution Number
85; page 7, Calendar 330, House Joint Resolution
Number 86; page 7, Calendar 331, House Joint
Resolution Number 87; and on page 7, Calendar 332,
House Joint Resolution Number 88.

On page 13, Calendar 128 --

THE CHAIR:

Mr. Clerk, would you also check page 11, Calendar
Number 1 -- 0111.

THE CLERK:

I think that was referred to the Consent Calendar.

THE CHAIR:

It is the Consent Calendar, sir.

THE CLERK:

Oh, yes, yes, yes, you're right. Sorry about that.

On page 11, Calendar 111, Senate Bill Number 825.

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And on page 13, now, Calendar 128, Senate Bill --

THE CHAIR:

Mr. Clerk, would you look at 127, also, please, 127,
Calendar 127.

THE CLERK:

Okay.

Calendar 127, Senate Bill Number 927; also on page 13,
Calendar 128, Senate Bill 1032; and on page 13,
Calendar 137, Substitute for Senate Bill Number 837.

On page 8 --

THE CHAIR:

-- 15.

THE CLERK:

-- 15, Calendar 151 --

THE CHAIR:

Senator, would you look at Calendar 147, please.

THE CLERK:

-- Calendar 147 --

THE CHAIR:

Thank you.

THE CLERK:

-- Senate Bill Number 1061; also on page 15, Calendar
1 --

THE CHAIR:

-- 49.

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THE CLERK:

-- 49, Substitute for Senate Bill Number 909; on page 15, Calendar 151, Senate Bill Number 63.

And, now, on page 16, Calendar 156, Senate Bill Number 1004; also Calendar 157, Senate Bill Number 1006.

And on page 18, Calendar 173, Substitute --

THE CHAIR:

-- Mr. Clerk, can you look at 168 first, please.

THE CLERK:

I'm sorry.

Calendar 168, Substitute for Senate Bill Number 880, and Calendar 173, Substitute for Senate Bill Number 874.

On page 19; Calendar 183, Substitute for Senate Bill Number 853.

And on page 20, Calendar 187, Senate Bill Number 953; also on page 20, Calendar 191, Senate Bill Number 704.

On page 22, Calendar 206, Substitute for Senate Bill Number 950.

On page 23, Calendar 213, Substitute for Senate Bill Number 826.

On page 24, Calendar 221, Senate Bill Number 946.

And on page 29, Calendar 25 --

THE CHAIR:

Sir, on page 28, first.

THE CLERK:

I'm sorry.

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Page 28, Calendar 250, Substitute for Senate Bill
Number 1010.

And on page 29, Calendar 258, Substitute for Senate
Bill Number 1073.

On page 37, Calendar 306, Senate Bill Number 111.

And I think that's it.

THE CHAIR:

Yes, I think so.

This time I'll ask everybody to please vote. The machine is open, and we're voting on the Consent Calendar.

Do you -- would you please announce it again, Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate,
voting today's Consent Calendar. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On today's Consent Calendar.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

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The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, a couple of additional items. First of all, on a matter adopted earlier today, Calendar 344, Substitute for House Bill Number 6648, would ask for a suspension for immediate transmittal of that item to the Governor.

THE CHAIR:

Seeing no objection so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, for a couple of -- of items for recommittals on the last -- near the end of the Calendar, Calendar page 52, under "Favorable Reports and Resolutions," Calendar 34, Senate Resolution Number 8, I would move to recommit that item to the Appropriations Committee.

THE CHAIR:

Seeing no objection so ordered.

SENATOR LOONEY:

And also, Madam President, Calendar 212, Senate Resolution Number 14, I move to recommit that item to the Education Committee.

THE CHAIR:

Seeing no objection so ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**COMMERCE
PART 2
344 - 715**

2013

year.

ERIC GJEDE: I can tell you that all of these points have come from questions that have been asked of the Labor Department. And CBIA also has an HR division where we do provide guidance on a lot of issues to our membership. And those folks as well have had questions about all of these things.

So yeah. I would say 100 percent there has been a demonstrated need. As far as the -- the abuse I think we're -- we're trying to get ahead of that one. I know -- I'm not a hundred percent sure if there's ever been an official complaint with the Department of Labor.

I can tell you our membership has approached us on this issue and again we're trying to get ahead of the potential lawsuit for any Connecticut business dealing with this law because of an unclear provision within it.

SENATOR LeBEAU: Thank you, Eric.

Any further questions?

Thank you very much for testifying today.

ERIC GJEDE: Thank you.

SENATOR LeBEAU: Eric Brown.

ERIC BROWN: Good afternoon, Senator LeBeau, Representative Perone, distinguished members of the commerce committee. My name is Eric Brown and I am Director of Energy and Environmental Policy with CBIA. And I'm here to comment briefly on actually three bills that I would put under the umbrella of regulatory reform that Commissioner -- Deputy Commissioner Macky McCleary spoke on earlier.

SB 759 SB 1006
SB 1008

But we think it would be great to have procedures as called for in the bill. We did propose in our testimony an amendment to the language because the language is very narrow in terms of saying everything would have to be fixed within 30 days. Well things can't always be fixed in 30 days.

For example if you don't have adequate training that you're supposed to have under the regulations well chances are you're not going to be able to find, participate in training within a 30 day time period. So we suggested language that if you are somehow contractually committed -- contractually or otherwise committed to the -- what's required to fix the problem then the waiver would apply. I also submitted written testimony on 106 in support of that bill.

SB1006

I did not submit written comments on 1008 although we're very interested in that bill. We're very supportive of what DEEP's trying to do. But we also are -- have a very big stake in the discussion about general permitting. And I know Representative Morin's left, had an interest in that. So if there are any questions I'd be happy to answer them otherwise we'll continue to look forward to working with you on these bills.

REP. PERONE: Thank you. So many to choose from. The -- I think that I'd like to get a better understanding of -- of the -- regarding the -- the regulation changes that we have. I think any firm -- firm -- and where it can be kind of instructive is really your take on you know what members of CBIA feel and the -- basically your members feel about the current regulatory environmental as it relates to you know firms and companies in this -- this regard.

SB759

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law/gbr COMMERCE COMMITTEE

March 7, 2013
10:15 A.M.

LAUREN SAVIDGE: (Inaudible.)

REP. PERONE: Thank you very much.

Are there any further questions?

Okay. Thank you very much for your time.

Bill -- Bill Ethier.

WILLIAM ETHIER: Thank you, Representative Perone, Senator LeBeau, members of the commerce committee. My name is Bill Ethier. I'm the CEO of the Homebuilders and Remodelers Association of Connecticut. We have about 900 member companies in the State that employ tens of thousands of people.

HB 5896

SB 759

SB 1008

HB 5017

And my members build between 70 and 80 percent of all the new housing units in the State each and every year. I'm here to talk to you about a bill that has only been briefly been mentioned by Eric Brown of CBIA. It's our proposal. It's Senate Bill 1006, AN ACT CONCERNING PERMITTING ACCOUNTABILITY.

So we -- we obviously it's our bill we urge your strong support of this bill. And I want to thank the committee and its leadership for raising this bill and holding this public hearing on it. It's really a simple and self-explanatory proposal.

What it would do is require any State agency -- excuse me, to identify the source of its statutory and regulatory authority upon request of any regulated business or property owner who is impacted by a requirement, by a permit, by a condition on a permit or -- the bill goes into enforcement orders, cease and desist orders and so forth. So anytime a regulated entity or -- or property owner disagrees with what's being

required of them and then they request it, it simply says the agency staff person identifies the source of their authority. It's a common sense measure.

It should have been -- actually I'm surprised it's not already in statute. I would hope it - - it gains the unanimous support of this committee. I do want to point out that it has other support in the building. The GAE committee heard a bill, a one line proposed bill to do the same thing, House Bill 5896 and I provided the same testimony a week or so ago on that. And just a few days ago that committee voted to draft the bill.

So hopefully you do as well and they -- they merge somewhere along the process. In addition Senator Steve Casano who Cochairs the planning and development committee suggested to me in a conversation that it should be expanded to municipal government as well. It's just a good government bill that we think should be supported broadly.

The bill as it stands only applies to State agencies however. So I would urge your support. I again hope it gets unanimous support out of this committee. I'd be happy to take any questions on it but before I close I would just point out that I didn't have time to write testimony on three other bills. This is about the 30 bill up here that I've testified on this session. I've been a little bit busy.

But we would support Senate Bill 759 on the waiver of -- of fees that you've heard. We support DEEP's bill, 1008 to streamline their agency. And finally also 5017, the expansion of the learn here live here program. At first we thought that would have been -- would dilute the original purpose of the bill which is to

buy homes but the business creation has also -- has been a fiscal impact on the State so we would support that bill as well. I'd be happy to answer any questions you might have on any of these.

SENATOR LeBEAU: What was the first bill you supported?

WILLIAM ETHIER: I'm sorry.

SENATOR LeBEAU: Did you say 715?

WILLIAM ETHIER: 759, the waiver of fees for noncriminal first time offenses.

SENATOR LeBEAU: You just spoke on this.

WILLIAM ETHIER: Right. Several -- I mean Deputy Commissioner McKay spoke about it as have others. We think that's a common sense, probusiness, business friendly thing to do.

SENATOR LeBEAU: Let me ask you a question, although you're on the wrong side to ask this. On the bill -- on 1006 permitting accountability should there be a cost associated with this?

WILLIAM ETHIER: There should be no cost. No. There should be no fiscal note.

SENATOR LeBEAU: What about -- what about with the agency?

WILLIAM ETHIER: I'm sorry, Senator.

SENATOR LeBEAU: The agency is enforcing a regulation might they not have to change their form in a certain way? Could there be a paperwork cost?

WILLIAM ETHIER: No. Because the way the bill is

drafted and it's our intent that it would not apply for every single time that an agency regulates somebody. It's only upon request.

And we believe it would be no cost because any State agency staffer who is regulating you, they're denying a permit or their conditioning a permit or doing something else that requires you to do something, cease and desist or whatever. They should know what their statutory and regulatory authority is.

SENATOR LeBEAU: So a verbal -- a verbal notification would be satisfactory for this?

WILLIAM ETHIER: That would satisfy us. Certainly.

SENATOR LeBEAU: Okay. So it wouldn't have to be a written notice.

WILLIAM ETHIER: Right. And I'll tell you the reason this came up.

SENATOR LeBEAU: Okay.

WILLIAM ETHIER: Is an example in my industry and he doesn't want to reveal his name or even the agency. Frankly he's afraid of retribution. But he needed a permit from a State agency. They -- the agency was willing to grant the permit but conditioned it on a whole bunch of things that he would have been required to do. And this -- this is for a residential subdivision. You know a small piece of it needed a State agency permit.

He disagreed with the conditions. And he asked the staffer where do you get your authority to require all this? It would have cost him thousands of dollars extra. And the staffer's response was well that's just the way we do things. That -- that should be unacceptable by

any regulator.

They should have at least identified the statutory and regulatory authority by which they're acting and then you know the regulated community can then go back and look at it, read it and make a decision well all right that's what I've got to do or -- or not. But that's just -- it doesn't happen often but when it happens it's very significant to that individual business that's impacted by that. So again it's a very simple proposal that should -- yes, Sir.

SENATOR LeBEAU: On that particular instance and since you know the persons who were involved did -- did the person who was being regulated or the builder did he then go and try to find out whether that was indeed allowed under the statutes or under regulatory regime?

WILLIAM ETHIER: He did. He had -- he engaged an attorney to find out for him. You know he's a homebuilder he didn't have -- he didn't know where to look it up.

SENATOR LeBEAU: Right.

WILLIAM ETHIER: So he did spend money. He already had an attorney you know through the development.

SENATOR LeBEAU: Sure.

WILLIAM ETHIER: But he had to you know charge by the hour. So yeah it cost him some extra money to find out. And I don't think --

SENATOR LeBEAU: But was -- but was the -- but was the person who was regulating him accurate in terms of what he was asking or what she was asking him to do.

WILLIAM ETHIER: I think there's a question of --
there's a disagreement --

SENATOR LeBEAU: Okay.

WILLIAM ETHIER: -- between the agency and the
builder.

SENATOR LeBEAU: In interpretation.

WILLIAM ETHIER: And I think it's still an open
question and I'm not sure where that builder
has -- has taken it if he's pursuing it in
litigation or what he's doing. But it's an
open subdivision at this point.

SENATOR LeBEAU: Okay.

WILLIAM ETHIER: It's under construction.

SENATOR LeBEAU: So it would have been helpful even
to know section such and such of the bill or
whatever the general statutes are, could have
gone to it directly and could have been much
more immediate and could have gone to the blue
books and found out.

WILLIAM ETHIER: And just in the whole --

SENATOR LeBEAU: Or online.

WILLIAM ETHIER: -- rubric of being a business
friendly government the answer he received
should not be acceptable.

SENATOR LeBEAU: I would agree. Basically sounds
pretty arrogant.

Any further questions?

Representative Lavielle.

REP. LAVIELLE: Thank you, Mr. Chair.

Just very quickly. Good afternoon, Bill.
Thank you.

WILLIAM ETHIER: Good afternoon.

REP. LAVIELLE: Thank you for coming. Thank you for proposing this. I -- I join Senator LeBeau in being surprised that this wasn't already the case before. And so I appreciate your bringing it to our attention and working so hard on it. Thank you.

WILLIAM ETHIER: Oh, thank you.

REP. PERONE: Are there any further questions?

Thank you very much.

WILLIAM ETHIER: All right. Thank you.

REP. PERONE: All right. Ron Andreoli.

RONALD ANDREOLI: Good afternoon. My name is Ron Andreoli and I'm President of Bead Industries. I'd like to thank the Chairman and the committee for giving me this opportunity to speak in support of Raised Bill 1021 regarding the funding for the Connecticut Center for Advanced Technology. Bead Industries is a profitable 99 year old family operated Connecticut C corp. Our -- our bead electronics division in Milford, Connecticut with sales of just over six and a half million dollars and we employ 26 people.

Half of the components produced in our Milford facility are exported primarily to China and Mexico. We manufacture custom metal components for the automotive, telecom, and electronics

**JOINT
STANDING
COMMITTEE
HEARINGS**

**COMMERCE
PART 3
716 - 1066**

2013

(7)

CBIA CONNECTICUT
BUSINESS & INDUSTRY
ASSOCIATION**EPC**
ENVIRONMENTAL
POLICIES COUNCIL

**TESTIMONY OF ERIC J. BROWN
ASSOCIATE COUNSEL, DIRECTOR OF ENERGY & ENVIRONMENTAL POLICY
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION**

**before the
COMMERCE COMMITTEE
March 7, 2013**

Good morning. My name is Eric Brown and I serve as director of energy and environmental policy with the Connecticut Business & Industry Association ("CBIA"). On behalf of our 10,000 large and small member companies throughout Connecticut, we appreciate this opportunity to testify in support of two bills on today's public hearing agenda:

S.B. No. 759 AN ACT CONCERNING THE WAIVER OF FINES AND PENALTIES
FOR CERTAIN BUSINESS REGULATION VIOLATIONS

and

H.B. No. 1006 AN ACT CONCERNING PERMITTING ACCOUNTABILITY

These comments were prepared through CBIA's Environmental Policies Council – the state's premier organization for representing Connecticut's regulated businesses on environmental and energy issues before state government.



H.B. No. 1006 AN ACT CONCERNING PERMITTING ACCOUNTABILITY

CBIA supports this bill

CBIA supports SB 1006 as a measure that can help improve the perception of Connecticut with respect to its attitude towards business.

When a state agency takes action to restrict business activity, or brings an enforcement action against a business, the business should be informed of the legal basis for that restriction or action. This additional transparency does not impose an unreasonable burden on state government, and would help prevent the instances of misuse of authority at the expense of businesses.

CBIA urges the committee to support S.B. 1006.

CBIA appreciates this opportunity to provide testimony on these bills and for your consideration of our positions.



CONNECTICUT

TESTIMONY OF
 NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)
 BY
 ANDY MARKOWSKI, CONNECTICUT STATE DIRECTOR
 SUPPORTING

SB-759, AAC THE WAIVER OF FINES AND PENALTIES FOR CERTAIN BUSINESS
 REGULATION VIOLATIONS;
SB-1006, AAC PERMITTING ACCOUNTABILITY;
SB-1007, AAC REVISIONS TO THE PAID SICK LEAVE STATUTES;
HB-5017, AAC THE LEARN HERE, LIVE HERE PROGRAM AND BUSINESS CREATION

BEFORE THE
 COMMERCE COMMITTEE
 MARCH 7, 2013

A non-profit, non-partisan organization founded in 1943, NFIB is Connecticut's and the nation's leading small-business association. In Connecticut, NFIB represents thousands of members and their employees. NFIB membership is scattered across the state and ranges from sophisticated high technology enterprises to "Main Street" small businesses to single-person "Mom & Pop" shops that operate in traditional ways. NFIB's mission is "To promote and protect the right of its members to own, operate, and grow their businesses." On behalf of those small- and independent- job-providers in Connecticut, I offer the following comments:

NFIB/Connecticut supports the four bills referenced above common-sense attempts to improve the regulatory and economic environment for small businesses in Connecticut. We applaud the proponents' desires to help small businesses and the recognition that small businesses and entrepreneurs are indeed the engine that drives the state's economy, and simplifying regulatory and permitting processes, as well as the administration of and compliance with Connecticut's existing mandated paid leave law, is an important aspect of aiding in recovery. As members of this Committee are acutely aware, one of the foremost concerns of NFIB members and other small business owners is the amount of paperwork they are required to maintain and file with various levels of government. NFIB members believe that owners ought to be spending their time working on and in their business, not filling out and responding to forms, fines and fees from the government.

Thank you for the opportunity to comment, and NFIB urges lawmakers to support these four aforementioned bills.



**HOME BUILDERS & REMODELERS ASSOCIATION
OF CONNECTICUT, INC.**

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March 7, 2013

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To: Senator Gary LeBeau, Co-Chairman
Representative Chris Perone, Co-Chairman
Members of the Commerce Committee

From: Bill Ethier, CAE, Chief Executive Officer

Re: SB 1006, AAC Permitting Accountability

The HBRA of Connecticut is a professional trade association with about nine hundred (900) member firms statewide employing tens of thousands of CT's citizens. Our members, all small businesses, are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to our diverse industry and to consumers. While our membership has declined over the course of our seven-year Great Recession from its high of 1,500 members, we build between 70% to 80% of all new homes and apartments in the state each year and engage in countless home remodeling projects.

We strongly support SB 1006 as a simple and common sense measure to help the regulated community when it questions the statutory or regulatory authority of requirements imposed upon them. We thank the leadership of this committee for raising this bill and holding this public hearing.

The language of the bill is perfect and we recommend no changes. This proposal also enjoys the initial support of other leaders in the legislature. The concept has been heard at a public hearing in GAE (HB 5896) and after the hearing the committee voted to draft it on March 4. The Senate Co-Chair of the Planning & Development Committee, Sen. Steve Cassano, has suggested that this responsible government bill should apply also to municipal governments, although SB 1006 deals with only state agencies.

It is self-explanatory and is one of those "good government" requirements that should have been in place long ago. The bill merely requires state agencies to inform the regulated community, upon request by any business - or by a land owner who proposes to use their land - who is impacted by a regulatory requirement, of the specific statutory and regulatory authority by which the state agency acts. This will help reign in actions taken by regulators outside of the law, i.e., without statutory or regulatory authority. It is a simple thing to do and should be no burden on agency staff - all regulators should know the specific authority by which they act. Informing those they regulate of the source of their authority is something that should be welcomed by all good regulators.

Please support SB 1006. We urge a unanimous joint favorable report. Thank you for the opportunity to comment on this important issue.