

Legislative History for Connecticut Act

PA15-1

SB384

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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2015**

**VOL.58
PART 3
695 - 1034**

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April 14, 2015

THE CLERK:

Calendar Number 352 on Page 42, Favorable Report
of the Joint Standing Committee on Government
Administration and Elections, Senate Bill 384 AN ACT
PERMITTING THE WAIVER OF STATE AGENCY ELECTRONIC
FILING REQUIREMENTS.

DEPUTY SPEAKER ORANGE:

Representative Ed Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. I move acceptance of
the Joint Committee's Favorable Report and passage of
the bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is acceptance of
the Joint Committee's Favorable Report and passage of
the bill in concurrence with the Senate.

Representative Ed Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Under current law
state agencies are required to use electronic
notification in correspondence with clients as they
deem appropriate.

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This bill would simply allow state agencies to waive that requirement and allow their clients to communicate through paper.

The second part of the bill, again under current statutes, state agencies are required to explore moving toward electronic filing for applications and forms. This bill again would give state agencies the option to waive that requirement for clients who can demonstrate that there would be a hardship in filing electronically and I would urge the Chamber to support this bill.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill before us? Will you care to remark further? Representative Smith.

REP. SMITH (108th):

Madam Speaker, it hasn't been that long. I thought you forgot my name. I was a little worried.

DEPUTY SPEAKER ORANGE:

Well, it was my maiden name, so it's hard to forget.

REP. SMITH (108th):

It's good to see you again, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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You as well.

REP. SMITH (108th):

And if I may, I just have a few questions for the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Certainly. Please proceed.

REP. SMITH (108th):

Thank you. This bill was supported unanimously in Committee and I think it's a good bill that will potentially save some costs for some of our agencies and some of our contractors and those using the actually using the electronic filings.

But there are instances where you simply cannot comply. I know the good Chairman of our Committee has indicated that if there's a hardship then in that instance a waiver could be given, and I'm just wondering, what type of hardships would apply in this situation? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Thank you, Madam Speaker. Through you, Madam Speaker to Representative Smith, it leaves it pretty open and gives a lot of discretion to the state

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agency. The client would simply have to demonstrate good cause in order to receive the waiver.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

I thank the Chairman for his answer. Just to kind of, if the Speaker doesn't mind, I'll go through scenarios where if we could just get on the record the type of waivers that might apply.

So if I'm somebody who is not in the technology age, I do not have a computer and therefore I'm not able to electronically file, would that instance be a hardship? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker to Representative Smith, yes, that would certainly be considered a hardship under the bill.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

And I wondered if I do have a computer, but I'm just not too savvy with it, that I simply do not know

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how to do it electronically, are there any type of training procedures in place where I could learn how to file electronically, and if not, would that be a situation where a hardship would apply?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker, there are no provisions in the bill for any such training, but again, it would be the intent that at least as the Chairman of the Committee would see it, that the waiver provision would be applied very liberally and that that in this case would be considered a hardship and would be good cause.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

And I'm happy to hear that, Madam Speaker. I think we should be liberal in our interpretation of the waiver. If simply someone is unable to comply or because they're not trained or they're unable to comply because they do not have a computer or they're unable to comply because the computer broke down,

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whatever the reason may be, as long as there's no penalty associated with the failure to file electronically, and in fact I'll ask that question.

I don't think I saw it in the bill, but just to be sure and get it on the record. If I fail to file electronically because of one of the reasons I just indicated, would there be any type of penalty?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Jutila.

REP. JUTILA (37th):

Through you, Madam Speaker. Again, there is no penalty in the legislation and in fact, no penalty in the current statute that it's amending.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Well, I want to thank the Chairman for his answers and given the details about this waiver, I urge my colleagues to support it. It's a good bill and it will help those who find themselves in a bind and unable to file electronically.

Thank you, Madam Speaker, and thank you, Mr. Chairman.

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DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the bill before us? Would you care to remark further on the bill before us? Representative D'Agostino.

REP. D'AGOSTINO (91st):

Got it? Thank you, Madam Speaker. The Clerk has in his possession an amendment, LCO Number 6098. I would ask the Clerk to please call the amendment and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 6098.

THE CLERK:

Madam Speaker, LCO Number 6098, Calendar Number 167 designated Senate Amendment Schedule "A".

DEPUTY SPEAKER ORANGE:

Correct, Senate Amendment Schedule "A". The Representative seeks leave of the Chamber to summarize. Is there objection? Objection? Seeing one, hearing none, Representative D'Agostino.

REP. D'AGOSTINO (91st):

Thank you, Madam Speaker. This Amendment simply solves an issue where if a particular town has a vacancy in its municipal offices it provides that in

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certain situations the General Statutes 9-164c
controls in the event of any conflict, and I move
adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of
Senate Amendment "A". Will you care to remark further
on Senate Amendment "A"? Will you care to remark
further on Senate "A"? Representative Smith on Senate
"A".

REP. SMITH (108th):

Thank you, Madam Speaker. If I may, just a few
questions for the proponent of the Amendment.

DEPUTY SPEAKER ORANGE:

Most certainly. Please proceed.

REP. SMITH (108th):

You know, I apologize to my colleague who's
proposing this Amendment. I was distracted while he
was summarizing the Amendment. I was just wondering
if you could kind of bring me up to speed on what this
proposes to do. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Through you, Madam Speaker, certainly. As the Representative can see and the Chamber can see that the Amendment is narrowly tailored to address a specific situation for certain municipalities of a particular size that may have a vacancy in their municipal office for a particular time period.

And if that occurs, those two threshold elements occur, a particular size municipality and a particular date range of a vacancy, the Amendment simply provides that if there's a conflict between that municipality's town charter and how they're to do a municipal election and the State Statutes, the State Statutes control and actually the Amendment dovetails exactly Section 9-164c, which sets forth the procedure for making sure those elections occur within 45 days of a vacancy.

And I think it's no secret to the Chamber and everybody knows that currently there is a municipality that is in that particular situation where there's a conflict between the town charter and the State Statutes, and that of course is my Town of Hamden, where we expect a vacancy shortly in the Mayor's office, and this statute would address that.

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But of course, it would also apply to other municipalities should they be in the same situation and of the same type of municipality.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker. And besides the great City of Hamden, would there be any other municipalities that the good proponent is aware of at this time that would apply under the narrow confines of this bill, or this Amendment?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Through you, Madam Speaker, none others of which I am aware.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

And Madam Speaker, through you, I'm wondering what the procedure would be. So if we do have a vacancy such as it looks like there may be a situation in Hamden and we refer back to our existing statute, I

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guess 9-379, what then is the procedure under our current law? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Through you, Madam Speaker, the statutory scheme that I'm referring to in particular is 9-164 subsections b and c. I don't have the other sections in front of me, but I'm happy to get them.

But those particular sections 9-164b and c prescribe the proper procedure for municipal vacancies. The issue is that 9-164b by its terms speaks of a petition by 20 municipal electors or first selectmen and doesn't particularly address the situation where a town may have an elected mayor.

The default one would think is 164c, but that section, at least in the preliminary clause, refers to notwithstanding any provision of subsection b of this section to the contrary, the town charter would control.

The question is, does 164b conflict with, in this particular situation, the town charter issue? It does, hence the need for the remedy here, and I can certainly see other town charters which maybe have not

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been updated recently also come into conflict with 164b, which again if you read it, speaks of first selectmen and petitions from the municipal electors, but not a mayoral situation.

So again, while I'm unaware of any other situation that currently applies, I suppose this could have impact down the road as well if there's a vacancy. So those were the statutory sections to which I was referring before. I'm happy to review the other ones that the good Representative referenced as well.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH: (108th):

Madam Speaker, it's interesting how we find holes in our laws as we passed them over the years when we come up with a situation where we thought we had it covered way back when, when we enacted these statutes and lo and behold, there's a charter out there or there's a provision of one of our towns that just doesn't simply allow us to do what we'd like to do in our various towns.

So I understand the need for this Amendment. I'm just not sure, and I heard the good Representative's

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answer. I'm just not sure then what the procedure would be.

So if there's a vacancy in Hamden and we refer back to our statutes, I think it was 9-164, I thought I heard and b and c, what then becomes the procedure?

Is there a special election that takes place or is there an appointment that's made during the interim? How then do we proceed?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Thank you. Through you, Madam Speaker, and I thank the Representative for his question. And so this Amendment makes it crystal clear that the procedure set forth in 164c will apply.

So we'll have a special election in this circumstance within 45 days.

With respect to filling a vacancy, our statutory scheme does not address that. That would default to the town charter. That, at least is not in conflict with any other provision of the statutory sections of which we are referring.

The question really is the timeframe for that special election and this makes it clear that the Legislature will in 9-164c applies 45 days.

And I should note in this particular situation, that was also the intent of the electors of the Town of Hamden in this particular situation, both parties agree that it should be 45 days.

The question was, because of, I think an inaccuracy on that end, whether the 150-day requirement in 164b would apply, so this makes it clear that, to answer the good Representative's question, 164c applies and we have a special election within 45 days of the vacancy.

DEPUTY SPEAKER ORANGE:

Representative Smith.

REP. SMITH (108th):

Madam Speaker, thank you. I think we have it figured out now. At least I do. I'm happy with the answers from my colleague. This Amendment is narrowly drafted. I think it's something we should support and I urge my colleagues to do so.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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Thank you, sir. Will you care to remark further on Senate Amendment Schedule "A"? Will you care to remark further on Senate "A"?

If not, let me try your minds. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you care to remark further on the bill as amended? Will you care to remark further on the bill as amended?

If not, staff and guests please come to the Well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll.
Members to the Chamber, please.

The House of Representatives is voting by Roll.

DEPUTY SPEAKER ORANGE:

Members of the House of Representatives, please stay close to the Chamber as the Board is not correct in what we're voting on at the current time. We are

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not voting on Senate Amendment "A". We're supposed to be voting on the bill as amended by Senate Amendment "A". Stand by.

THE CLERK:

The House of Representatives is voting by Roll.
The House of Representatives is voting by Roll.

Will members please report to the Chamber immediately.

DEPUTY SPEAKER ORANGE:

Please note that I asked people to stay close to the Chamber because we had a little incident with the board not being correct on the first vote, which stated Senate "A" only.

That has been removed. That vote is kind of like no, you know, because we already passed the Amendment into the bill, so just a reminder. We are voting on the bill as amended by Senate "A".

Have all members voted? Representative Johnson.
Have all members voted? Have all members voted? Have all members voted? Please check the board to determine if your vote has been properly cast.

If so, the machine will be locked, and the Clerk will take a tally, please. And will the Clerk please announce the tally.

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THE CLERK:

Madam Speaker, Bill Number, Senate Bill 384 as Amended by Senate "A", in concurrence with the Senate.

Total number voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER ORANGE:

The bill as amended passes. Well good afternoon, Representative Joe Aresimowicz.

REP. ARESIMOWICZ (30th):

Good afternoon, Madam Speaker. Madam Speaker, I move for suspension of our rules and immediate transmittal of the previous bill to the Governor's office.

DEPUTY SPEAKER ORANGE:

The motion is for the suspension of our rules for the immediate transmittal to the Governor. Is there objection? Is there objection? Hearing none, the bill is immediately transmitted to the Governor.

Will the Clerk please call Calendar Number 206.

THE CLERK:

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Madam President, if there's no objection, I move to place this item on our Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered, ma'am. Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Might the Clerk please call Calendar Page 16, Calendar 167, Senate Bill 384.

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 16, Calendar 167, Senate Bill No. 384 AN ACT PERMITTING THE WAIVER OF STATE AGENCY ELECTRONIC FILING REQUIREMENTS, Favorable Report of the Committee on Government Administration and Elections. There is amendment.

THE CHAIR:

Good afternoon, Senator Cassano.

SENATOR CASSANO:

Good afternoon, Madam Chair. It's nice to see you back.

THE CHAIR:

It's nice to be here, too.

SENATOR CASSANO:

I move acceptance of the Joint Committee's Favorable Report and move passage of the bill, to move to waive its reading and to seek to summarize.

THE CHAIR:

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The motion is on acceptance and passage. Will you remark, please.

SENATOR CASSANO:

Yes, this is Senate Bill 384 AN ACT PERMITTING THE WAIVER OF STATE AGENCY ELECTRONIC FILINGS. It allows a person or a company the ability to request a waiver for the use of electronic notification if that person or company can demonstrate good cause.

Currently the statutes do not allow for that and so it leaves a lot of people kind of in a bind and this would take care of that.

However, Madam Secretary, I believe the Clerk does have, is in possession of an amendment, LCO 6098.

THE CHAIR:

Mr. Clerk.

CLERK:

LCO No. 6098, Senate Amendment Schedule "A" offered by Senator Looney.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Yes, I move adoption of the amendment.

THE CHAIR:

Motion is on adoption. Will you remark?

SENATOR CASSANO:

This is AN ACT PERMITTING THE WAIVER OF STATE AGENCY ELECTRONIC FILING, excuse me, that's the bill. This is a, get the right number here, stuck to the page.

The amendment allows, I've got multiple pages, I'm sorry. Here we go. Any municipality with a

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population of more than 60,000 people in which a vacancy for the office of mayor occurs, not earlier than April 15, 2015, but not later than April 15, 2015, shall hold a special election to fill such vacancy not later than 45 days after the occurrence of the vacancy.

This is the necessary amendment involving the City of Hamden, Connecticut. Hamden's mayor will become part of the administration on the 16th of April. Their charter is unclear and is inconsistent with the state. The state's reference to a special election uses the term selectman and Hamden has a city council.

And so to clarify that, this amendment is necessary so we can proceed immediately, or Hamden, I should say, can proceed immediately in the process that does identify 45 days for election period.

THE CHAIR:

Will you remark on Senate "A?" Will you remark on Senate "A?" If not, I'd ask to try your minds. All those in favor of Senate "A," please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? Senate "A" passes.

SENATOR CASSANO:

Thank you, Madam Chair. Are there any further questions on the motion itself?

THE CHAIR:

Now we're on to the bill.

SENATOR CASSANO:

Onto the bill itself.

THE CHAIR:

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Will you comment? Senator Kissel.

SENATOR KISSEL:

I just rise to stand in support of the underlying bill, express my appreciation to the Chair and Ranking Member of that particular Committee. It was an issue that was brought to my attention by one of my constituents, and I appreciate the fact that the Committee felt that it was worthwhile and they're moving it forward and it actually looks like it's on a track where it might be the first law passed out of this Legislature pretty fast, so I appreciate it and am happy to show my support as well. Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further? If not -

SENATOR CASSANO:

Madam Chair, I'd ask it be placed on the Consent Calendar.

THE CHAIR:

Seeing no objection, so ordered. It will be on the Consent Calendar. Thank you. Senator Duff.

SENATOR DUFF:

Thank you, Madam President. Might we now move to Calendar Page 18, Calendar 186, Senate Bill 399.

THE CHAIR:

Mr. Clerk.

CLERK:

On Page 18, Calendar 186, Senate Bill No. 399 AN ACT CONCERNING REPORTING REQUIREMENTS OF THE UNIVERSITY OF CONNECTICUT AND THE BOARD OF REGENTS FOR HIGHER EDUCATION REGARDING FINANCIAL AID. Favorable Report

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CLERK:

On Page 2, Calendar 214, Senate Resolution No. 30,
also on Page 2, Calendar 215, Senate Joint Resolution
No. 42, Calendar 216, Senate Joint Resolution 43, also
on Page 2, Calendar 217, Senate Joint Resolution No.
44.

On Page 11, Calendar 904, Senate Bill 904, on Page 16,
Calendar 167, Senate Bill No. 384, and on Page 18,
Calendar 186, Senate Bill No. 399.

Immediate roll call has been ordered in the Senate.
Immediate roll call on Consent Calendar No. 1 has been
ordered in the Senate.

[pause]

THE CHAIR:

The machine is open.

[pause]

THE CHAIR:

Would all members please check the roll call board to
make certain that your vote has been properly
recorded? If all members have voted and all votes
have been properly recorded.

If all members have voted and all votes have been
properly recorded, the machine will be closed, and
would the Clerk please take a tally.

CLERK:

On Consent Calendar No. 1

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

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The Consent Calendar is passed. [gavel] Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. That concludes our business for today. Before we let everybody go we just want to remind folks that we'll probably be in on every Wednesday here on out until the end of session except next Wednesday, when we'll be next Tuesday for Husky Day. So next Tuesday is Husky Day and we should be in regular sessions on Wednesdays after that and other days as needed.

So I would just like to remind members to please not to hold events in your districts or other types of things in the morning so we can get started, or other committee meetings on those Wednesdays and next Tuesday, which is Husky Day, so.

Anyway, we also want to congratulate UConn Women's Basketball Team on their three-peat and their tenth national championship. I'm sure the Lieutenant Governor right now is meeting them at the airport and I'm sure there's a lot of state pride for that as well.

So with that, Mr. President, I make a motion that we adjourn subject to the call of the Chair.

THE CHAIR:

Before we act on the Majority Leader's motion, are there any members who wish to make announcements or points of personal privilege? Are there any announcements or points of personal privilege?

If not, the motion before the Chamber is to recess subject to the call of the Chair. Is there objection? Is there objection? If not, the Senate stands adjourned subject to the call of the Chair.

(On motion of Senator Duff of the 25th, the Senate at 3:47 p.m. adjourned subject to the call of the Chair.)

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THE CHAIR:

Okay. Page 48, sir.

CLERK:

On page 48, Calendar 351, substitute for Senate Bill No. 1082 AN ACT PERMITTING STATE AGENCIES TO ESTABLISH ELECTRONIC FILING SYSTEMS FOR AGENCY PROCEEDINGS AND REQUIRING THE WAIVER OF STATE AGENCY ELECTRONIC FILING AND COMMUNICATION REQUIREMENTS. It's been amended by House Amendment Schedule "A" on May 20.

THE CHAIR:

Senator Cassano.

SENATOR CASSANO:

Madam President, I move acceptance of the Joint Committee Favorable Report and passage of the bill.

THE CHAIR:

Motion's on acceptance and passage. Will you remark, sir?

SENATOR CASSANO:

Yes. This is an interesting bill in some ways. This is Senate Bill 1082 which was passed by the Senate back on April 22nd, however, is in conflict with another bill that we passed on April 14th which is Senate Bill 384. The problem is that the bills use different standards for agency waiver requirements for filing documents electronically.

Senate Bill 384 which passed both chambers and was signed by the Governor says that agencies may waive the requirements if the person can demonstrate good cause. Senate Bill 1082 says the agency shall waive the requirements. The amendment passed in the House brings consistency to the standards.

LCO 7129 brings consistency to the standards for waiver of electronic notification. It would bring in the standards to the one contained in this bill,

**JOINT
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TESTIMONY OF ERIC J. BROWN
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

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before the
GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
February 13, 2015

Good afternoon. My name is Eric Brown and I am an attorney with the Connecticut Business & Industry Association ("CBIA"). 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.

Thank you for this opportunity to submit comments in **support of Proposed Bill 384, An Act Permitting the Waiver of State Agency Electronic Filing Requirements.**

CBIA supports this bill as it provides flexibility to businesses with respect to their regulatory filing requirements. While most business find electronic filing to be a convenience, in some situations the requirement can be a less-preferred option. For example, some electronic filing may require special software. Some require registration requirements that can be cumbersome and time-consuming. And some companies have long-standing programs and procedures they have put in place to generate paper reports that they have used successfully for years without compliance incident and would prefer to continue that option without the need for new programs, procedures and training.

CBIA appreciates this committee's sensitivity to this issue and supports this effort to provide businesses with regulatory compliance flexibility.

Thank you for this opportunity to comment.