

Commerce Committee JOINT FAVORABLE REPORT

Bill No.: HB-5759

AN ACT REQUIRING NOTICE BEFORE THE IMPLEMENTATION OF ANY

Title: DECLARATION, PROCLAMATION OR ORDER THAT AFFECTS BUSINESSES.

Vote Date: 3/22/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/11/2021

File No.: 297

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SPONSORS OF BILL:

Commerce Committee

REASONS FOR BILL:

HB 5759 codifies the declaration/order process by the executive when it relates to public health emergencies. This bill directs the Governor, when possible, to provide businesses with at least five days' notice before issuing any declaration, proclamation, or order that relates to a business's ability to operate or capacity to do so.

Substitute Language – LCO 5098

The substitute language gives added flexibility to the Governor related to the bill's timetable for notification of an executive order or declaration. This change takes into account the possibility that the Governor might need to act swiftly and issue an executive order or declaration related to public health without giving advanced notice.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Expressed

NATURE AND SOURCES OF SUPPORT:

1. **Vincent J. Candelora, Republican Leader, Connecticut House of Representatives:** Provided both written and public hearing testimony in support of this bill. Rep. Candelora underlined the difficulty that businesses have had in the past year. Since March 10, Governor Lamont has issued 40 executive orders with little or no advanced notice. As a result, businesses were forced to scramble to remain

compliant or close temporarily to adjust at the risk of receiving a \$10,000 fine. Rep. Candelora urged the committee to pass this bill so businesses have ample time to implement changes without hampering their operations.

2. **Andy Markowski, State Director, National Federation of Independent Business:** Submitted written testimony in support of this bill. They testified about how tough this pandemic has been and continues to be for businesses, particularly small businesses. They would also support and suggest that the legislature consider legislation that stipulates that a small business receives no penalty for violating a rule, guideline, regulation, or statute unless it was willful. They also suggest that the committee clarify that this bill also pertains to state agency rules or implementation guidelines related to orders or declarations.

3. **Asley Zane, Government Affairs Associate, Connecticut Business and Industry Association:** Provided both written and public hearing testimony in support of this bill. They believe that this bill would support the business community, especially small to midsize businesses that have the hardest time adjusting to executive orders because of their size. They highlighted that this bill also gives state agencies time to compile resources to educate and inform businesses about new executive orders. The CBIA strongly supports this piece of legislation.

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Peter B. Andrews

Date: 4-5-21