



General Assembly

February Session, 2006

***Raised Bill No. 5738***

LCO No. 2560

\*02560\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING RECONSIDERED AGENCY DECISIONS  
UNDER THE UNIFORM ADMINISTRATIVE PROCEDURE ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 4-181a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (a) (1) Unless otherwise provided by law, a party in a contested case  
5 may, within fifteen days after the personal delivery or mailing of the  
6 final decision, file with the agency a petition for reconsideration of the  
7 decision on the ground that: (A) An error of fact or law should be  
8 corrected; (B) new evidence has been discovered which materially  
9 affects the merits of the case and which for good reasons was not  
10 presented in the agency proceeding; or (C) other good cause for  
11 reconsideration has been shown. Within twenty-five days of the filing  
12 of the petition, the agency shall decide whether to reconsider the final  
13 decision. The failure of the agency to make that determination within  
14 twenty-five days of such filing shall constitute a denial of the petition.

15 (2) Within forty days of the personal delivery or mailing of the final

16 decision, the agency, regardless of whether a petition for  
17 reconsideration has been filed, may decide to reconsider the final  
18 decision.

19 (3) If the agency decides to reconsider a final decision, pursuant to  
20 subdivision (1) or (2) of this subsection, the agency shall proceed in a  
21 reasonable time to conduct such additional proceedings as may be  
22 necessary to render a decision modifying, affirming [,] or reversing the  
23 final decision, provided such decision made after reconsideration shall  
24 be rendered not later than ninety days following the date on which the  
25 agency decides to reconsider the final decision.

26 (4) An agency decision made after reconsideration pursuant to this  
27 subsection shall become the final decision in the contested case in lieu  
28 of the original final decision for purposes of any appeal under the  
29 provisions of section 4-183, including, but not limited to, an appeal of  
30 (A) any issue decided by the agency in its original final decision that  
31 was not the subject of any petition for reconsideration or the agency's  
32 decision made after reconsideration, (B) any issue as to which  
33 reconsideration was requested but not granted, and (C) any issue that  
34 was reconsidered but not modified by the agency from the  
35 determination of such issue in the original final decision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	4-181a(a)

**Statement of Purpose:**

To provide that a reconsidered decision in a contested case shall be the final decision in the contested case for all purposes, including the appeal of issues decided only in the original agency decision for which reconsideration was not sought or granted by the agency, and to establish a deadline by which a reconsidered decision must be rendered by the agency.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*