

**Legislative Regulation
Review Committee**

2010-054

Insurance Department

RULES OF PRACTICE

STATE OF CONNECTICUT
REGULATION
OFNAME OF AGENCY
INSURANCE DEPARTMENT

SECTION 1

INSURANCE DEPARTMENT RULES OF PRACTICE

Section 1. Section 38a-8-49 of the Regulations of Connecticut State Agencies is repealed and the following is substituted in lieu thereof:

Sec. 38a-8-49. Petition to be designated a party or intervenor

The petition to be designated a party or intervenor as required by section 38a-8-48 of the Regulations of Connecticut State Agencies shall include the following:

- (1) the petitioner's name and address;
- (2) a legal description of the petitioner;
- (3) the identity of the individual on whom papers are to be served during the course of the contested case;
- (4) for petitions to be designated a party, a description of the facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the Department's decision in the contested case; and
- (5) for petitions to be designated an intervenor, a description of the facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

Statement of Purpose: To amend the Insurance Department Rules of Practice concerning petitions to be designated a party or intervenor in contested cases.

A. The problems, issues or circumstances that the regulation proposes to address.

The current regulations require petitions to be designated a party or intervenor to include both a description of the facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the Department's decision in the contested case, and a description of the facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings. However, the provisions of R.C.S.A. § 38a-8-48 governing the granting such petitions, provide that: (1) for petitions to be designated a party, that there be a finding that the petition states facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the Commissioner's decision in a contested case; and (2) for petitions to be designated an intervenor, that there be a finding that the petition states facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

B. A summary of the main provisions of the regulation.

The regulation amendment will harmonize R.C.S.A. § 38a-8-49 with § 38a-8-48 to: (1) require petitions to be designated a party to include a description of the facts that demonstrate that the petitioner's legal rights, duties or privileges shall be specifically affected by the Department's decision in the contested case; and (2) require petitions to be designated an intervenor a description of the facts that demonstrate that the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

C. The legal effects of the regulation, including all ways that the regulation would change existing regulations or other laws.

No other laws or regulations will be affected.

CERTIFICATION

R-39 REV. 1/77

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Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections _____ of the General Statutes.

Section 4-167 of the General Statutes.

Public Act No. ____ of the Public Acts.

After publication in the Connecticut Law Journal on, September 14, 2010 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on _____ day of _____ 20 ____

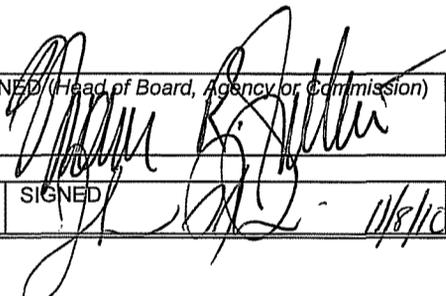
WHEREFORE, the foregoing regulations are hereby:

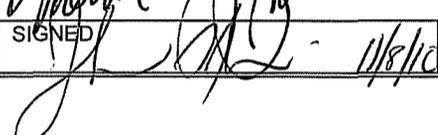
Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

In Witness Whereof:	DATE October 25, 2010	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED INSURANCE COMMISSIONER
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Approved by the Attorney General as to legal sufficiency In accordance with Sec. 4-169, as amended, C. G. S. :	SIGNED  11/8/10	OFFICIAL TITLE, DULY AUTHORIZED ATTORNEY GENERAL
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Approved

Disapproved

Disapproved in part, (Indicate Section Numbers disapproved only)

Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance With Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications
In accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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INSTRUCTION

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capitol letters and deleted language in brackets. Section 4-170 of the General Statutes.