



Senate Bill No. 1006

Public Act No. 13-279

AN ACT REQUIRING STATE AGENCIES TO CITE SPECIFIC STATUTORY AND REGULATORY AUTHORITY FOR THEIR ACTIONS.

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

Section 1. Section 4-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) When, in an agency proceeding, a majority of the members of the agency who are to render the final decision have not heard the matter or read the record, the decision, if adverse to a party, shall not be rendered until a proposed final decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the members of the agency who are to render the final decision.

(b) A proposed final decision made under this section shall be in writing and contain a statement of the reasons for the decision and a finding of facts and conclusion of law on each issue of fact or law necessary to the decision, including the specific provisions of the general statutes or of regulations adopted by the agency upon which the agency bases its findings.

(c) Except when authorized by law to render a final decision for an

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agency, a hearing officer shall, after hearing a matter, make a proposed final decision.

(d) The parties and the agency conducting the proceeding, by written stipulation, may waive compliance with this section.

Sec. 2. Subsection (c) of section 4-180 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(c) A final decision in a contested case shall be in writing or orally stated on the record and, if adverse to a party, shall include the agency's findings of fact and conclusions of law necessary to its decision, including the specific provisions of the general statutes or of regulations adopted by the agency upon which the agency bases its decision. Findings of fact shall be based exclusively on the evidence in the record and on matters noticed. The agency shall state in the final decision the name of each party and the most recent mailing address, provided to the agency, of the party or his authorized representative. The final decision shall be delivered promptly to each party or his authorized representative, personally or by United States mail, certified or registered, postage prepaid, return receipt requested. The final decision shall be effective when personally delivered or mailed or on a later date specified by the agency.

Sec. 3. Subsection (c) of section 4-182 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(c) No revocation, suspension, annulment or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action and the specific provisions of the general statutes or of regulations adopted by the agency that authorize such

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intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

Sec. 4. (NEW) (*Effective October 1, 2013*) (a) For purposes of this section, "state agency" means any department, board, council, commission, institution or other executive branch agency of state government and "business entity" means a corporation, association, partnership, limited liability company or any other similar form of business organization.

(b) Notwithstanding any provision of the general statutes, whenever any state agency (1) acts on any application, petition or request by an individual or business entity for a permit, license, approval or other permission to conduct any business activity or use of private property, (2) restricts or imposes a condition on any business activity or use of private property, or (3) brings an enforcement action, issues a cease and desist order or otherwise requests an individual or business entity to modify or stop any business activity or use of private property, such state agency shall provide to any such affected individual or business entity, upon request, the specific provision of the general statutes, regulations adopted by such agency or general permit that authorizes such state agency's action.

Approved July 11, 2013