



General Assembly

January Session, 2013

**Amendment**

LCO No. 5737

**\*SB0100605737SD0\***

Offered by:  
SEN. LEBEAU, 3<sup>rd</sup> Dist.

To: Senate Bill No. 1006

File No. 157

Cal. No. 157

**"AN ACT CONCERNING PERMITTING ACCOUNTABILITY."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 4-179 of the general statutes is repealed and the  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

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

12 (b) A proposed final decision made under this section shall be in  
13 writing and contain a statement of the reasons for the decision and a  
14 finding of facts and conclusion of law on each issue of fact or law  
15 necessary to the decision, including the specific provisions of the

16 general statutes or of regulations adopted by the agency upon which  
17 the agency bases its findings.

18 (c) Except when authorized by law to render a final decision for an  
19 agency, a hearing officer shall, after hearing a matter, make a proposed  
20 final decision.

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

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24 repealed and the following is substituted in lieu thereof (*Effective*  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

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

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

43 (c) No revocation, suspension, annulment or withdrawal of any  
44 license is lawful unless, prior to the institution of agency proceedings,  
45 the agency gave notice by mail to the licensee of facts or conduct which  
46 warrant the intended action and the specific provisions of the general

47 statutes or of regulations adopted by the agency that authorize such  
 48 intended action, and the licensee was given an opportunity to show  
 49 compliance with all lawful requirements for the retention of the  
 50 license. If the agency finds that public health, safety or welfare  
 51 imperatively requires emergency action, and incorporates a finding to  
 52 that effect in its order, summary suspension of a license may be  
 53 ordered pending proceedings for revocation or other action. These  
 54 proceedings shall be promptly instituted and determined.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	4-179
Sec. 2	<i>October 1, 2013</i>	4-180(c)
Sec. 3	<i>October 1, 2013</i>	4-182(c)
Sec. 4	<i>October 1, 2013</i>	New section