



General Assembly

February Session, 2014

Raised Bill No. 5481

LCO No. 2116



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT ESTABLISHING THE CENTRAL OFFICE OF
ADMINISTRATIVE HEARINGS.***

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) There is established a
2 Central Office of Administrative Hearings within the Office of
3 Governmental Accountability for administrative purposes only. The
4 Office of Governmental Accountability of Administrative Hearings
5 shall conduct impartial hearings of contested cases in accordance with
6 the provisions of sections 2 to 9, inclusive, and section 20 of this act
7 and chapter 54 of the general statutes.

8 (b) For purposes of sections 2 to 9, inclusive, and section 20 of this
9 act, (1) "administrative law judge" means a person whose primary
10 duties are to conduct hearings in contested cases and issue final
11 decisions or proposed final decisions and who is transferred to the
12 Central Office of Administrative Hearings pursuant to section 4 of this
13 act or appointed by the Chief Administrative Law Judge pursuant to
14 chapter 67 of the general statutes; and (2) "Chief Administrative Law

15 Judge" means the administrative law judge appointed by the Governor
16 in accordance with section 2 of this act to serve as Chief Administrative
17 Law Judge.

18 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) On or after October 1,
19 2014, the Governor shall nominate the Chief Administrative Law Judge
20 to serve a term expiring on March 1, 2015. Thereafter, the Chief
21 Administrative Law Judge shall serve a term of six years, or until a
22 successor is qualified. Any person nominated under this section shall
23 have been admitted to the practice of law in the state for at least ten
24 years, shall be knowledgeable in administrative law and shall be a
25 resident of the state.

26 (b) Each nomination made by the Governor to the General
27 Assembly for Chief Administrative Law Judge shall be referred,
28 without debate, to the joint standing committee of the General
29 Assembly having cognizance of matters relating to the judiciary, which
30 shall report on such nomination not later than thirty legislative days
31 after the time of referral, but not later than seven legislative days
32 before the adjourning of the General Assembly.

33 (c) Notwithstanding the provisions of section 4-19 of the general
34 statutes, no vacancy in the position of Chief Administrative Law Judge
35 shall be filled by the Governor when the General Assembly is not in
36 session unless, prior to such filling, the Governor submits the name of
37 the proposed vacancy appointee to the joint standing committee of the
38 General Assembly having cognizance of matters relating to the
39 judiciary. Not later than forty-five days, after the receipt of such
40 submission, the joint standing committee of the General Assembly
41 having cognizance of matters relating to the judiciary may, upon the
42 call of either chairperson, hold a special meeting for the purpose of
43 approving or disapproving such proposed vacancy appointee by
44 majority vote. The Governor shall not administer the oath of office to
45 such proposed vacancy appointee until the committee has approved
46 such proposed vacancy appointee. If the committee determines that it

47 cannot act on such proposed vacancy appointee within such forty-five-
48 day period, it may extend such period by an additional fifteen days.
49 The committee shall notify the Governor in writing of any such
50 extension. Failure of the committee to act on such proposed vacancy
51 appointee within such forty-five-day period or any fifteen-day
52 extension period shall be deemed to be an approval.

53 (d) Each appointment of the Chief Administrative Law Judge shall
54 be by concurrent resolution. The action on the passage of each such
55 resolution in the House and in the Senate shall be by vote taken by
56 roll-call. No resolution shall contain the name of more than one
57 nominee.

58 (e) The Governor shall, not later than five days after receiving notice
59 that a nomination made pursuant to this section has failed to be
60 approved by the affirmative concurrent action of both houses of the
61 General Assembly, make another nomination to such office.

62 (f) The Chief Administrative Law Judge shall take an oath of office
63 in accordance with section 1-25 of the general statutes prior to
64 commencing his or her duties, shall perform such duties full time and
65 shall not engage in the private practice of law. The Chief
66 Administrative Law Judge may be renominated to serve another term
67 following the same process set forth in this section for nominations.

68 (g) The Governor may remove the Chief Administrative Law Judge
69 during his or her term for good cause.

70 (h) The Chief Administrative Law Judge shall be exempt from
71 classified service.

72 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) The Chief Administrative
73 Law Judge shall be the chief executive officer of the Central Office of
74 Administrative Hearings and shall:

75 (1) Have all of the powers specifically granted in the general statutes

76 and any additional powers that are reasonable and necessary to enable
77 the Chief Administrative Law Judge to carry out the duties of his or
78 her office, including, but not limited to, the powers set forth in section
79 4-8 of the general statutes;

80 (2) Assign administrative law judges in all cases referred to the
81 Central Office of Administrative Hearings, provided, in assigning an
82 administrative law judge to a case, the Chief Administrative Law
83 Judge shall, whenever practicable, assign an administrative law judge
84 who has expertise in the legal issues or general subject matter of the
85 proceeding;

86 (3) Have all the powers and duties of an administrative law judge;

87 (4) Prepare an edited version of a proposed final decision and final
88 decision that shall not disclose protected information in any case
89 where any provision of the general statutes, federal law, state or
90 federal regulations, or an order of a court of competent jurisdiction
91 bars the disclosure of the identity of any person or party or bars the
92 disclosure of any other information;

93 (5) Collect, compile and prepare statistics and other data with
94 respect to the operations of the Central Office of Administrative
95 Hearings and, not later than January first of each year, submit to the
96 Governor and the General Assembly, in accordance with the
97 provisions of section 11-4a of the general statutes, a report on such
98 operations, including, but not limited to, the number of hearings
99 initiated, the number of proposed final decisions rendered, the number
100 of partial or total reversals of such decisions by the agencies, the
101 number of final decisions rendered and the number of proceedings
102 pending;

103 (6) Study the subject of administrative adjudication in all its aspects
104 and develop recommendations to promote the goals of impartiality,
105 fairness, uniformity, efficiency, consistency, timeliness and cost-
106 effectiveness in the administration and conduct of hearings of

107 contested cases;

108 (7) Develop and implement a program for the continuing education
109 of administrative law judges in procedural due process and in the
110 substantive law of the agencies that are subject to the provisions of
111 section 8 of this act and training for ancillary personnel and implement
112 such program; and

113 (8) Index, by name and subject, all written orders and final decisions
114 and make all indices, proposed final decisions and final decisions
115 available for public inspection, and copying electronically and to the
116 extent required by the Freedom of Information Act, as defined in
117 section 1-200 of the general statutes.

118 (b) The Chief Administrative Law Judge shall adopt regulations in
119 accordance with the provisions of chapter 54, to carry out policies of
120 the office and the provisions of section 1 to 9, inclusive, and section 20
121 of this act, and sections 4-176e to 4-181a of the general statutes, as
122 amended by this act. Such regulations, with respect to contested cases
123 heard by the Central Office of Administrative Hearings, shall
124 supersede any inconsistent agency regulations, policies or procedures,
125 including, but not limited to, provisions related to time limits for
126 agency action in contested cases, notices of hearings, the scheduling of
127 hearings and the assignment of administrative law judges, except the
128 regulations may not supersede any provisions of agency regulations
129 mandated by the general statutes or federal law.

130 Sec. 4. (NEW) (*Effective October 1, 2014*) (a) (1) Notwithstanding any
131 provision of the general statutes, each full-time employee or
132 permanent part-time employee of an agency subject to the provisions
133 of section 8 of this act whose primary duties are to conduct hearings in
134 contested cases and issue final decisions or proposed final decisions,
135 shall be transferred to the Central Office of Administrative Hearings,
136 in accordance with the provisions of this section and sections 4-38d, 4-
137 38e and 4-39 of the general statutes.

138 (2) Notwithstanding any provision of the general statutes, each full-
139 time employee or permanent part-time employee (A) of an agency
140 subject to section 8 of this act, (B) who is represented by a collective
141 bargaining representative of an employee organization, as defined in
142 section 5-270 of the general statutes, and (C) whose primary duties
143 relate to providing administrative services required for conducting
144 contested cases and issuing final decisions or proposed final decisions,
145 shall be transferred to the Central Office of Administrative Hearings in
146 accordance with the provisions of this section and sections 4-38d, 4-38e
147 and 4-39 of the general statutes.

148 (b) Persons transferred to the Central Office of Administrative
149 Hearings pursuant to this section and persons appointed by the Chief
150 Administrative Law Judge pursuant to chapter 67 of the general
151 statutes shall be in the classified service, represented by the collective
152 bargaining representative of an employee organization, as defined in
153 section 5-270 of the general statutes and subject to the provisions of
154 chapter 68 of the general statutes. Persons transferred to the Central
155 Office of Administrative Hearings pursuant to this section who are
156 members of an employee organization, at the time of their transfer
157 shall continue to be represented by such employee organization.

158 (c) The salaries, seniority and benefits of persons transferred to the
159 Central Office of Administrative Hearings pursuant to this section
160 shall not be reduced as a result of the transfer.

161 (d) No promotions governed by any existing and applicable
162 memorandum of understanding between the Office of Labor Relations
163 and any collective bargaining representative for state employees shall
164 be denied, delayed, impaired or eliminated by the implementation of
165 sections 1 to 9, inclusive, of this act.

166 (e) (1) Persons transferred to the Central Office of Administrative
167 Hearings pursuant to this section who are members of a collective
168 bargaining unit at the time of their transfer shall (A) not lose the job

169 classification in which they are placed at the time of their transfer as a
170 result of the transfer, and (B) remain the beneficiaries of any existing
171 and applicable memorandum of understanding between the Office of
172 Labor Relations and any collective bargaining representative for state
173 employees. The rights and obligations contained in any memorandum
174 of understanding that applies to staff attorneys shall apply to
175 administrative law judges transferred to the Central Office of
176 Administrative Hearings and appointed by the Chief Administrative
177 Law Judge.

178 (2) Persons transferred to the Central Office of Administrative
179 Hearings pursuant to this section who are not members of a collective
180 bargaining unit at the time of their transfer, and persons appointed by
181 the Chief Administrative Law Judge, shall (A) have a job classification
182 commensurate with persons who are members of a collective
183 bargaining unit at the time of their transfer, and (B) be subject to and
184 become the beneficiaries of the terms of any existing and applicable
185 memorandum of understanding between the Office of Labor Relations
186 and any collective bargaining representative for state employees,
187 including the rights and obligations contained in any memorandum of
188 understanding that applies to staff attorneys. Persons transferred to
189 the Central Office of Administrative Hearings pursuant to this section
190 who are not members of a collective bargaining unit at the time of their
191 transfer shall be assigned to the appropriate collective bargaining unit
192 as determined by the Office of Labor Relations or other appropriate
193 state agency.

194 (f) Time served in other agencies by persons transferred to the
195 Central Office of Administrative Hearings pursuant to this section
196 shall be recognized as qualifying experience and time served in the
197 Central Office of Administrative Hearings shall count as successful
198 and satisfactory performance for career progression under any existing
199 and applicable memorandum of understanding between the Office of
200 Labor Relations and any collective bargaining representative for state
201 employees.

202 (g) An administrative law judge, assistant or other employee of the
203 Central Office of Administrative Hearings who is removed,
204 suspended, demoted or subjected to disciplinary action or other
205 adverse employment action may appeal such action in accordance
206 with the applicable collective bargaining agreement.

207 Sec. 5. (NEW) (*Effective January 1, 2015*) (a) Each administrative law
208 judge shall have been admitted to the practice of law in this state for at
209 least two years, except that such requirement shall not apply to any
210 administrative law judge transferred pursuant to section 4 of this act.
211 Each administrative law judge shall be knowledgeable on the subject
212 of administrative law.

213 (b) An administrative law judge shall have the powers granted to
214 hearing officers and presiding officers pursuant to sections 1 to 9,
215 inclusive, section 20 of this act and chapter 54 of the general statutes.

216 Sec. 6. (NEW) (*Effective January 1, 2012*) (a) All hearings in contested
217 cases conducted by the Central Office of Administrative Hearings shall
218 be conducted by an administrative law judge assigned by the Chief
219 Administrative Law Judge and shall be conducted in accordance with
220 sections 1 to 9, inclusive, and section 20 of this act and sections 4-176e
221 to 4-181a, inclusive, of the general statutes, as amended by this act.

222 (b) Unless different time limits are provided by any provision of the
223 general statutes for contested cases before an agency, the time limits
224 provided in sections 4-176e to 4-181a, inclusive, of the general statutes,
225 as amended by this act, shall apply to all contested cases conducted by
226 the Central Office of Administrative Hearings.

227 Sec. 7. (NEW) (*Effective January 1, 2012*) An administrative law judge
228 may conduct hearings and settlement negotiations held by the Central
229 Office of Administrative Hearings. If a contested case is not resolved
230 through settlement negotiations, either party may proceed to a
231 hearing. An administrative law judge who attempts to settle a matter
232 may not thereafter be assigned to hear the matter. If a contested case is

233 resolved by stipulation, agreed settlement or consent order, the
234 administrative law judge shall issue an order dismissing the contested
235 case. The order shall incorporate by reference such stipulation, agreed
236 settlement or consent order which shall be attached to such order. The
237 order shall further provide that no findings of fact or conclusions of
238 law have been made regarding any alleged violations of the law. The
239 order and stipulation, agreed settlement or consent order may be
240 enforceable by any party in the superior court for the judicial district of
241 New Britain. A party may petition said court for enforcement of the
242 order and stipulation, agreed settlement or consent order and for
243 appropriate temporary relief or a restraining order.

244 Sec. 8. (NEW) (*Effective January 1, 2015*) (a) Notwithstanding any
245 provision of the general statutes, and except as otherwise provided in
246 section 9 of this act, on and after January 1, 2015, the Central Office of
247 Administrative Hearings shall conduct hearings and render proposed
248 final decisions or, if authorized or required by law, final decisions in
249 contested cases:

250 (1) Pursuant to subdivision (3) of subsection (b) of section 4-61dd of
251 the general statutes, as amended by this act;

252 (2) Brought by or before the Department of Children and Families;

253 (3) Brought by or before the Department of Transportation;

254 (4) Brought by or before the Commission on Human Rights and
255 Opportunities;

256 (5) Brought by or before the Freedom of Information Commission;

257 (6) Brought by or before the State Elections Enforcement
258 Commission;

259 (7) Brought by or before the Office of State Ethics;

260 (8) Brought by or before the Judicial Review Council; and

261 (9) Involving transfers or discharges from nursing facilities under
262 section 19a-535 of the general statutes or preadmission screening or
263 annual resident review under subsection (i) of section 17b-359 or
264 section 17b-360 of the general statutes.

265 (b) Any agency that is not required to refer contested cases to the
266 Central Office of Administrative Hearings pursuant to this section
267 may, with the consent of the Chief Administrative Law Judge, refer
268 any contested case brought by or before such agency, to the Central
269 Office of Administrative Hearings for purposes of settlement or a full
270 adjudication of the contested case by an administrative law judge. If an
271 agency requests a full adjudication of the contested case, the agency
272 shall specify whether the decision shall be a final decision or a
273 proposed final decision. The agency referring the contested case shall
274 incur the cost of transcripts if the Chief Administrative Law Judge
275 requests transcription services for the hearing. Upon issuance of the
276 final decision or proposed final decision, the Chief Administrative Law
277 Judge shall forward the record to the referring agency.

278 (c) The powers, functions and duties of conducting hearings and
279 issuing decisions in contested cases enumerated in subsections (a) and
280 (b) of this section shall, on and after January 1, 2015, or the date of
281 referral in subsection (b) of this section, be transferred to the Central
282 Office of Administrative Hearings in accordance with the provisions of
283 sections 4-38d, 4-38e and 4-39 of the general statutes.

284 (d) The Central Office of Administrative Hearings shall render final
285 decisions for all cases described in subdivisions (1) and (4) of
286 subsection (a) of this section.

287 (e) If the administrative law judge issues a proposed final decision
288 and the agency modifies the proposed final decision, the agency shall
289 identify such modifications and provide an explanation to the parties
290 of why the agency made each modification.

291 (f) If the administrative law judge issues a proposed final decision

292 and the agency modifies a finding of fact of such judge, in any appeal
293 of a final decision by a party to the Superior Court, the Superior Court
294 shall review the record. If the Superior Court finds that the
295 administrative law judge's finding of fact is supported by substantial
296 evidence in the record, the court shall remand the matter to the agency
297 for entry of an order consistent with the court's judgment.

298 (g) Any hearing officer under contract with an agency to conduct
299 hearings and issue decisions in contested cases enumerated in
300 subsections (a) and (b) of this section shall, on and after January 1,
301 2015, or the date of referral in subsection (b) of this section, continue to
302 serve until all such cases assigned to such hearing officer are
303 completed, unless the Chief Administrative Law Judge determines that
304 the case shall be reassigned to an administrative law judge.

305 (h) Nothing in this section shall be construed to apply to the State
306 Board of Mediation and Arbitration or the State Board of Labor
307 Relations.

308 (i) Agencies whose contested cases are conducted by the Central
309 Office of Administrative Hearings, including, but not limited to, the
310 Department of Children and Families, shall execute any requisite
311 contract with the Central Office of Administrative Hearings that is
312 necessary to maintain and secure any federal or state funding or
313 reimbursement.

314 Sec. 9. (NEW) (*Effective January 1, 2015*) No administrative law judge
315 may be assigned by the Chief Administrative Law Judge to hear a
316 contested case with respect to:

317 (1) Any hearing that is required by federal law to be conducted by a
318 specific agency or other hearing authority; or

319 (2) Any matter where the head of the agency, or one or more of the
320 members of a multimember agency, presides at the hearing in a
321 contested case.

322 Sec. 10. Section 4-166 of the general statutes is repealed and the
323 following is substituted in lieu thereof (*Effective January 1, 2015*):

324 As used in this chapter and sections 1 to 9, inclusive, and section 20
325 of this act, unless the context otherwise requires:

326 (1) "Agency" means each state board, commission, department or
327 officer authorized by law to make regulations or to determine
328 contested cases, but does not include either house or any committee of
329 the General Assembly, the courts, the Council on Probate Judicial
330 Conduct, the Governor, Lieutenant Governor or Attorney General, or
331 town or regional boards of education, or automobile dispute
332 settlement panels established pursuant to section 42-181;

333 (2) "Contested case" means a proceeding, including but not
334 restricted to rate-making, price fixing and licensing, in which the legal
335 rights, duties or privileges of a party are required by state statute or
336 regulation to be determined by an agency, including the Central Office
337 of Administrative Hearings, after an opportunity for hearing or in
338 which a hearing is in fact held, but does not include proceedings on a
339 petition for a declaratory ruling under section 4-176, as amended by
340 this act, hearings referred to in section 4-168 or hearings conducted by
341 the Department of Correction or the Board of Pardons and Paroles;

342 (3) "Final decision" means (A) the [agency] determination in a
343 contested case made pursuant to section 4-179, as amended by this act,
344 section 20 of this act and section 4-180, as amended by this act, (B) a
345 declaratory ruling issued by an agency pursuant to section 4-176, as
346 amended by this act, or (C) [an agency] a decision made after
347 reconsideration of a final decision. The term does not include a
348 preliminary or intermediate ruling or order, [of an agency,] or a ruling
349 [of an agency] granting or denying a petition for reconsideration;

350 (4) "Hearing officer" means an individual appointed by an agency to
351 conduct a hearing in an agency proceeding that is not conducted by an
352 administrative law judge pursuant to section 8 of this act. Such

353 individual may be a staff employee of the agency;

354 (5) "Intervenor" means a person, other than a party, granted status
355 as an intervenor by an agency in accordance with the provisions of
356 subsection (d) of section 4-176 or subsection (b) of section 4-177a, as
357 amended by this act;

358 (6) "License" includes the whole or part of any agency permit,
359 certificate, approval, registration, charter or similar form of permission
360 required by law, but does not include a license required solely for
361 revenue purposes;

362 (7) "Licensing" includes the agency process respecting the grant,
363 denial, renewal, revocation, suspension, annulment, withdrawal or
364 amendment of a license;

365 (8) "Party" means each person (A) whose legal rights, duties or
366 privileges are required by statute to be determined by an agency
367 proceeding and who is named or admitted as a party, (B) who is
368 required by law to be a party in an agency proceeding, or (C) who is
369 granted status as a party under subsection (a) of section 4-177a, as
370 amended by this act;

371 (9) "Person" means any individual, partnership, corporation, limited
372 liability company, association, governmental subdivision, agency or
373 public or private organization of any character, but does not include
374 the agency conducting the proceeding;

375 (10) "Presiding officer" means the head of the agency presiding at a
376 hearing, the member of [an] a multimember agency, [or] the hearing
377 officer designated by the head of the agency to preside at [the] a
378 hearing or an administrative law judge presiding at a hearing;

379 (11) "Proposed final decision" means a final decision proposed by an
380 agency or a presiding officer under section 4-179, as amended by this
381 act or section 20 of this act;

382 (12) "Proposed regulation" means a proposal by an agency under
383 the provisions of section 4-168 for a new regulation or for a change in,
384 addition to or repeal of an existing regulation;

385 (13) "Regulation" means each agency statement of general
386 applicability, without regard to its designation, that implements,
387 interprets, or prescribes law or policy, or describes the organization,
388 procedure, or practice requirements of any agency. The term includes
389 the amendment or repeal of a prior regulation, but does not include
390 (A) statements concerning only the internal management of any
391 agency and not affecting private rights or procedures available to the
392 public, (B) declaratory rulings issued pursuant to section 4-176, as
393 amended by this act, or (C) intra-agency or interagency memoranda;

394 (14) "Regulation-making" means the process for formulation and
395 adoption of a regulation; [.]

396 (15) "Administrative law judge" has the same meaning as provided
397 in section 1 of this act;

398 (16) "Head of the agency" means the individual or group of
399 individuals constituting the highest authority within an agency;

400 (17) "Office" means the Central Office of Administrative Hearings,
401 established under section 1 of this act; and

402 (18) "Referring agency" means an agency listed in subsection (a) of
403 section 8 of this act, whose contested case is conducted by the Central
404 Office of Administrative Hearings or an agency whose contested case
405 is referred to the office under subsection (b) of section 8 of this act.

406 Sec. 11. Subsection (g) of section 4-176 of the general statutes is
407 repealed and the following is substituted in lieu thereof (*Effective*
408 *January 1, 2015*):

409 (g) If the agency conducts a hearing in a proceeding for a
410 declaratory ruling, the provisions of [subsection (b) of section 4-177c,]

411 section 4-178, as amended by this act, and section 4-179, as amended
412 by this act, shall apply to the hearing.

413 Sec. 12. Section 4-176e of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective January 1, 2015*):

415 Except as otherwise required by the general statutes, a [hearing in
416 an agency proceeding may be held before (1)] contested case shall be
417 heard by (1) an administrative law judge, (2) the head of the agency,
418 (3) one or more of the members of a multimember agency, or (4) one or
419 more hearing officers, provided no individual who has personally
420 carried out the function of an investigator in a contested case may
421 serve as a hearing officer in that case. [, or (2) one or more of the
422 members of the agency.]

423 Sec. 13. Section 4-177 of the general statutes is repealed and the
424 following is substituted in lieu thereof (*Effective January 1, 2015*):

425 (a) In a contested case, all parties shall be afforded an opportunity
426 for hearing after reasonable notice from the agency.

427 (b) The notice shall be in writing and shall include: (1) A statement
428 of the time, place [,] and nature of the hearing, or, if the contested case
429 has been referred to the Central Office of Administrative Hearings
430 under section 8 of this act, a statement that the matter has been
431 referred to the Central Office of Administrative Hearings and that the
432 time and place of the hearing will be set by an administrative law
433 judge; (2) a statement of the legal authority and jurisdiction under
434 which the hearing is to be held; (3) a reference to the particular sections
435 of the statutes and regulations involved; and (4) a short and plain
436 statement of the matters asserted. If the agency or party is unable to
437 state the matters in detail at the time the notice is served, the initial
438 notice may be limited to a statement of the issues involved. Thereafter,
439 upon application, a more definite and detailed statement shall be
440 furnished.

441 (c) After the agency refers a contested case to the Central Office of
442 Administrative Hearings, the referring agency shall certify the official
443 record in such contested case to the Central Office of Administrative
444 Hearings. The Central Office of Administrative Hearings shall issue a
445 notice in writing to all parties that shall include a statement of the time,
446 place and nature of the hearing. Thereafter, a party shall file all
447 documents that are to become part of such record with the Central
448 Office of Administrative Hearings. The filing of such documents with
449 the referring agency rather than with the Central Office of
450 Administrative Hearings shall not be a jurisdictional defect and shall
451 not be grounds for termination of the proceeding, provided the
452 administrative law judge may assess appropriate costs and sanctions
453 against a party who misfiles such documents on a showing of
454 prejudice resulting from a wilful misfiling. The Central Office of
455 Administrative Hearings shall maintain the official record of a
456 contested case referred to said office.

457 [(c)] (d) Unless precluded by law, a contested case may be resolved
458 by stipulation, agreed settlement [,] or consent order or by the default
459 of a party.

460 [(d)] (e) The record in a contested case shall include: (1) Written
461 notices related to the case; (2) all petitions, pleadings, motions and
462 intermediate rulings; (3) evidence received or considered; (4) questions
463 and offers of proof, objections and rulings thereon; (5) the official
464 transcript, if any, of proceedings relating to the case, or, if not
465 transcribed, any recording or stenographic record of the proceedings;
466 (6) proposed final decisions and exceptions thereto; and (7) the final
467 decision.

468 [(e)] (f) Any recording or stenographic record of the proceedings
469 shall be transcribed on request of any party. The requesting party shall
470 pay the cost of such transcript, unless otherwise provided in the
471 general statutes. Nothing in this section shall relieve an agency of its
472 responsibility under section 4-183, as amended by this act, to transcribe

473 the record for an appeal.

474 Sec. 14. Section 4-177a of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective January 1, 2015*):

476 (a) The presiding officer shall grant a person status as a party in a
477 contested case if [that] such officer finds that: (1) Such person has
478 submitted a written petition to the agency or Central Office of
479 Administrative Hearings, and mailed copies to all parties, at least five
480 days before the date of hearing; and (2) the petition states facts that
481 demonstrate that the petitioner's legal rights, duties or privileges shall
482 be specifically affected by [the agency's] a decision in the contested
483 case.

484 (b) The presiding officer may grant any person status as an
485 intervenor in a contested case if [that] such officer finds that: (1) Such
486 person has submitted a written petition to the agency or Central Office
487 of Administrative Hearings, and mailed copies to all parties, at least
488 five days before the date of hearing; and (2) the petition states facts
489 that demonstrate that the petitioner's participation is in the interests of
490 justice and will not impair the orderly conduct of the proceedings.

491 (c) The five-day requirement in subsections (a) and (b) of this
492 section may be waived at any time before or after commencement of
493 the hearing by the presiding officer on a showing of good cause.

494 (d) If a petition is granted pursuant to subsection (b) of this section,
495 the presiding officer may limit the intervenor's participation to
496 designated issues in which the intervenor has a particular interest as
497 demonstrated by the petition and shall define the intervenor's rights to
498 inspect and copy records, physical evidence, papers and documents, to
499 introduce evidence, and to argue and cross-examine on those issues.
500 The presiding officer may further restrict the participation of an
501 intervenor in the proceedings, including the rights to inspect and copy
502 records, to introduce evidence and to cross-examine, so as to promote
503 the orderly conduct of the proceedings.

504 Sec. 15. Section 4-177b of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective January 1, 2015*):

506 In a contested case, the presiding officer may administer oaths, take
507 testimony under oath relative to the case, subpoena witnesses and
508 require the production of records, physical evidence, papers and
509 documents to any hearing held in the case. If any person disobeys the
510 subpoena or, having appeared, refuses to answer any question put to
511 [him] such person or to produce any records, physical evidence,
512 papers and documents requested by the presiding officer, the agency
513 may apply to the superior court for the judicial district of Hartford or
514 for the judicial district in which the person resides, or to any judge of
515 that court if it is not in session, setting forth the disobedience to the
516 subpoena or refusal to answer or produce, and the court or judge shall
517 cite the person to appear before the court or judge to show cause why
518 the records, physical evidence, papers and documents should not be
519 produced or why a question put to [him] such person should not be
520 answered. Nothing in this section shall be construed to limit the
521 authority of the agency, the presiding officer or any party as otherwise
522 allowed by law.

523 Sec. 16. Section 4-177c of the general statutes is repealed and the
524 following is substituted in lieu thereof (*Effective January 1, 2015*):

525 (a) In a contested case, each party and the agency, including the
526 presiding officer conducting the proceeding, shall be afforded the
527 opportunity (1) to inspect and copy relevant and material records,
528 papers and documents not in the possession of the party or such
529 agency, except as otherwise provided by federal law or any other
530 provision of the general statutes, and (2) at a hearing, to respond, to
531 cross-examine other parties, intervenors [,] and witnesses, and to
532 present evidence and argument on all issues involved.

533 (b) Persons not named as parties or intervenors may, in the
534 discretion of the presiding officer, be given an opportunity to present

535 oral or written statements. The presiding officer may require any such
536 statement to be given under oath or affirmation.

537 Sec. 17. Section 4-178 of the general statutes is repealed and the
538 following is substituted in lieu thereof (*Effective January 1, 2015*):

539 In contested cases: (1) Any oral or documentary evidence may be
540 received, but the [agency] presiding officer shall, as a matter of policy,
541 provide for the exclusion of irrelevant, immaterial or unduly
542 repetitious evidence; (2) [agencies] the presiding officer shall give
543 effect to the rules of privilege recognized by law; (3) when a hearing
544 will be expedited and the interests of the parties will not be prejudiced
545 substantially, any part of the evidence may be received in written
546 form; (4) documentary evidence may be received in the form of copies
547 or excerpts, if the original is not readily available, and upon request,
548 parties and the agency, including any presiding officer conducting the
549 proceeding, shall be given an opportunity to compare the copy with
550 the original; (5) a party and [such] the agency, including the presiding
551 officer conducting the proceeding, may conduct cross-examinations
552 required for a full and true disclosure of the facts; (6) [notice may be
553 taken] the presiding officer may take notice of judicially cognizable
554 facts; [and of] (7) in a proceeding conducted by the agency or in a
555 referring agency review of a proposed final decision of an
556 administrative law judge, the agency may take notice of generally
557 recognized technical or scientific facts within the agency's specialized
558 knowledge; [(7)] (8) parties shall be notified in a timely manner of any
559 material noticed, including any agency memoranda or data, and they
560 shall be afforded an opportunity to contest the material so noticed; and
561 [(8) the agency's] (9) in a proceeding conducted by the agency or in a
562 referring agency review of a proposed final decision of an
563 administrative law judge, the agency may use its experience, technical
564 competence [,] and specialized knowledge [may be used] in the
565 evaluation of the evidence.

566 Sec. 18. Section 4-178a of the general statutes is repealed and the

567 following is substituted in lieu thereof (*Effective January 1, 2015*):

568 If a hearing in a contested case or in a declaratory ruling proceeding
569 is held before a hearing officer or before less than a majority of the
570 members of the agency who are authorized by law to render a final
571 decision, a party, if permitted by regulation and before rendition of the
572 final decision, may request a review by a majority of the members of
573 the agency, of any preliminary, procedural or evidentiary ruling made
574 at the hearing. The majority of the members may make an appropriate
575 order, including the reconvening of the hearing. The provisions of this
576 section shall not apply to a hearing conducted by an administrative
577 law judge.

578 Sec. 19. Section 4-179 of the 2014 supplement to the general statutes
579 is repealed and the following is substituted in lieu thereof (*Effective*
580 *January 1, 2015*):

581 (a) When, in an agency proceeding that is not conducted by an
582 administrative law judge, a majority of the members of the agency
583 who are to render the final decision have not heard the matter or read
584 the record, the decision, if adverse to a party, shall not be rendered
585 until a proposed final decision is served upon the parties, and an
586 opportunity is afforded to each party adversely affected to file
587 exceptions and present briefs and oral argument to the members of the
588 agency who are to render the final decision.

589 (b) A proposed final decision made under this section shall be in
590 writing and [contain a statement of the reasons for the decision and a
591 finding of facts and conclusion of law on each issue of fact or law
592 necessary to the decision, including the specific provisions of the
593 general statutes or of regulations adopted by the agency upon which
594 the agency bases its findings] shall comply with the requirements of
595 subsection (c) of section 4-180, as amended by this act.

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

598 final decision.

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

601 Sec. 20. (NEW) (*Effective January 1, 2015*) (a) A proposed final
602 decision rendered by an administrative law judge shall be delivered
603 promptly to each party or the party's authorized representative, and to
604 the referring agency, personally or by United States mail, certified or
605 registered, postage prepaid. After such proposed final decision is
606 rendered, the record in the contested case shall be delivered promptly
607 to the agency.

608 (b) A proposed final decision rendered by an administrative law
609 judge shall become a final decision of the referring agency unless the
610 head of the referring agency, not later than twenty-one days following
611 the date the proposed final decision is delivered or mailed to the
612 referring agency, modifies or rejects the proposed final decision,
613 provided the head of the referring agency may, before expiration of
614 such time period and for good cause, certify the extension of such time
615 period for not more than an additional twenty-one days. If the head of
616 the referring agency modifies or rejects the proposed final decision, the
617 head of the referring agency shall state the reason for the modification
618 or rejection on the record. In reviewing a proposed final decision
619 rendered by an administrative law judge, the head of the referring
620 agency may afford each party, including the referring agency, an
621 opportunity to present briefs and may afford each party, including the
622 referring agency, an opportunity to present oral argument.

623 (c) If, within the time period specified in subsection (b) of this
624 section, the head of the referring agency, in reviewing a proposed final
625 decision rendered by an administrative law judge, determines that
626 additional evidence is necessary, the head of the referring agency shall
627 refer the matter to the Central Office of Administrative Hearings. The
628 Chief Administrative Law Judge shall assign the administrative law

629 judge who rendered such proposed final decision to take the
630 additional evidence unless such administrative law judge is
631 unavailable. After taking the additional evidence, the administrative
632 law judge shall, not later than thirty days following such referral,
633 prepare a proposed final decision as provided in this section based on
634 such additional evidence and the record of the prior hearing.

635 (d) A proposed final decision made under this section shall be in
636 writing and shall comply with the requirements of subsection (c) of
637 section 4-180 of the general statutes, as amended by this act.

638 Sec. 21. Section 4-180 of the 2014 supplement to the general statutes
639 is repealed and the following is substituted in lieu thereof (*Effective*
640 *January 1, 2015*):

641 (a) Each agency and administrative law judge shall proceed with
642 reasonable dispatch to conclude any matter pending before [it] such
643 agency or judge and, in all hearings of contested cases, shall render a
644 final decision within ninety days following the close of evidence or the
645 due date for the filing of briefs, whichever is later. [, in such
646 proceedings.]

647 (b) If, in any contested case, any agency or administrative law judge
648 fails to comply with the provisions of subsection (a) of this section, [in
649 any contested case,] any party [thereto] to such contested case may
650 apply to the superior court for the judicial district [of Hartford]
651 designated by the Judicial Department to hear administrative appeals
652 for an order requiring the agency or administrative law judge to
653 render a final, or in the case of an administrative law judge, a proposed
654 final, decision forthwith. The court, after hearing, shall issue an
655 appropriate order.

656 (c) A final decision in a contested case shall be in writing or, if there
657 is no proposed final decision, orally stated on the record. [and, if
658 adverse to a party,] A proposed final decision and a final decision in a
659 contested case shall include [the agency's] any findings of fact and

660 conclusions of law necessary to [its] the agency's or administrative law
661 judge's decision, including, in the case of a contested case conducted
662 by an agency, the specific provisions of the general statutes or of
663 regulations adopted by the agency upon which the agency bases its
664 decision. Any decision shall be made by applying all pertinent
665 provisions of law. Findings of fact shall be based exclusively on the
666 evidence in the record and on matters noticed. The [agency shall state
667 in] proposed final decision and the final decision shall contain the
668 name of each party and the most recent mailing address, provided to
669 the agency, of the party or [his] the party's authorized representative.

670 (d) The final decision shall be delivered promptly to each party or
671 [his] the party's authorized representative [,] and, in the case of a final
672 decision by an administrative law judge authorized by law to render
673 such decision, to the referring agency. Any delivery under this
674 subsection shall be made personally or by United States mail, certified
675 or registered, postage prepaid, return receipt requested. [The] If the
676 final decision is orally stated on the record, each such name and
677 mailing address shall be included in the record. A proposed final
678 decision that becomes a final decision because of referring agency
679 inaction, as provided in subsection (b) of section 20 of this act, shall
680 become effective at the expiration of the time period specified in said
681 subsection or on a later date specified in such proposed final decision.
682 Any other final decision shall be effective when personally delivered
683 or mailed or on a later date specified by the [agency] presiding officer.

684 Sec. 22. Subsection (a) of section 4-181 of the general statutes is
685 repealed and the following is substituted in lieu thereof (*Effective*
686 *January 1, 2015*):

687 (a) Unless required for the disposition of ex parte matters
688 authorized by law, no hearing officer, administrative law judge or
689 member of an agency who, in a contested case, is to render a final
690 decision or to make a proposed final decision shall communicate,
691 directly or indirectly, in connection with any issue of fact, with any

692 person or party, or, in connection with any issue of law, with any party
693 or the party's representative, without notice and opportunity for all
694 parties to participate.

695 Sec. 23. Section 4-181a of the general statutes is repealed and the
696 following is substituted in lieu thereof (*Effective January 1, 2015*):

697 (a) (1) Unless otherwise provided by law, the referring agency or a
698 party in a contested case may, [within] not later than fifteen days after
699 the personal delivery or mailing of the final decision or not later than
700 fifteen days after the date that a proposed final decision becomes a
701 final decision because of the inaction of the referring agency, as
702 provided in subsection (b) of section 20 of this act, file with the
703 [agency] presiding officer who rendered the final decision a petition
704 for reconsideration of the decision on the ground that: (A) An error of
705 fact or law should be corrected; (B) new evidence has been discovered
706 which materially affects the merits of the case and which for good
707 reasons was not presented in the agency proceeding; or (C) other good
708 cause for reconsideration has been shown. [Within] Not later than
709 twenty-five days [of] after the filing of the petition, [the agency] such
710 presiding officer shall decide whether to reconsider the final decision.
711 The failure of the [agency] presiding officer to make [that] such
712 determination within twenty-five days of such filing shall constitute a
713 denial of the petition.

714 (2) [Within] Not later than forty days [of] after the personal delivery
715 or mailing of the final decision, the [agency] presiding officer who
716 rendered the final decision, regardless of whether a petition for
717 reconsideration has been filed, may decide to reconsider the final
718 decision.

719 (3) If the [agency] presiding officer who rendered the final decision
720 decides to reconsider [a] such final decision, pursuant to subdivision
721 (1) or (2) of this subsection, [the agency] such presiding officer shall
722 proceed in a reasonable time to conduct such additional proceedings

723 as may be necessary to render a decision modifying, affirming or
724 reversing the final decision, provided such decision made after
725 reconsideration shall be rendered not later than ninety days following
726 the date on which the [agency] presiding officer decides to reconsider
727 the final decision. If the [agency] presiding officer fails to render such
728 decision made after reconsideration within such ninety-day period, the
729 original final decision shall remain the final decision in the contested
730 case for purposes of any appeal under the provisions of section 4-183,
731 as amended by this act.

732 (4) Except as otherwise provided in subdivision (3) of this
733 subsection, [an agency] a decision made after reconsideration pursuant
734 to this subsection shall become the final decision in the contested case
735 in lieu of the original final decision for purposes of any appeal under
736 the provisions of section 4-183, as amended by this act, including, but
737 not limited to, an appeal of (A) any issue decided by the [agency in its]
738 presiding officer in his or her original final decision that was not the
739 subject of any petition for reconsideration or the agency's decision
740 made after reconsideration, (B) any issue as to which reconsideration
741 was requested but not granted, and (C) any issue that was
742 reconsidered but not modified by the [agency] presiding officer who
743 rendered the final decision from the determination of such issue in the
744 original final decision.

745 (b) On a showing of changed conditions, the [agency] presiding
746 officer who rendered the final decision may reverse or modify the final
747 decision, at any time, on his or her own motion, at the request of any
748 person or [on the agency's own motion] at the request of the referring
749 agency. The procedure set forth in this chapter for contested cases shall
750 be applicable to any proceeding in which such reversal or modification
751 of any final decision is to be considered. The party or parties who were
752 the subject of the original final decision, or their successors, if known,
753 and intervenors in the original contested case and the referring agency,
754 shall be notified of the proceeding and shall be given the opportunity
755 to participate in the proceeding. Any decision to reverse or modify a

756 final decision shall make provision for the rights or privileges of any
757 person who has been shown to have relied on such final decision.

758 (c) The [agency] presiding officer who rendered the final decision
759 may, without further proceedings, modify a final decision to correct
760 any clerical error. A person may appeal that modification under the
761 provisions of section 4-183, as amended by this act, or, if an appeal is
762 pending when the modification is made, may amend the appeal.

763 (d) For purposes of this section, in the case of a proposed final
764 decision that becomes a final decision because of the inaction of the
765 referring agency as provided in subsection (b) of section 20 of this act,
766 the presiding officer who rendered the final decision shall be deemed
767 to be the referring agency.

768 Sec. 24. Section 4-183 of the general statutes is repealed and the
769 following is substituted in lieu thereof (*Effective January 1, 2015*):

770 (a) A person who has exhausted all administrative remedies
771 available within the agency and who is aggrieved by a final decision
772 may appeal to the Superior Court as provided in this section. The filing
773 of a petition for reconsideration is not a prerequisite to the filing of
774 such an appeal.

775 (b) A person may appeal a preliminary, procedural or intermediate
776 agency action or ruling to the Superior Court if (1) it appears likely that
777 the person will otherwise qualify under this chapter to appeal from the
778 final agency action or ruling and (2) postponement of the appeal
779 would result in an inadequate remedy.

780 (c) [(1) Within] Not later than forty-five days after (1) mailing or
781 personal delivery of the final decision under section 4-180, as amended
782 by this act, [or, if there is no mailing, within forty-five days after
783 personal delivery of the final decision under said section, or (2) within
784 forty-five days after the agency] (2) the presiding officer who rendered
785 the final decision denies a petition for reconsideration of the final

786 decision pursuant to subdivision (1) of subsection (a) of section 4-181a,
787 as amended by this act, [or (3) within forty-five days after] (3) mailing
788 or personal delivery of the final decision made after reconsideration
789 pursuant to subdivisions (3) and (4) of subsection (a) of section 4-181a,
790 as amended by this act, [or, if there is no mailing, within forty-five
791 days after personal delivery of the final decision made after
792 reconsideration pursuant to said subdivisions, or (4) within forty-five
793 days after] (4) the expiration of the ninety-day period required under
794 subdivision (3) of subsection (a) of section 4-181a, as amended by this
795 act, if the [agency] presiding officer who rendered the decision decides
796 to reconsider the final decision and fails to render a decision made
797 after reconsideration within such period, whichever is applicable and
798 is later, or (5) after the decision becomes final, in the case of a proposed
799 final decision that becomes the final decision because of inaction of the
800 referring agency, as provided in subsection (b) of section 20 of this act,
801 a person appealing as provided in this section shall serve a copy of the
802 appeal on the agency [that rendered the final decision] at its office or at
803 the office of the Attorney General in Hartford and file the appeal with
804 the clerk of the superior court for the judicial district [of New Britain]
805 designated by the Judicial Branch for the filing of administrative
806 appeals or for the judicial district wherein the person appealing resides
807 or, if that person is not a resident of this state, with the clerk of the
808 court for the judicial district [of New Britain] designated by the
809 Judicial Branch for the filing of administrative appeals. An appeal of a
810 final decision under this section shall be taken within the applicable
811 forty-five-day period regardless of the effective date of the final
812 decision. Within that time, the person appealing shall also serve a copy
813 of the appeal on each party listed in the final decision at the address
814 shown in the decision, provided failure to make such service within
815 forty-five days on parties other than the agency [that rendered the final
816 decision] shall not deprive the court of jurisdiction over the appeal.
817 Service of the appeal shall be made by United States mail, certified or
818 registered, postage prepaid, return receipt requested, without the use
819 of a state marshal or other officer, or by personal service by a proper

820 officer or indifferent person making service in the same manner as
821 complaints are served in ordinary civil actions. If service of the appeal
822 is made by mail, service shall be effective upon deposit of the appeal in
823 the mail.

824 (d) The person appealing, not later than fifteen days after filing the
825 appeal, shall file or cause to be filed with the clerk of the court an
826 affidavit, or the state marshal's return, stating the date and manner in
827 which a copy of the appeal was served on each party and on the
828 [agency that] presiding officer who rendered the final decision, and, if
829 service was not made on a party, the reason for failure to make service.
830 If the failure to make service causes prejudice to any party to the
831 appeal or to the agency or office, the court, after hearing, may dismiss
832 the appeal.

833 (e) If service has not been made on a party, the court, on motion,
834 shall make such orders of notice of the appeal as are reasonably
835 calculated to notify each party not yet served.

836 (f) The filing of an appeal shall not, of itself, stay enforcement of an
837 agency or office decision. An application for a stay may be made to the
838 [agency] presiding officer who rendered the final decision, to the court
839 or to both. Filing of an application with the [agency] presiding officer
840 shall not preclude action by the court. A stay, if granted, shall be on
841 appropriate terms.

842 (g) [Within] Not later than thirty days after the service of the appeal,
843 or within such further time as may be allowed by the court, the agency
844 shall transcribe any portion of the record that has not been transcribed
845 and transmit to the reviewing court the original or a certified copy of
846 the entire record of the proceeding appealed from, which shall include
847 the agency's findings of fact and conclusions of law, separately stated.
848 By stipulation of all parties to such appeal proceedings, the record may
849 be shortened. A party unreasonably refusing to stipulate to limit the
850 record may be taxed by the court for the additional costs. The court

851 may require or permit subsequent corrections or additions to the
852 record.

853 (h) If, before the date set for hearing on the merits of an appeal,
854 application is made to the court for leave to present additional
855 evidence, and it is shown to the satisfaction of the court that the
856 additional evidence is material and that there were good reasons for
857 failure to present it in the proceeding before the [agency] presiding
858 officer who rendered the decision, the court may order that the
859 additional evidence be taken before the [agency] presiding officer
860 upon conditions determined by the court. The [agency] presiding
861 officer may modify [its] his or her findings and decision by reason of
862 the additional evidence and shall file that evidence and any
863 modifications, new findings, or decisions with the reviewing court.

864 (i) [The] Except as otherwise provided by law, the appeal shall be
865 conducted by the court without a jury and shall be confined to the
866 record. If alleged irregularities in procedure before the [agency]
867 presiding officer are not shown in the record or if facts necessary to
868 establish aggrievement are not shown in the record, proof limited
869 thereto may be taken in the court. The court, upon request, shall hear
870 oral argument and receive written briefs.

871 (j) [The] Unless a different standard of review is provided by law,
872 the court shall not substitute its judgment for that of the [agency]
873 presiding officer who rendered the decision as to the weight of the
874 evidence on questions of fact. The court shall affirm the decision of the
875 [agency] presiding officer unless the court finds that substantial rights
876 of the person appealing have been prejudiced because the
877 administrative findings, inferences, conclusions, or decisions are: (1) In
878 violation of constitutional or statutory provisions; (2) in excess of the
879 statutory authority of the agency; (3) made upon unlawful procedure;
880 (4) affected by other error of law; (5) clearly erroneous in view of the
881 reliable, probative [,] and substantial evidence on the whole record; or
882 (6) arbitrary or capricious or characterized by abuse of discretion or

883 clearly unwarranted exercise of discretion. If the court finds such
884 prejudice, it shall sustain the appeal and, if appropriate, may render a
885 judgment under subsection (k) of this section or remand the case for
886 further proceedings. For purposes of this section, a remand is a final
887 judgment.

888 (k) If a particular agency action is required by law, the court, on
889 sustaining the appeal, may render a judgment that modifies the
890 [agency] final decision, orders the particular agency action, or orders
891 the agency to take such action as may be necessary to effect the
892 particular action.

893 (l) In all appeals taken under this section, costs may be taxed in
894 favor of the prevailing party in the same manner, and to the same
895 extent, that costs are allowed in judgments rendered by the Superior
896 Court. No costs shall be taxed against the state, except as provided in
897 section 4-184a.

898 (m) In any case in which a person appealing claims that he cannot
899 pay the costs of an appeal under this section, he shall, within the time
900 permitted for filing the appeal, file with the clerk of the court to which
901 the appeal is to be taken an application for waiver of payment of such
902 fees, costs and necessary expenses, including the requirements of
903 bond, if any. The application shall conform to the requirements
904 prescribed by rule of the judges of the Superior Court. After such
905 hearing as the court determines is necessary, the court shall render its
906 judgment on the application, which judgment shall contain a statement
907 of the facts the court has found, with its conclusions thereon. The filing
908 of the application for the waiver shall toll the time limits for the filing
909 of an appeal until such time as a judgment on such application is
910 rendered.

911 (n) For purposes of this section, in the case of a proposed final
912 decision that becomes a final decision because of the inaction of the
913 referring agency as provided in subsection (b) of section 20 of this act,

914 the referring agency shall be deemed to be the presiding officer who
915 issued the final decision.

916 Sec. 25. (*Effective October 1, 2014*) (a) Not later than January 1, 2015,
917 the Chief Administrator Law Judge shall submit a report, in
918 accordance with the provisions of section 11-4a of the general statutes,
919 to the joint standing committees of the General Assembly having
920 cognizance of matters relating to government administration. Such
921 report shall include a feasibility analysis and implementation plan for
922 the transfer of contested cases from agencies not included in section 8
923 of this act to the Central Office of Administrative Hearings.

924 (b) On or before February 1, 2015, the Chief Administrative Law
925 Judge appointed under section 2 of this act shall submit a report, in
926 accordance with the provisions of section 11-4a of the general statutes,
927 to the joint standing committees of the General Assembly having
928 cognizance of matters relating to the judiciary and government
929 administration. Such report shall include a feasibility analysis and
930 implementation plan for the transfer of all contested cases conducted
931 by the Department of Social Services, other than those specified in
932 section 8 of this act, to the Central Office of Administrative Hearings.

933 Sec. 26. Subsection (e) of section 1-82a of the general statutes is
934 repealed and the following is substituted in lieu thereof (*Effective*
935 *January 1, 2015*):

936 (e) The judge trial referee shall make public a finding of probable
937 cause not later than five business days after any such finding. At such
938 time the entire record of the investigation shall become public, except
939 that the Office of State Ethics may postpone examination or release of
940 such public records for a period not to exceed fourteen days for the
941 purpose of reaching a stipulation agreement pursuant to subsection
942 [(c)] (d) of section 4-177, as amended by this act. Any such stipulation
943 agreement or settlement shall be approved by a majority of those
944 members present and voting.

945 Sec. 27. Subsection (e) of section 1-93a of the general statutes is
 946 repealed and the following is substituted in lieu thereof (*Effective*
 947 *January 1, 2015*):

948 (e) The judge trial referee shall make public a finding of probable
 949 cause not later than five business days after any such finding. At such
 950 time, the entire record of the investigation shall become public, except
 951 that the Office of State Ethics may postpone examination or release of
 952 such public records for a period not to exceed fourteen days for the
 953 purpose of reaching a stipulation agreement pursuant to subsection
 954 [(c)] (d) of section 4-177, as amended by this act. Any stipulation
 955 agreement or settlement entered into for a violation of this part shall be
 956 approved by a majority of its members present and voting.

957 Sec. 28. Subsection (c) of section 20-14m of the general statutes is
 958 repealed and the following is substituted in lieu thereof (*Effective*
 959 *January 1, 2015*):

960 (c) Nothing in this section shall prevent the Connecticut Medical
 961 Examining Board from taking disciplinary action for other reasons
 962 against a licensed physician, pursuant to section 19a-17, or from
 963 entering into a consent order with such physician pursuant to
 964 subsection [(c)] (d) of section 4-177, as amended by this act. Subject to
 965 the limitation set forth in subsection (b) of this section, for purposes of
 966 this section, the Connecticut Medical Examining Board may take
 967 disciplinary action against a licensed physician if there is any violation
 968 of the provisions of section 20-13c.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section
Sec. 2	<i>October 1, 2014</i>	New section
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	New section
Sec. 5	<i>January 1, 2015</i>	New section

Sec. 6	<i>January 1, 2012</i>	New section
Sec. 7	<i>January 1, 2012</i>	New section
Sec. 8	<i>January 1, 2015</i>	New section
Sec. 9	<i>January 1, 2015</i>	New section
Sec. 10	<i>January 1, 2015</i>	4-166
Sec. 11	<i>January 1, 2015</i>	4-176(g)
Sec. 12	<i>January 1, 2015</i>	4-176e
Sec. 13	<i>January 1, 2015</i>	4-177
Sec. 14	<i>January 1, 2015</i>	4-177a
Sec. 15	<i>January 1, 2015</i>	4-177b
Sec. 16	<i>January 1, 2015</i>	4-177c
Sec. 17	<i>January 1, 2015</i>	4-178
Sec. 18	<i>January 1, 2015</i>	4-178a
Sec. 19	<i>January 1, 2015</i>	4-179
Sec. 20	<i>January 1, 2015</i>	New section
Sec. 21	<i>January 1, 2015</i>	4-180
Sec. 22	<i>January 1, 2015</i>	4-181(a)
Sec. 23	<i>January 1, 2015</i>	4-181a
Sec. 24	<i>January 1, 2015</i>	4-183
Sec. 25	<i>October 1, 2014</i>	New section
Sec. 26	<i>January 1, 2015</i>	1-82a(e)
Sec. 27	<i>January 1, 2015</i>	1-93a(e)
Sec. 28	<i>January 1, 2015</i>	20-14m(c)

Statement of Purpose:

To establish a Central Office of Administrative Hearings to hear contested cases concerning the Departments of Children and Families and Transportation, the Commission on Human Rights and Opportunities, the Freedom of Information Commission, the State Elections Enforcement Commission, the Office of State Ethics, the Judicial Review Council, violations of the whistleblower statute and certain cases involving nursing facilities.

[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.]